HOUSE OF ASSEMBLY

Thursday 25 October 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

PETITIONS: OPEN SPEED LIMIT

Petitions signed by 194 residents of South Australia praying that the House urge the Government to reject any proposal to reduce the open speed limit from 110 km/h to 100 km/h were presented by the Hon. D.C. Brown and Mr Gunn.

Petitions received.

MINISTERIAL STATEMENT: WASTE MANAGEMENT COMMISSION

The Hon. G.F. KENEALLY (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. G.F. KENEALLY: I wish to inform the House that, on Monday 22 October 1984, Cabinet approved the appointment of the Deputy Director, Department of Local Government, Mr R.G. Lewis, as the Executive Director/Chairman of the South Australian Waste Management Commission. Mr Lewis was, of course, the original Chairman. Cabinet also supported the intention of the South Australian Waste Management Commission proceeding as quickly as possible to become an operational body in waste management, and to investigate and report to the Government on the establishment of regional facilities for waste management. The 1977 Report of the Waste Disposal Committee, on recommending the establishment of the Commission, also recommended that the Director of the Commission should be the Chairman (Recommendation No. 5). This recommendation was not adopted by the Government at that time. During the five years of operation of the Commission, it has become evident that the Director/Chairman relationship of the Commission would have been advantageous to the Commission and to the relationship between the Commission and the Minister responsible for the administration of the legislation. The original recommendation regarding the Director/Chairman relationship was based on the New South Wales model, which has been extremely successful.

During its establishment period, the Commission has concentrated on licensing procedures and standards of operation of existing waste management sites and has recently produced a Waste Management Plan for the next 10-year period. The plan is presently open to the public for comment. Having in June this year visited New South Wales and had discussions with officers and members of the Waste Authority, it is my view that the Director/Chairman model as used in New South Wales should be instituted in South Australia as soon as possible. It is also my view that the South Australian Waste Management Commission should proceed, as quickly as possible, to become an operational body in waste management (as in New South Wales) to provide regional facilities for a transfer station, land fill site and hazardous waste site.

Before recommending the appointment of Mr Lewis, I had discussions with the present Chairman of the Commission, Dr W. Symes. Dr Symes is prepared to stand down as Chairman of the Commission and supports the approach of using the Sydney model in South Australia for administration purposes and operational activities of the Commission. I propose to place a Bill before Parliament seeking to increase the membership of the Commission by one member, being a person skilled in environmental health, and it will be my intention to ask Dr Symes to rejoin the Commission in that capacity. Mr Maddocks will remain in the substantive position of Director of the South Australian Waste Management Commission, and his considerable technical expertise will be used in the promotion and management of operational sites.

STATISTICAL TABLES

The SPEAKER: I have been concerned recently about the length of some statistical tables inserted in *Hansard.* One such table inserted by the member for Mallee last Thursday was 40 pages in length, which at best the Government Printer could reduce to 15 *Hansard* pages, but only at a cost in excess of $3 000. After discussion with the member for Mallee, he has agreed to reduce the content of the table to more manageable proportions, with which I am now happy. In the process, however, last week's volume of *Hansard* was printed without the table and I indicate that it will now be inserted in this week's volume.

The incident has raised the wider issue of insertion of material in *Hansard.* I believe that the purpose of inserting such material is, amongst other things, to avoid wasting time in debate by reading out statistical material which illustrates an argument that the member is making. The original table mentioned above was about equivalent to a three-hour speech and can hardly achieve the goal of illustrating an argument that a member is making when its text is about six times as long as his actual speech. I do not want to obstruct members in any way in their contributions to the debates of the House but, if *Hansard* is to continue as a record of Parliamentary debates, any statistical material inserted without reading must be of a length which renders the whole meaningful.

With this in mind, I have decided that statistical tables should be no more than half a page in length as the norm, and one page as a limit except where exceptional circumstances apply, and I rule accordingly. I intend to instruct the Leader of *Hansard* that, where a table exceeds these limits, it is not to be inserted but referred back to the member for discussion with me. Given the tight time constraints involved in printing *Hansard,* the member will need to take the matter up with some urgency if he wishes it to appear in the printed volume.

Mr EVANS: On a point of order, Mr Speaker, will you take up with Ministers the difficulty experienced when a lengthy answer does not relate to the question that has been asked? Could some dialogue take place between you and the Ministers, to see whether that position can be remedied?

The SPEAKER: Order! There is no point of order. I trust that eventually the Standing Orders Committee will be able to resume sitting and that something can then be done. I can assure the honourable member that I have raised that matter myself.

Mr LEWIS: On a point of order, Mr Speaker, I simply refer you to a reply by the Minister of Education to a question placed on notice by the member for Elizabeth about school fires, recorded on page 1289 of *Hansard.* In that reply a simple list of dates, buildings, contents and costs has been inserted and takes up two pages. It was not my fault that the list of taxes in my table was so long.

The SPEAKER: Order! The honourable member cannot make a speech when he is taking a point of order.

Mr LEWIS: I simply ask, Mr Speaker, whether that kind of information that is given in an honest reply by a Minister

will be ruled out of order in accordance with the ruling that you have given today.

The SPEAKER: I certainly will ask Ministers, where possible, to follow the same general guide as that provided for private members. There is nothing unreasonable about that.

Mr BAKER: On a point of order, Mr Speaker, I have received replies to five Questions on Notice and in each case the reply exceeds two pages in length. Indeed, one runs into eight pages. In each case the Minister made every effort to supply me with information that has proved valuable, whereas had the information been given in a reduced form it would not have answered my question. Does your ruling mean that every reply shall be limited to one page?

The SPEAKER: No. I trust that this ruling has been circulated throughout the House.

Members interjecting:

The SPEAKER: If honourable members await its distribution I am sure that they will be much more clear. Half a page is the norm, and a page is what I would expect to be the maximum, but I accept that there will be unusual circumstances, both for Ministers and private members, and in those circumstances it is a question of the Speaker and the Minister or private member sitting down and trying to get some reason into it.

The big fear, of course, which is not difficult to explain, is that *Hansard* in this State will be made as unwieldy as are some *Hansards* in other parts of the Commonwealth, where there are blockbuster insertions of statistical tables that bear little if any resemblance to the text.

Statistical table inserted by Mr Lewis:

INCREASED STATE CHARGES DURING TERM OF BANNON LABOR GOVERNMENT

No.	Date Announced	Increased Fee or Charge
1	20.11.82	Electricity tariffs up by average of 12% from 1.12.82
2	25.11.82	Issuance of certificate of charges to Land Brokers and Land Agents up 33%
3	25.11.82	Fees payable for testing of meters for proclaimed watercourse and wellhead up 100%
4	2.12.82	Hospital fees up 20%
5	16.12.82	Veterinary Surgeon registration fees up 25% Copies of evidence taken at inquiry up 1 900%
6	23.12.82	Annual registration fees up between 5% and 12%
7	23.12.82	Licence and other fees up by 25%
8	23.12.82	Annual subscription fee up between 8% and 10%
9	24.2.83	Pastoral rents to rise 50%
10	3.3.83	Increase in licence fees, transfers and permits between 14% and 82%
11	14.4.83	Trotting Control Board various fees up between 3% and 71%
12	19.5.83	Government supervisors at race meetings up 67%
13	19.5.83	Slogan number plates up 11%
14	26.5.83	Trotting Control Board stewards fees up between 13% and 30%
15	2.6.83	Registration fees up by between 200% and 400%
16	16.6.83	Licence and Subscription fees up 13.3%
17	30.6.83	Post Mortem Fees up 30%
18	30.6.83	Annual subscriptions up between 11% and 20%
19	30.6.83	Licence Fees up between 33% and 50%
20	30.6.83	Bus fares up by average of 47.6%
21	1.7.83	Price of water up 22% Minimum water rate up 16% Minimum sewer rate up 26%
22	14.7.83	Applications for registration on renewal of registration up between 150% and 300%
23	15.7.83	Rents to rise by up to $7.50 a week in two stages—$5 p.w. from 1.10.83 with remainder from 1.2.84
24	14.7.83	A wide range of price increases for various Government publications
25	21.7.83	Pilotage, wharfage, tonnage rates up between 12% and 50%
26	21.7.83	Irrigation fees for all areas up 28%
27	4.8.83	Registration and associated fees up between 300% and 500%
28	11.8.83	Teacher Housing Authority Rents
29	18.8.83	Registrations of Stock Medicine up between 233% and 500%
30	18.8.83	Examination fees for certificates of competency and proficiency up between 66% and 233%
31	18.8.83	An increase in 29 various fees between 11% and 66%
32	25.8.83	Increase in 17 registration fees of between 12% and 100%
33	25.8.83	L.T.O. fees for plan of subdivision up 15%
34	25.8.83	Strata Title Fees 7 fees up between 12% and 15% One new fee introduced
35	25.8.83	An increase in 136 fees for offences against Road Traffic Act by between 14.3% and 25%
36	1.9.83	Registration fees up between 100%-150%
37	1.9.83	Licence Fees up 30%
38	1.9.83	Annual Licence Fee up 25%
39	1.9.83	Annual Licence Fee and Registration Fees Land Agents between 25-30%
40	1.9.83	Permit fees up 100%
41	1.9.83	Fees payable to Credit Tribunal up between 100% and 150%
42	1.9.83	Annual Licence Fees up between 20% and 25%
43	1.9.83	Increase in eight fees between 66% and 400%
44	1.9.83	Licence fees up between 100% and 150%
45	1.9.83	Various Fees up between 100% and 400%
46	1.9.83	Builders Licence Fees up by 100%
47	1.9.83	Licence Fees up between 33% and 50%
48	1.9.83	Increased fees for abalone authorities up between 84% and 107%
49	15.9.83	Increase in 36 fees between 20% and 100%
50	15.9.83	Permit Fees up by 7% to 16%
51	15.9.83	An extensive range of fees by up to 250%
52	15.9.83	Permit fees for animals up by between 8% and 25%
53	23.9.83	Department of Agriculture Fact Sheets up 100%
54	22.9.83	Registration Fees up 100%
55	22.9.83	Various Fees up between 14% and 22%
56	22.9.83	Examination Fees up 200%
57	22.9.83	Cost of log books up by 733%
58	22.9.83	Licence Fees up by 100%
59	22.9.83	Increase Court charges between 11% and 50%
60	22.9.83	Issuance of Dealers Licence up 100%
61	22.9.83	Increase in 63 various fees between 12.5% and 20%
62	22.9.83	Summary adjudication and now indictable offences fees up between 10% and 18%
63	29.9.83	Licence fees to keep L.P.G. and flammable liquids on premises up 25%
64	29.9.83	Licence Fees up by average of 25%
65	29.9.83	Construction Safety Codes fees up 100%
66	29.9.83	Industrial Safety Code fees up between 20% and 33%
67	29.9.83	Commercial Safety Code fees up 20%
68	29.9.83	Licence fees (19) fees up by between 25% and 43%
69	29.9.83	Certificate of test of boilers or pressure vessels and 40 other fees under Act between 25% and 100%
70	29.9.83	Rock Lobster Pot fees up 233%
71	3.10.83	Company registration fees etc. increased by up to 60%
72	6.10.83	Various Registration Fees up between 7% and 25%
73	6.10.83	Authority to take prawns in Spencer Gulf (Zone D) up 43.9%

No.	Date Announced	Increased Fee or Charge
74	6.10.83	Authority to take prawns in St Vincent Gulf (Zone E) up 121%
75	13.10.83	Fees for supplying valuations to rating and taxing authorities up 12.5%
76	28.10.83	Electricity tariffs up by average of 12% from 1.11.83
77	10.11.83	Registration Fees and permits up between 60% and 300%
78	17.11.83	Certificates and diplomas up 300%
79	17.11.83	Survey fees for fishing vessels up 38%
80	17.11.83	Fishing Boat Annual permits—North Arm by average of 17%
81	17.11.83	Robe Boat Haven, mooring fees up 17%
82	17.11.83	Port MacDonnell Boat Haven mooring fees up by 17%
83	8.12.83	Sundry filing and lodgment fees up 50%
84	8.12.83	New fee introduced
85	15.12.83	Registration and transfer of brand, earmark or tattoo up between 50% and 66%
86	22.12.83	Annual registration fees up between 20% and 26%
87	22.12.83	Increased survey fees for commercial vessels
88	1.9.83	Registration fees for all courses and tuition fees for some courses introduced for 1984 academic year at TAFE colleges
89	5.1.84	Solid waste land fill and liquid waste depot fees up between 60% and 100%
90	5.1.84	Increase in cost of Practising Certificate up 100%
91	12.1.84	Registration fee increase of 100%
92	26.1.84	Introduction of new motor vehicle registration fees formula. Some fees have increased, whereas some have decreased
93	9.2.84	An increase in 27 probate fees of between 20% and 400%
94	1.3.84	Minimum licence fee up 67%
95	1.3.84	A new fee introduced when lodging notice of appeal under the Commercial Tribunal Act
96	8.3.84	New fees under accident towing roster scheme
97	15.3.84	Bill of sale registration fees up between 400% and 900%
98	15.3.84	New fee
99	15.3.84	New fee
100	22.3.84	Testing fee up 400%
101	5.4.84	Licence fees for abattoirs and slaughterhouses up 233%
102	12.4.84	Certificate and permit fees between 200% and 900%
103	12.4.84	Increase in 8 registration fees for plumbers and drainers by between 12.5% and 67%
104	12.4.84	Plumbers registrations up 67%
105	12.4.84	Registration fees dental auxiliaries up 100%
106	31.5.84	Annual subscriptions up between 25% and 33%
107	31.5.84	Five new fees gazetted
108	7.6.84	Port Pirie Boat Haven mooring fees up average of 25%
109	14.6.84	Examination fees up 327%
110	7.3.84	Annual rents to rise by up to 300%
111	14.6.84	New regulations—Scheme of Management (Western Zone Abalone Fishery) Fishing Licence component up 68.8%
112	14.6.84	New Regulations—Scheme of Management (Central Zone Abalone Fishery) Fishing Licence component up 68.8%
113	14.6.84	New Regulations—Scheme of Management (Southern Zone Abalone Fishery) Fishing Licence component up 68.8%
114	14.6.84	New Regulations—Scheme of Management (Spencer Gulf Prawn Fishery) Fishing Licence component up 100%
115	14.6.84	New Regulations—Scheme of Management (Gulf St Vincent Prawn Fishery) Fishing Licence component up 83.8%
116	14.6.84	New Regulations—Scheme of Management (Northern Zone Rock Lobster Fishery) Licence fee up 68.8%
117	14.6.84	New Regulations—Scheme of Management (Southern Zone Rock Lobster Fishery) Licence fee up 68.8%
118	14.6.84	New Regulations—Scheme of Management (Marine Scale Fishery) Licence fee up 52.5%
119	14.6.84	New Regulations Scheme of Management (Restricted Marine Scale Fishery) Licence fee up 52.5%
120	14.6.84	New Regulations—Scheme of Management (Lakes and Coorong Fishery) Licence fee up 83.8%
121	14.6.84	New Regulations—Scheme of Management (River Fishery)
122	14.6.84	New Regulations—Scheme of Management (Miscellaneous Fishery) Licence Fee up 68.8%
123	21.6.84	Annual subscriptions and fees up 9%
124	21.6.84	A wide range of price increases for various government publications of between 20% and 35%
125	25.6.84	Price of water up 18% Minimum water rate up 20% Minimum sewer rate up 21%
126	12.7.84	Pilotage, wharfage, tonnage rates up between 8.4% and 10%
127	12.7.84	Annual fee for use of meters up 20%
128	25.7.84	Rents up by average of 7%
129	17.5.84	Trotting Control Board fees up between 10% and 20%
130	26.7.84	New fees to replace the Clean Air Regulations under the Health Act which have been revoked
131	16.8.84	Various Registration Fees up by average of 12.5%
132	21.8.84	Bus fares up between 7.7% and 16.7%
133	23.8.84	Registration fees and administrative fees up between 42% and 200%. Two additional fees have been gazetted
134	23.8.84	An increase in 24 various fees within the range 21% and 120%
135	23.8.84	Sewer connection and disconnection fees up between 11% and 29%
136	30.8.84	An extensive range of fees up within range 9% to 50%
137	30.8.84	Hunting permit fees up between 6.7% and 14.3%
138	30.8.84	Permit fees for animals up within range 7.6% to 20%
139	6.9.84	Registration fees up within range 25% to 60%
140	13.9.84	Various fees up by 10%
141	13.9.84	Increases in 16 fees by 7%
142	13.9.84	Increase in 9 fees (Strata Titles) by average of 7%
143	13.9.84	L.T.O. fees for plan of subdivision up 6.5%
144	13.9.84	Registration fees up between 10% and 20%
145	20.9.84	Teachers Registration fees up 14.3%
146	20.9.84	Increase in 33 fees by between 8% and 170%
147	22.9.84	Licence fee for New Regulations (West Coast Experimental Prawn Fishery)
148	27.9.84	Increase in tariff rates by 12% (M tariff also restructured)
149	11.10.84	Licence fees under Act up between 50% and 400%

QUESTION TIME

POLITICAL PAMPHLETS

Mr OLSEN: Will the Minister of Education issue an immediate instruction to all South Australian Government schools that they are not to distribute a blatantly political pamphlet about the education policies of the Hawke Government? The Commonwealth Department of Education and Youth Affairs is now distributing a pamphlet to South Australian Government schools. It is entitled 'Improving Government Schools—1985 and Beyond' and spells out the Labor Party's education policy.

It is being sent to Principals of South Australian schools with a letter signed by a Mr R. Johnson, of the Commonwealth Department, which asks Principals to bring the pamphlet to the attention of teachers and parents through staff and parent meetings and school newsletters. My office has already received a number of complaints from parents about their children being used as messengers for such blatantly political material.

Some of those who have complained have said that it is a complete misuse of taxpayers' money to print such a pamphlet with public funds in the first place, and this is being compounded by the use of State Government facilities to distribute it. I refer to the following statements in the pamphlet:

> Government schools will be the major beneficiaries from the Hawke Government's large increases in funding for schools.
>
> The increased funding—guaranteed by law for the next four years—reflects the Hawke Government's strong, philosophical commitment to Government education.
>
> For the first time, Government schools throughout Australia will be funded on a systematic, guaranteed basis by the Commonwealth.
>
> Increases of this size in difficult economic times are an indication of the Hawke Government's commitment to public education.

The timing and content of this pamphlet show that it is an outrageous attempt by the Labor Party to use taxpayers' funds and the South Australian State school system, including schoolchildren, for election purposes, an the Minister, if he is consistent, must give an immediate instruction to schools not to distribute it.

The Hon. LYNN ARNOLD: The pamphlet in question has been issued by the Commonwealth Government to put its viewpoint about the education policies it has put in place. May I say that those policies have been discussed at meetings of Ministers responsible for education around Australia and indeed the issues that have been put forward by the present Commonwealth Government have been received with some degree of accord among Ministers of all States representing the various Parties in Australia. However, the point at hand—the question that has been asked—is with regard to the policy that I have already established and enunciated in this House and in public forums on other occasions. That policy will not be varied. That is that children—

An honourable member interjecting:

The Hon. LYNN ARNOLD: Indeed, I have been asked if I will give an instruction. I do not have to. There is a policy that clearly indicates that there will not be the distribution through children by schools of material of a political nature, and I have been put in the position of having to give that policy undertaking on other occasions, given the kind of literature which has been circulated through children in various schools in this State which has been blatantly political and blatantly untrue in the sorts of statements made, and which in many ways has generated the sort of response that is now coming from this leaflet that we are talking about. No political material should be distributed by children taking that material home to their parents.

That situation does not stop school councils and school teachers from discussing matters of these concerns in the appropriate forums in the school community. The point I want to make is that, whilst I have indicated a policy that has applied and will continue to apply, and will not be varied, to try to pick up the member's point that some favouritism will be shown (favouritism has never been shown by me in this regard), it seems rather odd that when I answered a question earlier about literature that was blatantly untrue about information on the Federal Government's non-government school funding policy, the hysteria generated from the other side along with outrageous interjections that were forthcoming from members opposite on that matter seemed to indicate that from their point of view that was fair game and that when things are different, they are not the same. The policy which I have already indicated in this House and in public will remain on this occasion: political leaflets are not to be distributed through children to parents by schools.

SCHOOL FEES

Mrs APPLEBY: Will the Minister of Education say what plans, if any, he has to place an upper limit on school fees? At the beginning of this year I had many complaints from constituents who were concerned at the high level of school fees that they were expected to pay. On investigation, I found that the fees varied from school to school and included a variety of components. Lack of uniformity would seem to be the problem.

The Hon. LYNN ARNOLD: Yes, this matter has been raised on various occasions by a number of members who have been concerned about the level of school fees and the way in which they have grown over the past five years. Clearly, it would be the hope of all members that it would be possible for school fees to be reduced rather than increased. Two causes have been behind increases in fees over the past five years: first, is the increasing expectation by school communities about what schools should be offering in terms of equipment or resources. That clearly puts extra cost burdens on schools. The other point is that there has been a variable record on payments to schools from State Government funds over the past five years. In fact, the situation from 1979 to 1982 was most variable indeed, as the cost of living by far exceeded the rate of growth of funds paid to schools by the State Government.

I am happy to advise, and am sure all members would agree that this is good news, that the situation applying since 1982 is that funds paid to schools by the State Government have exceeded the rate of inflation for that period. Nevertheless, a serious problem has applied here due to a backlog of problems that existed in the years before that. True, fees have increased by quite a large percentage over the last five years. Indeed, I asked the Department to do a survey of the matter to ascertain what has been the change in fees; this was done in a sample of schools in both the primary and secondary arenas. The situation for primary schools was that, in a survey conducted in the period from 1981-84, the overall percentage increase for the basic fee and council fee has been 34 per cent, whilst for secondary schools it has been 52 per cent. The very much higher figure for secondary schools may reflect the parent expectation that I mentioned earlier, particularly in regard to computing education and the like.

The school support grant for the same period increased by 22 per cent and the bulk of that has been since we have been in Government. Some people ask why we do not set a maximum fee so that schools can not go above that fee. There are two reasons for my not supporting that idea: first, it may arbitrarily fail to take into account the real financial circumstances of a school community and the educational expectations of that community; secondly, the practice of the Department in previous years, particularly from 1973 to 1982, when guideline figures were set (not maximum but had the implication of being maximum), was that all schools rose to that maximum. We believe that if we set a maximum figure for 1985 it could cause school fees in other schools that are not yet there to be increased to that fee because they were interpreted as the standard rather than the maximum.

So, it is a matter of concern to the Government. We have been attempting to do, with the resources we have available, what we can to assist schools by channelling more money to them. However, I appreciate that that has not answered

all the problems or the other question of community expectations, which are desirable. We hope that kind of community involvement in what the schools are able to offer does increase but that it does end up by having cost implications that schools have to consider.

POLITICAL PAMPHLETS

The Hon. MICHAEL WILSON: My question is directed to the Minister of Education and is supplementary to the one asked by the Leader. Was he consulted by the Federal Government about the distribution to South Australian schools of the pamphlet entitled 'Improving Government Schools—1985 and Beyond' and, if he was not, will he immediately register with the Commonwealth the strongest possible protest about this attempt to use South Australian schools and schoolchildren for political and election purposes?

The Hon. LYNN ARNOLD: First, it is interesting to note again the concern shown on this occasion; it has not been shown on other occasions when I have talked about other leaflets being sent home. The other point to which I ask the honourable member to draw attention is the explanation given by the Leader to his own question about the terms spelt out in the letter. The implication that the member for Torrens is trying to draw is that there has been a request to school Principals that this should be sent home by children to parents. The leaflet has been very useful in terms of giving an indication of what present policies are. When I receive letters from constituents or the general community about education issues canvassing Federal Government matters, I refer them to the Federal Minister.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: I also take the opportunity to put that brochure in the letters that I send so that they can see it. I will indicate to the Federal Department of Education what our policy is regarding the distribution of materials through schools so that they can be apprised of that and take it into account in the future distribution of any information on this area.

I take it that this House is prepared to reach some sort of bipartisan situation with regard to distribution of material. I will be more than happy to reflect that view to any group, body or level of Government for whom it may be appropriate. I hope that is the kind of concurrence that I am seeing today. In fact, the Leader of the Opposition says that. That really applies to all schools in South Australia, from all sectors. My concern is that there has been some misuse of the relationship between school, child and parent in certain non-Government schools. I have had to make that point very strongly, so I am very pleased to hear the agreement of the Leader to the policy on this matter. I will make my views known to the Federal Department of Education about the policy that I have established in this regard, and I will advise the Federal Department of Education that that is the policy that will be pursued with regard to South Australian schools.

PUBLIC LIFTS

Mr KLUNDER: Will the Minister of Public Works investigate the degree to which lifts in public buildings can be altered to enable blind people to increase their use of such lifts and will he also liaise with the public sector to see if it will work towards the same end? Currently, blind people or those who have a high degree of sight impairment find it very difficult to use lifts as it is impossible for them to tell what function any particular lift control button has. They are therefore reliant on the courtesy and assistance of bystanders, if, of course, there are bystanders.

I have discussed this matter with a number of people representing blind organisations and I have been told that there are two mechanisms which would clearly make it easier for the sight impaired to use lifts. These are to replace the current lift buttons with ones on which the number is raised from the surface so that the floor number can be felt as well as seen. The second is to have in the lift a synthetic speech device describing each floor, as is currently the case in the Mutual Community building. Given that a number of people with sight impairment do need to visit Government departments, I am told by my contacts that this will significantly improve their capacity for independence. I ask the Government to take a lead in this matter and also to take up this issue with those installing and overhauling lifts in the private sector.

The Hon. T.H. HEMMINGS: I am pleased to inform the honourable member that this matter has already received some consideration, having been investigated by the Standards Association of Australia. During the International Year of the Disabled, the Association formed a subcommittee to draw up a code for lifts suitable for use by the disabled. An officer of the Public Buildings Department was a member of that subcommittee, which has looked at possible additions and improvements to lifts, such as those suggested in the honourable member's question.

The subcommittee sought public comment on two occasions, and a draft code will be considered soon by the Association's main committee on lifts. This matter affects not only Government buildings but all buildings, and therefore the State Government will be studying the final code very carefully with a view to implementing it as far as practicable.

DEFENCE CONTRACT

The Hon. E.R. GOLDSWORTHY: Will the Deputy Premier say what action the Government has been taking to ensure that a multi-million dollar tender for the construction of rough terrain cranes for the Department of Defence Support is awarded to South Australia? I assume that the Government is aware of this major contract and the fact that the Johns Perry company has submitted a tender for it. I have been informed that a decision on the contract has been delayed for some months but that, had quicker action been taken in Canberra, the retrenchment of 27 workers announced yesterday by Johns Perry could have been avoided.

The State organiser of the Metal Workers Union, Mr Wyman, has criticised the State Government following these retrenchments. He is quoted in the *Advertiser* as saying that, while the State Government seems to be overwhelmingly anxious to support superficial ventures, it shows little interest in attacking the problems associated with the metal industry sector. Mr Wyman is the second official of the Metal Workers Union within the past six months to strongly criticise the State Government.

Another organiser, Mr Mowbray, said in May that the Government had a scattergun approach to industrial development. In view of this criticism, I ask the Deputy Premier what the Government has done about the Department of Defence Support contract. If the Government has not taken any action, will it make immediate representations to Canberra to ensure that the contract is awarded to South Australia? This is at a time when I believe that it will be very receptive.

The Hon. J.D. WRIGHT: The Government is always loath to see any retrenchments of any nature in any industry

in South Australia. I think that our record over the past 20 months establishes—

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. WRIGHT: As I was saying, I think that our record over the past 20 months exhibits quite clearly the intention of the Government in relation to job opportunities and those activities that the Government has undertaken to improve job opportunities in South Australia.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.D. WRIGHT: There are some 20 000-odd more people in employment than there were when we came to office.

The Hon. E.R. Goldsworthy: Rubbish!

The SPEAKER: Order! I ask the Deputy Premier to resume his seat. Honourable members, particularly Opposition members, will quite rightly say to me that the Standing Orders are loaded against them, because there are no restrictions by virtue of Standing Orders and by the ancient practice of the House on what Ministers can say. They can say anything: something that is irrelevant, hearsay—anything they like. But, to make it worse, the same honourable members then proceed to ask a series of questions scattered right across the benches which only results in doubling the length of the Minister's answer. It is something that I would ask honourable members to think about very carefully.

The Hon. J.D. WRIGHT: Mr Speaker, I am used to it, because clearly this Opposition is the rudest that I have ever seen in my life. Yesterday, my friend the Minister for Environment and Planning counted some interjections—and he got up to 12—from one member opposite (the Leader of the Opposition) during an answer I was giving to a question. All the time there are incessant interjections.

Mr Ashenden interjecting:

The Hon. J.D. WRIGHT: I am trying to teach the honourable member some etiquette to observe in Parliament. He has been here for quite some time, and I think it is about time that he had at least some etiquette about him. If I am given permission and the opportunity by members on the other side to answer the question I will. If they keep interjecting I will answer the interjections; I do not care which way it goes—it does not worry me in the least. If members want to make Parliament work, they should give me the opportunity to answer their questions.

Members interjecting:

The Hon. J.D. WRIGHT: Here we go again! If the Opposition has completely finished, I will answer the question—in silence, I hope.

The Hon. D.C. Brown: You're getting more like a child every day.

The Hon. J.D. WRIGHT: If I sink to the level of childhood of the member for Davenport, I will give this game away. If ever I have seen a bloke sucking dummies, it is he. However, when we were elected to Government the position was absolutely terrible, as everyone on the Opposition benches knows. Almost every day either the Premier or I was receiving delegations or phone calls about massive layoffs in industry. What was happening was as clear as crystal to me: there had been a deal done between the outgoing Liberal Government and employers to stave off those retrenchments until after the election. A deal had been done to try to keep that quiet. There can be no question about that. Why was the election in November, with the layoffs coming in December, January and February? Answer that question!

Members interjecting:

The Hon. J.D. WRIGHT: I simply believe that that was the case. Since then the activities of the Government—and there have been many—have taken charge of that situation. I was talking to a very senior business man yesterday who told me that the economy in South Australia is very strong indeed. By a comparison with other States, one must realise that. The criticism directed by the organiser of the metal trades organisation (Mr Neil Wyman) was, I think, totally unfair, and I have told him so. I met him socially last night and told him that not only was it totally unfair criticism but that the Government is in constant consultation with and, in fact, is a member of the task force dealing with the Federal Government in relation to those industries that have not been picked up Australia wide—not only in South Australia. There has not been general movement in Australia in those industries to which he referred, and the Government is concerned about that vital matter.

The criticisms which Mr Wyman directed to the Government last night were about things like the Grand Prix and the ASER project involving the railway station. Clearly both those projects, once implemented, will create many jobs in South Australia. In fact, I was talking to a person last night who is concerned with the operation of the casino and who told me that if he got the operation some 800 people would be employed. All those things that the Govermnent is attempting to do are job generators.

The Hon. D.C. Brown: Who is it? Is he an applicant for the licence?

The Hon. J.D. WRIGHT: He is the person responsible for the building. He just happened to say to me, 'If we get it, there are 800 jobs there.'

Members interjecting:

The Hon. J.D. WRIGHT: I have nothing to do with granting a licence. Members know very well who is granting the licence; I have nothing to do with that. It will be approved by this Parliament.

The SPEAKER: Order! This whole thing is degenerating into a farce. The question started off as clear and limited, and honourable members have continued these interjections until, instead of talking about 27 retrenchments from a particular plant, the Deputy Premier is now talking about the caretaker of the Adelaide Railway Station.

The Hon. J.D. WRIGHT: I want to make the point that I made publicly this morning in the press and to Mr Wyman that the activities of the Government, particularly in relation to the two matters about which he criticised the Government (the ASER project and the Grand Prix), are job generators to a large extent. In those circumstances I am a little sad that Mr Wyman publicly criticised the Government.

SPEECH PATHOLOGISTS

The Hon. PETER DUNCAN: I wish to address my final question in this place to—

Honourable members: Hear, hear!

The SPEAKER: Order! Both 'Hear, hear!' and applause are out of order.

The Hon. PETER DUNCAN: Nonetheless, they are very much appreciated. My question is to the Minister of Tourism, representing the Minister of Health in another place. Has the Government as yet responded to a submission on speech pathology services in the Central Northern Region which was submitted, I understand, in May 1984 as a result of a working party?

There are 8.1 speech pathologists servicing the area of the Central Northern Region, which has a population of 231 560 as at June 1983, and that is a ratio of one speech pathologist to 28 588 population. The ideal ratio as determined in the United States and Britain is 1 per 10 000 population. It has been reported to me that most of the speech pathologists are located in the southern parts of the Central Northern Region; hence people living in the northern parts have to travel quite long distances to receive these services.

The Kindergarten Union and Education Department speech pathologists travel throughout the area but restrict their services to children in the schools, of course. No speech pathologists in private practice work in the Central Northern Region, and this may stem from a problem of geographical or socio-economic unattractiveness. The area is still developing, and the problem is continuing to worsen. I ask the Minister what has been the response to the working party's report. As I imagine that he will not be able to give the reply today, I ask him to obtain a report from the Minister of Health so that people in the Central Northern Region can be apprised of the Government's attitude at an early date.

The Hon. G.F. KENEALLY: On Tuesday when the member for Elizabeth asked me a question I said that I was privileged and I thought that his next question would be directed to the Prime Minister of Australia—I was not far out. The honourable member raises an important question and I imagine most, if not all, members of Parliament would be very interested in the response. As a local member I know that speech pathology is of great concern to the people in my district. I think all members realise the difficulties that people, particularly young people, have when they need the service of pathologists, and to be isolated from the central core of the State, as it were, aggravates the problem.

I would be anxious to see the result of the study that my colleague the Minister of Health has implemented. I will certainly be happy to provide the report as quickly as I can to the Parliament and to the honourable member. I am confident that if this is an area that needs Commonwealth funding (I am not too sure that it is), the member for Elizabeth, when he is the Federal member for Makin, will be able to use his not inconsiderable skills of persuasion with the Federal Government, of which he will soon be a senior member, to ensure that his colleagues in South Australia, still in Government, will be provided with resources to enable them to fulfil certain of their responsibilities. We look forward to receiving the honourable member's help in that regard. As the question itself is important, I shall ask my colleague to have a report presented as early as is practicable.

DRUGS IN SCHOOLS

The Hon. B.C. EASTICK: Has the Minister of Education been made aware of statements that were made by a woman on a radio talkback programme this morning that heroin is available in some Adelaide high schools? Further, if that claim is substantiated, what action does he intend to take? The statements were made by Maureen Urbank, of Woodville West, whose son died earlier this year from the inhalation of correcting fluid. During an interview on the Jeremy Cordeaux show this morning the lady said, 'I know for a fact that some kids have got easy access to heroin.' She said that she knew a girl who got the drug any time she liked. Further statements were made which, if true, reflect a serious situation in some schools. I therefore ask the Minister what action he intends to take to have this matter investigated.

The Hon. LYNN ARNOLD: Before answering the question, I take this opportunity to convey my condolences to the families of the two children who have in recent days died from the abuse of substances, and I am sure that all members share with them the tragedy through which they are now going. From time to time, parents and other people in the community contact me or their local member, the police or the Education Department, saying, in good faith, that they believe that there are substances, whether heroin, marihuana or some other product, that are available to children at school. Indeed, the person referred to by the honourable member has contacted her local member (the member for Albert Park), as well as contacting my office and the Education Department.

Whenever such an approach is followed, it is vigorously pursued both at Ministerial and at departmental level. Indeed, we liaise closely with the police if that is the appropriate course of action to follow and if the statements made are found to have substance. I do not make that comment critically about anyone who raises these concerns, but sometimes a person may make a statement in good faith which on subsequent investigation is found to be incorrect. Although we do not refer everything to the police, where there is a reasonable doubt the matter would certainly be referred to the police for follow-up action. This matter is of grave concern to all those at the school base level who are charged with the responsibility for the education and care of children at school.

From my experience as a teacher and someone involved in health education programmes, as well as someone now involved in the Ministry, I know just how much that parent concern in school communities is critical to determining that the penetration of drugs or other substances at schools is kept to the bare minimum if not totally eliminated. Of course, we want to see these substances totally eliminated from schools, but in an enterprise with so many people some are certain to misuse a substance by making contact that is beyond the knowledge of the school. Certainly, schools would never support such availability and would never turn a blind eye to the availability of such substances if the matter came to their attention.

The Government, and indeed Governments over the years, have been concerned about substances that are available to children or anyone else in the community, and they have tried to use the education system as best they could to educate against the misuse of substances. It was a former Labor Government that in 1973 instituted the health education programme in schools, and that programme has since grown under Governments of both persuasions. That kind of effort against the misuse of substances has been added to by other programmes as we considered such action necessary.

Indeed, the Government has in very recent times approved a further programme that has been the result of a joint submission by me and my Ministerial colleague the Minister of Health in another place in an attempt to bring in a new emphasis on the drug education programme, and we hope to be announcing details of that in the near future. However, in summary I reiterate that the points made to the honourable member by the mother of the boy who died from sniffing the substance were investigated earlier by the Department and me. Indeed, the member for Albert Park also has raised it. When any such complaints are raised, and wherever information is found to be generated by such an investigation that should result in police referral—

An honourable member interjecting:

The Hon. LYNN ARNOLD: I did not hear this morning's radio programme. However, wherever evidence is provided by that investigation that gives reasonable doubt, those matters are referred to the appropriate authorities, such as the police, for follow-up action. I repeat the point: teachers and senior staff of schools, departmental officials and I as Minister (and I am certain every member of this House) would actively support the eradication from our community of substances such as that referred to by the honourable member. Every effort is taken by school communities to ensure that children are not put at risk by the presence at schools of such substances.

PAYNEHAM PRIMARY SCHOOL

Mr GROOM: Will the Minister of Education reconsider departmental proposals for a reduction in special education teaching services at the Payneham Primary School for 1985? At present, at the Payneham Primary School there is one full-time special education teacher plus a teacher's aide for 15 hours a week. I understand that members of the Payneham Primary School have been advised by the Department that there may be a 50 per cent reduction in the time of its special education services for 1985.

I understand that there are some other schools involved. The proposed reduction would substantially disrupt the continuity of services, and I am greatly concerned about the effect that this will have on some children of the school who may well flounder in a normal classroom environment if they do not receive the added help. I understand that the Payneham Primary School has consistently had a higher than average proportion of children requiring special education assistance and, therefore, it has special needs in this area of teaching services.

The Hon. LYNN ARNOLD: It appears that this is my day for questions. The matter raised by the honourable member has always been of concern to me, as I am certain it has been to many other members, namely, the support that we are able to give to special education services in the education system. Indeed, since the last election as a result of support given by this Government there have been significant increases in the area of special education support in South Australian schools and indeed in South Australian pre-schools. The support given by means of allocation of teacher salaries and by other support services has resulted, I understand, in an effective increase of about 90 salaried positions over the period of time available to special services in education in South Australia.

What has to happen, however, is that at the end of each year we look at the salary allocation for the following year. The Department is anxious that the salaries that are available be used to meet the needs that exist. That is not to say that all needs will be met by any manner of means to perfection, because naturally one is constrained by the total salaries available. However, the Department is anxious to ensure that as needs exist they can be prioritised, and those needs will be met as equitably as possible from the salaries available. So, at the end of every year it is quite normal for positions appointed to certain schools to be re-examined and for determination to be made as to whether or not the need at that school is of the same order of magnitude as the need which may exist at another school and which may not yet have been met. So, that process of re-examination is a standard procedure and I do not believe that there will be any merit in changing that, because we would not want to see children in other schools left totally without any support.

However, I can say that as a result of the concern expressed by the honourable member I have asked the Department to conduct a review of the situation at the Payneham Primary School and advise me on this matter, particularly with regard to the needs as outlined by the honourable member and in comparison with the other needs that we are endeavouring to meet in schools from the resources that we have available. The key point I must make is that this Government has increased resources for the support of children with special needs in schools, and we will continue that programme next year. Needs will always exceed the short of resources that we have available. Therefore, other forms of support will need to be considered. Area offices under the new programme of the reorganisation of the Education Department are examining how they, as areas, can offer support to schools to meet special needs of children better than previously may have been the case under the former regionalisation of the Education Department.

POLITICAL PAMPHLET

The Hon. H. ALLISON: Was specific approval sought of the Minister of Education by the Federal Government to distribute in South Australian schools a pamphlet entitled 'Improving Government schools—1985 and beyond' and, if so, did he concur?

An honourable member interjecting:

The Hon. LYNN ARNOLD: Yes, it is a very similar question to another asked. I have not received a request from the Federal Department of Education on this matter. As I have said previously, I will apprise the Federal Department of Education of my policy on this matter, and that will not be changed. I hope that that puts the matter firmly to rest.

The Hon. Michael Wilson: Has the Federal Minister asked you?

The Hon. LYNN ARNOLD: I am having many more questions on this matter. The honourable member asks whether my concurrence was sought on this matter. I was referring to the explanation given by the Leader when he referred to the letter, and I make the point clearly that that letter was signed by someone whose name I do not recognise as being the Federal Minister. It was signed by an officer of the Federal Department of Education. That is why I answered the question about the Federal Department of Education, because that is where the approach came from.

In answer to the supplementary interjectory question by the shadow Minister, I state that I have not been approached by the Federal Minister on this matter. Since the correspondence has come from the Federal Department of Education, it is to that Department that I propose to address my correspondence.

CAR PARKS

Mr HAMILTON: Will the Minister for Environment and Planning say whether the Government is wasting money as a result of the setting up of the central car pool and the arrangement with SGIC for parking spaces at the Gawler Place car park? The Minister may have seen a statement to this effect reported in last week's *Sunday Mail.* Attributed to the member for Hanson, the report, headed 'Thousands of dollars down the drain', states:

> The State Government is spending about $17 000 a month to hire car parking spaces it never uses. In a bureaucratic farce, a plan designed to save taxpayers $200 000 a year actually is wasting about $208 000.

The article further states:

> The Government entered into a long-term contract with the State Government Insurance Commission to provide 390 parking spaces at the Gawler Place car park for the pooled fleet. The cost is $27 300 a month. But surveys conducted at varying times of the day and week during July, showed only 78 to 207 spaces were being used.

The article further states:

> Mr Becker last night strongly criticised an apparent lack of supervision of the pooling plan. 'In the first eight months, the Government unnecessarily paid out $138 000 when it should have saved $200 000. That $138 000 could have created jobs for young people,' he claimed.

Coupled with that statement I have received a response from one of my constituents only this week suggesting that, if this is the case, this area should be provided for people attending law courts, etc. It is not unusual in this place to hear the member for Hanson shooting off his mouth on

matters about which he does not know a great deal. I ask the Minister to answer the question.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: I noticed the article myself. It is perhaps a shame that the member for Hanson is not in his usual place—oh, he has come back in; that is good, because he may find what I have to say in response to the honourable member's question instructive. Having read the article to which the honourable member refers, I have sat in my place for two days waiting for him to pounce because, when a member of Parliament comes out with a strong statement, such as the honourable member used over the weekend, one assumes that the honourable member has certain confidence about his assertions and that he will probably follow it up in the Parliament. So, I have been rather bemused that for two days I have sat here and not been subjected to that sort of question by the honourable member. It has been left to the ever alert member for Albert Park to pick up this matter.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: When a person makes outrageous and quite misleading statements, such as the honourable member has made, the first question that occurs to one is, 'What has he missed? What are his sins of omission in looking at the problem?' There are at least three that I would like to share with the House for the instruction of honourable members and particularly for the member for Hanson.

First, there are still vehicles to be transferred to the pooling arrangement, and that is something which appears not to have been taken into account in his statement. Secondly, as all members would know, certain public servants have permission, for all the proper reasons, to use private vehicles for Government purposes, and they are usually paid some mileage allowance for that. It is necessary that that demand be taken into account in the provision of parking spaces. Thirdly, there are other Government vehicles outside the pooling system which from time to time have to make use of the spaces in the car park.

None of those three things seemed to have been taken into account at all in the statement that the honourable member made. Having revealed at least three sins of omission on the part of the honourable member, I come to another sin of omission because the next question one asks oneself is, 'What are the assumptions that underlie the extraordinary costings that have been built into this newspaper article?' It seems to me that the honourable member has assumed that the correct number of spaces to be provided should be the average of the maximum and minimum number of cars using the park, as reported in the Auditor-General's Report; that is, he has added 78 to 207, divided by two, come to 142.5 and rounded that off to 150 and said that is how many spaces should be provided.

On what basis does one justify that sort of grade 6 piece of arithmetic? There is certainly no justification that I have heard forthcoming from the honourable member, and in a moment I will try to instruct the House as to the way in which one should look at this sort of resource provision. Honourable members should know that currently there are 480 authorisations for the spaces available, and one does not need 480 spaces for 480 authorisations. Obviously, however, one has to get to some sort of basis for the provision of spaces. Also, the cost to Government is $20 per unit below the going rate, and that is an agreement that was entered into. Any reduction in the number of spaces taken up would inevitably increase the unit cost, so the Government would not necessarily be saving any money at all.

The germ of the scheme which has led to this arrangement was put down during the time of the Liberal Government. I do not know the extent to which the honourable member was privy to the discussions that occurred on that occasion, but he should have realised that at least four advantages were perceived to arise from such an arrangement and that in fact already the advantages in regard to those four aspects are apparent. First, to date there has been a 12 per cent reduction of the vehicles in use from the total number of vehicles transferred to the pool. So, in fact, there has been some shedding of vehicles, some shedding of capital. That must be an advantage and a saving to the Government which has occurred as a result of the initiation of the pooling system. That is saving No. 1. I do not think the honourable member could deny that: a 12 per cent reduction of the amount of vehicles in use must be a saving.

Secondly, there has been a reduction in the hire of outside vehicles by the Government. It has not been necessary to the extent that occurred in past times to go out and hire private enterprise vehicles. So, that represents a second saving that is occurring. I do not think anyone could deny that that is a real saving. Thirdly, there has been a reduction in the hire of parking spaces. What the article did not make clear is that before this arrangement was implemented there were parking arrangements provided all around the city, and Government cars were parked in various spots around the city. So far more than 30 spaces have been saved as a result of the pooling arrangement, and that itself is a saving in dollar terms. The fourth point is that a greater level of utilisation of vehicles has occurred. In fact, the short term hire fleet averages 5.6 hours per vehicle per day—that is about 80 per cent. I know of many private enterprise firms which would be very happy to achieve that level of vehicle utilisation.

One cannot have it both ways: with a very high level of vehicle usage obviously there will be spare parking spaces around the place. On the other hand, if the use of parking spaces is maximised, clearly those vehicles will not be on the road, they are dead stock, a capital investment that is not being used. Indeed, there has been a greater level of utilisation of vehicles, and that is far more important in terms of the proper use of the dollar rather than the amount that is actually spent on car parking space. It is necessary to have a trade off in regard to a high utilisation of vehicles with low utilisation of parking space to find some sort of optimum level of parking space requirements. I would not want to suggest that we have yet achieved that optimum level.

Mr Olsen interjecting:

The Hon. D.J. HOPGOOD: The Leader of the Opposition is very testy: he has got to his 27th interjection during Question Time. This is a matter that the *Sunday Mail* thought important enough to write up, and I think that it is important that the record be set straight. It is important that an optimum level be established, and I think we are very close to it. We have 80 per cent utilisation of vehicles, and that is the important factor at issue, but that was totally ignored by the honourable member when he made his irresponsible comments to the *Sunday Mail.*

Members interjecting:

The SPEAKER: Order!

SIMS FARM

Mr BLACKER: Has the Minister of Education given further consideration to the report of the committee of

inquiry into the future of Sims farm at Cleve, and can he advise what action has been or will be taken in relation to the future of that property?

The Hon. LYNN ARNOLD: The member for Flinders has raised this question on other occasions and has indicated his very strong interest in the matter, and I appreciate that. In August of this year I received from the Sims farm feasibility study reference group a copy of the interim report, which was drawn to my attention to indicate progress being made. I read that report, then in September sent back a series of further questions that I wanted them to address in their presentation of the final report to me on this matter, and I am still awaiting that final report. I believe it would be appropriate for me to advise the House of the questions I asked of the reference group so that members would know the kind of issue that seemed to me to be significant in this regard, I indicated to them that a number of questions, I believed, still remained to be answered, and I asked the feasibility committee to report on those questions.

The questions related, first, to the comparative benefit of the Sims farm proposal *vis-a-vis* spending $1.7 million on agricultural education in other ways: that is, spreading any resources available over a limited number of other schools offering agricultural studies or providing scholarships for isolated children to board in private accommodation while studying agriculture at any of the high schools offering agricultural studies. The second question related to what source of financial assistance may be available for (i) the establishment and (ii) recurrent purposes from *(a)* the Commonwealth Government; *(b)* Cleve and surrounding communities; *(c)* farmers' professional organisations; and *(d)* private industry. I note that the interim report made some mention of outside support, but I had requested that it flush out that reference and give exact details of what that actually meant.

My third question was whether the range of agricultural experience that Sims farm could offer if the proposal were taken up would match that presently available at Urrbrae Agricultural High School, which of course as members would know offers a very wide range of agricultural studies experiences. My fourth question sought to ascertain, apart from the 40 to 50 students in residence, how many day students the proposal as being considered by the Sims farm Committee would cater for. My fifth question asked what would be the estimated per capita recurrent education costs that would apply at Sims Farm and how would those costs compare (net of residence costs) with the per capita costs of agricultural studies at other schools where agricultural studies are presently offered.

CHAIN LETTER

Mr MAYES: Will the Minister of Consumer Affairs, representing the Attorney-General in another place, request an urgent investigation by officers of his Department and warn members of the public about a chain letter which is currently being distributed to Adelaide residents? This letter has been received not only by my office but also by other members of Parliament. I have had two inquiries from constituents in my district, and I know that the Minister has had inquiries to his electorate office, as has the member for Albert Park, regarding this matter. This is a very serious letter and one which cannot be treated in a light fashion at all. The letter reads:

This paper has been sent to you for good luck. The original is in New England. It has been around the world nine times. The luck has now been sent to you. You will receive good luck within four days of receiving this letter provided you in turn send it on. This is no joke. You will receive it in the mail. Send copies to people you think need good luck. Do not send money as fate has no price. Do not keep this letter. It must leave your hands within 96 hours. An RAF officer received $1 million. . . . received $40 000 and lost his because he broke the chain. While in the Philippines Gene Welch lost his life six days after receiving this letter; he failed to circulate the letter . . . Carlo Laddit, an office employee, received the letter and forgot it. It had to leave his hands in 96 hours. He lost his job . . . Remember no money. Please do not ignore this; it works!!!

This is a very serious matter. Several aged citizens in my district who have received this letter have been so concerned that they have approached me, being in a situation to which they felt they must respond, knowing the impact if they had refused to send this letter on.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. Whilst I am sure that chain letters are quite common in the community, the chain letter to which the honourable member refers contains some quite insidious statements and veiled threats to those who receive it. It is because of that that I think the honourable member has done a service to the community by raising the matter so that appropriate warnings can be given to people to take particular care when acting upon such requests through the mail, particularly when the letters in question are unsolicited. I will refer the matter to the Minister of Consumer Affairs for his investigation of the letter to which the honourable member referred and any other information he has from his constituents.

GOLDEN GROVE DEVELOPMENT

The Hon. D.C. WOTTON: Will the Minister for Environment and Planning say when the Golden Grove development indenture agreement was signed and whether the Government intends to follow normal procedures and place the legislation ratifying the indenture before a Select Committee? Further, will the Minister say when it is expected that work will actually commence on the construction of the new houses in the Golden Grove development? The Minister has today indicated that next week he will introduce legislation ratifying the Golden Grove development indenture. It is now exactly two years (October 1982) since I as Minister called for the registration of interest in obtaining private sector involvement in the Golden Grove development. Since that time, a number of announcements have been made by this Government about a starting date. For example, in a statement reported in the *Advertiser* on 29 September last year, the Minister said that details of the agreement for the development were expected to be completed in about two months, but more than a year later the indenture has still not been signed.

I have been advised that the indenture agreement has been in and out of Cabinet with monotonous regularity and that the main reason for the delay has been the attempt by the Housing Trust to obtain a larger part of the actual development. While this procrastination has been going on, we have seen repeated calls by people in the land development industry urging the Government to act to alleviate the critical situation now being faced as a result of the lack of action on the part of this Government to rezone land to overcome the desperate shortage of home building allotments in the metropolitan area.

The Hon. D.J. HOPGOOD: I am interested to find out what the letterhead was on the piece of paper on which the honourable member had his question written.

The Hon. D.C. Wotton: No letterhead.

The Hon. D.J. HOPGOOD: Oh, it has been cut off. The indenture provides that it should be signed by the Premier on behalf of the Government. The honourable member would be aware that the—

The Hon. D.C. Wotton: Has it been signed?

The Hon. D.J. HOPGOOD: The honourable member is very impatient: I am about to answer his question. The honourable member would know that the Premier has not been in the State for several days; as far as I know he will not be back until the weekend, and therefore he will sign the indenture early next week, probably Tuesday, prior to the matter being debated in this Chamber.

The answer is that the indenture has not yet been signed, but I expect the Premier to sign it immediately upon his return. The second part of the question was whether it would be referred to a Select Committee. Yes, it will be referred to a Select Committee, and I would imagine, in view of the nature of the legislation, that the honourable member's Leader might invite him to serve on that Select Committee, in which case I have no doubt he will do so with distinction.

I seem to recall having canvassed this particular point during the Budget Estimates Committee, when I indicated that soon after Parliament resumed in full session I would be submitting legislation before Parliament and that I would expect the full support of the Opposition to that particular matter. As to the time table, that is in part addressed in the details of the legislation, which will be fully available to the honourable member once it has been brought before the House.

PERSONAL EXPLANATION: RESIGNATION OF MEMBER FOR ELIZABETH

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

Leave granted.

The Hon. PETER DUNCAN: I wish to advise the House that later today I intend to tender my resignation as the member for Elizabeth.

The SPEAKER: Order! I rule any further comment out of order.

APPROPRIATION BILL (No. 2)

Returned from the Legislative Council without amendment.

PUBLIC ACCOUNTS COMMITTEE

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That Mr Hamilton be appointed to the Public Accounts Committee in place of Hon. Peter Duncan, resigned.

Motion carried.

VALUATION OF LAND ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Valuation of Land Act, 1971; and to make related amendments to the Land Tax Act, 1936, the Local Government Act, 1934, the Sewerage Act, 1929, and the Waterworks Act, 1932. Read a first time.

The Hon. D.J. HOPGOOD: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It is substantially the same as a Bill to amend the Valuation of Land Act that was introduced into Parliament in the last session, but with two alterations. The first alteration is to provide an amendment to section 17 of the Act. This is proposed in order to enable greater flexibility in determining the most appropriate fee that is to apply in relation to a valuation performed upon the request of a department, authority or council. Presently, the fees payable by regulation in respect of this section are calculated on an *ad valorem* scale. However, in special cases this scale may be inappropriate as it does not take into proper account time involved in actually carrying out the valuation. It is therefore intended to establish an alternative fee scale that could be applied upon an hourly rate. However, a Crown Law opinion has advised that if the alternative fee scale were to be prescribed by regulation and then the Valuer-General allowed to choose between the two scales on a case by case basis, this would involve a delegation of the Governor's regulation-making powers, which is not possible under the present provisions of the Act. Accordingly, it has been decided that the most effective and simple way to resolve the problem is to amend section 17 to allow fees to be approved by the Minister.

The second alteration relates to the proposed new section 25b, dealing with valuation reviews. The last Bill provided that where an application for a review is being considered by a valuer under the new scheme, the applicant could appear and make submissions, but could not, at that time, be represented by legal counsel. During the initial formation of the legislation it was thought to be appropriate to encourage informality and to limit costs that such a provision in relation to the exclusion of legal representatives be made. However, representations from the Law Society of South Australia submitted that the Bill provided an element of unfair discrimination, and that parties should have the opportunity to be represented by counsel, if they so desired. The Government has accordingly reviewed its policy on this matter and decided to remove the exclusion of legal practitioners. It considers that its primary objective can still be attained, as the Valuer-General has indicated that he will inform applicants, at the time that they object, that proceedings will be of an informal nature and may well not warrant legal counsel. Furthermore, the Bill expressly provides that only questions of fact may be considered upon a review.

Apart from these two matters, the principal effect of the Bill is to provide for an independent review of valuations made by the Valuer-General for taxing and rating purposes. It will provide a process which is practical, less formal and inexpensive for the average homeowner, small businessman and primary producer than the existing process which provides only for an appeal to the Supreme Court. At the present time, where a property has been valued by the Valuer-General, an owner is able to object at any time to that valuation by serving a notice of objection on the Valuer-General. The grounds upon which the objection is based are considered by the Valuer-General, who subsequently advises the owner of his decision. Recently the Valuer-General has made provision for a valuer, other than the valuer who made the original valuation, to consider complaints and objections concerning valuations but this approach is still looked upon as 'Caesar appealing unto Caeser' by owners.

Any owner who is dissatisfied with the decision of the Valuer-General now has 21 days in which to lodge a formal appeal with the Land and Valuation Division of the Supreme Court. Such appeals generally involve legal representation and expert evidence from qualified licensed valuers resulting in considerable expense which may act as a disincentive on

the part of some owners to pursue an action. This Bill provides owners with an additional alternative to have the valuation reviewed without taking away this right to appeal to the Supreme Court. It enables an owner, on payment of a prescribed fee, to request a review of his valuation by an independent qualified valuer selected from a panel of valuers. Valuers can only be nominated for appointment to the panel by the Real Estate Institute of South Australia Incorporated or the Australian Institute of Valuers (South Australia) Incorporated.

A panel of independent qualified and licensed valuers will be established for each region of the State for this purpose and these valuers will be experienced in valuations in the particular region. The scope of the review will be confined to matters of valuation fact, for example sales and other information relating to comparable properties in the area, and will not include questions of law. The Bill provides that an independent valuer shall not alter a valuation if the effect of the alteration is less than 10 per cent more or less than the Valuer-General's valuation. This provision is to ensure that nominal adjustments, which are purely a matter of opinion and not substantiated by fact, do not occur. The fee is to be refunded if the owner's valuation is amended by more than 10 per centum of original valuation. Notwithstanding a decision made by the independent valuer, both the owner or the Valuer-General reserve the right to appeal to the Supreme Court.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends that provision of the principal Act which sets out the arrangement of the Act. Clause 4 amends section 17 by striking out the use of a prescribed fee and substituting a fee approved by the Minister. Clause 5 provides a new heading to Part IV of the principal Act. Clause 6 strikes out subsections (3) and (4) of section 25, the contents of which are to be inserted in later provisions.

Clause 7 inserts new divisions after section 25 of the principal Act. The proposed new section 25a provides that the Governor may establish panels of licensed valuers for regions. Valuers must be appointed on the nomination of either the Real Estate Institute of South Australia Incorporated or the Australian Institute of Valuers, and must have experience in valuing land in the area of the region in relation to which the panel is established. Appointments are to be for periods not exceeding three years. The proposed new section 25b provides that a person who is dissatisfied with the Valuer-General's determination of an objection made under this Part, may apply for a review, to be conducted by a valuer selected from the appropriate panel. Applications cannot be made if a question of law is in issue. The valuer conducting the review must give the applicant and the Valuer-General an opportunity to make submissions, and after due consideration of all relevant information before him the valuer is to either confirm, increase or decrease the valuation. The valuer is directed to confirm the valuation if he would otherwise have altered the valuation by a proportion of one-tenth or less. The Valuer-General should make any consequential alterations to the valuation roll. The applicant will have his application fee reimbursed if his valuation is successfully reduced. The proposed new section 25c preserves a final right of appeal to the Land and Valuation Court. The proposed new section 25d is a general savings provision, allowing rating or taxing authorities to recover rates or taxes notwithstanding that an objection, review or appeal is underway. Clause 8 provides for the consequential amendment of certain other Acts.

The Hon. P.B. ARNOLD secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

The Hon. R.K. ABBOTT (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act, 1961. Read a first time.

The Hon. R.K. ABBOTT: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It confines itself entirely to that area of the Road Traffic Act which deals with drink/driving, and seeks to remedy certain deficiencies and anomalies which have been identified over a period of time. None of the underlying principles of the Act will be affected. The Bill seeks to overcome two problems which are creating difficulties in relation to the taking of blood tests. As the Act stands at present, police must inform motorists who have been required to submit to an alcotest or breath analysis that they are also entitled to a blood test. The situation currently exists where a driver who has been lawfully required to submit to the initial alcotest (which as honourable members will be aware is merely a screening device) can still compel police to arrange for a blood test to be taken even though the test was negative. This of course is a complete waste of time and money. However, it is a loophole in the law of which some mischievous persons are purposely availing themselves in order to frustrate the legal process.

Currently when the police upon request take the driver to have a blood test, the driver has complete discretion on the location of the blood test and police are required under the Act to facilitate the request. In one particular case a person was arrested in the southern suburbs for driving with an excess blood concentration and when asked if he wished for a blood test to be taken, he said that he wanted it done at the Lyell McEwin Hospital at Elizabeth. Police suggested the nearby Flinders Medical Centre, but he declined. Due to the distance and time which would have been involved in travelling to Elizabeth, police refused the request as being unreasonable. The case was subsequently dismissed because no blood sample was taken. This Bill seeks to correct this type of anomaly by introducing the element of reasonableness in these situations. The Act currently gives the court the power to order the defendant to pay certain expenses when convicted for driving under the influence of alcohol or driving with the prescribed concentration of alcohol in the blood. This Bill will give the court similar power when a defendant is convicted for failing to submit to an alcotest or breath analysis. Also, the court will be able to order a convicted defendant to meet reasonable costs associated with time and mileage when a police officer is transporting a person to a medical practitioner to have a blood test.

The amending Bill provides for the resolution of an ambiguity to make it clear that all alcotests or breath analyses requested by police officers are performed within two hours after the occurrence of the event giving rise to the request. Under the current provisions of the Act a defendant may require the Government Analyst and authorised breath analysis officers who sign certificates to attend the trial. As it is not necessary to give notice for the attendance of these witnesses until the actual day of the trial, in practice, the witnesses have to attend all contested cases, not knowing whether notice will be served or not. This results in unnecessary expense and inconvenience. This Bill will require the defendant to give two clear days written notice to the complainant before the commencement of the trial.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 47d of the principal Act which provides that a court convicting a person of an offence against section 47 (1) (driving under the influence of intoxicating liquor or a drug) or section 47 (2) (driving with more than the prescribed blood alcohol level) may order the person to pay to the complainant a reasonable sum to cover certain specified expenses incurred in connection with the offence. The clause amends this provision so that it also applies to offences against section 47e (3) (refusing or failing to submit to an alcotest or breath analysis). The clause also amends the provision so that the complainant may recover reasonable expenses incurred in facilitating the taking of a sample of the defendant's blood and providing for the presence of a member of the police force pursuant to section 47f (2) and (2a).

Clause 4 amends section 47e of the principal Act which provides that the police may in certain circumstances require a person driving or attempting to drive a vehicle to submit to an alcotest or breath analysis or both. The circumstances referred to are where a member of the Police Force believes upon reasonable grounds that a person has, while driving or attempting to drive a vehicle, committed any of certain specified offences, behaved in a manner indicating his ability to drive is impaired or been involved in an accident. Subsection (2) of this section presently provides that an alcotest or breath analysis must be performed within two hours after the behaviour or accident referred to in subsection (1). The clause amends subsection (2) so that it more clearly also applies to the case where there is a belief that one of the offences referred to in subsection (1) has been committed. Under the clause, the alcotest or breath analysis is required to be performed within two hours after the occurrence of the event giving rise to the belief referred to in subsection (1).

Clause 5 amends section 47f which presently provides at subsections (1) and (2) that a person required in accordance with the Act to submit to an alcotest or breath analysis may request that a sample of his blood be taken by a medical practitioner nominated by him and that, where such a request is made, the member of the Police Force to whom it is made shall do all things necessary to facilitate the taking of the sample. The clause substitutes for subsections (1) and (2) new subsections which make two changes in substance. Under the new provisions, first, the right to request the taking of a blood sample does not apply in a case where the person has been required to submit to an alcotest only; and secondly, the blood sample is not required to be taken by a medical practitioner nominated by the driver, but instead, where the request is made, a member of the Police Force is required to take the person to a hospital or other place to do such other things as are necessary to facilitate the taking of a sample of the person's blood by a medical practitioner without undue delay.

Clause 6 amends section 47g of the principal Act which contains evidentiary provisions relating to drink driving offences. The clause substitutes for the present subsection (3c) a new subsection that deals with the same matter but is worded in a way designed to remove certain doubts arising from the present wording. The clause amends subsection (5) so that it provides evidentiary assistance in relation to the requirement that a person who has submitted to a breath analysis be informed and warned as to the matters referred to in subsection (2a) of the section. The clause also substitutes for the present subsection (6) a new subsection providing that a certificate under subsection (4) or (5) shall not be received as evidence in proceedings for an offence against section 47 (1) or 47b (1)—

(a) unless a copy is served on the defendant not less than seven days before the commencement of the trial;

(b) if the defendant has not less than two days before the commencement of the trial served written notice on the complainant requiring the person who signed the certificate to attend at the trial; or

(c) if the court, in its discretion, requires the person to attend.

Under the present subsection (6) the defendant may require the attendance of the person who signed the certificate by giving written notice to that effect at any time before the commencement of the trial.

The Hon. D.C. BROWN secured the adjournment of the debate.

SOIL CONSERVATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 September. Page 1014.)

The Hon. TED CHAPMAN (Alexandra): This Bill was introduced in another place a few weeks ago, when the Opposition indicated its support. The Bill provides for the appointment of a soil conservator, enabling soil conservation to receive the attention in the community that it deserves. However, as a Party we are somewhat disappointed that the appointment of this officer is not specifically from the Soils Conservation Branch of the Department of Agriculture as one would expect to be appropriate. On that basis an amendment was unsuccessfully moved in the Legislative Council.

I see little point in seeking to restate that amendment during this debate, but I point out to the Government that soil conservation is indeed an important component of land management in Australia generally and in South Australia in particular. We hear much discussion about the need to protect our environment, but that environment is dependent upon the soil types and the soil conditions in the rural regions of South Australia as to its development and, in turn, its enhancement of the countryside generally.

Unless those soils are carefully protected and, where necessary, nurtured, erosion will continue to take place, and the overall environment, including the native vegetation, will be in jeopardy. I cannot over-emphasise the importance of that subject to the rural sector of South Australia and the attention that it deserves not only from the landholders in that sector but also from those Government departments that service the rural community.

I am aware that at both State and Commonwealth levels substantial funds are now being directed to soil conservation programmes, and I am proud that, whilst in Government, I initiated a Soil Conservation Board structure that is working well. Currently, 19 soil conservation programmes have been designed to mitigate salinity and erosion in various ways in districts between the Victorian and Western Australian borders and down our peninsulas, including Yorke Peninsula, almost to the very tip. The style of conservation that is required varies throughout the State. For example, in the sandy areas of the Mallee, substantial contour banking, careful cultivation of the surfaces, and attentive planting of various grasses and plant varieties are necessary to hold that light soil. In the heavier ground contour banking is also required to restrict the fast run-off during the winter months and to have that natural water dispersed quietly and slowly and absorbed into the soil without causing erosion. In other areas where salinity is present, and in some cases prevalent,

careful attention to the soil in the absence of cultivation, where possible, and the planting of salt resistant plant varieties are necessary as a part of a scientific procedure. In that respect, the farmers depend on skilful and sensitive advice from the Agriculture Department, especially from its Soils Branch.

It is therefore with some concern that we find an open ended Bill such as this presented to the House wherein the appointment of a soil conservator, although supported by Opposition members, may be made from outside the departmental Soils Branch to which I have referred. This demonstrates that the Government has not the confidence in the Agriculture Department that it deserves. Indeed, it apparently has no confidence in the Soils Branch especially. Although the Minister in another place has indicated that it is likely (indeed, he used the words 'highly likely') that an officer to fill this newly created position will come from the Soils Branch, he is not willing to confirm that likelihood by writing it into the legislation as a requirement. This shows a lack of confidence in the officers who are serving and who have served this State in this way for many years. Indeed, they are officers who are highly respected by the rural sector at large.

With those few remarks, I indicate that the Opposition supports the measure, with the reservation that I have expressed. We shall be most interested to observe the procedures that take place after this legislation has been proclaimed, especially those procedures involving the appointment of a soil conservator and the source from which the appointment is made. I know that the United Farmers and Stockowners Association has made representations, if not to the Minister then to his colleagues, and to the Department, seeking the objectives that I have outlined. Further, rural based Liberal members have discussed this matter at length and, despite the answer given by the Minister in another place when the amendment was moved, we cannot accept his explanation as being sufficient to cover the position appropriately.

The member for Mallee has indicated an interest in participating in this debate, and I understand that, because he represents a district that is subject, indeed vulnerable, to soil erosion both by wind and, in the lower region, by water. In that respect, I am pleased that he intends to enter the debate and support my views on the Bill. Overall, the Opposition supports the Bill.

Mr LEWIS (Mallee): I am concerned with certain aspects of the Bill, including those which Opposition members in another place drew to the Minister's attention. First, I see no good reason why the Government needs to amend the Act to appoint a soil conservator when it fails to recognise that the appropriate person for appointment to that office who is qualified professionally and has career experience in matters relating to soil conservation can only be found in the Agriculture Department. Clearly, there is a clandestine motive for that decision and, although the Minister (Hon. Frank Blevins) has assured members that he will appoint a soil conservator from the Agriculture Department, he does not have the power to do that. Indeed, the Government may decide in its lack of wisdom to appoint from elsewhere a conservator who is experienced in matters of environmental concern rather than in soil management.

To that extent I foresee even greater problems for the rural community in the drier parts of the State in which rain fed agricultural practice is undertaken by farmers than was and is the case under the native vegetation clearance control regulations. I say that, not only as a consequence of the Government's having had this legislation drafted so as to enable it to appoint a soil conservator from outside the Agriculture Department, but also because of the way in which certain clauses are drafted, especially clause 8, which amends section 13j of the principal Act. It states:

> Where a person fails to comply with a soil conservation order and damage is caused to the land of another person which would not have been caused if the order had been complied with, that other person may recover damages from the person against whom the order was made.

New subsection 13ja (2) provides:

> Where a person fails to comply with a soil conservation order requiring him to make good damage—

that is very bad drafting, in my judgment, because it can be misread: does it mean to make bad damage good or to make damage even worse?—

> caused to the land of another person, that other person may recover the cost of making good the damage from the person against whom the order was made.

I foresee in such circumstances that very considerable financial hardship could be imposed on an individual farmer who was in difficult circumstances at the time a drought began and who, at the end of a drought, having had no cash flow whatsoever and having had a soil conservation order made against him for some spurious reason, would be simply sent to the wall by an irresponsible and greedy neighbour, who may not even be a farmer. It does not specify that the circumstances in which it can be applied relate only to rural land, and nowhere in the Act does it say that it binds the Crown. So, there is evidence of the kinds of difficulties that I imagine will arise in market gardening areas, such as those that exist in the member for Goyder's electorate, where I have had considerable personal experience over a number of years.

It would be possible in those circumstances to find that the whole practice of market gardeners and the way they prepare their onion seed beds, for instance, could result in their being the subject of a soil conservation order and, notwithstanding such an order, in the event of adverse wind occurring and the neighbour's vegetable crop being sand blasted on just one day in a matter of an hour or two, that unfortunate market gardener who had prepared his seed bed from which the sand blew into the neighbour's place would find himself up for thousands upon thousands of dollars. I see that as quite unjust in that there is no means by which the person from whose land the sand had blown would be able to appeal against the decision. He is literally liable once an order has been issued against him.

Mr Meier: The market gardeners need to be protected.

Mr LEWIS: Indeed; it is not just the farmer who is a neighbour, but more particularly anyone who happens to be a neighbour who will be affected and in circumstances where the balance of natural justice is unfairly weighted against someone who happened to be the subject of an order.

I do not trust the kind of judgment that I have heard coming from people from the conservation lobby who have considerable influence over attitudes in that Department, and let me explain why. First, let me explain why that is relevant. It is relevant in the context of the appointment of a Soil Conservator and the kinds of opinions that are likely to be articulated by that person in the event that he does not come from the Department of Agriculture Soil Conservation Branch.

He will not be aware of the difficulties that can confront primary producers. He will also be possessed of the view, as they are at present, which is completely false, that farmers are irresponsible. Indeed, they are not and there is enormous social pressure imposed on a farmer if, in any specific instance, he behaves in an irresponsible way. We have learned our lessons in overcropping, overstocking and overcultivation since the time we began doing that in the marginal farmlands of this State in the 1920s.

Mr Meier: In many ways they have a similar affinity to the lands of the original Aborigines.

Mr LEWIS: Unquestionably so. Anyone who has survived the rural reconstruction programmes and the economically debilitating experience of the 1960s and 1970s, and who has therefore remained on the land in these localities where soil erosion is likely to be a problem, clearly understands the very close and responsible relationship he must have with the land from which he derives his income and in all expectations from which he believes his family for generations yet unborn will derive their incomes. They are not irresponsible, indifferent and they do not take undue risks. The people who may have been irresponsible in those regards have long since left the land. They were demonstrated to be bad managers economically because they did not understand responsible practice, and responsible practice as determined by decades of careful research by the Department of Agriculture in the various research stations around South Australia is to ensure that there is a continuing enhancement of soil organic matter levels by virtue of the farming practices they use.

Widening the rotation and incorporating pastures and grazing animals in the rotation is the technique that South Australia has developed in circumstances such as climatic and soil type circumstances for which South Australians are now world famous. The rest of the world beats a pathway to our door to get access not only to that technology but also access to the species and the varieties of those species used in our cropping programmes and our pastures as well as the strains of animals that graze those pastures from the species of animals chosen to do so.

That does not mean that there is not room for continuing improvement through applied research in this direct and narrow arena of scientific understanding. Indeed, that is continuing and if we retain the research stations that we now have it will continue. I note that during the past 12 months the Minister and the Department have been forced to give serious consideration to selling off those research stations. I think that to be an unfortunate consideration for the sake of making money for the Government, for the public coffers, without regard for the necessity to dovetail in the research programmes on those research stations with any similar research programme that would need to be mounted to overlap for a period of 10 to 15 years on another research station where the programmes could be continued.

Those programmes relate to things like soil organic matter levels, desirable stocking rates, the frequency of cropping in rotation, the number of cultivations in the preparation of the seed bed, the species of pasture used in the rotation, and the way in which the seed bed is prepared for the crop after the pasture in the cycle where that differs from the other factor that I mentioned in that regard, which was frequency of cultivation, namely, the time at which cultivation begins according to the rainfall isohyet location of the property, and according also to the previous immediate past history of that particular paddock.

They are the kinds of factors that are being carefully researched and measured by soil structure, improvement, maintenance or deterioration, and yield, not only in terms of yield per annum per crop but also sustainable yield averaged across a decade, where it may be thought and reasoned that, whilst it is economic to crop, say, four times in 10 years, if that programme were to continue in perpetuity on those fragile sandy soils and sandy loam soils, the structure would break down because there would be a deterioration of organic soil matter levels and, as a consequence, the soil would become erosion prone and particularly prone to wind erosion. We are looking not only at wind erosion but also at water erosion. However, it is noteworthy that the greatest risk, now that we have devised the techniques of stabilising soils on slopes that need it by using contour banking technologies, is where wind erosion can develop. So, I was pointing out that it is not appropriate, even though profits across time might be greater in the first decade of such a practice, to crop it more frequently than would ensure that soil organic matter levels can be sustained. They must be sustained: indeed, most experts agree that they must be enhanced.

Having explained that, I now wish to explain the relevance of it in the context of the views that are held by conservationists about the practice of farming on those drier rain fed farmlands. I have heard the Minister for Environment and Planning state in this House, along with those others who have stated the same view, that farming in the mallee lands of South Australia, be they on Eyre Peninsula, Yorke Peninsula, the Murray lands or the Mallee proper, ought not to continue—that farming should be stopped forthwith.

Mr Meier: That is an irresponsible statement.

Mr LEWIS: It is also an ignorant statement. The evidence that they use to support the view is that yield per unit area across time has continued to decline. They say that the region now produces less grain than it did 10 to 40 years ago. The region now produces less wool and less livestock. They mistakenly believe that the region is therefore less fertile. The practice of farming those lands, they say, cannot be continued in perpetuity. They fail to recognise that the reason for the reduction in yield is quite simply that farmers are cropping their land less frequently. For instance, this year I know of not one, 10 or 20 but many farmers in all the Mallee districts who at the end of June simply said, 'It has been too dry, and the tractor stays in the shed. We will not take the risk of preparing our soils, even if it rains tomorrow.' In the event, it did not rain 'tomorrow' or the day after; but on 4 July. They left the tractor in the shed because the chances were, on the balance of probabilities, analysing the history of rainfall from that point forward, that there was a greater risk of a less than average year, or a drought. It has been about an average year from that time forward.

The decision of those farmers in my electorate, from Geranium eastward, has been confirmed because in the past eight to 10 days, as anyone who has seen those crops will know, they have gone white, gone off. They did not even reach the stage where they were suitable for hay cutting. They went off simply because rain stopped; there was no rain 4½ weeks ago when, closer to the coast, farmers received rain and in regions of the Peninsulas they received rains. The crops reached flowering stage, the stigma and the pollen sacks dried up in the hot dry wind every day that they came out to bloom. As the new flowers arose from the heads, they were simply shrivelled off. So, those later sown crops will be a disaster and yet, to the untrained eye of the casual observer passing through, the place still looks reasonably good.

Mr Ferguson: What about your crops, are they all right?

Mr LEWIS: I do not have any, and the honourable member would know that, having read my register of pecuniary interests.

An honourable member: It is not a joking matter.

The DEPUTY SPEAKER: Order!

Mr LEWIS: It is important, therefore, to understand that the practice of widening the frequency of cropping in rotation and reducing the number of livestock carried to the point where farms and their pastures will never be overstressed and, in addition to that, removing the livestock from the pasture before it is eaten out, has meant that the yield totally of grain from that region has been reduced over the past 10 to 20 years: there is less cropping going on. It has also meant there has been less wool cut, because there are fewer sheep. During the drought the wise farmers got their

sheep out (this is two years ago) before their paddocks were eaten bare. The sheep were not there to be shorn in the spring and the wool cut was therefore less. They sell off their lambs earlier, and that is because they care about the soil and about their futures, which depend upon that soil.

So, we have had less grain, fewer animals, and less wool coming from those regions as a direct response to their self-interested and recognised necessity for survival, a direct response to the threat of continuing soil erosion if they did not do it. There was no necessity and there is no necessity for Governments to intervene, in that they can see, with 50 to 70 years experience, as farming families have, that it is just not on to exploit the land this year and next year and expect to be still farming there in 10 years time. They know they will go the way of their absent departed neighbours who have been reconstructed off as incapable of managing, or those of the total who were reconstructed off who had to go for those reasons. I am not saying everyone who left farming did so for that reason. I am just saying there were a number who did. So, the incompetent, unwary, shortsighted farmer has already gone.

I put to you, Sir, and to honourable members that to argue that we should stop farming those dry rain fed farmlands of South Australia on the basis that there has been a continuing reduction in yields of grain and animal products is quite fallacious. On the contrary, that farming practice on the wider rotation and reduced stocking rates ought to and can continue into perpetuity, and will enhance, as it has in the past, the efforts made by the rest of the community in generating the wealth upon which we depend for our prosperity—every man Jack of us!

The Minister for Environment and Planning and his fellow travellers in the conservation movement who have argued the alternative view ought to take a more careful analysis of the kind that I have put before the House today before they open their mouths in the future to articulate their views and their mistaken reasons for those views. Having explained that aspect, I mention that improving technology is further reducing the necessity for cultivation and therefore damage to the soil structure. Every time the soil is cultivated the organic matter is exposed to the atmosphere and oxidation of it occurs. That produces an immediate response in the plants that can be grown on it in the short term future, because the oxidised organic matter becomes available nitrate or nitrite the plants growing upon it. However, the bonding material that holds it all together, the organic matter, is lost.

Improving technologies that are being introduced now include things like spray seeding, where cultivation is reduced to a bare minimum, and the techniques by which unwanted vegetation can be removed prior to planting of crops include the use of biodegradable chemical compounds, which do not remain in the soil for any length of time after they have been applied. They are rapidly or immediately denatured on coming into contact with the soil *per se*. I am referring to the dessicant weedicides.

Turning to the provisions of the Bill, I see no wisdom in removing the requirement of the Government to appoint the so-called soil conservator from the Department of Agriculture. That provision should remain. That is where the skill, knowledge and experience are. A person coming from anywhere else will have half baked ideas. I also underline my concern about the provisions in clause 8 which seeks to insert new section 13j. In the event that the soil conservator is appointed from outside the Department of Agriculture.

I can foresee great problems for those people who happen to suffer the misadventure of preparing their land as a seed bed for a fine seed crop which is then subject to winds for a matter for one or two hours, resulting in the sand being lifted from the surface soil, thus damaging crops in the immediate down wind situation. Where such crops down wind are vegetable crops or other horticultural crops, the damage could be of the order of thousands of dollars. Whilst I feel for the fellow who may lose his crop, nonetheless, like those people who grow crops I recognise that that is a risk one takes. It would be extremely difficult indeed to prove that the sand which blew in and cut off one's onion plants, for instance, came from across the other side of the fence and not from the owner's side of the fence. Such a process would waste time in the courts.

I conclude by directing my attention to the problems that are related not to wind erosion but to water erosion. In relation to clause 8, I can foresee difficulties for the courts in regard to the matter of flash flooding which occurs after some three or four inches of rain has fallen, as often happens in this State. At such a time soil can inadvertently be carried off a fairly bare paddock or one that has been recently cultivated in preparation for vegetable or flower crops, and end up on a neighbour's property. In the past common sense has prevailed and soil scoops or other mechanical equipment has been used to get on with the job, as quickly as possible, of removing the soil before it sets (which takes about three or four days) and taking it to an appropriate place. Whether it is taken back to the land from where it came or elsewhere is beside the point: everyone agrees on it. Now, with this Bill, we will create a monster which will produce litigation and put pressure on public servants to give soil conservation orders against neighbours, so that claims for damages will be able to be mounted against those neighbours in such circumstances. I regret that.

Members of this House will live to rue the day that they allowed decisions about such matters to be taken out of the hands of neighbours concerned and placed in the hands of public servants and the courts, involving a mess that will have to be cleaned up through litigation. Lawyers love that sort of stuff. I can understand lawyers supporting it, but it will not help neighbourly relations and understanding in the broader community. Surely that is what we ought to be about, that is, the process of passing good laws that make it possible for men and women of good will to live together in peace and settling their problems as good neighbours.

Mr BLACKER (Flinders): I may be cynical in some of my attitudes, but with this Bill I fear that a number of factors in it could have an adverse effect on many sections of the community. My initial reaction is to oppose the Bill. I believe that the issues raised have not been substantiated by the Government, and satisfactory reasons have not been given for the amendments. It almost appears to me that the Government is out of legislation and that, because it is battling to keep the House going, it decided to introduce this amending Bill. In doing so, the Government is providing for the creation of a new public service position of soil conservator.

I do not have any real objection to a soil conservator position, but I object to proposed new section 6aa (3), which provides that the office of soil conservator may be held in conjunction with any other office in the Public Service of the State. That is deliberately and quite categorically playing down the matter of soil conservation in South Australia, which is of paramount importance. Provisions were made in the Soil Conservation Acts 30 years ago requiring people to obtain approval on a soil conservation basis. The need for soil conservation has been recognised previously, and it has been equally recognised that the position should command the skills of the most highly qualified person that this State can provide. However, to provide that a person can come from anywhere in the Public Service is deliberately downgrading the position.

I wonder about the real motives of this legislation. Is it a buttering up process, and a stepping stone process to take soil conservation matters out of the Department of Agriculture and putting them under the Department of Environment and Planning. Because of the lack of adequate explanation by the Minister of Agriculture, I believe that that is exactly what the Government has in mind, and that concerns me. Serious problems have occurred in the way in which the Government of the day has handled various items of legislation administered through the Department of Environment and Planning. For instance, I refer to the vegetation clearance regulations. I do not wish to do any more than refer to it and point out how the Government can, by the sheer stroke of the pen and by changing regulations, incorporate other sections, ideals and motives within the legislation that were not originally intended. The Government is setting up this measure and soil conservation generally to come under the same umbrella, and I totally oppose that.

Other sections of the Bill are of equal concern to me. The member for Mallee talked about constituents of his who were onion growers and said how they could be stopped from growing onions. The same sort of thing could happen to every farmer on Eyre Peninsula, and probably to every farmer in the State. The fine points of this amending Bill set the ground work and pave the way to allow the Government to interfere in farming management practices, because the Government could put in a soil conservation order and tell a farmer that he shall not burn a neighbouring paddock.

If the farmer burns that paddock as normal farming management practice, and within two hours a strong north wind creates damage to a neighbour's property, the whole matter comes to court and he is then liable to a penalty. I see within that provision the fickleness and situation generally that can arise among landholders—and this could extend to neighbours and to country town residents complaining because a nearby farm allowed dust to blow over their properties. I have even experienced the situation of people with home computers complaining because dust from somebody's paddock is interfering with their equipment. Whilst I would like to think that that sort of attitude should never occur in this State, it has occurred, and no doubt it will occur again. The more legislation of this kind that we have, the more we will see that type of issue cropping up time and time again.

I note from the interjections by Government backbenchers about farming practices the implication that farmers are irresponsible. I share the member for Mallee's view that irresponsible farmers are no longer with us, because the economic squeeze in recent years has forced any inefficient farmer off the land. We all know that the number of active farmers in South Australia now is considerably fewer than a decade ago.

Farms have become bigger, and inefficient farmers have gone; their properties have been sold or subdivided and taken up by more efficient farmers. It is fair and accurate to say that a 1 200 acre farm (if I can use that as a basis), which some 20 years ago provided a very effective living for a family and in most cases provided employment for a full-time share farmer as well, is now nowhere near enough to provide an economic living. I am really saying that the 1 200 acres needs to be expanded to 1 800 or 2 000 acres in order to provide an economic living for a farmer operating it, in most cases unaided. In other words, he does not have a share farmer as he had some 20 or 25 years ago.

So, to suggest that there is the irresponsible farmer around is to generalise and is, to that extent, wrong. Obviously, there could always be one or two who would come into that category, but basically from a farming practices point of view the situation has changed. I am concerned that this legislation would enable a Government officer—and that person need not have any real knowledge of soil conservation—to come in and issue a soil conservation order, and say, 'You cannot burn that piece of land because it might cause some dust damage to a neighbouring property. You shall not use weedicides or herbicides to control weeds; you must allow weeds to grow to keep a cover.' All sorts of options could extend from that practice. I hope that the Minister, in responding, can clarify and at least have recorded in *Hansard* what the Government intends by this legislation and explain how far it believes it should go. I hope that the Minister can at least respond to my comment and allay my fears that this is a stepping stone to bringing soil conservation under the umbrella of the Department of Environment and Planning.

Trash farming has been a practice that has become more and more widespread. It is a real soil conservation measure, as it builds up the fertility of the soil and maintains its stability, which is to be commended. We also have contour banking, in which the Department of Agriculture is involved to a very large degree. That, too, must be commended, because anyone who has had contact with the land at all would know that the last thing in the world one can afford to have is erosion—be it gully erosion, sheet erosion by wind or water, or any other form of erosion—because when one chops a few centimetres off the soil it removes the fertility. In a strong north wind many hundreds of thousands of tonnes of soil is on the move.

Every centimetre of soil that goes is another centimetre that must be built up in fertility at considerable expense to the farmer and causes loss of production in the shorter term. Farmers are very conscious of their farming practices and the way in which they handle their soil, because they know that if they lose that top centimetre or two they have created for themselves a legacy which will take many years to overcome.

I will be most interested in the Minister's comments in reply. Unless the Minister can allay my fears, I will oppose the third reading of this Bill, because I do not believe that such a measure is justified, unless the Bill's intent is far more hidden than we have been led to believe. However, on the surface it provides for the appointment of a soil conservator with the qualification that that person can come from any other position in the Public Service. I totally oppose that provision.

The Bill refers to owners' responsibilities; it obviously incorporates within the term 'owner' the occupier of the land, and I believe that that is a fair assessment—the person working that land. Whether he be the financial owner of the land or an employee managing it, he has some responsibility for it.

However, I am concerned about soil conservation orders. Whilst the general principle may be there that, if a person is aggrieved and has been caused considerable hardship, damage and financial cost as a result of the improper actions of another, a civil court action is still available, it opens a Pandora's box for any number of fickle types of neighbourly arguments to arise. Every Minister would probably have drawn to his attention on a daily basis the number of fickle arguments that arise between neighbours. The more there is this type of legislation, the more of that type of argument we will have. I await the Minister's response and trust that further information can be given during the course of this debate.

The Hon. LYNN ARNOLD (Minister of Education): I thank members for their participation in this debate and for their indication, for the most part, of their support for the Bill, although I noted the intention of the member for

Flinders possibly not to support the third reading. A number of points have been canvassed by members, and it is certainly my intention to draw them to the attention of the Minister of Agriculture in another place. However, I want to make a few comments on this matter. First, I will go through its history, because it is important to identify exactly which groups have been concerned about this set of amendments to the Soil Conservation Act.

I hope that that would allay the fears that have been expressed in this House this afternoon about the alleged real intent of the legislation. The matter was brought to the attention of the Department by the Advisory Committee on Soil Conservation, which had had discussions with the district soil conservation boards regarding operations of the Act and appropriate amendments that might be required. That Advisory Committee discussed a range of proposed amendments with the Local Government Association, the Local Government and Highways Departments, Australian National and United Farmers and Stockowners. The initial round of consultations had particular regard to the proposal to treat with section 6j of the principal Act.

After that set of discussions had taken place, the Advisory Committee made recommendations to the Department. The Advisory Committee consists of a breadth of membership (as will be well known by members opposite): an officer from the Department of Agriculture; the Director of Plant Services; an officer from the Department of Environment and Planning; an officer from the Department of Lands; an officer from the Waite Institute; and three farmers, Mr Blesing, Mr McTaggart and Mr Walton.

The other point that needs to be made is that the district soil conservation boards also comprise cross-representation from different areas as well, picking up local concerns. Many of the particular issues that have been raised this afternoon do reflect geographical local concern, I understand that. That then resulted in a series of amendments wider than just treating with section 6j of the Act. The Minister then consulted some more and sent out the general set of proposed amendments to, among others, the United Farmers and Stockowners earlier this year. He received a reaction from the UF & S in March this year and admittedly they indicated that they have some qualms about some areas being proposed for amendment. Some of those concerns were taken into account, and the Minister believed that others did not substantiate themselves in the context of the legislation.

Having read the correspondence from the UF & S, I do not read the nature of concern from their correspondence as has been reflected this afternoon by comments made particularly by the members for Flinders and Mallee. The areas which the honourable members have canvassed in this House seem to be much more wide ranging than the series of issues raised by the UF & S, and that seems to tell me that maybe they do not share the same qualms and they believe that what they visualise really will take place. I do not doubt the depth of concern of the honourable members, but I indicate that the UF & S also would have canvassed some of these issues and believe them perhaps to be appropriately addressed. That then resulted in the standard procedure of consideration and recommendation: Cabinet considered it; Parliamentary drafts were drawn; and now the measure is before the House.

Implications have been made about lack of confidence by the Minister of Agriculture in another place, or presumably by the Government, in the capacity of the Department of Agriculture to provide the function of soil conservator. Reference was made by the member for Mallee to clandestine motives behind this legislation. I refute that. It is certainly the firm belief of the Minister of Agriculture that the Department of Agriculture does have expertise in this regard, and it is not his intention to undermine the very important efforts to control soil conservation in this State because he is, as well as anyone in this House, clearly aware of the economic points that were made (for example, by the member for Flinders) about how critical this is for economic production in this State.

However, a consideration of widening out the brief of the office of the soil conservator should not be taken in malintent. The clause that is proposed provides that the office of soil conservator may be held in conjunction with any other office in the Public Service of this State. I think that really does give flexibility to the Government to handle that situation, if at any future time it needs to be handled by an officer who has other duties as well.

I ask members to take a positive reading of that rather than a negative reading, conscious of the fact that there is still the critical element of the Advisory Committee on Soil Conservation, whose job it is to advise the Department and Government on aspects of soil conservation, and it would quickly provide advice to the Government if it believed there was a modification in enthusiasm by the Government in the need for soil conservation. Indeed, one of the arguments put in Cabinet by my colleague the Minister of Agriculture was that it was done against the backdrop of increasing Commonwealth funds in this area this year, as was expected, and that this would require increased State effort as well. It is acknowledged that this is a joint Federal-State effort, and it is an effort that requires maintenance of effort (if not increasing effort) and support for it. I make the point that the Advisory Committee is there to monitor closely whether or not the real objectives are being achieved.

Another point I want to refer to is the provisions under clause 8 of the Bill concerning the obligations of others to be compensated if damage takes place to their properties as a result of soil erosion from another property.

The Hon. Ted Chapman: That is to comply with a soil conservation order?

The Hon. LYNN ARNOLD: Yes. The member for Mallee referred to 'irresponsible and greedy neighbours' making such claims. I thought that was unfortunate. I think that he would appreciate just how unfortunate it was, because he went to some lengths to refute any assertion that farmers themselves were irresponsible in soil conservation issues and went on to say that groups of farmers in South Australia today are cognisant of the serious problems that took place in the 1920s and 1930s. I accept that, but I think also the point must be made that people do not willingly enter into legal battles out of petulance, and in the overwhelming majority of cases matters such as this would be entered into by a neighbour only on the basis of real aggrievance that his land was suffering the effects of soil erosion on a neighbouring property.

The point has been made about whether or not due account would be taken of the effects of serious drought and the incapacity therefore of farmers, who may already be suffering financial difficulties, to cope with a further financial impost as a result of orders made against them because they have not been able to adhere to a soil conservation order. I know that the Minister is sensitive to that matter. I suppose that, given the cycle of weather conditions in South Australia, the State will unfortunately suffer another drought in the future. I am sure the Minister of the day would sensitively take into account the particular financial circumstances of the farmers in that regard, but it is important that these provisions be built in to provide that protection.

In two separate parts of the world, I have seen how serious the effects of soil erosion has been in the past and still is. One was on the east coast of New Zealand, in the area north of Gisborne at Whakatane, where there is dramatic

evidence of the effects of soil erosion. The other area I have seen is in South Africa where annually 2 million tonnes flows out into the sea. Numerous points have been made, and honourable members have asked for my comment. Although I have tried to do that we have the business of the House to get through, and I have to take the other points on notice. I know it is basically the intention of members opposite to support the provisions of this Bill, and I note the particular comments of the member for Flinders. I look forward to a speedy passage of the Bill.

Bill read a second time and taken through Committee without amendment.

The Hon. LYNN ARNOLD (Minister of Education): I move:

That this Bill be now read a third time.

Mr BLACKER (Flinders): I thank the Minister for his comments, but I still have reservations. I will not call a division on the third reading, but I should like it to be noted that I oppose the third reading on the voices.

Bill read a third time and passed.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 19 September. Page 1004.)

The Hon. H. ALLISON (Mount Gambier): The Opposition supports this Bill, which has come from another place where amendments were made to the original Bill. The Bill does several things. In the area of mental health, at present the Guardianship Board has responsibility for the administration of estates of persons who are mentally ill. In dealing with the property of such people, the powers of the Board are limited; for example, it can sell a property of a mentally ill person where the property is valued at less than $20 000, but that is an unrealistic figure in these days when the average price of a three-bedroom house is between $55 000 and $60 000 in the less affluent suburbs of Adelaide. The suggestion that the amount be increased substantially is acceptable. I believe that the Attorney-General indicated in another place that he proposed to raise the upper limit to $80 000.

Also, the Board at present does not have power to spend more than $2 000 on improvements to properties. As most of the improvements to be effected concern sewerage and sanitation, that figure is very low and it is intended to increase it to $6 000. The Bill provides for the Guardianship Board to be able to sell any property of a mentally ill person for whom the Board has been appointed as administrator up to the sum of $80 000. Any property valued at a figure above that will have to be the subject of an application to the Supreme Court for its approval for sale. The Bill also provides for an administrator to purchase or lease property or to pay a donation necessary to secure accommodation in a home such as a church home and to spend up to an amount specified by regulation on improvements. The latter figure is the $6 000 to which I have already referred.

A new provision allows beneficiaries under the will of a person who has been mentally ill to take proceedings to ensure that there is no disadvantage to those beneficiaries as a result of the appointment of an administrator of the estate of the mentally ill person whilst he or she is alive. The Bill deals with certain other areas, including the responsibilities of the Public Trustee, who at present does not have the power to act on behalf of a Public Trustee or similar authority outside South Australia in respect of assets in this State. Further, the Public Trustee does not have the power to authorise someone outside South Australia to act for him in relation to assets of a person who resides in South Australia but where those assets are situated outside the State. The Bill includes a provision to overcome that difficulty.

We had some reservations about a provision allowing the Public Trustee to act in more than one capacity with the approval of the Supreme Court where otherwise there would be a conflict of interest and where possibly problems would arise with the Public Trustee acting in that situation of conflict. The Public Trustee may be the executor of more than one estate, and there may be a conflict between those estates. He is in no different position then than an individual who is an executor of more than one estate where the same sort of conflict may arise. The situation of conflict was addressed in another place and amendments were moved and accepted in this respect. The matter of the disclosure of assets and liabilities of deceased estates was addressed comprehensively in another place and amendments were accepted by the Attorney-General.

In view of the lateness of the hour and the fact that the House has to debate four more Bills within the next 90 minutes, I do not intend to extend the debate on this Bill. As the amendments that were moved in another place proved acceptable to the Opposition, I support the legislation.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the Opposition for its support of the measure. As it comes to this House in an amended form, it is hoped that the Bill, incorporating necessary reforms, will bring the relief required by those in the community for whom it is designed to serve.

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

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 19 September. Page 1005.)

The Hon. H. ALLISON (Mount Gambier): The Opposition supports this Bill which, to a large extent, is a reflection of the provisions of the Administration and Probate Act Amendment Bill (No. 2), which has just been passed by the House. This Bill enables any person to apply to the Supreme Court for an order appointing a person as manager of an estate of an aged or infirm person who cannot conduct his own financial and other affairs. On the production of appropriate evidence, the court will appoint as manager either an individual who may or may not be a relative of the aged or infirm person or Public Trustee. The practice of the court varies depending on who makes the application and on the size of the estate to be administered. It is possible for an individual (and from time to time it happens) to take an appointment as manager of an estate.

One provision in the Bill seeks to ensure that beneficiaries of a will of a person in respect of whose estate a manager is appointed under this Act are able to apply to the Supreme Court for a share of the estate where the administration by a manager has changed the nature of the estate to such an extent that the intention of the testator expressed in the will can no longer be carried out. We support the provision in the Bill that enables equity to be done by the Supreme Court as between beneficiaries in the light of that change in the nature of the assets in the estate.

There is also provision for a manager of an estate to avoid a disposition of property or a contract entered into

by a protected person, but there is a safeguard that, if the other party to the transaction did not know and could not reasonably be expected to have known that the person with whom he dealt was unable to manage his affairs, there is no avoidance of the disposition or the contract. The Bill that was debated previously contained similar provisions and amendments that were accepted in another place. As the legislation in its present form meets with the approval of the Opposition, I support the Bill.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the Opposition for its support of this measure.

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

PRISONS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

CRIMINAL INVESTIGATION (EXTRA-TERRITORIAL OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 1099.)

The Hon. H. ALLISON (Mount Gambier): This legislation is an extension of the general programme that is being instituted across Australia with the Federal and State Governments coming into compliance in order to facilitate the removal of a number of impediments to State border relationships in the legal field by eliminating impediments to one State taking action in another State in judicial processes. This was the subject of the Service and Execution of Process Act many years ago, and a Standing Committee of Attorneys-General has studied ways and means of further facilitating the better execution of judicial procedures between States, particularly in border areas. As this is one further step along the road which all of us are quite happy to pursue in facilitating the better administration of justice between States, we support the legislation.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank the Opposition for its support of this measure.

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

JURIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 September. Page 1013).

The Hon. H. ALLISON (Mount Gambier): The passage of this Bill will take a considerably longer time through the House of Assembly because it reaches us in a form that we consider still to be substantially unsatisfactory. Honourable members will realise that the legislation before us seeks to amend the existing legislation to the extent that the administration of justice in South Australia will be very considerably affected for decades to come if the legislation passes through the House in its present form.

The first matter to which I refer is really a cornerstone of the present judicial system, and that is an amendment that is proposed to the number of people who will form a jury. At present, the requirement is for 12 persons to form a jury, and the Opposition has on previous occasions suggested that, as on occasion members of the jury are unable to complete a trial and this causes a retrial to be ordered with considerable additional expense and delay in arriving at a decision, rather than have that happen it would be possible to have a thirteenth and/or fourteenth juror sitting in on a trial and for the additional members to become part of the jury should any of the original 12 be unable to complete the hearing of any case.

We have accepted that, with the amendment proposed, a number of jurors—up to two, reducing the number to 12—could be discharged in the course of a trial and, provided that there is still a unanimous decision by 10 or more remaining jurors, we regard that as an appropriate mechanism for dealing with the innocence or guilt of a person accused of murder or in less frequent cases in the case of treason. So, we accept that part of the Bill that reduces the requirement of a unanimous verdict of 12 jurors to a unanimous verdict of not fewer than 10 jurors. I did mention innocence or guilt and, of course, I probably used 'innocence' erroneously because the job of the jury is simply to decide whether or not the Crown has presented a case to prove the guilt of a person; so, the jury's charge is simply to decide that.

In the second instance where substantial change is recommended, an amendment to the Act will allow an accused person to elect to be tried by a judge alone rather than by a judge and jury. We regard this as another cornerstone of judicial administration that is being set by the wayside. We are not in agreement with this intention of the Act, and we would remind members that at present it is the duty of a judge essentially to preside over a case and not to come up with the final judgment, which is within the territory of the 12 good men and women and true—the jurors.

The judge has plenty of things on his hands without having to be both judge and jury, because not only does he preside over the conduct of the case but also he ensures that the evidence is admissible; he makes rulings on material or assertions that may be made or introduced by the Crown or the defence counsel; he is responsible for summing up to the jury the facts as disclosed by the jury; and he identifies to jurors the issues as well as the necessary ingredients of an offence which have to be proved. When a judge has given his or her summing up, it is a matter for the jury to go away and make a decision on the evidence.

To place the judge in the position of not only having to perform the duties he performs as an impartial observer, an arbiter, but then having to go away and be the jury also, we believe puts him in an invidious position. If the judge gives a decision for acquittal, there is no right of appeal to the Crown and this is a most unsatisfactory situation, too, as we believe that the Crown should have the right of appeal in the case of an acquittal.

The Mitchell Committee made recommendations supporting the right of an accused person to make an election to be tried by a judge and jury or by a judge alone. We are not very happy with the Attorney-General's suggestion in another place that if the Mitchell Committee makes a recommendation it should be followed. He is not being consistent on that score because, for example, the Evidence Act is one area where we brought up the Mitchell Committee's recommendations, I believe, on four separate occasions in this House, and on each occasion the recommendations of that committee have been rejected. So, there is no consistency and certainly no strong reason why the recommendations of the Mitchell Committee should be accepted.

The Law Society made a submission to the Attorney-General opposing the granting of the right of an accused person to make an election to be tried by the judge alone. The Society puts it on a much longer term basis, of this probably being the thin end of a wedge, to remove juries completely in certain cases. The third instance where there is substantial amendment is in the area of disqualification

from jury service. The Law Society again raises some questions about disqualification for trivial offences, particularly in respect of a driver's licence where one is disqualified for six months, and the Society argues that there is a very large range of minor offences for which imprisonment is a theoretical punishment but which is rarely imposed. If jurors are to be disqualified from being convicted of a minor offence which is punishable by imprisonment but for which there is no period of imprisonment imposed this would be a very harsh decision against a large range of people in our communities.

We would like to look at the question of who should participate in the decision of whether or not an accused person is innocent or guilty. We would seek to have tighter conditions for disqualification included in the Bill. We have amendments before the House which will be given due consideration in Committee, and perhaps we can develop them more extensively there. It is a matter of judgment whether a person is suited for jury service. With regard to the periods of imprisonment that have been imposed, we take the view that, no matter what period of imprisonment has been imposed, or what length of time has elapsed since the end of that prison sentence, anyone who has been sentenced to imprisonment ought not to be eligible to serve on a jury.

The Attorney-General in another place said that the occasion 'must' arise—and it is that single word I take issue with—when a person has expiated past crimes and whatever happened should be no longer taken into consideration. I do not believe that the word 'must' applies in all circumstances and certainly there are people in our community who have committed quite heinous crimes, who are free and who I certainly would not like to see on any jury. I do not believe it is fair on the general public, and the Attorney-General is not representing public opinion when he brings these amendments before the House.

The fourth issue is the reduction in the minimum and maximum ages for jury service. That was a fairly contentious issue, reducing the age of jurors to 18, but we do not have any strong objection to that and, likewise, amendments moved by the Opposition to extend at the other end of the age range the serving age of jurors from 65 to 70 were accepted, and that provision is now in an acceptable form.

The Liberal Party is quite prepared to support the provision in the Bill to reduce the minimum age for jury service to 18 years now that the acceptance age of 70 has been provided for in the legislation. The rationale behind extending it to 70 years lies in the fact that members of the Judiciary do not have to retire until they reach 70. The age of 72 is when directors of public companies must thereafter be endorsed by annual meetings of shareholders before they can continue as directors on a year to year basis.

Another issue before the House and subject to change is the categories of persons not eligible for jury service. A very comprehensive list is presented in the third schedule and rather than debate that issue at length in the second reading stage, I will be moving amendments to four of the lines in that third schedule. There would have been more amendments but one of the amendments was accepted, that being the one which removed from eligibility the Governor's wife and Lieutenant-Governor's wife—quite an appropriate acceptance, we believe.

Another area of contention lies in the questionnaire, but an amendment was moved in another place by the Attorney-General himself, following an extensive debate on, I think, clause 16. As a result, the area of application of the questionnaire has been quite considerably restricted. There are other matters contained in the legislation. One is addressed in the Bill regarding the provision for the Sheriff to excuse a potential juror from attendance in compliance with a summons by reason of ill health, conscientious objection or any other reasonable cause. We are not quite sure that the area of reasonable cause is clearly defined. We did raise the question of whether a student at a university, who might be asked to perform jury service at a critical time of study or near exams, might be excused. In the past, it has been the practice to defer any compliance with a request to serve on a jury but, even so, we believe there are a number of areas which were not properly addressed in the legislation and which might have been tidied up.

This is to a large extent a Committee Bill, and as a number of amendments are to be moved and debated in the Committee stage, we support the legislation through the second reading but will be moving a number of amendments. The Minister placed amendments before us during Question Time today, giving very little time for their consideration. We are advised that the amendments have been in his possession for about two weeks, and I have the Minister's apology for not having handed them to the Opposition earlier. I also have an assurance that all those amendments are essentially statutory revisions which should prove acceptable to the Opposition.

However, as both the shadow Attorney-General and I have been involved in the passage of legislation through the two Houses ever since we received those and other amendments placed before us in the past few minutes we have not had time to give our approval to those statutory revisions. Under the circumstances, while we will not oppose those amendments by way of division, nevertheless, we cannot give our concurrence to them, and our silence will not mean approval. They will be given much more than the cursory consideration they have received today when the Bill goes back to the Upper House.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

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

Motion carried.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank honourable members for the comments on the Bill, which is an important measure. The matter was debated very fully in another place by the Attorney-General and the shadow Attorney-General, and the Bill has been introduced into this place in a slightly amended form. I understand that the Opposition intends to move amendments that were moved in another place and defeated. The Government intends to move a series of amendments to the Bill. I shall explain its reasons for that. I apologise to honourable members for not being able to provide copies of the proposed amendments earlier. The amendments result from an examination of the Juries Act prior to its consolidation and rewrite by the Commissioner of Statute Revision. The Commissioner intends to republish a reprint of the Juries Act as soon as the Bill presently before the House is in force, and in order to expedite matters has prepared his usual Statute law revision amendments not as a separate Bill but as amendments to the Bill now under consideration.

The amendments do not make any substantive changes, but simply are for the effecting of the usual tidying up of inconsistent expressions, obsolete material, grammatical flaws and antiquated drafting. The first four amendments relate to new material inserted by the Bill; the rest relate to existing provisions of the Act and for the sake of simplicity have been included in the schedule. I am sure all honourable members would understand the merit of moving these amendments at this time. It is important that a completely updated version of the Juries Act be made available as soon as possible to the public and particularly to the courts, legal practitioners and the officials in the administration of the

justice system in South Australia. It is preferable to do this at this time rather than go through a further amending process later.

Therefore, I seek the indulgence of honourable members for this course of action to be undertaken today.

The member for Mount Gambier has outlined the Opposition's concern in regard to a number of measures, and, as I have said, those matters were debated fully in another place. I agree with the honourable member that rather than debating these matters at the second reading stage it would be more appropriate to debate them during the Committee stage of the Bill. I seek the support of honourable members for this measure.

Bill read a second time.

In Committee.

Clause 1 to 3 passed.

Clause 4—'Repeal of s. 2.'

The Hon. G.J. CRAFTER: I move:

Page 1, lines 19 and 20—Leave out 'amended by striking out section (2)' and insert 'repealed'.

This is one of the amendments to which I referred earlier for amending the legislation on the recommendation of the Statute Law Reform Committee.

Amendment carried; clause as amended passed.

Clause 5—'Repeal of ss. 5, 6 and 7 and substitution of new sections.'

The Hon. G.J. CRAFTER: I move:

Page 1, lines 24 and 25—Leave out '(including a Circuit Court)'.

Amendment carried.

The Hon. H. ALLISON: I move:

Page 1, lines 28 to 32—
Page 2, lines 1 to 15—
Leave out proposed new section 7.

As referred to in the second reading debate, the Opposition does not believe that it is appropriate to give an accused person the right to elect to be tried by a judge rather than by a judge and jury. The Opposition foresees some possibility of an accused person and others going around shopping for the right judge to come along. The Opposition believes that the judge and jury system is really one of the corner-stones of the judicial system in Australia. We foresee difficulties in the ability of legal advisers to advise their clients properly on the best way to deal with a trial, that is, as to whether a person should apply for the case to be heard before a judge alone or whether the case should be heard by judge and jury. This would place legal counsel in a very difficult position. Also, as was pointed out earlier, this would place the judges themselves in the most invidious position of having to be judge and jury.

I point out that problems have been evident in regard to the Family Court interstate, where acts of violence have been perpetrated against Family Law Court judges. We believe that if the onus of acting as judge and jury is placed on members of our Judiciary, the possibility of their being the subject of violent acts would be greatly increased. During the second reading debate the Opposition also referred to the fact that the Crown would no longer have the right of appeal. We believe that it would be inappropriate for a single man or woman judge to acquit someone on the basis of being better equipped to judge than is a jury, and for there to be no right of appeal against that unilateral decision. We think that that would be most inappropriate.

Further, the Opposition believes that the establishment of such a procedure, where the judge would also be passing the final verdict, would quite possibly extend the period over which a trial is held. The judge would have to listen extremely carefully to all the evidence aduced, and he would certainly have very little time available in the course of a long trial to collate and present the reasons for his verdict. The Opposition believes that it would be much more appropriate for judges to remain in the impartial position that they now currently enjoy. I ask members of the Committee to support the Opposition's amendment.

The Hon. G.J. CRAFTER: The Government opposes this amendment, which was moved in another place and defeated there. It does so on a number of grounds, but I first comment on what I believe is an error in the explanation given by the member for Mount Gambier—and that is that the judge here is placed in a position of judge and jury. I point out to the honourable member and to the Committee that in the civil jurisdiction in this State all trials are without jury.

Honourable members may be aware that, for example, in New South Wales in civil trials there is an option of judge alone or judge and jury. Many quite notorious defamation cases are heard in that State by judge and jury; that is not the case here. The analogy that the honourable member has drawn with the Family Court is quite erroneous. Unfortunately, there have been a number of acts of violence—indeed very tragic attacks—on judicial officers of that jurisdiction of the Family Court.

However, I suggest to honourable members that that is not as a result of the judge deciding those matters without a jury. I believe that the nature of the matters dealt with in that court unfortunately do lead to judges becoming focal points in the resolution of disputes within families. I say that that is an erroneous analogy, because acts of violence are not perpetrated, or fortunately only very rarely perpetrated, against judges in civil jurisdictions where they hear often complex, involved matters of great moment to individuals, raising passions. The Family Court is a different matter altogether.

As to the matter of shopping around for judges, the Attorney-General has explained in the Legislative Council that the legislation provides that the rules of court may be drawn up relating to this matter and specifically there will be inserted in those rules requirements that will eliminate that sort of activity. The honourable member also raised the problem of advice from lawyers. That is not regarded as a practical problem. Lawyers advise their clients on a whole range of very emotive and complex issues now both in civil and criminal matters. It is not seen that this will add any additional burden to that work of lawyers in advising their clients in this way.

It may well be that the general feeling in this State may be not to make the election and to continue with trial by jury in most cases. However, the basis of the Government's advancing of this reform is the Mitchell Committee's recommendations. I point out to the Committee that the Mitchell Committee did not consist just of Justice Dame Roma Mitchell alone but two other eminent persons—Mr David Biles, of the Australian Institute of Criminology (a well known researcher in criminology and criminal law in this country) and Professor Colin Howard, from Melbourne University (who has written widely in the criminal law and criminal justice system). This recommendation is based on their work and on the conclusions that they have drawn.

Mr BAKER: I wish to express my support for the amendment. In response to the Minister's explanation about clause 7, I remind him that we are not talking about civil jurisdictions and that the process of law is somewhat different in civil jurisdictions in a number of aspects from those in the criminal jurisdiction. One of the things about this clause is that rules of court will be drawn up to stop shopping around. I suggest that clause 7(1)(a) directly says to a person that if they have the right to judge at the criminal inquest stage they may be better off with a judge rather than judge and jury, because it says 'trial by the judge alone'. It is 'the' judge at present in the proposed clause.

I want to bring to the Committee's attention some things that have happened in Australia long after the Mitchell

Committee report was produced. A number of recommendations in that report tried to take the criminal justice system forward in time, but a number of aspects have not been taken up for very good reasons. We are reminded that things are happening elsewhere in Australia with a High Court judge and in New South Wales, where particular judges whom I will not name today have had a reputation of applying shorter sentences and where there has been a suggestion of some reward being provided and some gains having been made.

These new proposed rules do not make the process of criminal law jurisdiction better; they make it subject to greater corruption. It is quite clear to everybody on this side of the House that that is exactly what could well happen under this clause. The Minister says that we will fix up the rules of court. One cannot fix up rules of court if the judge allocated happens to be the right judge. As the Minister knows, there are some inequities in the sentencing system in South Australia.

One only has to sit through justice cases in the Supreme Court on occasions to see some of the disparities in judgments made to understand that there is a different viewpoint given by certain judges. I know that the Minister well understands that on the subject, for example, of drugs there is a wide disparity of fines and sentences within the courts jurisdiction. So, it is not sufficient for the Minister to say that we will fix it up in the rules of court. This leads to a great deal of corruption. It is wrong in principle that the accused should elect who should hear his case. I believe that the provision as it stands today is the most appropriate, and that we should reject the clause and accept the amendment put forward by the member for Mount Gambier.

The Hon. G.J. CRAFTER: I correct the member for Mitcham. He said in his last statement that he opposes the accused having the power to elect which judge he chooses. That is not the thrust of this reform at all. It is to provide a choice between having a trial by judge or having a trial by judge and jury. The explanation given in this Chamber and in another place with respect to choosing the judge the accused may think is the most desirable is not an option open for an accused.

Amendment negatived; clause as amended passed.

Clause 6 passed.

Clause 7—'Disqualification from jury service.'

The Hon. H. ALLISON: I move:

Page 2, lines 27 to 37—Leave out paragraphs (*b*) and (*c*) and insert new paragraphs as follows:

(b) he has at any time been sentenced to a term of imprisonment (whether or not that term was suspended);

(c) within the period of 10 years immediately preceding the relevant date, he has served the whole, or a part, of a term of detention in an institution for the correction or training of young offenders;.

I express the Opposition's concern that under new section 12 a person is disqualified from jury service only if he has been sentenced to a term of imprisonment exceeding two years or if the sentence is a period of imprisonment of less than two years and the accused has completed the service of the term more than 10 years before the date on which he or she was required to serve on a jury. This clause involves the obligation of anyone to serve on a jury. As we are all aware, serving on juries determines the future of the accused. It has a very critical bearing. To suggest that a person who has served any time at all in prison does not come out of that place with his or her attitude to life coloured considerably I think would be denying the truth. We believe that any period of imprisonment will have some effect upon a person who might subsequently be asked to serve on a jury, and for that reason we believe there should be a complete exclusion of such people from jury service.

The second part of the amendment relates to young offenders. We recognise that young people are accident prone in their earlier days, they are rash and impetuous, and we do not believe sins committed in youth should be a burden for the rest of a person's life, nevertheless, we believe there should be a considerable period—and we believe 10 years would be appropriate—before the date of requirement to serve on a jury. For that reason we are moving the amendment to the effect that if a young person has not served a period of detention within the preceding 10 years that person is eligible to serve on a jury.

The Hon. G.J. CRAFTER: The Government opposes this amendment. I acknowledge the arguments that the honourable member has advanced but nevertheless reject them. This is a difficult area and it is a matter, I suppose, of whether one believes that a person who has served at some stage in their life a period of imprisonment should ever be forgiven by society for the offence and the resulting punishment that has been incurred by that person. I believe the amendment could lead to harsh results and one does not want to detract from the administration of criminal justice being based on the broadest possible inclusion of the feelings, the wishes and the desires of the general community and having the support of the community as a whole.

It could be that a person received a one month term of imprisonment for a relatively minor offence, an offence which did not involve a trial by jury but which was tried summarily when that person was 18 years of age and for the rest of his life he would be precluded from jury service. That person could have risen to any height in the community, he could have accepted all sorts of responsibilities in his public and professional life, and, of course, it is a matter of balance, working out where to draw the line. The Government accepts the Opposition's attempt to compromise but believes that the proposition advanced on this matter goes too far.

Amendment negatived; clause passed.

Clauses 8 to 13 passed.

Clause 14—'Power of Sheriff to excuse in certain cases.'

The Hon. H. ALLISON: I move:

Page 4—

Line 1—After 'is amended' insert:

'—

(a)'

After line 2—

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsections:

(2) If the Sheriff is satisfied that a person who has been summoned to attend as juror is entitled to decline to undertake jury service, he shall, upon application made by or on behalf of that person supported by such evidence as the Sheriff may require, excuse that person from attendance in compliance with the summons.

(3) For the purposes of subsection (2), a person is entitled to decline to undertake jury service if he is a person of a class mentioned in the fourth schedule.

(4) An application under this section to be excused from attendance as a juror must be made before the first day on which the person summoned is required by the summons to attend as a juror.

During the second reading stage we indicated our concern in relation to the power of the Sheriff to excuse for any reasonable cause (whatever 'reasonable' may mean) a person from attending for jury service. We indicated that the way the new section 16 is drafted and the substantial variations to the third schedule would mean that more people would be liable to be in difficulties in respect of attendance at trials, whether they were short or long trials. We therefore believe that there is substantial need for an amendment to this clause and we ask the Committee to accept the amendment.

The Hon. G.J. CRAFTER: The Government opposes the amendment. The philosophy behind this Bill was to try, as far as eligibility for jury service was concerned, to restrict as far as possible the exemptions that were available to people. A very wide range of people in the community are exempt from jury service, and that must limit the efficiency of the role of the jury in criminal justice. The Government believes that a jury, as an important institution of our judicial process, should as far as possible reflect the community. That was the rationale behind reducing the minimum age limit to 18 years, accepting the amendment moved in the other place to increase the maximum age limit to 70 years, and restricting exemption from jury service to a very limited and narrow range of people, such as the Governor, members of Parliament, members of the Judiciary and the police—in other words, people involved or potentially involved directly in the administration of justice.

On that basis, we believe that the net should be cast as wide as possible. There should be no automatic *prima facie* case for exemption, apart from those people to whom I have referred. That being the case, I do not see that a certain group of people should have the right to decline jury service when other people do not have the right. The problem with the proposition advanced by the Opposition is that to some extent it is an arbitrary list. Students who attend a university or a college of advanced education during the day may decline jury service, but a student at a college of technical and further education, taking a trade or any other course during the day, may not decline. Therefore, one group of students could decline to undertake jury service but another group would not have that right.

The same argument could be applied to managers and officers of banks. What about managers and officers of building societies, credit unions and the like? Why should that sort of distinction be drawn regarding nurses, nurse aides, radiographers and electrocardiograph operators? Medical and hospital staff are not mentioned; physiotherapists, may decline but chiropractors may not.

The provisions of the new section are considered to be broad and flexible enough to cater for the people to whom the honourable member would accord a special status and all other people who may be equally deserving of consideration. The second reading explanation outlined the kind of information on which the Sheriff would act and the reasons that he would consider reasonable cause to exempt people from jury service. The Government considers that the new provision is sufficient for these purposes. New section 16 empowers the Sheriff to excuse a person from attendance if he is satisfied on the basis of information verified by a statutory declaration that the person should be excused by reason of ill health, conscientious objection or any other reasonable cause. There may be an appeal from a decision of the Sheriff to a judge if a person is aggrieved by the decision of the Sheriff not to exempt him.

These exemptions are commonly granted in the circumstances explained in the second reading explanation. I believe that the administration of the Act by the Sheriff in that way is satisfactory without our creating a whole host of exemptions from jury service. If that was to occur, the administration of justice would be weakened.

Amendment negatived; clause passed.

Clauses 15 to 25 passed.

Clause 26—'Majority and alternative verdicts.'

The Hon. G.J. CRAFTER: I move:

Page 6, line 30—Leave out 'reach' and insert 'return'.

This amendment is designed to tidy up the verbiage of the legislation.

Amendment carried; clause as amended passed.

Clauses 27 to 29 passed.

Clause 30—'Right of Crown to challenge.'

The Hon. G.J. CRAFTER: I move:

Page 7, lines 31 and 32—Leave out all words in these lines after 'principal Act is' and insert 'repealed'.

This is another amendment recommended by the Statute Reform Commissioner.

Amendment carried; clause as amended passed.

Clause 31 passed.

New clause 32.

The Hon. G.J. CRAFTER: I move:

Page 8, after line 11—Insert new clause 32 as follows:

32. Part VII of the principal Act (comprising sections 70 to 77 inclusive) is repealed and the following new Part is substituted:

PART VIII
FEES

70. (1) Every juror who is summoned and punctually attends a court in compliance with the summons is entitled to be remunerated for his service in accordance with a scale prescribed by regulation.

(2) The remuneration shall be paid out of the General Revenue of the State, which is appropriated to the necessary extent.

This clause came into this House from the Legislative Council in erased type. It refers to money matters and, of course, that constitutionally is not a province of the other place. It is therefore moved in this form in this place.

Mr BAKER: In relation to the fees, will it be taken into account that there will be certain public servants who may perform jury service and who are paid for that jury service as well as being paid for their absence from work?

The Hon. G. J. CRAFTER: I do not have that precise detail and I am not quite sure of the existing practice with respect to public servants who do—

Mr Baker interjecting:

The Hon. G.J. CRAFTER: Perhaps they are persons who perform duties that come under the public pay-roll system but who are not specifically public servants that are excluded from that area. However, I can ascertain that information for the honourable member and advise him in due course.

New clause inserted.

Clauses 33 and 34 passed.

New clause 34a—'Penalty for soliciting information from jurors.'

The Hon. H. ALLISON: I move:

Page 8, after line 23—Insert new clause as follows:

34a. The following section is inserted after section 83 of the principal Act:

83a. (1) A person shall not solicit from a juror or former juror—

(a) any information as to deliberations of a jury of which the juror or former juror is, or was, a member; or

(b) any information as to whether—

(i) the juror or former juror; or

(ii) any other member of the jury, concurred or did not concur in a decision or verdict of the jury.

Penalty: Two thousand dollars or imprisonment for three months.

I simply point out that this is really a clause to protect jurors from future harassment after they have served obviously on more contentious and more newsworthy cases. I am quite sure that all members of the House would be aware of the harassment that has taken place in other countries. We hear of this happening in the United States in particular, although in South Australia there is not a great deal of evidence of this happening. However, it is a protection from people soliciting information from members of juries in an attempt to have specific information not only about what the juror did but about what other members of the jury may have said and thoughts that they may have expressed during an important case.

We do not think that it is appropriate that jurors should be subject afterwards to an intrusion on their rights by people soliciting newsworthy information. We point out that

we are not trying to impinge on the rights of the media other than to stop attempts being made to solicit information. If information is voluntarily passed, obviously the obtaining and subsequent publication of that information is quite all right, and we are not putting any penalties on the jurors themselves. However, we believe that the passage of this amendment would assist the court in reinforcing the obligations of jurors and would also have some effect on the juror's being much happier and much more relaxed about serving on a jury in the knowledge that they could not be solicited by anyone afterwards for information as to the conduct of a trial. We believe that it is far more important that the public sees the outcome of what has happened in the jury room by way of the verdict rather than having specific information solicited on how that verdict was arrived at.

The Hon. G.J. CRAFTER: The Government does not accept this amendment, although it does raise quite important issues. Obviously the Government will monitor this area of the law. However, I believe that the fears that the Opposition has expressed are not founded. In fact, in my limited experience it is quite the reverse. Rather than soliciting information from jurors, jurors often want to reveal information that is related to their jury service. Technically, the amendment moved by the Opposition could preclude any legitimate research about the jury system. It might catch a spouse who asked a juror what went on in the jury room during the day and how they got on—the normal sorts of discussions about cases which occur in private and which are normally protected because of the general conventions in the community about confidential discussions.

It can be broad enough to catch purely innocent behaviour, and I am sure honourable members would agree that that is not desirable. I do not think that a case has been made out to protect jurors as such. Obviously, if they are approached they do not have to answer questions. As I said before, I do not believe that the problem that the honourable member has outlined has reached such proportions in Australia to indicate that the jury system is under threat in that way. In the other place, the Attorney quoted from some commentaries in this area, and I think that that further advances the argument that the Government places with respect to this matter, whilst acknowledging the complexity of the matter with which we are dealing.

Mr BAKER: I support the amendment. There have been recent examples where this has happened. We had the Splatt case, where members of the jury were visited and and actually asked, 'Did you feel comfortable about the decision?' We have had it in the Chamberlain case and in other cases where circumstantial evidence has been used to convict the person concerned. At the same time media programmes have been running which could have affected the views of the people who have been asked for their opinion on their deliberations and those of people in the jury room.

I believe that deliberations in the jury room are sacrosanct. Any reflection on them after the event could well be subject to some difficulties because of loss of knowledge over a period of time. There may be some reflections on the other members of the jury and indeed on the decision made by the jury. This measure is put in as a form of protection. Unlike the Minister, I believe that there is a growing tendency to question verdicts where the evidence has been circumstantial rather than eyewitnesses' evidence. I believe that it is also important that the law now protect those people from approaches made by members of the media, and I strongly support this amendment.

The Minister points out that it could well be that a juror's wife one night could say, 'How did you get on today?' or that type of thing. That is a fallacious argument because obviously that situation would never come to the attention of any law enforcement jurisdiction. The cases that will come before it will be those that have been given further publicity, and that publicity will be given as a result of the findings of a particular report on a certain subject from a juror. I strongly believe that this is an essential part of the machinery of the Juries Act. I fully support the inclusion of this new clause in the Act and I hope that, whilst the Government will not accept it on this occasion, it will see the wisdom of its ways before the end of its term.

The Hon. G.J. CRAFTER: I point out to the honourable member that, as I said earlier, the Attorney-General in another place referred to this in the debate. He also referred to a case in the Court of Appeal in the United Kingdom, namely, the *Attorney-General v. New Statesman and Nation Publishing Company Limited.* The recourse in the circumstances that the honourable member describes is, of course, covered under the law of contempt. The judges in that case addressed this question. I quote briefly from the commentaries as follows:

> This passage of Lord Edmund-Davies supports our view—referring to an earlier case—
>
> that each case of disclosure has to be judged in the light of the circumstances in which the publications took place. In the instant case the sole ground on which the allegation of contempt is based is the publication of some of the secrets of the jury room in this particular trial. Apart from that, there are no special circumstances which, it is suggested, call for condemnation.
>
> It appeared there that the disclosure from the jury room and presumably the soliciting of disclosures from the jury room can constitute contempt of court even after the case has been finalised. However, it depends on the circumstances of the soliciting of the information or the disclosure of the deliberations of the jury room. Rather than creating a statutory offence it is better left to the flexibility of the courts and the Attorney-General of the day to determine whether proceedings should be taken for contempt and then it is possible for the court to assess whether or not there really was a contempt. That procedure provides a greater, and I believe an important, flexibility in our judiciary system. The law is adequate and is more flexible than that which the Opposition seeks to achieve by these amendments. It is for that reason, and emphasising of course the absence of any real difficulties that have been experienced in this country, that this amendment is not acceptable.

Mr BAKER: The Minister has not covered the harassment of jurors. There is no provision for the protection of people who serve on juries. Whether it becomes contempt is, in the British case, obviously contingent upon what transpired and how definite the evidence was that was actually published. That is the extreme end. There have been occasions in Australia and overseas where there have been what I consider to be contempts, under the definition and under the case cited that the Minister has mentioned here today, that have not been taken up. I do not want to quote particular circumstances but the Minister knows well enough that there have been public cases here in Australia which could have been the subject of an Attorney-General instructing an action be taken against a journalist for contempt. It has not been done, so, even though the right may exist, it appears that it is not a right that is taken up by Attorneys-General in this State or in the Commonwealth jurisdiction. Very importantly, the question on harassment is still not answered. I ask the Minister what is the current penalty for a contempt of court, that could be imposed on a newspaper or journalist, should a charge be proved?

The Hon. G.J. CRAFTER: Without the advice of counsel, the common law offence of contempt carries both monetary and imprisonment penalties and they are quite severe. The honourable member may recall that the *Rivett* case carried a substantial penalty. Obviously those penalties are quite substantial.

New clause negatived.

Clauses 35 and 36 passed.

Clause 37—'Repeal of third schedule and substitution of new schedule.'

The Hon. H. ALLISON: I move:

Page 9—

Lines 5 and 6—Leave out all words in these lines and insert "Persons and the spouses who are employed, or who have, within the period of two years immediately preceding the date upon which their eligibility or the eligibility of their spouses for jury service falls to be determined, been employed, in a department of the Government that is concerned with the administration of justice or the supervision or punishment of offenders,".

Lines 7 and 8—Leave out all words in these lines and insert "Persons and the spouses of persons who are employed, or who have, within the period of two years immediately preceding the date upon which their eligibility or the eligibility of their spouses for jury service falls to be determined, been employed, in the administration of courts or in the recording or transcription of evidence taken before courts,".

After line 8—Insert new schedule as follows:

Section 19a.

FOURTH SCHEDULE

Academic staff or Colleges of Advanced Education and Universities;
Ambulance Brigade members;
Clergymen, priests and ministers of any religious denomination who follow no secular occupation or none except that of schoolmaster;
Employees of commercial airlines;
Managers and officers of banks;
Medical practitioners, dentists and pharmaceutical chemists, actually practising as such;
Members of a council constituted under the Local Government Act, 1934;
Members of a religious order living in a monestry, convent or religious house;
Newspaper editors, publishers and journalists;
Officers of Fire Brigades and Emergency Fire Services;
Opticians actually practising as such;
Persons who own and operate their own businesses;
Physiotherapists actually practising as such;
Schoolmasters and teachers;
Students who attend during the day at any College of Advanced Education or University;
Veterinary surgeons or practitioners, actually practising as such.

I will speak to my three amendments concurrently. There has been some exemptions of persons from serving on juries, and they include the spouses of the Governor and the Lieutenant-Governor, to whom I referred previously; all members of the Judiciary and the magistracy; and spouses of justices of the peace and members of the Police Force. We accept that. We were also considering moving an amendment to exempt the spouses of legal practitioners who may be actually practising and who may be in receipt of special information regarding the conduct of a court case. We accept that in another place the Attorney-General declined the amendment so moved on the basis that there would already be existing grounds for the person so called for jury service to be appealed against. In those circumstances, he felt that was sufficient ground for refusal of the amendment to exclude the spouses of practising solicitors.

However, we believe that there are a number of other persons and their spouses and we are moving amendments in the third schedule to exclude these people. In particular we would refer to persons and the spouses of persons who are employed, or who have, within the period of two years immediately preceding the date upon which their eligibility or the eligibility of their spouses for jury service falls to be determined, been employed in a department of the Government that is concerned with the administration of justice or the supervision or punishment of offenders.

We believe that this category and the next one, which relates to persons and the spouses of persons who are employed, or who have, within the period of two years immediately preceding the date upon which their eligibility or the eligibility of their spouses for jury service falls to be determined, been employed in the administration of courts or in the recording or transcription of evidence taken before courts.

Both the first and second categories are special areas of employment, and it is quite appropriate for those people to be excluded from jury service. There should not be anything within the administration of justice that can be the subject of comment as to conflict or undue influence, and we believe that the exclusion of such people within the period of the preceding two years is an appropriate amendment to move. We also believe that acceptance of the amended fourth schedule would be an appropriate decision.

The Hon. G.J. CRAFTER: The Government does not accept these amendments. They cast the net too wide and, therefore, the Government cannot accept them in the interests of the administration of justice. The law as it will operate will clearly rule that a person or the spouse of a person who is involved in a case would be ineligible under the normal rules and, therefore, the fear that the Opposition has expressed is not in that respect well founded. The judge would not allow to be empanelled on a jury, a person of the kind whom the Opposition fears and who has that interest in the matter before the court. On the other hand, it is important, as I have said a number of times in this debate, that we should cast the net that calls in jurors as wide as we possibly can so that the community does have that confidence. It is for those reasons that the amendments are not acceptable.

Amendments negatived; clause passed.

Clause 38 passed.

New schedule.

The Hon. G.J. CRAFTER: I move:

Page 9, after clause 38—Insert schedule as follows:

SCHEDULE

The principal Act is further amended as follows:

Long title—

The long title is repealed and the following long title is substituted:

An Act to provide for the constitution, powers and duties of juries in relation to criminal inquests; and for other purposes.

Section 3 (1)—

From the definition of 'criminal inquest' strike out 'any issue joined upon an indictment presentment or information for'.

Strike out the definitions of 'inquest' and 'subdivision roll'.

Section 4—is repealed.

Section 18—

Strike out 'either of the last two preceding sections' and substitute 'section 16 or 17'.

Heading to Part IV—

Strike out, 'JURORS BOXES AND CARDS'.

Section 20 (1)—

Strike out 'in the manner hereinafter provided; and substitute 'in accordance with the Parliament'.

Strike out 'Returning Officer for the State' and substitute 'Electoral Commissioner'.

Section 22—

Section 22 is repealed.

Section 24—

Strike out 'thereof' and substitute 'of the list'.

Section 29 (5)—

Before 'not less than' insert, 'but'.

Section 55—

Strike out 'consider their verdict, permit them to separate' and substitute 'considers its verdict, permit the jurors to separate'.

Section 61—

Strike out 'Circuit Court or'.

After 'each party' insert '(including the Crown)'.

Section 63—

Strike out 'herein allowed' and substitute 'allowed under this Act'.

Section 84—

Section 84 is repealed and the following section is substituted:

84. Proceedings for offences—Except as otherwise provided in this Act, proceedings for offences against this Act shall be disposed of summarily.

Section 92—

Strike out 'herein contained' and substitute 'in this Act'.

First schedule—

The first schedule is repealed.

These further amendments have been recommended by the Commissioner of Statute Revision.

New Schedule inserted.

Title passed.

Bill read a third time and passed.

RESIGNATION OF HON. PETER DUNCAN

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

The SPEAKER: No provision exists under Standing Orders for the honourable member to make such a statement, but if it is the unanimous wish of members that leave be granted in the applicable circumstances, the Chair would not be too offended.

Leave granted.

The Hon. PETER DUNCAN: First, I thank members of the House for their indulgence this afternoon. I wish to deal, first, with a preliminary matter before coming to the substance of the statement I wish to make. To set the record straight, and I will not go into detail, the member for Coles some time ago, relying on some information that appeared in the University newspaper *On Dit*, made certain allegations in the House. I will not canvass them now, but place on record that the Editors of that newspaper, in their edition dated 24 September 1984, retracted absolutely and totally all material contained in that article and apologised to me as a result of that.

The main purpose of my seeking to make a statement to the House today is that, at the conclusion of my remarks, I intend to hand to you, Mr Speaker, my resignation from the House of Assembly to enable me to then proceed to nominate for the Federal seat of Makin. This comes as no surprise to members, no doubt, and I will tender that resignation in just a moment. Before so doing I wish to place on record one or two matters that I consider should be on the record. I particularly want to say some 'thank yous' to a number of people who have been very good to me whilst I have been here.

Mr Ashenden: Does that include the Premier?

The Hon. PETER DUNCAN: I would have thought that that sort of comment was a little inappropriate under the circumstances. As the member points out, there have been some hard times whilst I have been in this Parliament. It has not been easy, at least for a person who is a reformist. It is not easy, of course, to be a politician: we all know that, although sometimes one wonders whether that fact is as well known in the community. If one does the job well and works hard, inevitably one makes a lot of friends and some enemies because, inevitably, if one is going to reform laws and change things one is in a situation where, whilst doing one's best by the people who are going to benefit, with all changes there are some positives and negatives: some people gain and some people lose, as it would seem to them, anyway. There have been times in the almost 12 years I have been here when there have been high pressures, and I have been very grateful for the support of some very fine people in this place: close friends and working mates. I have enjoyed the support that I have had—I think I can say at times from the whole Parliament and certainly from members on this side—and I thank them very much for that.

The great regret I have about taking the step I am taking is that I will no longer have such close ties with the people of Elizabeth. Over the years I have enjoyed enormously being the member for Elizabeth and it is my sad regret that the Federal seat that I am seeking to represent does not include Elizabeth. I say also a very great 'thank you' to my electorate secretary and assistant, Bridget Phillips, for her assistance.

Mr Becker: She deserves it.

The Hon. PETER DUNCAN: Indeed, she does. I thank all staff at Parliament House, particularly the attendants, the much suffering *Hansard* staff, the Library staff, research officers, secretarial staff, and the catering staff, with particular reference to Irene and Nancy, who over the many years have been very good to me. I have always had a very interesting relationship with members of the press, but by and large in their capacity as working journalists, I have had a very good relationship with them and thank them for the support I have had and the fair way they have treated me.

Finally, Mr Speaker, I thank you for the way you have treated me during your time as Speaker. You have been very fair: I appreciate that and thank you for it. I simply conclude by saying that I have enjoyed my time here. I can modestly say that I am quite proud of the record that I have left on the Statute Book in South Australia, I had the opportunity of achieving that record with the support of the Labor Party when in Government. My personal view is that South Australia and South Australians are better off for the legislation which, during the 1970s, I was able to place on the Statute Book here.

To say something in my own defence or support, the testimony to that is that, although much of the legislation was controversial at the time, was seen as very advanced legislation for the times, and was radical (a word that can be applied to some of it), that legislation in substance remains on the Statute Book. That is a fair indication that it has, by and large, been judged to be in the interests of the people of South Australia. I thank everyone for their support and look forward to continuing my association with them in another sphere. With those remarks I conclude my time in this place.

Honourable members: Hear, hear!

The SPEAKER: I ask the honourable member to bring forward his resignation. It reads:

25 October 1984

Dear Mr Speaker,

I wish to advise you of my resignation as the member for Elizabeth in the House of Assembly of the 45th Parliament of South Australia. My reason for doing so is that I am seeking to be elected as the Australian Labor Party's candidate for the Federal seat of Makin in the House of Representatives at the general election of the Australian Parliament to be held on 1 December 1984. I desire my resignation to take effect at the time it is received by yourself.

Yours sincerely,
Peter Duncan
Member for Elizabeth.

ADJOURNMENT

At 5.50 p.m. the House adjourned until Tuesday 30 October at 2 p.m..