HOUSE OF ASSEMBLY

Wednesday 14 November 1984

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

PETITION: WEST BEACH GOLF COURSE

A petition signed by 19 residents of South Australia praying that the House urge the Government to oppose the closure of the existing Marineland Par 3 golf course, West Beach, until a new course is completed was presented by Mr Becker.

Petition received.

PETITION: PORNOGRAPHY IN PRISONS

A petition signed by 45 residents of South Australia praying that the House urge the Government to withdraw pornographic material from prisons was presented by the Hon. D.C. Brown.

Petition received.

PETITION: ANTI DISCRIMINATION BILL

A petition signed by 22 residents of South Australia praying that the House delete the words 'sexuality, marital status and pregnancy' from the Anti Discrimination Bill, 1984, and provide for the recognition of the primacy of marriage and parenthood was presented by the Hon. B.C. Eastick.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions as detailed in the schedule I now table be distributed and printed in *Hansard.*

TAFE FUNDING

In reply to the **Hon. MICHAEL WILSON** (11 September).

The Hon. LYNN ARNOLD: The honourable member correctly cites information from table 20 of Federal Budget Paper No. 7 (Payments to or for the States, the Northern Territory and Local Government). That table indicates that between 1983-84 and 1984-85, there is an estimated increase of $38.4 million nationally, but only $987 000 for South Australia—that is, only 2.5 per cent of the increase, against the approximate 9 per cent which might be expected on a proportionate basis. On the other hand, the same table shows that between 1982-83 and 1983-84, there was a national increase of only $7.1 million, while South Australia received an increase of $2.4 million, or 33.8 per cent.

These apparently wide fluctuations represent vagaries in the Commonwealth Treasury's accounting presentation rather than actual budgetary outcomes. Appropriately for a Budget paper, the Commonwealth table represents actual dollar outlays in a financial year. However, TAFEC's dealings with the States are conducted in constant dollars in a calendar year. Thus, total TAFEC grants nationwide in calendar 1985, measured in constant (December 1983) dollars, amount to $299 million, of which South Australia's share is $26.76 million or 8.9 per cent.

TAFEC officers advise that they do not attempt to reconcile their figures with the Commonwealth Treasury's. However, the most likely explanation for the discrepancy concerns cash flow planning. Grants are not received in equal amounts each quarter but are requested by States in accordance with cash flow plans dictated by the pace of progress in building construction, equipment acquisition and similar demands. It may be that in a given financial year one State makes only light requests because the bulk of its expenditure will fall into the second half of the calendar year and hence into a new financial year: if other States have opposite cash flow plans, disproportions in a given financial year may seem quite marked. Over the long term, these discrepancies cancel each other out. Thus, to return to Budget Paper No. 7, table 20, it may be seen that the national increase over the four years shown (1980-81 to 1984-85) is $99.5 million, while the South Australian increase is $9.6 million, or 9.6 per cent.

SHOW BAGS

In reply to **Mr MEIER** (19 September).

The Hon. G.J. CRAFTER: The Minister of Consumer Affairs has advised that two officers of the Department of Public and Consumer Affairs inspected the contents of 87 sample showbags at the Wayville Showgrounds on 20 August 1984. The cameras in question were specifically examined and assessed to be of adequate quality for the showbags. Subsequent to the article contained in the *Advertiser* of 18 September 1984, the Department submitted film shot with two examples of the camera to three film processing companies including the Fotomart and Hanimex Laboratories.

In the view of the Department, the quality of the prints obtained was reasonable having regard to the retail price of the cameras and the instructions provided with them. It is apparent that, if the cameras are used as toys in an unsupervised manner by young children, then poor results are likely. As a result of the Department's investigations and its discussions with both the distributor and manufacturer of the cameras, in future the cameras will be sold as toys with a warning notice broadly along the following lines:

WARNING: TOY CAMERA

This camera can produce photographs. However, quality cannot be compared to that of real cameras.

If you desire to take photographs, please ensure that instructions are followed carefully. Adult supervision recommended. Preferably to be used as a toy.

MORTGAGE DOCUMENTS

In reply to **Mr KLUNDER** (23 August).

The Hon. G.J. CRAFTER: The Government has previously expressed concern at what it regards as the unnecessarily complicated wording of many consumer contracts. Indeed, similar criticism may also be made of many mortgage documents. The Federal Government has circulated draft amendments to the Trade Practices Act and the States have agreed that when this Act is amended it should be made the subject of complementary mirror legislation in the States.

The Trade Practices Act amendments include provisions prohibiting a corporation from entering into a contract that would be unconscionable in all the circumstances. One of the factors to which a court may have regard in determining this question is the form and intelligibility of the contract. The Government intends to press for these amendments to be included in the Trade Practices Act and also to draw up similar legislation for South Australia to ensure that the provisions apply to individuals as well as corporations.

MAIL ORDER CREDIT CARDS

In reply to **Mr MAYES** (15 August).

The Hon. G.J. CRAFTER: The use of credit card facilities, particularly Bankcard, to pay for mail order purchases has become prevalent. The number of instances reported to the Department of Public and Consumer Affairs where fraudulently drawn vouchers have been presented to charge card organisations for payment is negligible considering the number of transactions in which the use of such facilities is involved.

Discussion with major charge card organisations has revealed that they have instituted mechanisms to protect the consumer against fraudulent practices by mail order traders. These mechanisms involve making charge backs to the particular trader involved. Such matters are not regulated by the Consumer Credit and Consumer Transactions Act. However, it would seem that the methods adopted by the organisations themselves afford adequate protection to consumers in the event that a trader is paid on a fraudulent voucher.

QUESTION TIME

NON-PAROLE PERIODS

Mr OLSEN: My question is to the Premier. Because the Crown believes the sentence imposed on Bevan Spencer Von Einem in the Kelvin murder case was manifestly inadequate, and because of the possibility that he could be released from prison automatically under the Government's parole laws after serving about 16 years, will the Government now review those laws in light of that fact? This case has brought to a head a widespread public concern about the operation of the parole system in South Australia. Many people have contacted the Opposition expressing their concern that a person given a non-parole period of 24 years could be released automatically after serving only 16 years. The Government obviously is aware of this concern because of its decision late yesterday to appeal in this case. However, the need to appeal exposes the farce that this whole parole system has become where there is an actual sentence awarded—

The SPEAKER: Order! The honourable Leader is straying very much from his question.

Mr OLSEN: —because many people who are concerned about the parole system have expressed to me their view about a non-parole period being established and then a lesser period being effective as a result of the Government's new system because of the remissions that are applied to it. Since the introduction of the system less than a year ago we have been advised that more than 600 prisoners, many of them serious offenders, have now been given early release. Because of the growing concern of the public and the police about the system and the growing number of criminals who have committed serious crimes and who are offending again soon after release, the Government must now give urgent consideration to the current parole laws.

The Hon. J.C. BANNON: I suppose that one could take a charitable view and say that the Leader of the Opposition is simply naive about these matters, but I know better and I know that he knows better. He, after all, for a short time and in not a very distinguished way, was Minister in charge of correctional services in this State and I would have thought that he, perhaps better than some others, ought to know something about the operations of the parole system, what comparative systems there are in other States and overseas, and what are its objects. He also ought to realise that our parole system, which has been varied but not changed in its fundamentals, still has many elements including the possible release of people serving life sentences. As I say, if he were naive he could say that someone given a life sentence was meant to be in prison for ever—for the rest of their life—because that is what the sentence states. He knows very well that that is never the case: it is the case only in certain circumstances, but—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: In fact, what this system has introduced is particular obligations in relation to the Judiciary in laying down sentences, and indeed it has given the Judiciary the opportunity to have fixed and certain non parole periods in terms of their allowances. That is what has happened, because under the previous system a judge might have imposed a sentence under certain beliefs or understandings with a certain intention and found that intention completely frustrated. The Leader of the Opposition, who asked that question, knows very well that that was the case because while he was Minister they were reviewing the very changes that have taken place.

He knows exactly what is involved and what the problems were. He knows that under that system the Judiciary had no real control over parole periods. I think that the Crown in this case is taking a perfectly responsible attitude, and the Government is supporting it. We have always said that, if we believe that a sentence is not adequate or sufficient and if there are grounds on which to appeal against it, we will do so. In fact, my colleague the Attorney-General has generated, from memory, some 30 or so such appeals and, as I understand it, about half of them have been upheld. I would not like to be held to those precise figures, but that is about the level as I understand it.

In this particular case as with any other, it was felt by the Crown Prosecutor that the sentence was inadequate in these terms. It has certainly provoked a public reaction, but that is surely not as important as what is happening within the judicial and legal process and, again, members opposite know that that is the case and that it is very important to observe those conventions and the independence of the Judiciary. In this instance, the Government has responded certainly and supports the Crown appeal that will take place. However, that in no way cuts across the implications of the parole system we have.

I think that it is also worth mentioning that our system under these new rules has not been in operation long enough to be fully tested—and let me say that if that test proves that changes have to be made, they will be made: there is no question of that. The rate of recidivism—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —in South Australia is in fact very low, and we will try to keep it that way. It is important that we do try to see the penalties that apply to crimes relating also to the ability to ensure that they are not committed again and that there is some reduction in recidivism. That is what the system is about, and it appalls me that someone who had the great responsibility, however briefly, of holding such an important portfolio is totally ignorant of the way in which modern penal procedures should operate and what is best for the protection of the community. I suggest that he ought to cast off in this instance the cheap and callous opportunism that marks the Opposition's approach on this, look at the overall system, and start talking productively about it. We do not mind criticism, and changes will be made if they are necessary, but this nonsense built around an individual case is just not good enough.

Let me conclude by just showing how cynical and shabby they are. Members of the Opposition, when the sentences

were brought down, denounced the parole system and said, 'It is outrageous that such a light sentence should be imposed; something should be done about it.' The Government was accused of being slack. When the Government acts, when the Government in fact exercises, on the proper Crown Law advice, its right of appeal, does the Opposition then turn and say, 'That's good, that's what we want'? Not a bit of it: they are attacking us for doing that; it was not soon enough, it was not often enough. Let us have some constructive criticism and comment, and not the nonsense that we have heard over the past few days.

JOB ADVERTISEMENTS

Mr FERGUSON: Can the Minister of Community Welfare, representing the Minister of Consumer Affairs, inform the House whether his Department—

Members interjecting:

The SPEAKER: Order! This discussion across the benches is quite intolerable. The honourable member for Henley Beach.

Mr FERGUSON: Can the Minister inform the House whether his Department has been made aware of the warning given by the Trade Practices Commission that job seekers should be wary of some advertisements in the 'positions vacant' columns of the daily newspapers? The consumer newsletter for the Department of Home Affairs and Environment (page 4, July issue 1984) has stated that the aim of some advertisers in the 'positions vacant' columns of daily newspapers is not to provide jobs but to entice job seekers to part with their money for employment directories or newsletters of doubtful value. One such advertiser offered jobs for tradesmen, assistants and labourers in the oil exploration industry in Australia and overseas, with incomes of up to $3 000 per month. Job seekers answering these advertisements were invited to subscribe to a directory or newsletter, which cost from $16 to $55 and which contained copies of various job advertisements from newspapers without the permission of the legitimate employer. Some jobs were already filled. The Commission cautioned job seekers to check claims made by advertisers and to think carefully before proceeding to send money for what may turn out to be information which they do not need or which may have little practical value.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. I am aware that the Trade Practices Commission has in fact issued a warning to Australians who are seeking work to be wary of such advertisements and such schemes which may not provide them with employment but which may well relieve them of some of their own financial resources. I will most certainly refer this matter to my colleague for investigation and, no doubt, collaboration with the Federal Trade Practices Commission.

CASINO

The Hon. E.R. GOLDSWORTHY: Can the Premier say whether it is true that the opening of the casino has been delayed by at least a year and, if so, can he say why, and has he discussed the matter with the Lotteries Commission? The Lotteries Commission has been considering the appointment of the casino operator since February. When the matter was referred to the Commission, the Premier said in a press statement on 28 February that he believed a casino could begin operating early in 1985. However, I understand the earliest that the casino can now begin operating is the end of next year, and more likely the beginning of 1986. One of the applicants for the operator's licence is the ASER Investment Trust, partly owned by the ASER Property Trust which, under the principles of agreement for the railway station development signed by the Premier, has first right to lease the casino premises. However, I understand an excellent submission has also been made to the Commission by a wholly South Australian owned company, South Australian Enterprises Pty Ltd. Recent opinion polls indicate quite clearly significant public support for retaining ownership of the casino in South Australia.

The Hon. J.C. BANNON: It is true that there has been a longer delay in the granting of a licence than that which the Government would have anticipated, but whether that will mean a 12 month delay in the opening of the casino I am not sure. I sincerely hope not. It is important that the casino be opened as quickly as possible. After all, at the moment in Queensland a licence has been granted and work is proceeding on the development of a casino there, and I understand that it is due to open some time towards the end of 1985. As to how this delay has occurred, I can only say that the matter rests with the Lotteries Commission, which has the responsibility (and it is a heavy responsibility) of choosing who shall be the operator of the licence.

I understand that the Lotteries Commission is concerned that, in making its recommendation, the most thorough and detailed examination of the various applicants is be undertaken. That includes a whole range of matters, involving not just their financial viability and their proposals for running the casino but also of course their probity and their security in regard to what is an operation where very large sums of money are handled.

The problem that the Government has in terms of making this delay shorter is that under the Casino Act quite properly it must stand at arms length from the decision as to who shall be the operator of the licence. Whatever personal opinions I, the Deputy Leader of the Opposition or members of the public (evidenced by a poll) may have about the operator, the fact is that under the legislation the operator must be chosen by the Lotteries Commission and, in turn, endorsed by the Casino Supervisory Authority.

The Hon. E.R. Goldsworthy: You put in a submission to get it sited at the railway station.

The SPEAKER: Order!

The Hon. J.C. BANNON: If the Deputy Leader of the Opposition is suggesting that in some way the Government should direct the Lotteries Commission as to who should be chosen, I would reject that. In fact, if that were done I should have thought that the first people to complain and argue about possible manipulation or corruption would be members of the Opposition. I am explaining to Parliament that the matter must be left to the discretion of the Lotteries Commission. I am as anxious as anyone is (with the exception of one or two members opposite, including the shadow spokesman for tourism) that the licence be issued and that the casino be opened. However, the procedures under the Act demand that certain consideration take place, and we are in the hands of the body that is undertaking that consideration. I can assure the House that, as soon as the decision is made and the operator is chosen, Government assistance to the extent that is necessary shall be given promptly and immediately. In the meantime, we must await that decision of the Lotteries Commission. The Government has no intention of interfering with it.

HERITAGE LAWS

Mr MAYES: Can the Minister for Environment and Planning say whether the Government is planning amendments to the South Australian Heritage Act and, if so, when they are likely to be introduced? An article in the *Advertiser*

of 13 November referred to the Federal local government conference that was held. Under the heading 'S.A. wins praise for laws on heritage', the article states:

BRISBANE—South Australia and the City of Adelaide were setting an example to the rest of Australia on heritage legislation and protection, the Chairman of the Australian Heritage Commission, Dr Ken Wiltshire, said yesterday.

Dr Wiltshire, associate professor in the Department of Government Studies at Queensland University, was speaking to a local government conference representing more than 830 councils throughout Australia . . . Describing Queensland's heritage record as 'the worst in the world except perhaps Beirut, Lebanon' he said Queensland remained the only Australian State without State heritage legislation . . . 'The problem is my generation, the Laminex generation, the Formica kids . . . who were educated to the sound of jackhammers—the post-war baby-boom generation. We grew up to equate progress with change in the air and all those things. I still have contemporaries who tell me their suburb is going ahead because it's got a four-lane freeway, traffic lights, a Pizza Hut, and Kentucky Fried Chicken', he said.

The Hon. D.J. HOPGOOD: I certainly hope that one of the reasons why the Middle East areas quoted by the honourable member have such an appalling record in heritage will never be visited on the State of Queensland or any other part of our fair continent. It is good to get some sort of recognition from a neutral source as to the very progressive piece of legislation introduced by former Minister Hudson in 1978. It is significant that honourable members opposite did not see fit to alter that legislation in any way when they were in office. There is probably a degree of bipartisanship as to the efficacy of the legislation and the fact that at this stage it stands second to none in Australia with the mechanisms that are available to Government and private individuals to be able to preserve significant portions of heritage. However, the Government is not satisfied that it necessarily goes as far as it should in certain circumstances.

I am concerned, for example, that a situation can arise where a person wilfully disobeys the law and proceeds to demolish. It is possible to bring down the weight of the law upon such individuals and to fine them but, by the time one gets around to doing it, that item of heritage has gone for ever. We are looking at certain aspects of that. Honourable members who had the opportunity to read the report of the review committee I set up into the Planning Act would also be aware that that committee made certain recommendations as to the amendment of the Planning Act.

The Hon. D.C. Wotton: When are we going to see those amendments?

The Hon. D.J. HOPGOOD: That is part of the answer that I am working towards in response to the question by the member for Unley. We are taking up that matter. I anticipate, in response to the nub of the honourable member's question, that I will have a Bill ready for the new year part of this session of Parliament.

UNDER TREASURER

The Hon. B.C. EASTICK: Will the Premier advise why a Melbourne firm of management consultants has been retained to seek a new Under Treasurer? Does this indicate that the person appointed will not be a South Australian? A Melbourne firm of management consultants—

An honourable member: Why don't you apply for it?

The SPEAKER: Order!

The Hon. B.C. EASTICK: —Spencer Stuart and Associates Limited—has been retained by the Government to seek a new Under Treasurer.

Members interjecting:

The SPEAKER: Order!

The Hon. B.C. EASTICK: This has denied this important task to the many reputable South Australian management consultants. It means that any South Australians who are interested in one of the most senior positions in their own State Public Service must telephone Melbourne to make inquiries. It has been suggested to the Opposition that the Government has chosen to send this business out of South Australia because it has already hand picked a former employee of the Wran Government who is not a South Australian to take the position.

The Hon. J.C. BANNON: I do not see why the Government would waste money employing a firm of management consultants and placing advertisements in the paper—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —if we had hand picked somebody. The honourable member has never been a Minister or a member of Cabinet and therefore has not had experience in this area. In fact, permanent heads are chosen ultimately by Cabinet. If we wanted to hand pick someone from New South Wales, London or anywhere we would do it and do it instantly. If that person was the best for the job, he would get the job. We certainly would not be wasting money on consultants.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! If the question was intended to be serious the interjections should cease.

The Hon. J.C. BANNON: As the honourable member conceded in his question, this is an important and key position. The Government must ensure—

The Hon. B.C. Eastick: It's a South Australian position.

The Hon. J.C. BANNON: It is not a South Australian position, in the sense—

Members interjecting:

The Hon. J.C. BANNON: Perhaps the honourable member would be aware that the current Deputy Under Treasurer—a very well qualified man who is at the moment occupying the post of Acting Under Treasurer—was recruited from Canberra at the time. Does he suggest that that person should be sent back whence he came? In fact, this Government has benefited. I recall that the previous Minister of Health in the former Government appointed someone from New South Wales to head the Health Commission. Am I wrong?

An honourable member: No.

The Hon. J.C. BANNON: No, I am not. We could go through a large number of lists. The job of Under Treasurer demands the services of the best person that we can possibly recruit. It may well be a South Australian—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It may well be somebody who is working in the Public Service at present. I believe that if a person gets the job on that basis, knowing that we have scoured effectively under a head hunting exercise, that person must be by far the best. That is the way I would like to be appointed to a job, knowing that my competitors are the best in the country and that, if I get it, I do so over them. Unfortunately, although I occupy the post of Treasurer, I am not sure that the competition either before or at present is such that I can take much credit on that basis alone. However, perhaps the future Under Treasurer would hope to do so. The Government is certainly using all the measures that it can, including public advertisement, notice within the Government and management consultants who are very skilled in this area, to get the best person we can.

'IDENTIKIDS'

Mrs APPLEBY: Is the Deputy Premier aware of the launching of the 'Identikids' project sponsored by the Lions

Club in Victoria, and has there been any move to support such a project in South Australia? I ask this question in the interests of concern being expressed by parents in the light of children in our community who, for varying reasons, go missing from their families. Some of these children are never returned to their parents and to find a child, be it in Australia or overseas, is a formidable task as we have seen in the past. I refer, for example, to the Beaumont children.

Of course, we also face in our community the heartbreak and stress caused when children who have gone missing are found in most distressing circumstances and, in some cases, their lives have been extinguished. It would seem that this project, called 'Identikids', involves the photographs and fingerprints of children being recorded and the details kept by parents. Should the worst happen and a child is abducted, the police can be immediately furnished with comprehensive particulars of the missing child. I therefore seek the Minister's report on this project.

The Hon. J.D. WRIGHT: I thank the honourable member for bringing the matter to my attention. I have not caught up with that programme but, on the basis of what the honourable member has said in the House, it seems to have a very great deal of merit. The subject of missing children is of major concern to everybody in South Australia—citizens, police and Governments: everyone has a major concern in this area. I will undertake to ask the Police Commissioner to obtain for me details of this programme, which is evidently restricted to Victoria at the moment and, depending on the merits or otherwise of the programme, I will give an assurance to the honourable member that the Government will consider introducing such a scheme here if we see that great benefit is to be gained in this very tragic area.

ELECTRICITY TARIFFS

The Hon. JENNIFER ADAMSON: Will the Premier say what action the Government will take to reduce the impact of continuing increases in electricity charges on the hospitality industry? The effect of the recent 12 per cent increase in ETSA charges on the hospitality industry is best explained by quoting from a letter to the General Manager of the Electricity Trust from Mrs Wendy Chapman, Chairman of the South Australian Tourism Industry Council, which reads:

> Your organisation cannot be ignorant of the severe problems created by your horrendous tariff rise. One large hotel anticipates a $5 000 rise per month, another smaller hotel a $1 400 rise per month—these are over and above the present monthly ETSA costs.
>
> It has been estimated that, for the hotel/motel of 40 rooms, the ETSA rise will add 33 cents a day per room to costs which are already crippling the industry. The Australian Hotels Association and the Motor Inns and Motel Association have referred their extreme concern to the South Australian Tourism Industry Council Inc.—

I know, for example, that the Hilton International Hotel which, in the first nine months of 1983 paid $254 435 for electricity, has this year in the first nine months paid $307 405 for electricity, and that is calculated on basically the same consumption rate. The letter continues:

> The Restaurateurs Association have also expressed that organisation's disgust. They believe that additional charges proposed by ETSA will mean an extra $100 000 conservatively per month to be paid by the licensed restaurants of South Australia. This does not include the restaurants and eating houses which are unlicensed. Is ETSA prepared to accept the responsibility of destroying the viability of some restaurants? They cannot raise their prices, like ETSA, and have been absorbing increases imposed by your organisation over the last 12 months within their price structures. Perhaps you are ignorant of the position of many hotels and motels in South Australia and their struggle to retain levels of room occupancy without reducing the quality of the establishment's services. The seeming indifference and greed of your organisation is surely contrary to the efficient and effective supply of a public essential service.

The Hon. J.C. BANNON: The Government certainly shares the concern of the hospitality industry and many other sections about the cost of power in South Australia. This matter has been discussed frequently, and my colleague the Minister of Mines and Energy has made statements about it. We are as a matter of urgency addressing ourselves to that problem in consultation with the Electricity Trust. I hope that Mrs Chapman or her equivalent at the time wrote such a letter to the Electricity Trust in 1982 when in the course of less than two years increases of about 48 per cent had been applied.

Indeed, if the discussions and protests now going on had occurred at that stage under the previous Government it might have given us a better opportunity to do something in the current situation, and also it might have put pressure on those negotiating the gas price agreement in that year to do something that would in fact help contain the cost of electricity. All I can do is stress—

The Hon. Jennifer Adamson interjecting:

The Hon. J.C. BANNON: There is nothing that will cut across the fact that under the Liberal Government there were increases in less than two years of 48.3 per cent, and three weeks after we came to office (the proposal had been made prior to the change of Government) we were confronted with a further 12 per cent: that means in fact 60 per cent under the previous Government in four increases.

The Hon. Jennifer Adamson interjecting:

The Hon. J.C. BANNON: I did not hear the honourable member, who was a member of Cabinet in charge of tourism, writing to ETSA or encouraging the hospitality industry to take action. I do not wish to make too much a point of it unless the honourable member does. I am very happy to talk to the industry about her record there. I am simply saying—

Mr Olsen: What about the increased structure?

The Hon. J.C. BANNON: —they are exactly the same amounts that were picked up by the Opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is hurting because that letter was not written then, and that Minister did not make that protest then, so let us have no more hypocrisy on it. We are concerned, and we will try to do something about the matter. This morning, for instance, I was talking to the Metal Industries Association, among other employer groups, and they mentioned that they had approached the Electricity Trust and the Trust had agreed to hold a special meeting with them, a seminar, in which the Trust would discuss its particular problems, its financial structure and the reasons for its tariffs, and at the same time would give that industry the opportunity to put before the Trust any perceived problems that had arisen.

I would suggest that in the case of the hospitality industry (and I imagine that this will be the Trust's response to the correspondence from which the honourable member quoted) it should avail itself of a similar opportunity, because I think two things are necessary, not just an attempt to contain and reduce tariffs which the Government, Electricity Trust and the community should all be involved in but also an understanding of just why power charges are what they are in South Australia, an understanding of the nature of the Trust's financing, the cost of the fuel stock over which there are many disadvantages compared with other States, the Trust's debt structure, its power construction programme and a number of other matters.

It is not sufficient for the honourable member simply to shake her head and say that that should not matter so far as the hospitality industry is concerned. The fact is that if

special arrangements are made for the hospitality industry—and they may be justified—they will be made at the cost of a greater deficit to ETSA which will be paid for by the taxpayer generally. Again, there may be a case for that and, if the honourable member wishes to put that case for very special treatment for the hospitality industry and a subsidy from the taxpayer, that is fine, and we can look at that.

However, I believe that where such subsidies occur each and every one of them should be assessed on their merits, and people should be clear that they are being paid and that they are sharing in the payment of them. So, I would suggest a little rationality and less hypocrisy in this area, and if the hospitality industry as a first step would like to follow up its letter by talking to the Trust and going through some of the details it may well be that the tariff adjustments or some other changes might be made. The Government is very happy to assist in that, as my colleague has made patently clear.

DRINK DRIVING

Mr HAMILTON: Will the Minister of Transport give consideration to advising motorists of the dangers of driving a motor vehicle the day after consuming liquor at a previous night's function? As the festive season is almost upon us, no doubt there will be much revelry and consumption of alcohol, and it concerns me that many motorists, indeed many South Australians, would be unaware of the fact that alcohol takes approximately six hours to leave the body's system at a rate, I understand, of .016 per cent every two hours.

An article that appeared in a newspaper cutting given to me states that someone picked up for drunken driving after he had finished consuming alcohol at 1 a.m. had a blood alcohol reading of .2 per cent and, whilst that is a considerable amount of alcohol, the graph demonstrates that at 8 a.m. his reading was still .152 per cent. I believe that motorists who have consumed only five or six glasses of beer or other alcohol should be aware of the fact that even after six or seven hours sleep they could still be picked up by the police for being under the influence of alcohol. Therefore, I ask that the Minister consider this matter, because I hope that people would not be under the misapprehension that after having had a good night's sleep they would be fit and capable to drive a motor vehicle when they were actually still under the influence of alcohol.

The Hon. R.K. ABBOTT: I thank the honourable member for his question. I was not aware of the article until the honourable member provided me with a copy of it a few moments ago. However, I certainly do not question the accuracy of the report or the details to which the honourable member referred. I know that the first person who was caught following the introduction of random breath testing in South Australia happened to have had a bit of a night out, had had a sleep on the beach at Henley Beach for five hours, and was caught on the way home early the next morning.

I am aware that it takes considerable time for alcohol to leave the body's system. I will be happy to refer this matter to the Road Safety Council for inclusion in its future publicity campaigns. I am sure that that body will be interested in the article, and I thank the honourable member for bringing this matter to our attention. I think that it is worth while giving it as much publicity as we can so that all motorists are aware of the dangers in that regard.

SAMCOR

The Hon. TED CHAPMAN: Why was not the staff and casual labour employment policy as adopted by SAMCOR in 1981-82 and 1982-83 continued in the financial year ended 1983-84, thereby avoiding the $2 million down-turn between 1982-83 and 1983-84 alleged by the Opposition in this Parliament on 9 August last and confirmed in the SAMCOR report tabled in this House yesterday?

The Premier on 9 August, in answer to my question without notice, and the Minister of Agriculture on 4 October 1984 in the Estimates Committee, and again yesterday in a press conference, defended the 1983-84 SAMCOR loss as resulting from a down-turn in livestock throughput at the Gepps Cross works. The Premier may not have been aware, when seeking to canvass that defensive argument, that between 1981-82 and 1982-83 there was in fact a downturn in livestock numbers in four out of the five livestock lines processed at the works and yet, by strict adherence to the Liberal Government's employment policy, a trouble free industrial relationship was established throughout the period, including an upturn in trading profit with the 1982-83 profit exceeding the 1981-82 profit by $45 000.

The livestock throughput and corresponding manning details have not previously been available to the public from those works. However, in this instance the details applicable to the three comparative periods in question have been provided to me, and today I provided the Premier with a copy of the table in question. In explaining the livestock downturn in 1983-84, the table reveals that the cattle numbers processed were down by 39 per cent on the previous year, calves down by 63 per cent, sheep and lambs down by 43 per cent, goats up by 31 per cent, and pigs up by 2 per cent. Maximum manning levels were down by only 19 per cent for day award labour and only 5 per cent for salaried labour, and on an annual average basis down by only 27 per cent and 10 per cent respectively in the corresponding period of 1983-84.

The records therefore clearly show that the linked employee throughput policy adopted by the Liberal Government from 1980, and continued after we left office in 1982 by the Hon. Brian Chatterton until his Ministry terminated in 1983, revealed an annual trading profit despite livestock availability and, indeed, downturn from the 1981-82 period into 1982-83 period; and that the policy was dumped in 1983-84 for reasons not yet revealed by the Government. I seek leave to have the statistical table inserted in *Hansard* without my reading it (a copy of it has been furnished to the Premier).

Leave granted.

SAMCOR STATISTICS

(1) Numbers of stock slaughtered at SAMCOR, Gepps Cross, for the years 1980-81 to 1983-84 inclusive.

	1980-81	1981-82	1982-83	1983-84
Cattle	193 441	234 945	230 593	141 792
Calves	21 019	26 181	24 932	9 250
Sheep and lambs	1 096 081	971 748	1 080 122	616 184
Goats	18 600	20 400	15 400	20 200
Pigs	118 302	126 372	121 035	123 317

(2) Indicative full time employee numbers for the years 1980-81 to 1983-84 inclusive.

	1980-81		1981-82		1982-83		1983-84	
	Award	Salaried	Award	Salaried	Award	Salaried	Award	Salaried
Maximum No. employed during year....	968	124	846	109	921	103	748	98
Average No. of employees	883	115	828	105	828	102	608	92

The Hon. J.C. BANNON: The honourable member has kindly, just before asking his question, supplied me with a copy of the table. Obviously, I have not had a chance to analyse it but even a cursory look suggests to me that it does not bear out what the honourable member is saying, at least in respect of livestock. While the percentages he quotes may be correct—I have not had a chance to check them—as between 1982-83 and 1983-84, it is important to note that sheep and lambs form by far the largest individual segment of carcass killing in Samcor, and they reduced by 43 per cent. There was almost as large a reduction in cattle (larger carcasses but, of course, far fewer in number). However, as between 1981-82 and 1982-83, where the honourable member pointed out the profit was made, there was an increase in sheep and lamb killings: it went from 971 748 to 1 080 122. There was only a very minor reduction in cattle, from 234 000 to 230 000.

There was a minor reduction in pigs from 126 000 to 121 000, and there was a slight increase in pig slaughters in the last financial year. But, if one accepts those figures for cattle, sheep and lambs as between 1981-82 and 1982-83 it can be seen quite clearly why SAMCOR would still be making a profit. The devastating reduction in stock which occurred in 1983-84 has been of a size and percentage that could simply not be consistent with SAMCOR's retaining any sort of profit, whatever its labour policies were.

The Hon. Ted Chapman interjecting:

The Hon. J.C. BANNON: I now turn to the point that the honourable member has made. For a start, we must use the average number of employees, and not the maximum number employed during the year, because that gives us the comparison year by year. There has been a reduction of 27 per cent in the average number of award employees. In other words, quite consistent with the policies of previous years, those numbers have gone up and down. In fact, between 1980-81 and 1981-82, despite the quite considerable reductions in some respects, those numbers did not decline by a great amount. They have gone down quite considerably this year, but they have not gone down to the same extent (and the honourable member would recall asking a question some time ago about this point) in the salaried employees area. The honourable member knows that the reason for that is the policies that this Government inherited from the previous Government in relation to the protection of employment of those employees.

In the first couple of years of the operation of that no retrenchment policy for salaried employees, with an undertaking that where possible they would be placed in the general Public Service, it was easier to find alternative positions, because one was talking about a larger pool of employees with a wider range of skills. In the past 12 months or so, we have been confronted, first, with a drastic down-turn and, secondly, with having no ready positions available in other parts of the Public Service.

The Hon. Ted Chapman interjecting:

The Hon. J.C. BANNON: If the honourable member thinks that it is easy to take a qualified person—

The Hon. Ted Chapman: An accountant.

The Hon. J.C. BANNON: Not an accountant at all; that is not the problem.

The Hon. Ted Chapman: Clerks and accountants are salaried staff.

The Hon. J.C. BANNON: We are talking about inspectors—

The Hon. Ted Chapman: No, we are not; we are talking about accountants and office staff.

The Hon. J.C. BANNON: We are talking about inspectors—

The Hon. Ted Chapman interjecting:

The SPEAKER: Order! I hope that the member for Alexandra will come to order.

The Hon. J.C. BANNON: —who have salaried positions and who are subject to this undertaking.

The Hon. Ted Chapman: The DPI employees.

The Hon. J.C. BANNON: Not the DPI ones; I am talking about those employees who have been on the line, whose skills lie in the actual preparation of carcasses in the meat works, and who have supervisory positions there. The honourable member has suggested that overnight they could be turned into clerical officers in, say, the Lands Titles Office, or into community welfare workers, or whatever. That is just not possible.

The Hon. D.C. Brown: We had no problem at all.

The Hon. J.C. BANNON: The honourable member had no problem in the early stages because of the numbers and the nature of the work force. Let me say again that, without the inherited policy of the previous Government, we would have found it much easier to accommodate this problem. I find it extraordinary that the honourable member stands up and implies some criticism when in fact he knows very well that, first, there has been a devastating reduction in the number of stock going through SAMCOR, which in any circumstances would result in a loss—

The Hon. Ted Chapman interjecting:

The SPEAKER: Order! I ask the honourable member for Alexandra to come to order.

The Hon. J.C. BANNON: —and, secondly, that we are constrained in what we are doing. What even exaggerates the total hypocrisy of the honourable member is that he was one of those who criticised us for closing the Port Lincoln abattoir, which was bleeding to death and which was costing hundreds and thousands of dollars in losses each year—in good years and bad years, and in years in which the honourable member knew very well that the decision had to be taken, although he did not have the guts to do it. We have made a decision because we are concerned about those losses, but we were criticised for it. So, if we took the action to do something about this—the drastic action that might be warranted to save any kind of loss—the first person to come out of the woodwork would be the honourable member. So, really, I dismiss his unconstructive approach to this whole issue.

WILPENA POUND CARAVAN SITES

Ms LENEHAN: Will the Minister of Tourism advise the House whether any plans exist to allow the introduction of powered sites into the caravan park at Wilpena Pound? Following a recent visit to Wilpena Pound and discussions that I had with the Rasheed family, I wrote to both the Minister for Environment and Planning and the Minister of Tourism requesting that permission be granted for the introduction of a number of powered sites for the Wilpena Pound caravan park. The reasons which I gave to both Ministers, as explained to me by the operators of the caravan park and, indeed, which were raised in arguments by members of the House, were that the lack of powered sites

prevented many people, particularly families with very young children and older couples, from camping at the Wilpena Pound site. Particularly in the off peak season in the summer when there is a total fire ban, many visitors and tourists are denied the opportunity of staying in one of South Australia's most beautiful and, indeed, unique tourist attractions, namely, Wilpena Pound.

The Hon. G.F. KENEALLY: This is, to say the least, a thorny question that has been wrestled with by Governments for some time since 1979, to the best of my knowledge, and I am sure prior to that, because I was a member of the Public Accounts Committee that visited Wilpena Pound in the early 1970s. There have been two schools of thought on this. There has been a view that there ought not to be powered sites at Wilpena Pound because that very special part of South Australia should retain its natural environment. On the other hand, there has been a school of thought to which I belong that we ought to open up some of our more special parts of South Australia for visitors and tourism so long as the actions or movements of these tourists are controlled within reasonable guidelines.

One of the difficulties with which Governments are faced is the expense involved in linking Wilpena Pound to the main power system, which would come from Hawker. There is the generating system and two power plants at Wilpena Pound with a capacity to provide for 30 powered sites. That, to some extent, would help marginally to overcome the difficulty to which the honourable member has referred. The National Parks and Wildlife Tourism Liaison Committee has been working on this matter for some time and the National Parks and Wildlife Service has been developing a three to five year plan for the Flinders Ranges.

The Department of Tourism has been able to have an input to the development of that plan. The degree of co-operation that exists between the National Parks and Wildlife Service and the Department of Tourism has been exemplary. Within the past two weeks the Minister for Environment and Planning, his officers from National Parks, officers of my Department and I have met together to talk about the need for the establishment of powered sites at Wilpena Pound. I do not believe that 30 sites would be enough and I think that we need to be talking in terms of about 100 sites. There is the difficulty of determining whether the existing caravan park is the ideal spot in which to establish powered sites or whether we should look at an alternative site.

Those matters are being addressed by local government and those two Government departments and, hopefully, the National Parks and Wildlife Tourism Liaison Committee will complete its representations within the next few weeks. It is certainly the aim of the Department of Tourism, with the support of the Minister for Environment and Planning and his Department, to try to provide those sort of facilities at Wilpena Pound to give a year round opportunity for people to visit the Flinders Ranges. I am not too sure when we will be in a position to make the decision, but I assure the member for Mawson that we are aiming to provide the services that our tourists would wish to have available to them in that part of South Australia.

BLANCHETOWN BRIDGE

The Hon. P.B. ARNOLD: Will the Minister of Transport say whether there is a structural problem with the Blanchetown bridge and whether it will be necessary to import special equipment from the USA to rectify the problem? If so, will it require the bridge being closed and, in that event, for how long will it be closed?

The Hon. R.K. ABBOTT: I am not aware of any structural problem with the Blanchetown bridge, but I will make inquiries and, if there is, I will inform the honourable member.

DRAFT SUPPLEMENTARY DEVELOPMENT PLAN

Mr TRAINER: Is the Minister for Environment and Planning aware of criticisms by the member for Davenport of the transport draft supplementary development plan in which he suggests that that plan envisages a wholesale abandonment of commitments made in the past? Are those criticisms soundly based and, if not, will the Minister indicate for the benefit of the honourable member opposite the nature of the supplementary development plan process?

The Hon. D.J. HOPGOOD: Yes, it is obvious, as is implied by the honourable member's question, that the member for Davenport does not understand the process whereby a supplementary development plan is brought down or even perhaps the nature of the plan itself. Briefly, a supplementary development plan is a mechanism whereby the plan is amended. In turn, the plan has recognition in the Planning Act because the development control authorities—be they the South Australian Planning Commission or local government—must have regard, I think is the exact verbiage, to the plan when they consider development applications. That is what it is: it is not intended to be an absolute blueprint for the planning of metropolitan Adelaide in all respects—certainly not in respect of transport, heritage or any of those things.

The Hon. D.C. Brown interjecting:

The Hon. D.J. HOPGOOD: The honourable member really cannot contain himself. It is for Government departments and indeed private enterprise in some cases with the propositions they bring forward for development approval to fill in the finer grain in relation to these matters. For example, I suggest that no-one would consider seriously that bus routes along arterial roads should be a part of the development plan. By the same token, there are other aspects of transport policy which do not at this stage have to feature in part of the plan because they are not an immediate proposition.

In some of his comments, the honourable member indicated his lack of understanding either of the specific matters or of the general philosophy behind the supplementary development plan process. For example, he referred to the deletion of a line or corridor in the north-western suburbs. He got that one wrong because that relates to the deletion of a corridor which proposed, way back in the 1962 plan (the original document), a link between the now abandoned Woodville Gillman track and the main north line at Islington. Nobody has seriously proposed for as long as I have taken any interest in the plan that that ought to proceed—and that would date from the late 1960s. It was a piece of dead wood in the development plan.

There is also a good deal of cynicism in relation to the honourable member's comments about a so-called abandonment of an extension of railway lines south of the Noarlunga centre, because in 1981 there was a proposition to acquire land to allow what is called the Barcelona Road extension. That was initiated under the previous Government and was approved. In January 1982, under that same Government, the Liberal Government wrote to all parties abandoning that acquisition, and yet that is one of the aspects about which the honourable member at present weeps crocodile tears. I use the word 'cynicism' in relation to what the honourable member is doing in that particular statement, and that is the kindest conclusion I can draw.

Finally, there is no intention to remove the railway line nor, indeed, STA services beyond Belair, and the move in relation to the supplementary development plan purely relates to the fact that STA has control of the line only as far as Belair. Quite obviously, the honourable member must have known that and should appreciate from that that there is no direct relationship between what is happening here and any proposal now or in the mid-term future to abandon that service, and the same is true generally of all the comments he has made.

WOMEN'S SHELTERS

The Hon. H. ALLISON: Will the Minister of Community Welfare make urgent representations to the Federal Government to have the Women's Emergency Shelter Programme funded and legislated for quite separately from the Supported Accommodation Assistance Programme? I ask the Minister to consider the contents of a letter received from the North Adelaide Women's Emergency Shelter Incorporated which, among other things, stated:

> We are currently angered by Commonwealth suggestions that legislation for the Supported Accommodation Assistance Programme is imminent. Our shelter and the Women's Shelters Advisory Committee in South Australia have consistently opposed the SAA Programme in regard to its women's emergency accommodation subsection throughout this past year. We have done this on both the State and Federal levels. A national conference of all women's services in Canberra on 19 March this year unanimously opposed refuges in the SAA Programme. We have also opposed it at joint Commonwealth/State meetings and working parties. All other groups in the non-government sector in South Australia have supported our stand. A recent conference of women's refuges in Sydney on 15 and 16 October also unanimously opposed SAAP for refuges.

The writer of the letter, later enunciated the special role of the women's shelters in South Australia, and said:

> Women's refuges were established principally as a response to domestic violence—in Australia and world wide.

She points out that an accommodation service could be run by hostels and boarding houses if all that was required were safe beds and cots and secure windows. In fact, she continues:

> The families, in additon to the 'safe beds', required medical treatment and referrals, financial assistance referrals, crisis counselling, legal referrals, liaisons with the law enforcers, the court system, the Education Department and the welfare system. They required on-going counselling for their children and themselves, child care facilities, training programmes to raise their level of esteem and assertiveness, assistance with housing, furnishings and furniture, provision of clothing, advocacy at all levels and follow-up. These are only some of the multi-varied needs of victims of violence.

The writer then points out that women's shelters in South Australia also fear some downgrading of salaries with the distinct possibility that they will have to take from general operating funds the difference between the higher State salaries award and the lower Federal award which seems to be proposed. She also asks that the Minister, in particular, have regard to the Federal Government being supplied with correct information. The letter states:

> . . . we resent State Women's Advisers relaying false information to the bureaucracy and Ministries in Canberra. The shelters in South Australia were not consulted by our State Women's Adviser regarding our position before the national meeting of Women's Advisers which voted in principle to support our entry into SAAP—

the very legislation of which they do not want to become a part. The letter continues:

> This is yet again one more example of the breakdown of the consultation process that was promised by the Federal Government initially. We have complained about the continual lack of true consultation with shelters since the Labor Government was elected.

In those circumstances, I ask the Minister to seriously consider making representations to the Federal Government so that the true picture is presented as set out in this letter from the Women's Emergency Shelter Incorporated, North Adelaide, and to ensure that the accurate facts are put to the Federal Government and that the legislation proposed to include women's shelters in SAAP is in fact not enacted and women's shelters are kept quite separate.

The Hon. G.J. CRAFTER: I thank the honourable member for the opportunity he has given me to explain some of the facts with respect to the current statements that have been made by not all women's shelters but by some spokespeople for some shelters. I am not sure whether the honourable member's intention in raising this question is one of sincere concern for the well-being of women's shelters or whether in fact it was to create further mischief in this area.

The record of the Federal Liberal Government in this regard was absolutely appalling, and I want to refer to that. The facts are these: in the first Hawke Labor Budget of 1983-84, the Women's Emergency Shelter Programme was established and $4 million was provided in new funding. Nothing was provided by the previous Liberal Administrations: in fact, it stopped the funding that had been provided under the Whitlam Administration for such programmes. In the current 1984-85 Budget, the second Hawke Budget, the allocation for the WES Programme was increased to $7.83 million, and that money that flowed on to South Australia as our share went to the 11 women's shelters in this State to improve wages, industrial conditions and working conditions in those shelters and to improve their facilities for those women and children who use them. None of that money was spent on expanding that programme but to effect those improvements.

The statement appearing in this morning's paper that workers' salaries have been or will be reduced is absolute nonsense, and there is no proof of that occurring in this State, or any intention of it occurring. The statement that the honourable member has just read about threats to vital shelter services can be no further from the truth. The facts are these: that the list of services that he read out is incredibly misleading because in fact the inclusion of women's shelters in the SAA Programme will extend those services under the WES Programme once it is a subprogramme of SAAP. As I said, that is in direct contrast to the assertions made by the honourable member. For example, child care services will be included in the Women's Emergency Shelter Programme under SAAP but are not now included in WESP. The guidelines that have been established are very clear and have been circulated to the women's shelters in this State, and that information has been available for some time. Eligible Supported Accommodation Services could provide the following:

- counselling, advocacy, acquisition of living skills, information on health, employment/income support;
- drop in/day centres;
- 'soup kitchens' and meals services;
- detached workers;
- referral services;
- child care;
- non-clinical community-based rape crisis centres;
- follow-up work with clients;
- specialised services for special needs groups;
- rehabilitation services . . . if rehabilitation element or where the provision of rehabilitation/psychiatric treatment will not be eligible.

Related support services which are also eligible for funding under SAAP include:

- drop in/day centres;
- 'soup kitchens' and meals services provided by day centres;
- non-clinical community-based rape crisis centres;
- detached workers whose focus is on assisting those who need supported accommodation;
- separate referral services which direct clients to supported accommodation services.

As for allegations about non-consultation, a few weeks ago I had the Premier's Adviser on Women's Affairs in my

Department with the representatives of women's shelters to discuss this very matter. It is unfortunate that the spokesperson quoted in this morning's paper was not present at that meeting, but there has been discussion now over many months: certainly it has been raised with me, and I have visited shelters and had discussions in my office and in the community with numerous people about this matter.

The arguments about reduced funding are nonsense; they are not true and in fact the reverse has happened. Secondly, the answers about salaries being reduced are also nonsense; they are not true and in fact the reverse is happening. Thirdly, the argument about threats to vital shelter services is also nonsense and in fact the reverse will happen. I suggest to the honourable member and the House that the arguments are about power, about who has a say in the distribution of Government funds to women's shelters, and who will eventually resolve the spread of money that is available to various welfare programmes that assist persons for whom the shelters have a responsibility.

That is the argument and this is a tactic (and I think that it is an unfortunate tactic) that the shelters are using on this occasion. They have been underfunded for many years, they have had to fight for their existence and their recognition in the community, and I have supported them in that struggle. However, if they continue to campaign in this way I can only say that many people who have supported them with all sincerity in years gone by will lose the confidence that they have in this important area of community service.

The SPEAKER: Call on the business of the day.

ACCIDENT TOWING ROSTER SYSTEM

The Hon. D.C. BROWN (Davenport): I move:

That the regulations under the Motor Vehicles Act, 1959, relating to the accident towing roster scheme, made on 30 August 1984 and laid on the table of this House on 11 September 1984, be disallowed.

It is most appropriate that I move this motion today because earlier this afternoon the member for Hartley tabled the evidence and the minutes of the Joint Committee on Subordinate Legislation. I have since had a chance to look at the minutes, and this morning the committee moved a motion that no action be taken and that notices of motion for the disallowance of these regulations be withdrawn in both Houses of Parliament. That means that the Joint Committee on Subordinate Legislation this morning decided that these regulations are quite acceptable. However, I point out that that was a divided opinion of the committee and, in looking at the evidence, I notice that those who voted in favour of the motion were the Hon. Ms Wiese, the Hon. Mr Bruce, Mr Groom, and Mr Ferguson. The people who voted against the resolution were the Hon. Mr Burdett and Mr Gunn. I found that an astounding majority decision for that committee to make.

This morning I gave evidence for 2¼ hours. I suppose it is fair to say that during this time I highlighted a large number of complaints about the operations of the roster system and a large number of criticisms of the regulations that were laid before that committee and this House. I found it interesting that there was virtually no interest and virtually no cross-examination or questioning by a number of the members who voted for that motion. In other words, it would appear that certain members of the Subordinate Legislation Committee voted for that motion with little or no regard for the evidence that had been presented to the committee.

In particular, I draw attention to the fact that the member for Hartley, Mr Groom, and the member for Henley Beach, Mr Ferguson, sat on that committee and did not tear apart or present any counter point of view in relation to the evidence that I presented. They accepted 2¼ hours of evidence which I think was damning, to say the least, to that set of regulations. Having sat and listened to that evidence, one finds that within an hour or so they voted in favour of the regulations. Let us consider the evidence before us about those regulations. I draw the attention of honourable members to the evidence that I presented. As I have said, it went on for 2¼ hours, and I will not bore the House with that sort of detail this afternoon.

However, I will summarise the sort of complaints that have been received, not necessarily from the tow truck industry, but from ordinary motorists who have been fooled around by the new roster system to such an extent that they have been motivated to write to me, telephone me or bring matters to my attention. In fact, I received only this morning a letter from a slightly older woman who lives at Clarence Gardens, although I did not present it to the committee. The letter states:

I am writing in reference to an accident I saw the results of on Fullarton Road on Tuesday 6 November at about 4 p.m. I was a passenger in a car that was held up for a considerable time due to the accident. There was only one tow truck there but there were two cars involved, and there did not seem to be much being done to clear the roadway.

Police were on point duty, and the traffic lights had been put out of order by the accident. We in the car did not witness the accident but only the traffic hold-up due to it. I feel sure if the usual number of tow trucks had been in attendance this hold-up would not have been as bad as it was.

We waited ages and were then detoured to another street and could not proceed down Fullarton Road. I thought you may be interested in this affair.

Also yesterday I spoke to a nursing sister who pointed out that she had had an accident on Cavan Road at 7.30 a.m. last Thursday. She waited for two hours, and three phone calls were made to the Tow Truck Inspectorate before a tow truck eventually arrived. Two of those telephone calls were made through Japanese Auto Repairs and the third one was made by the woman herself from a public telephone. However, it took—

Mr Hamilton: What was the hold-up?

The Hon. D.C. BROWN: That is what I would like to know. It appears that the system is not working. I am delighted that the member opposite interjected to ask what the hold-up was. It has been held up time after time, and I will present further evidence. I am delighted that the honourable member should show some interest in this unlike his colleague who sits just along the bench from him—the member for Hartley—who, irrespective of the evidence presented to the Subordinate Legislation Committee, put his rubber stamp of approval for the Labor Party on this particular set of regulations.

That nursing sister sat for two hours on Cavan Road waiting for a tow truck to arrive, and then found that she wanted the vehicle towed a distance of three kilometres for a grand fee of $56. Why? It is because under the new roster system the tow trucks are allowed to charge the distance from the depot to the scene of the accident. That did not occur under the old system, but it applies under this one. This nursing sister highlighted the fact that the effective costs of towing have been substantially increased under the new roster system. They are just two cases. On Philip Satchell's programme yesterday morning there was damning evidence presented on what happened on the South-Eastern Freeway on Monday morning.

Mr Hamilton: A lot of emotive stuff, too.

The Hon. D.C. BROWN: A lot of motorists were stuck. In fact from someone who was involved I am told that two

hours after the accident actually occurred on the South-Eastern Freeway there was still 1½ kilometres of traffic built up waiting to get through. That was from someone who drove through in the opposite direction and saw the length of the traffic build-up. We all know the sort of very severe criticism levelled at the way in which that roster system is currently working and the criticism that beset the regulations on ABC radio yesterday morning.

Mr Ferguson: You agree with that, do you?

The Hon. D.C. BROWN: The honourable member needs to listen. It is interesting that he is now trying to interject when he sat like a dummy this morning before the committee.

Mr Ferguson: It was boring, but—

The DEPUTY SPEAKER: Order!

The Hon. D.C. BROWN: It is a pity, if the honourable member was disagreeing with what I was presenting, that he did not go to the bother of asking some question and in fact proving that what I was saying was wrong.

Mr Ferguson: It's all been said before.

The DEPUTY SPEAKER: Order! It may be better if the honourable member for Henley Beach sat in the House like a dummy. No interjections, please.

The Hon. D.C. BROWN: Thank you for protecting me from such inane interjections from across the House, Sir.

The DEPUTY SPEAKER: The honourable member for Davenport should not take notice of interjections, either.

The Hon. D.C. BROWN: I realise I should not, but when they are so inane I find it difficult not to respond. I received yesterday from the member for Mitcham a letter dated 8 November 1984, stating in part:

> Yesterday, at approximately 1.30 p.m. there was a collision between two motor vehicles at the intersection of Goodwood and Grange Roads. The police arrived one-quarter hour after the accident, the tow truck took an extra three-quarter hour to present itself. In total, an hour elapsed between the accident and the tow truck's arrival. During this period, the intersection was partially blocked and became hazardous (as well as aggravating the motoring public).
>
> It would have been a simple matter for a passing tow truck to clear the intersection, but of course this is not allowed—the police were very helpful, but could only follow the procedures laid down.

He concluded by saying:

> Under existing regulations, of course, a tow truck operator would get the business irrespective of whether he is capable of responding immediately or not.

In fact, that was the situation under the former regulations. There is another unsolicited comment from a motorist, not from the towing industry, the industry the honourable member for Henley Beach has accused in this House of being crooks, without presenting one iota of evidence to do so. This will be his chance in this debate to stand up and present evidence to back up such a defamatory statement. I challenge him to go outside this House and make that statement about specific tow truck operators. I bet that he could not do so. I challenge the honourable member to go outside and make that statement about specific tow truck operators, and to present some evidence to this House: he has not yet done that. The honourable member is a coward, hiding in cowards castle.

Yesterday, in response to a telephone call to my office which was referred to me by the member for Goyder, I spoke to a Mr Tony Rocca, of Port Wakefield Road, Virginia. He points out under the old regulations that there were four categories for tow trucks: category 1 with a towing capacity of not less than 2.5 tonnes; category 2 with not less than 5 tonnes; category 3, with a towing capacity of not less than 15 tonnes; and category 4, with a capacity of not less than 41.9 tonnes. Under the new regulations, the tow truck towing authority has decided to drop categories 2 and 3, which means there are only two categories (not less than 2.5 tonnes and not less than 41.9 tonnes).

Mr Rocca has explained to me that he has a vehicle which has been approved to tow up to 16.76 tonnes, and that is shown on his certificate. By cutting out categories 2 and 3 he is now left with a vehicle that can tow only motor cars, and nothing greater than 2.5 tonnes. The vehicle is worth between $15 000 and $20 000, and he cannot sell it because of the new roster system and the way all the positions are locked into existing tow trucks. So, he will lose effectively $15 000 to $20 000. He has offered it around the industry and has been offered no realistic price. He also points out that in South Australia, if an operator should stop at the site of an accident, not only to assist but then tow a vehicle, he would be fined twice up to $5 000, which would mean a maximum fine of $10 000. In Victoria, where there is a grid system operating and not a zone system as here, that maximum fine for breaching the Act is only $400. That is how extreme are these regulations. Mr Rocca asked me to highlight the fact—

Mr Hamilton: Who introduced the legislation?

The Hon. D.C. BROWN: I will come to that in a minute if the honourable member will listen. We are debating the regulations introduced by the Labor Government in this State: that is where the criticism has been, where the system is breaking down. That is what I have already described as the worst set of regulations I have seen in my 12 years almost in this Parliament. I can imagine the way in which the former member for Mitcham (now Mr Justice Millhouse) would have carried on about the breach of civil rights of this set of regulations. They require a tow truck operator to hand over to the inspectorate all information that the police may have on that individual, irrespective of whether or not it is relevant to the operation of the tow truck industry. They ask the individual to list all court appearances, the dates of court appearances, and the reason. In other words, if the individual happens in his private life to have had a matrimonial problem and has appeared before the Family Court, he is required to state on the tow truck form before getting a licence that, unfortunately, he had to appear before the Family Court. What has the Family Court got to do with the towing industry? Absolutely nothing whatsoever. If ever there was a breach of civil rights it is this set of regulations we have before us.

Furthermore, that same form which the Minister said he would look at but on which he has not yet taken any action requires the operators to list all of their liabilities and assets. That has nothing to do with the operation of the towing industry and is a breach of the privacy that even a tow truck operator deserves, along with everyone else in the community.

An honourable member: Is this the same Government—

The Hon. D.C. BROWN: I think it is the same Government. It talks about wiping out convictions after a number of years, but it requires members of the towing industry to list every single offence and every court appearance recorded against them. Another problem with the regulation is that the one tonne tow truck has been abolished, but the new standards of tow truck cannot enter certain car parks in the Adelaide metropolitan area. We were assured accidents did not occur in car parks and that it would not cause any problems. On 17 October an accident did occur in John Martin's car park. The individual involved rang and said, 'I have had an accident in the John Martin's car park, I need a tow.' The operator had to send a specialised vehicle to tow the vehicle from within the car park to the street entrance to the car park, which cost the individual $37.20. Then they had to call a second tow truck to tow it from the entrance to the car park back to the spot where it was to be towed, which cost the individual $42.20. It is the Labor Government in this State which is effectively penalising the motorists in this State, not the towing industry,

twice the amount necessary to tow a vehicle in a circumstance like that because of stupid petty regulations through lack of consultation with the industry.

Mr Meier: We want South Australia to win.

The Hon. D.C. BROWN: We want South Australia to win, yes, but we will cut them down at the knees—not only the towing industry, but the motorist as well. Motorists are the people who have been complaining; sure, the towing industry has as well, but the motorists are the ones that I have been highlighting this afternoon.

I could go on with case after case. I could refer to the elderly gentleman who after spending a week in hospital with an illness had an accident on the following week at about 6.30 one morning at a location north of Adelaide. One of the people involved in that accident had to walk 2 km to a phone. He was asked to give the registration number of his vehicle, but because he did not know it he had to walk the 2 km back to his vehicle to get the number and then walk back to the telephone. So, 6 km later he gave the number of his vehicle. He then needed to catch a taxi to work because he needed to get there in a hurry as he ran a business and he had employees waiting to get into work. The accident to which I referred occurred at 6.30 in the morning: the tow truck arrived at the site of the accident at 9 o'clock—2½ hours later—at which time it was found that the second vehicle involved, belonging to the elderly gentleman who had been in hospital, was still unattended. He had to wait 2¾ hours before a tow truck arrived at the scene.

That highlights the enormous delays that are occurring and the inconvenience being experienced by private motorists in this State. It is now at the stage where the last thing a motorist wants to do, having had an accident, is pick up the telephone and dial the police number and say that he has had an accident. Yet, this is what the regulations require every person who needs a tow truck to do. It is no wonder (and the RAA has reported this to me and I think publicly) that motorists are doing other things instead, such as pushing the vehicle off the road and then coming back to the car with a tow rope and trying to tow it home, or coming back with a heavy hammer and belting the mudguard off the tyre and then trying to drive the drive the vehicle home. I believe that this is highly dangerous. Therefore motorists themselves are trying to fulfil at least in part the role of the towing industry and in doing so are jeopardising the safety of our roads.

I spoke to an 18-year-old lad who had had an accident at the Springbank Road and Goodwood Road intersection on 22 October. The accident occurred at 7.40 in the morning, and, as everyone would realise, that is a very busy intersection. The first tow truck arrived 50 minutes after the accident, it having taken 5 minutes to ring the inspectorate. A second tow truck arrived about an hour after the accident. The 18-year-old lad pointed out that considerable delays and congestion occurred in relation to the traffic at the site and that he and the other person involved in the accident, after having experienced the shock of the accident, had to then try to redirect traffic around the scene and that for an hour there was room for just one lane of traffic to squeeze through the intersection. I have raised previously other complaints, and I will not go further at this stage in relation to the matter of those delays that are occurring. However, I assure the House that I could refer to case after case similar to those to which I have referred this afternoon.

I sent out a survey form to the towing industry. I realised that time was limited and that I had to do it quickly because I was to appear before the Subordinate Legislation Committee. I appreciate the way that the industry responded so quickly and so completely to that survey. In fact, of the total number surveyed I received replies from 41 people. Some of those people operate two depots. I believe that I received close to a 98 per cent response to that survey; I think only one company did not respond to the survey. The first question that was asked was, 'Are you satisfied with the operation of the two truck roster system?' Sixteen of the 41 respondents said that they were; 24 of the 41 said that they were not; and one said that he was not sure.

Mr Hamilton: How many circulars were sent out altogether?

The Hon. D.C. BROWN: One was sent to each person on the roster position. There were 41 replies, with only one company not replying. It should not be too difficult for the honourable member to work out that I received virtually a 98 per cent response, and I appreciate the manner in which the industry responded. The other information that I obtained from it was in relation to the average number of tows per week per roster position. I stress that this relates only to the first two weeks of the operation of the system. The result was an average of 2.6 tows per week per roster position. We all know that under the new set of regulations an operator must maintain two tow trucks, have the equivalent of four employees and run a premises for every roster position. If one is getting 2.6 tows per week (and the average return is about $40 to $50 a tow) the maximum that one would be obtaining from that would be about $150 a week. How does an operator pay four full-time equivalent employees anywhere near what is considered to be a just wage, maintain two tow trucks and generally operate the business on $150 a week? It is absolutely impossible.

It was interesting to note that a number of towing companies responded that it would appear that they would be out of business—in one case within six weeks, in another case within six months, and in another by Christmas time. To my knowledge already 18 people in the industry have been sacked: that figure has not been disputed by anyone. The very rigid nature of the variations builds in a very substantial cost which eventually the towing industry will be unable to pay and operators will go out of business. I am afraid that we will find that the towing industry will end up in the hands of two or three very substantial companies with a monopolistic control within the metropolitan area. That will be due to the regulations brought in by this Labor Government and supported by the Government before the Subordinate Legislation Committee.

Already any small business man who happened to be operating only one tow truck and/or with less than four employees and who could not comply with the new regulations has been picked out of the industry. Those operators have gone already, and yet prior to the last State election the Labor Party maintained that it stood for small business and that it 'wanted South Australia to win'. I am interested that the member for Brighton is sitting there listening so intently. There are people in her electorate, I know, who are dissatisfied with this set of regulations, and I am sure that they will express that dissatisfaction at the next State election.

I was interested in the comments and criticisms made by the respondents to the survey. I will not go through those in detail, as time does not allow, but I highlight that it is fair to say that there was considerable criticism from motorists indicating that they were dissatisfied with the time delays that are occurring. These are quoted in the survey as being of one to two hours, 45 minutes, two hours or more, usually at least one hour, 15 to 30 minutes, 30 minutes to an hour, and about an hour. So, it appears that on average delays are consistently of the order of 45 minutes to two hours.

I was also asked whether there was a deliberate attempt by the industry to slow down the speed with which a tow truck gets to the site of an accident? The answer is 'No'. It

is because of the rigid nature with which the regulations have been brought in and the rigid zones that apply. I will quote an example. The edge of Kangaroo Creek reservoir, where there is a substantial winding road and where a number of accidents occur, is in a particular roster zone. Of the two tow truck depots in that zone, one is located on Fullarton Road near the Victoria Park racecourse and the other is on Glen Osmond Road past the Arkaba. In peak hour it would take at least 45 to 60 minutes to get from either Fullarton or Glen Osmond Roads to Kangaroo Creek reservoir in that zone. That is why delays are occurring: due to the manner in which the zones have been laid down in a rigid fashion, with no consultation with the industry as to whether or not they would work. The industry time after time warned the Government that it would run into these difficulties. The Government put on a brave front and refused to sit down and talk with the towing industry. As a result we have the chaos that now exists.

The regulations are not working. That is why I ask the House this afternoon to support me in disallowing these regulations. The Government should recognise that it is creating enormous problems, go back to the industry and devise a scheme that works satisfactorily. Admittedly, a Liberal Government introduced amendments to the legislation to allow for a roster system, but I am certain that a Liberal Government would never have introduced the rigid set of regulations that we have before us at present. I know that, because the same set of regulations was drawn up and rejected by the previous Cabinet of which I was a member. I know that that sort of rigid Draconian set of regulations would never have been accepted by the former Liberal Government.

I bent over backwards to help the towing inspectorate to draft a better set of regulations. I sent a letter to Mr Ken Collett, the Registrar of Motor Vehicles, on 8 June 1984, outlining 27 major criticisms that I had with the first set of regulations that were introduced which the Legislative Council saw fit to reject. The least that the Labor Government and the Minister of Transport could have done was go through them to ensure that the new set of regulations overcame those criticisms. But, what happened? The Government largely ignored the criticisms. I think I am right in saying that about five or six provisions were amended in an acceptable manner; several were partially acceptable; but the vast majority of them were completely ignored. That happened despite my spending a considerable time trying to assist the Government to write a decent set of regulations. I pointed out the problems but, blind Freddy as it is, the Government battled on regardless of the problems it would cause to the industry and regardless of the lack of consultation that obtained.

The Hon. Ted Chapman interjecting:

The Hon. D.C. BROWN: It is a pity that the Minister of Transport did not consult with the industry in some detail.

The Hon. Ted Chapman: Do you think he would be a good candidate for the ABC programme *Yes, Minister*?

The DEPUTY SPEAKER: Order! The member for Alexandra is interjecting out of his seat.

The Hon. D.C. BROWN: I will not reflect on the Minister of Transport. I hope that he will have the common sense to support this motion of disallowance, because he needs to realise not only that is he cutting down the towing industry through such a rigid set of regulations but also that he is cutting out the livelihood of many people in that industry, because the facts show that some people are losing 60 to 70 per cent of tows due to the interference of this set of regulations. The loss of that business and the demise of those companies will be on the head of the Labor Government in this State. I hope that the Minister will use some common sense.

I stress to the House that the complaints have come, certainly initially from the towing industry, which forecast that the regulations would cause enormous problems and lead to sackings within the industry, which has occurred. I point out also that the motoring public is now airing its feelings on this set of regulations. One has merely to listen to Philip Satchell, look at letters received or listen to regular news bulletins criticising the way in which the new roster system is operating.

A man from Belair in my district rang me to say that a car had run down his drive, across the road at the bottom and into a creek bed. He found, upon calling the RAA, that a service vehicle could not touch the car because it had to be towed. It was going to cost him about $40 to have his bogged vehicle towed out and he therefore declined, even though the tow truck inspectorate had offered the vehicle. Next he had the towing authority on the phone threatening to prosecute him if he did not accept the tow. That is the sort of police State that is developing under this set of regulations: threats of prosecution if one does not accept a tow. The man stood his ground, thank goodness, and told them to go and jump. I will not describe to the House what he thought that they should go and do, as it would be inappropriate, but he told them appropriately what to do. His wife also expressed those feelings over the phone to the towing authority. The next day he borrowed a friend's truck and towed the vehicle out at no charge using that truck.

That is the sort of rigidity and imposition now being imposed on motorists of this State. Criticism comes not only from the towing industry: the RAA, representing 400 000 motorists in this State, has been vehemently opposed to this set of regulations because of the manner in which they are imposed and the lack of choice that exists under the regulations. I gave to the Subordinate Legislation Committee a lengthy list of specific criticisms that I have of these regulations. I will not go into that detail, but the evidence is available for any member of the House to see as it has now been tabled and is a public document.

I ask all members of the House to support this motion and that the regulations be rejected. I put it on the Government to go out and consult with the towing industry and come up with a workable scheme that is satisfactory to the motorists of this State and to the towing industry.

Mr FERGUSON secured the adjournment of the debate.

INDISCRIMINATE CAMPING

The Hon. JENNIFER ADAMSON (Coles): I move:

That this House notes with concern the adverse effects on the environment caused by indiscriminate camping in South Australia, especially in the Flinders Ranges and along the Murray River, and urges the Government to:

(a) undertake an immediate survey of these regions with a view to assessing the extent of the damage and the prime reasons for its cause; and

(b) implement a concerted campaign of co-ordinated action to both restore damaged areas to their natural unspoilt state through reafforestation with natural vegetation and to conserve and maintain the environment in visitor regions through intensive public awareness and education campaigns.

I think that there is scarcely a member on either side of the House who would not be aware of the need for support for this motion and for action, as recommended, to follow. Most of us, whether or not we are interested in tourism, know these two regions of South Australia—the Murray River and the Flinders Ranges—and we know the particular delight that South Australian, interstate and overseas visitors take in visiting the regions and, in particular, in camping in those regions. However, what is occurring as a result of

thoughtlessness and irresponsibility is of such a serious nature that I believe it requires concerted action by the State Government and by the community in order to ensure that these beautiful regions of South Australia remain beautiful and that they are returned to their natural unspoilt state.

First, I shall identify what is happening and why we need to take action to deal with it. Following the October Labour Day holiday weekend, I was contacted by concerned people in the Riverland region and told that in that single weekend in a one mile stretch of riverbank near Cobdogla no fewer than 50 living trees were felled by campers. This did not involve dead trees, picking up bark or twigs, or cutting off boughs from dead timber; rather, 50 living trees were felled, some by axes and some by chain saws.

In addition, that area was left in a sadly degraded state with tins, litter and plastic rubbish being cast around; in other words, the environment was sadly spoilt. On that same weekend in the Flinders Ranges, further damage was done to the particularly popular visitor spots which are well known to all South Australians who camp in the Flinders. In the main, those spots are in the gorges of the Flinders Ranges, which are the most popular visitor spots and the most attractive spots for camping. It is an appalling fact that there is scarcely a tree in the gorges—the popular visitor spots in the Flinders Ranges—that has a limb growing on it below the height that a man can reach with a chain saw.

Mr Hamilton: Or a woman.

The Hon. JENNIFER ADAMSON: In general, men are taller than women and, in general, it is the men who wield the chain saws, so I used the word advisedly.

Mr Hamilton: That's sexist.

The Hon. JENNIFER ADAMSON: There is nothing sexist about it. I used the word advisedly. There is scarcely a limb on the trees in those gorges below the height that a person, if you like, can comfortably reach holding a chain saw. That situation should concern every responsible person not only in this State but in this country. The Flinders Ranges is a unique region in the whole world, geologically, anthropologically and scenically, and certainly from an ecological point of view that country is very precious in a world sense.

Moves have been made to have the Flinders Ranges put on the world heritage register. I would certainly support any kind of international recognition of the importance of that region. It is inevitable in the evening, if one is camping in the Flinders or on the Murray River, that one will hear the roar of a chain saw shattering what should be an environment of perfect peace and tranquility marked only by the noise of the bush. Of course, that one aspect of getting away from it all in the Flinders and on the Murray River attracts people to those areas.

Although I have no way of checking on it, I understand that the Northern Consultative Committee—one of those committees established by my colleague, the former Minister for Environment and Planning—was formed to create a communication bridge between National Parks, the Government and the general community. The Northern Consultative Committee has asked the Minister for Environment and Planning to ban all visitors from bringing chain saws into the pastoral areas. As I say, I have no way of checking that. However, the Minister himself might like to verify it. The people in the north—particularly in the pastoral areas—are becoming increasingly alarmed at the actions of a minority of visitors. I stress that it is a minority, which is one of the reasons why the problem is difficult to deal with.

However, deal with it we must if we are to preserve particularly beautiful parks of South Australia, not only for us but also for future generations. The problem has arisen for reasons which will be well understood by those who understand the tourism industry. The Flinders Ranges, which has been a traditional camping spot for South Australians, is now more accessible than it has ever been as a result of the sealing of the bitumen road from Port Augusta right through to Leigh Creek. That is a good thing, because I believe that the particularly beautiful areas of the State should be accessible to people. I am all in favour of roads that make them accessible, but with that accessibility must come responsibility, which is what appears to be lacking at present.

In addition to the relatively easy access by road from Adelaide there is also relatively easy access once people get into the ranges because of the enormous growth in the number of four wheel drive vehicles. Twenty years ago such vehicles were comparatively rare and people who were driving had to stick to the beaten track, whereas nowadays people are not restricted to areas which are accessible only to conventional vehicles. They can drive almost anywhere into the Ranges that a four wheel drive vehicle can go, and that is into all kinds of what one would have thought would be inaccessible spots. So, the damage that has been done is serious indeed.

Of course, the areas to which I am referring are not the only ones. If one goes further north to the unique environment of Innamincka and Coopers Creek, where the trees are utterly magnificent and bird life is superb, one finds that chain saws rend the air in their ugly fashion in that area, too, and campers are chopping down both dead and living trees. The area has been completely stripped of fallen and dead wood and from now on it is the living trees that will go. On the Murray River much of the dry wood has been used. It is not unusual for campers to actually light a fire within a hollow gum tree, part of the tree being living and part of it being dead. The campers will simply light the dead part in the hollow of the whole tree and the whole tree will burn away.

The Hon. G.F. Keneally: Sometimes a week after they have left it is still smouldering. They think that the fire is out.

The Hon. JENNIFER ADAMSON: Exactly, as the Minister says: the irresponsibility in terms of failure to completely extinguish a fire results in much greater damage than would otherwise be the case.

The Hon. B.C. Eastick: It can go beyond the non-fire season into the fire season.

The Hon. JENNIFER ADAMSON: Indeed, it can. A massive tree can smoulder for days, if not weeks, and can carry over from the non-fire season, as the member for Light said, into the fire season. In short, the damage that is being done is widespread and is well known. That in itself is sufficient reason for the Government to take stock and to take action. I believe that the first action that should be taken is that which is identified in the first part of the motion, that is to say, the Government should undertake an immediate survey of these regions and identify these regions because they are probably the most popular visitor regions for camping, although they are by no means the only ones that are suffering from the degradation caused by indiscriminate camping.

An immediate survey should be undertaken with a view to assessing the extent of the damage and the prime reasons for its cause. It may be considered a little simplistic to say 'the prime reasons for its cause' when everyone knows that it is indiscrimate camping, but I believe that if we are to solve the problem we do need to know more about its cause. We need to know whether the problem is mainly caused, for example, by interstate travellers or by local people, whether it is mainly caused by young inexperienced campers, or whether the damage is being done across the spectrum and by whom. To do that needs far more effective

staffing of the region in order to conduct the survey, but I believe it is absolutely essential. There is no Party political bias to this motion: it is a matter which I know is of as much concern to members of the Government as it is to members of the Opposition. I should say that, if no action is taken, it must inevitably become a political matter of a partisan nature, simply because I believe that no Government can fail to act in the face of the obvious need to act that is demonstrated in these regions.

A survey having been undertaken then I believe action needs to be taken to implement a concerted campaign. It is hard to know where such a campaign should begin but I believe it should advance on several fronts simultaneously, and I would identify some of those fronts as being, first, the identification of designated camping areas in focal visitor areas and a provision in those areas of gas barbecue and waste disposal facilities. I know that in the national parks in Tasmania cut timber is made available for campers. I do not believe we can afford that luxury in South Australia because our timber resources are nowhere near the resources of Tasmania, and I do not believe any Government could undertake to provide cut timber for campers. Therefore, I believe that the provision of gas is not an unreasonable responsibility for a Government to undertake. Of course, many people take their own gas cylinders when they go camping but people can run out of gas or they can stay longer than they intended and I do not think it is either unreasonable or unduly costly to suggest that gas cylinders be made available to campers in designated visitor areas, which should be well signposted and well promoted.

Of course, many people want to get away from the madding crowd when they go camping, and they do not like the idea of designated visitor areas. For those people, camping in non-designated areas should not be entirely prohibited but there should be identification of particularly fragile areas in which camping is not permitted. There are waterholes in the Flinders that people should be able to visit knowing that people have not camped there: they might have spent a pleasant day sitting by the waterholes but there will be no evidence of overnight camping or human habitation. We need to identify designated camping areas and areas in which camping is not permitted.

We certainly need a programme of reafforestation of native vegetation in the areas which have been denuded of trees. This programme, which might on the face of it sound costly, would not be, I believe, as costly as it might seem if the tree planting could be done on a voluntary basis. Such involvement would have two benefits: first, the obvious one of reducing the cost and, secondly, and in my opinion the more important benefit, of involving a wide range of community groups in a community service which of its very nature involves a commitment by those groups to the conservation cause.

If we could get young unemployed people, service clubs, organisations and conservation bodies such as the Men of the Trees to organise working bees to reafforest these areas, we would be performing a very valuable educational role, and each of those groups and individuals who took part would go back into their own respective communities saying, 'I planted 20 trees in the Flinders Ranges this week; I want to see them grow and flourish, and I want my grandchildren to see them in the future. I am committed to the reafforestation of the Flinders Ranges', or the Murray River, as the case may be. I think there is great value in a programme of that kind.

I also believe, because of the expertise of KESAB (Keep South Australia Beautiful), that in campaigns of this kind KESAB should be given as a specific project the responsibility for raising public awareness of the need to be responsible when camping in South Australia. I heartily commend to the Minister of Tourism the idea of establishing a sub-campaign to run in tandem with the 'Enjoy' campaign for the domestic market, and that is 'Enjoy South Australia and Keep it Beautiful', or whatever other slogan is considered by the agency and the Department of Tourism to be appropriate. Every advertisement that sells South Australia to South Australians should at the same time encourage a sense of responsibility in those who travel within our State, particularly those who visit the regions and outback areas where the need for responsible conduct is absolutely paramount.

I stress that, because I think that if the present situation continues the hostility of local communities in those areas to tourists will rise to a level that will cause more problems to the Government and to the tourism industry. One cannot have a local community see its very precious resources devastated in the way that is occurring in the Flinders Ranges, the outback areas and along the Murray River without inevitably there being some kind of ill feeling leading to unpleasant action by those local people against those whom they see as irresponsible intruders. I believe that there is a need to review penalties for offences relating to the destruction of the environment, and I believe that there is also a need to examine ways in which the assistance of responsible volunteers can be engaged, with those volunteers advising and encouraging campers about sound camping practices.

I foresee that the interpretive centres that are to be developed at the entrance to the Flinders Ranges and on the Murray River could play an important part in achieving this goal of encouraging responsible camping practice. Ideally, before visitors go into those areas, they should visit the interpretive centre, obtain information and at the same time be advised about the best way in which they can leave this beautiful State as beautiful as they found it or, in the case of some of these devastated regions, even more beautiful.

I believe that the motion deserves the support of the House. I feel sure that other members will have constructive comments to make on how we can overcome this serious problem, and I look forward to the support of my colleagues on both sides to ensure that we can restore the areas that have been devastated and maintain the beauty, peace and serenity of those areas of South Australia which are still in their unspoilt natural state.

Ms LENEHAN (Mawson): I rise to support this motion, because I think that it is fundamentally a very good motion. It goes to the very heart of the preservation of our natural environment and our heritage. Before specifically addressing myself to the two parts of the motion, I wish to state the Government's position on this fundamental issue. The Government is vitally concerned about the protection and preservation of our natural environment as well as our artificial environment, and by that I also mean buildings and items of heritage. However, turning for a moment to the preservation of our natural environment, I think that it is important to point out to the House the record of the present Government.

First, if we consider the vegetation clearance regulations introduced under the Planning Act, it is important to note that these regulations maximise the preservation of our natural scrub and, whilst some controversy has surrounded these regulations, I think that it must be noted that they were long overdue in ensuring that we did not have clearance of large tracts of our natural vegetation with the obvious long term destruction of the envirnoment. The second important aspect that must be noted (and this relates particularly to paragraph *(a)* of the motion—to undertake an immediate survey) is that a review of the arid lands to monitor closely the impact of stock on vegetation in remote areas is already being undertaken.

As every member of this House would know, it is not only a matter of artificially clearing natural vegetation to remove trees and undergrowth but also the incredible devastation that overstocking can do to areas, particularly within the arid and remote areas of this State. The third matter to which I think reference must be made is the very stringent planning controls over the Murray River flood plain which have been introduced. I think that this will help to ensure the preservation of the flood plain of the Murray River. No new shacks will be permitted to be built in that area, and there are stringent controls over present shacks. For example, no new subdivisions have been permitted under this particular control. Paragraph *(a)* of the motion urges the Government to—

undertake an immediate survey of these regions with a view to assessing the extent of the damage and the prime reasons for its cause—

the cause being the matter to which we are referring, namely, indiscriminate camping and the ensuing devastation to the environment. I think it must be noted that a general survey of the recreational potential of the Murray River is being undertaken by the Department of Environment and Planning. This survey has until now concentrated on the Riverland section of the Murray River, and I am informed by the Minister for Environment and Planning that the results of this survey should be to hand shortly. I believe that this will be a significant factor in identifying the extent to which damage has been caused in those recreational areas on the flood plain of the Murray River.

I would now like to turn specifically to the discussion in this motion about the Flinders Ranges. Recently, I have had the privilege and honour of spending some days in the Flinders Ranges, where I was able to meet a gentleman named Mr Peter Ven Hock, an employee at Wilpena Pound engaged for the peak tourism season. Mr Ven Hock has developed, over the past few years that he has been employed in this area, an immense knowledge of and love for the Flinders Ranges. Whilst I was staying at the Wilpena Chalet, I was privileged to be taken through the gorges to which the member for Coles referred and to actually see first hand the beauty of these gorges.

However, it also gave me the opportunity of discussing with Mr Ven Hock the question of indiscriminate camping and the destruction of the environment in the Flinders by this practice where a minority (and I must stress that word) of people have taken their chain saws and, as the member for Coles has very clearly demonstrated to the House, removed large numbers of living trees as well as large quantities of natural deadwood. Mr Ven Hock canvassed the kinds of solutions at which perhaps we as a State should be looking with respect to this whole issue. He suggested to me that there was a need to designate areas of natural camping as opposed to camping and caravan areas, but the need in designating such areas is to make them sufficiently large so that campers would not feel that they were camping at the beach where they were near everyone but that they were in an area where they could maximise the beauty, remoteness and tranquillity of the Flinders Ranges but at the same time be enclosed in an area where there was some means of controlling the sorts of practices that have sprung up.

Tied to that, and indeed an integral part of it, is that in these larger camping areas which, of course, would take in some of the gorge area and the natural creeks that exist would be the need to fence off sections and this could be done on a rotating basis so that one preserves the undergrowth and does not see springing up in these natural camping areas practices that have occurred in many other areas and, indeed, in the Wilpena Pound caravan and camping areas, where the undergrowth is completely removed and there is just bare soil.

By rotating this process, one has at all times the means of reafforestation of the natural undergrowth. This is already happening in the Wilpena Pound caravan park, where they are fencing off smaller areas, given the size of the caravan park, and that is being done on a rotational basis. I commend them for that, because I think that it is vitally important. I wish to endorse the concept that was raised by the member for Coles.

As I have only a few minutes left to speak on this important issue, I now turn to the second part of the motion with regard to implementing a concerted campaign of co-ordinated action not only to restore damaged areas but to implement an educational campaign of awareness. I want to endorse the concept that we should be selling to South Australians and indeed to visitors to our State that we are here to enjoy South Australia, and to enjoy the beauty, remoteness and grandeur of places like the Murray River and the Flinders Ranges, but at the same time we have an obligation to preserve that majesty and beauty not only for the present generation and the community but also for—

The Hon. G.F. Keneally: Enjoy!

Ms LENEHAN: —future generations. As the Minister has stated (and I must acknowledge this catch cry because I think that it has appeal), we should be perhaps saying to South Australians, 'Come here, come to these particular places: enjoy, but do not destroy,' so that we get the message across that it is not just for their pleasure and benefit today but for the benefit and pleasure of South Australians in the future and, indeed, that extends from tomorrow onwards.

In conclusion, I wish to take up the general notion of the preservation of our heritage and, in particular, our natural heritage. If we are to be sincere and long term in our thinking about the preservation of our natural environment about, for example, things like our beautiful red gums, to which the member for Coles alluded, and about the way in which people are cutting them down with chain saws on the one hand or burning out their root system on the other, we should be seriously looking, as a community, to establishing a major national park in the Upper Murray area so that we are able legitimately to preserve for the future generations of this State a natural area which is part of the Murray River and of that beautiful environment. I leave that idea with the House, because I think that it is worth considering. It is worth discussing in a rational and positive manner. I conclude by saying that I support the points in both parts of the motion, *(a)* and *(b)*, but, in so doing, I point out that this Government has taken very positive steps to implement the philosophy behind the motion.

Mr EVANS secured the adjournment of the debate.

ROXBY DOWNS BLOCKADE

Mr GUNN (Eyre): I move:

That in the opinion of this House the Government should—

(a) give a clear undertaking that no further blockades or acts of vandalism by anti-uranium protesters will be tolerated at Olympic Dam or Andamooka;

(b) take the necessary action to protect the property, security and privacy of all citizens living at Olympic Dam and Andamooka as well as people using the roads in the area; and

(c) provide the necessary funds to compensate those whose properties have been damaged,

and further, this House condemns all those associated with the recent blockade.

All responsible citizens of this State would believe that the majority of those people who have been associated with the blockade and other activities at Olympic Dam and Anda-

mooka have acted in a quite reprehensible and disgraceful manner. They have set out on a deliberate campaign to intimidate, harass and interfere with the liberties and rights of good, decent, hard working South Australian citizens who have been lawfully going about their business. However, they have been impeded, harassed and terrorised, and deliberate acts of wanton destruction have been carried out.

Let me detail some of those statements. First, those people have no right whatsoever in my judgment to again be in the area. The people of this State have made clear that they support the project. I believe that the overwhelming majority of Australian citizens support the project. The mining company is legally going about its business. It has an indenture, which was passed by this Parliament. It has the right to construct roads, and the community living there has a right to free access on those roads. The people at Andamooka have a right to go from Andamooka about their business without having to suffer the indignities that have recently taken place.

Let us examine what has taken place. The unfortunate course of action that took place in relation to a truck brought this whole sorry affair to a head. The Premier and the Government have been exceptionally weak and ineffective and have failed miserably to grasp the nettle and deal with this problem in an effective manner. It has taken far too long to achieve the end result. It is obvious that the Government has dithered on this particular matter because those people taking part in the blockade are its friends. That is the reason: they are friends of the Government. That is why the people have had to put up with this nonsense and the taxpayers have had to pay up to $2 million to maintain a police presence there in order to protect the demonstrators. The people at Olympic Dam and Andamooka did not need the extra police—they were going about their business quite effectively before those people arrived.

What are some of the facts? It was necessary for the people of Andamooka to insert the following advertisement in this morning's *Advertiser* to correct—I repeat, correct—some of the deliberate untruths that have been told by the demonstrators. Headed 'Statement from the people of Andamooka', the advertisement states:

The people of Andamooka wish to make it known to the public of South Australia that in no way do we support the presence of uranium protesters in Andamooka or Roxby Downs. On various talk back programmes on Monday morning 12 November the demonstrators falsely portrayed the people of this town as supporting their cause. They have sadly mistaken our humanity and our friendly nature as acceptance of their presence and consequently their cause. Nothing could be further from the truth; we recognise their rights, their liberties, but not at the expense of our own. They have caused many disruptions to this town since the demonstrations began. The reasons for the town's present attitude to the demonstrators are as follows:

1. Absolute rudeness and abuse to the service people of the town—evidence of washing clothes in the local town water supply.
2. Using public toilets as a laundry and bathroom, necessitating the closure for health reasons.
3. Their apparent disregard for the welfare of their own children, not only using them to stop movement of vehicles into Roxby, but also in the neglect of basic hygiene of their children.
4. Considering that they have had an outbreak of infections at the demonstrators campsite, the townspeople are very concerned at the possible increased risk of infectious diseases being transmitted to the public in Andamooka.
5. The apparent wanton neglect for private property in the act of slashing tyres and cutting brake lines of the truck on the way to Roxby Downs.
6. Abuse and intimidation of some of the young children in town.
7. Extremely provocative attitude that the demonstrators assumed on their arrival *en masse* in the town on Friday, and their attempt to antagonise the public in attempting to attend the public meeting on Saturday.

This letter has the unanimous support of every person who attended the public meetings on Saturday and Monday. The meetings were attended by representatives of virtually every household in Andamooka. Never has the community been so unified over an issue.

Signed K. Kimber,

Chairperson of the Andamooka Progress Opal Miners Association.

Let me explain some of these matters. I refer, first, to rudeness. The arrogance of these people was clearly evident to anyone who saw them on television. I refer also to the use of the local town water supply for washing and bathing. The dam in question is clearly fenced and has signs advising the public that there is to be no bathing or other activities in it. In an area such as Andamooka, where there is normally a critical shortage of water, this was an extremely provocative course of action, and in my judgment prosecutions should follow.

It is quite disgraceful that these people would have the arrogance to wash their clothes and swim in the town's water supply. If it took place anywhere else in South Australia, if any member of this House or the community were to carry on in this fashion, they would be prosecuted. The people are using the public toilets—we all know that that is unacceptable—and they are using children to stop vehicles.

Just outside the Olympic Dam site, a child was placed on the road so that a large road train carting water would have to stop. When the vehicle stopped, the remaining demonstrators immediately descended upon the vehicle and slashed the tyres with a machete that they had sharpened: they put the machete on the tyre, hit it with a hammer and slashed the tyre. They also cut the brake linings and the electrical wiring on the vehicle so that it could not be moved. The driver's vehicle was surrounded. When security officers came down to assist him, some of them were abused and spoken to in a most disgraceful manner. These are the people who claim that they are law abiding citizens with a concern for humanity. They are nothing but scoundrels who have disrupted the lives of these people for far too long. The Government has been absolutely weak and ineffective in dealing with these people. Who will pay the $5 000 or $8 000 for the cost of repairs to that vehicle? The tyres were slashed and the brakes were cut. On the spot repairs were required before the vehicle could be moved, because the brakes locked as soon as the brake lines were cut. There is no excuse for that sort of behaviour, and those people should be condemned by all members of this House.

I shall go on and refer to what they did at Woomera. At a nice park there is a display of aeroplanes and equipment used in relation to the history of Woomera, and these things were sprayed by these people with cans of aerosol paint. This was done by those law abiding citizens who are concerned with humanity! I have photographs of the results of their actions. The conditions in which they were living at the camp site were quite deplorable. I understand that the children were not properly clothed. Why did not the Minister of Community Welfare take appropriate action? I raised the matter with him and suggested that officers from the Department for Community Welfare go up there and make an inspection to see whether those children were being properly looked after. I was told that departmental officers said that it was too political. What a weak and ineffective response that was. It is a disgrace that children should be allowed to be living in those conditions.

I want to know why some of those children were not at school. Anywhere else in the State children of school going age would be forced to go to school. Why were they not at school? Where was the Department for Community Welfare? It failed in its obligation to the welfare of those children. It was quite wrong that those people were able to have those children there. It is bad enough that they were ill treated but, in addition to that, those children were not getting an

adequate education. Further, some of those people were terrorising the community, sneaking around at night with their faces blackened.

I refer now to comments which were made in an article that appeared in the *Advertiser* and which I think demonstrate the validity of what I have been saying. The article stated, in part:

Another employee, Mr Bill Chandler, said his wife and children were terrified when they were accosted by protesters after a visit to the library.

It is a quite normal course of action for a citizen to take his wife and children to the library, yet these scoundrels had the audacity to jump on people's cars. People were not game to allow their wives and children to leave the site in vehicles because of fear that they might be accosted by these protesters, who were claiming to be holier than thou. There were other examples of this. The residents at the site were amazed when the Premier (after taking the trouble to visit the site) said that he really had nothing to offer them. They were absolutely disappointed with the weak answers that he gave and were quite amazed at the responses given by him. I want to list some of the damage to property that occurred. It is as follows:

	$
Damage to TOP water truck, at least	5 000.00
Graffiti at administration office	188.00
Damage to salt water bore	880.00
Fencing	39.40
Graffiti at administration office	718.00
Fencing at south gate	252.00
Fencing boundary of lease	600.30
Fencing boundary of lease	982.30
Fencing boundary of lease	602.00
Fencing boundary of lease	165.00
Fencing boundary of lease	377.40
Damage to fencing gates pilot plant	529.40
Damage to road signs, etc.	800.00

That relates to just some of the vandalism in which these people were involved. I want to quote a few other things in relation to comments made in the *Dam News* No. 3 of 25 August, under the heading 'Protesters intend to break the law', to illustrate how these people intended to act. It states:

The Coalition for a Nuclear Free Australia has indicated its intention to break the law during the Roxby Blockade and has offered to protesters its ideas on property destruction.

In its Roxby Blockade Handbook 19 August 1984, the CNFA prints on page 5, the following:

(Paragraph 3) In blockading Roxby, we are committed to non-violent actions and reactions for reasons of both principle and pragmatism. However, Roxby Downs is a place of violence. Our attempts to close it will be met with the power of the State—the Police Force. There is no guaranteeing how members of the Police Force will act, individually, in terms of force.

It further states:

(Paragraph 4) If property destruction is going to take place it shall be carried out in a spirit of creative affirmation of life and not one of vandalism.

They are some of the comments made in the handbook which these people were using as their bible during the blockade. In the *Dam News* of 8 September appeared the reply by the Minister of Emergency Services to a petition that had been forwarded to the Government. The protesters were not very happy with the response, and their response to it was also published in that issue of the publication, as follows:

Dasher and Bluey then telexed the Minister and thanked him for his reply on behalf of the signatories, but questioned some of his comments:

Thank you for replying to our telex, and we appreciate your support in attempting to persuade the protestors to call off their blockade at Olympic Dam. As normal Australian citizens we still find it difficult to believe that these demonstrators, approximately 30 per cent only being South Australians—

- Having created havoc with outback road signs from Port Augusta to Olympic Dam.
- Having entered the mining lease in the dark of night, dressed in dark clothes with darkened faces.
- Having by their presence caused enormous environmental disturbance . . . can still claim that peace, consideration and humanity are the principal aims of their demonstration.

We assure you that we respect law and order and our tolerance of the demonstrators will remain for the period of the planned blockade.

Those people were prepared to accept this for the period of the planned blockade. That was bad enough, but the manner in which the remaining people carried on was quite disgraceful, and unfortunately the Government did not have the courage to deal with them. I referred earlier to the children who were involved. An article, headed 'Council bid to aid children', appeared in the *News* of 30 October 1984. It stated:

Port Pirie councillors have moved to protect Olympic Dam protesters' children, who they claim run serious health risks and live in 'barbaric surroundings.'

Dirty children living in unhygienic roadside camps without adequate water and healthy foods need protection, Alderman C. Robertson says. 'Community Welfare Departments would move in to help the children if they lived in the suburbs,' Mr Robertson said.

He moved in council that the Federal and State Governments be asked to step in to help the children. Protesters stopped a bus in which Mr Robertson was travelling two weeks ago.

'The media coverage has never shown the children,' he said. 'I was very depressed after seeing the filthy children with sores on their legs. They are definitely at risk,' he said.

'It has to be seen to be believed. I have approached the Andamooka Progress Association and have been told the children are not locals. People have a right to protest, but no right to subject children to such conditions. The flies and dirt are appalling. Welfare departments should remove children from the camp if necessary,' he said.

Mr Robertson said he was not sure how many children were in the camp of about 40 protestors. But some appeared to be aged about three, and school age children had taken part in a road blockage and lain on the roadside to stop the bus in which he had been travelling.

I brought this matter to the attention of the House and the Minister. I am appalled that the Department for Community Welfare has done nothing in relation to these complaints, which have gone back as far as 31 October. There are other matters to which I could refer in relation to the deplorable course of action that was taken. I forwarded to the Premier the following letter so that there would be no misunderstanding of the views of the people of Andamooka in relation to this matter. I hope that they get a better response than that which was given to the residents of Andamooka on 18 October, which was really a 'do nothing' letter. The following letter, dated 11 November 1984 was forwarded to the Hon. John Bannon:

At a meeting of the APOMA committee members, some citizens, the chairperson of Saturday's meeting, Mr K. Fahey and Graham Gunn, M.P., we were informed at 7 p.m. that most of the protesters have been removed, but believe there is still a small group of protesters in the Andamooka area, and would request that these people also be removed by tomorrow afternoon. We want assurance to be given by the Government that these protesters do not return to this area, and that measures be taken to avoid the same situation in the future that has arisen at Roxby Downs and Andamooka.

We are astounded that this situation has been allowed to continue as long as it has and why action could not have been taken earlier to avoid this totally undesirable situation. As telexed on Saturday another public meeting will be conducted to inform the public of the actions taken by the police and to reinforce the above points. Up to this time of writing we had no official notification of any action taken.

K. KIMBER, Chairperson
on behalf of the APOMA Committee

I think I have made abundantly clear my concern in relation to this matter. I have a number of other documents from which I could quote, but I will not delay the House. I

emphasise briefly, in conclusion, that the time has come for the Government to give an unqualified assurance that no further blockades of the site will be tolerated. I believe the overwhelming majority of citizens of this State are sick and tired of these people; they do not have public support; and they have abused the right to protest and object to courses of action in which they do not believe.

The Government has been weak and lily-livered in handling these people and showed no courage whatever until it was forced, by the people of Andamooka, to act: it is no good anyone saying otherwise. If the people of Andamooka had not stood up and said that, if the police did not shift these people by 12 noon on Saturday they would have been forced to take the law into their own hands, nothing would have been done. I do not believe in people taking the law into their own hands, and it is a bad thing when people are forced into that situation. They were under severe provocation from an irresponsible element which has no regard for the rights of the people of this State. Most members of that group are in receipt of unemployment benefits, are not making any contribution to the revenue of this State and are costing the taxpayers a large amount of money.

It gives me no pleasure to come into this House and make strong and critical comments in relation to these people. I took the trouble last weekend to go to Olympic Dam and Andamooka, because I was most concerned at what would happen if people were forced to take the law into their own hands. The police handled the situation very well. They were forced to do it because of the attitude that the people had taken because they were sick and tired of the inconvenience and other problems caused by this group. It is no good the Government's saying that these people can come back next year and demonstrate. The people of this State should not be forced to mount such a police operation when the money can be spent more usefully in other areas. It will have no effect on that project or the nuclear fuel cycle throughout the Western world. Everyone knows that the nuclear fuel cycle will continue and is needed to meet the power demands of the industrialised world for the next 30 or 40 years.

Anyone who has gone overseas in the past 12 months knows that what I am saying is correct. This damn nonsense should not be tolerated any longer. Unless the Government is prepared to give an unqualified assurance to this House and to the people of this State there will be a lot more trouble if those people, in about nine months time, attempt to carry out another futile and irresponsible blockade. I commend the motion to the House and hope that all responsible members will support it.

The Hon. G.F. KENEALLY secured the adjournment of the debate.

SALE OF STATE SCHOOLS

Adjourned debate on motion of Mr Groom:

That this House views as absurd and unworkable a Liberal Party proposal to sell State schools to the private sector.

(Continued from 31 October. Page 1669.)

The Hon. LYNN ARNOLD (Minister of Education): I do not wish to speak at great length on this motion. I am sorry that the shadow Minister is not continuing his remarks which he started a couple of weeks ago. I wish to note a couple of points raised by the member for Hartley, because it is quite telling in terms of the structure of Federal Liberal Party education policy presently being put around. The history of the matter is that some weeks ago a press report stated that the Federal Liberal Party was proposing to sell off certain Government assets to the private sector. Mention was made of TAA, Telecom and Government schools. That received some concern at the time and I know that in certain Liberal Party quarters it was received with as much alarm as it was received on this side of the House; in fact, so much alarm that shortly thereafter a statement was issued by the Federal Liberal Party along the lines, 'Sorry folks, this is not in our policy any more. What you have read is no longer the case.' On the one hand, one can pay great credit to the strong representations that were made within the Liberal Party to say to certain Federal colleagues, 'Pull your head in,' because that is certainly what happened. It is commendable that they did jump up and down quite strongly.

I am alarmed, first, that such a policy could surface in the first place; secondly, that the policy that did surface could be changed so rapidly; and, thirdly, that the policy could be floated without the Federal shadow Minister of Education knowing about it, as turned out to be the case. The Federal shadow Minister of Education did not know what was being said on his behalf in other quarters by other of his shadow Ministerial colleagues. The viewpoint we have in the Labor Party is that we work steadily on developing an education policy over a considerable period of time, consult with people, discuss issues and concerns, and then plan what to do and announce it publicly. Because one has done enough public homework and talked to enough people, one is on reasonably solid ground. That is what happened with our policy before the last State election.

That is what happened at the Federal level, with extensive consultations in the community to determine needs and determine what Governments can possibly hope to provide with resources estimated to be available. It is then determined what is philosophically consistent with the viewpoint our Party has and then those views are put to the electorate. We stay basically with the policy and say that this is what we have developed on the basis of our philosophy and upon consultation. That is what we go to the electorate with.

The situation that applied in this case was quite different. A policy was floated in the hope that it might attract some support. It simply attracted panic in Liberal Party quarters as people realised that it was the most phenomenally outrageous proposition ever put. The member for Hartley demolished how any such proposal could work. I give a tribute to members of the Liberal Party who likewise appreciated that it is not a realistic policy to talk about the sale of schools. Many in the Liberal Party have dissociated themselves from that policy. The point I make is that policies cannot, in such important areas as education, be the kind of quicksilver things that have a 1 December version with the 2 December version being totally different from that of the day before.

They are the sorts of things that must be based on something more substantial than that. Of course, there are parables about building houses on sand and rock. I suggest that this policy is one that was very much built perhaps not on sand but on quicksand and that it sank very promptly while the 'for sale' sign was still out in the front of the house (or the school). The shadow Minister of Education mentions that we have sold facilities. It is certainly true that in terms of buildings—

The Hon. Michael Wilson interjecting:

The Hon. LYNN ARNOLD: I appreciate that we have not been criticised for that. It would be rather hard for the shadow Minister to criticise the present Government, because when members of the present Government were in Opposition we did not criticise the former Government when it did exactly the same thing. It is certainly the case that surplus facilities within the education sector have from time to time been sold, for the most part at market rates: some

of the small one-teacher schools have been sold for private purposes over the years, and in some cases they have been sold for other educational purposes.

There are examples of surplus facilities being rented out; that happens quite a lot today. Surplus facilities are rented out for other uses. The point at issue here is that that was not what was being proposed. It was not a case of the Federal spokesperson or whoever raised this matter saying, 'Let's rent out or sell off the underused part of TAA or the underused part of Telecom. Let's sell off the surplus lines.' They were simply talking about the sale of whole units of enterprise as going concerns. The proposition clearly was that they were talking about the sale of established schools as going concerns so that they could possibly be taken over by somebody who would wish to do so and operate them—maybe some enterprise for profit. That would certainly introduce a quaint element in the education arena. However, my colleague the member for Hartley has already gone through that.

I want to acknowledge, as I did before the shadow Minister came in, that this is no longer a Federal Liberal education policy. It was decried within a very rapid space of time. I also acknowledge the fact that there were a number within the Liberal Party who brought about that change of policy, but this House would do well to realise and understand—

The Hon. Michael Wilson: The Liberal left.

The Hon. LYNN ARNOLD: The Liberal left, yes, in fact took over their Party. The left wing of the Liberal Party won again. However, the point that needs to be made is that one must be concerned when an education policy developed by a major national Party seeking to pose itself as the alternative Government at the Federal level can have such a quicksilver kind of policy on such an important human area as education—that it can say one thing one day and something totally different the next day—and when various leading spokespeople in the Party would not have spoken to each other and just do not know what is going on. The mind boggles!

What would have happened had the Federal Liberal Party had such a policy and had it by some disastrous miracle actually won the Federal election and then determined exactly what it would do about this matter had the policy not been changed in time? The electorate deserves to think very carefully about this kind of issue. If that is the kind of policy making procedure that exists within the Federal Liberal Party, what must be the case for other areas of Liberal Party policy? When they see a policy espoused by one of their spokespeople over the next few days, they need to ask themselves, 'Will we see a rebuttal in two days? Will we see a total *volte-face* in two days?' It has happened, and it could well happen again.

Nevertheless, I hope that the Liberal Party will do a *volte-face* on some of its policies, so appalling are they. It would certainly do its credibility in the long term some good. However, in the short term of trying to establish itself as a credible alternative Government, it has not established any record at all with the kind of performance we have seen in regard to its erstwhile proposal to sell State schools to the private sector.

The House divided on the motion:

Ayes (18)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, Ferguson, Gregory, Groom (teller), Hamilton, Hemmings, Hopgood, and Keneally, Ms Lenehan, Messrs Payne, Peterson, Trainer, and Wright.

Noes (16)—Mrs Adamson, Messrs Allison, P.B. Arnold, Baker, Becker, Blacker, D.C. Brown, Chapman, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Olsen, Wilson (teller), and Wotton.

Pairs—Ayes—Messrs Klunder, Mayes, Plunkett, Slater, and Whitten. Noes—Messrs Ashenden, Eastick, Mathwin, Oswald, and Rodda.

Majority of 2 for the Ayes.

Motion thus carried.

PETERBOROUGH STEAMTOWN

Adjourned debate on motion of Mr Gunn:

That a Select Committee be established to inquire into the affairs of Peterborough Steamtown Incorporated with a view to making recommendations to resolve the current dispute and to investigate—

(a) the sale of certain assets;
(b) the expulsion of members;
(c) the refusal to admit new members;
(d) the spending of State Government grants; and
(e) any other matter that the committee considers appropriate.

(Continued from 31 October. Page 1672.)

The Hon. G.F. KENEALLY (Minister of Tourism): When I sought leave to continue my remarks a fortnight ago, I had given the House an undertaking that I would use what offices I could to secure a resolution of the difficulty that was being experienced by the community at Peterborough and Steamtown Peterborough in regard to the operations and assets of the steam museum and the steam train activity in that town.

There was some difficulty in actually speaking to the parties involved because injunctions were in place. The original injunction that was causing the blockage was replaced a fortnight ago by another injunction that will be in force until 7 December and the Steamtown Association had been advised by its solicitors not to speak to the Minister or anyone else about it. It was only on Monday of this week that I was able to speak to the executive of Steamtown Peterborough. I spoke to them with a view to resolving this problem. Frankly, I was suprised when the executive of Steamtown said that they would be delighted for a Select Committee to be established by Parliament to look at the Peterborough situation, because they believe an independent authority was needed to look at what happened and what was taking place so that an independent decision can be reached.

I pointed out to the executive that that would mean that members of Parliament who had expressed fairly strong views about Steamtown Peterborough would almost certainly be members of the Select Committee: it was obvious that the member for Eyre would be a member and I expected that the member for Coles and I would also be members. However, even if the Select Committee was to be established they could be absolutely assured that the members who had already expressed views about Peterborough would look at the evidence quite dispassionately and independently and bring down a decision based on the evidence that was given to the committee, so they need not feel that their point of view might not be dealt with adequately. As a result of my discussions with Steamtown, I am happy to inform the member for Eyre that the Government is prepared to accept his motion that a Select Committee should be established to reach a solution to the problems that has the agreement of all parties, particularly the community of South Australia.

Injunctions are in place at the moment; some of them are placed on individuals, and I suggest that, as soon as the Select Committee is established and starts to meet, it, or the Minister, should try to have those injunctions lifted because I do not believe there is any threat now to dispose of the assets of Steamtown and I think any Select Committee established by this House should be able to take evidence without the threat in a sense of injunctions being held over

the heads of organisations or individuals. It may or may not be the case in the future that such actions will be put into place, but I believe the Select Committee should seek to have the present injunctions lifted.

I want to make the point before the Select Committee is established that that is a matter with which the Select Committee ought to concern itself immediately. In the interests of all people who wish to see tourism progress in South Australia and all who wish to see a resolution of the problem at Peterborough, I point out that the entrenched positions of the parties is such that it is impossible for the council of Peterborough or Steamtown to resolve the problems between themselves, and it is because of this that another authority should be involved. I point out to the member for Eyre that I tried to find other suitable ways of resolving this matter but I was unable to find a more suitable authority than a Select Committee, because in a sense I believe this could be seen as being a sledgehammer cracking a nut. I believe this should not be seen as a precedent for other Select Committees to be established for solving problems that could be addressed in other ways. I think this is a peculiar and particular problem so that the Select Committee, as suggested by the member for Eyre, is the only way in which it can be dealt with. In view of that, the Government supports the motion.

Mr BLACKER (Flinders): I am indeed pleased to hear the Minister's response to the motion. I am rising to add my full support. I have been contacted by Mr David Dowd, who had a personal involvement in the early stages of the development of Steamtown and to that end he has written to me, as I believe he has written to other members of Parliament, seeking that every possible course of action be taken to resolve this issue. I am pleased to hear the Minister explain the measures that he has taken in order to reach a conclusion without having to get to the stage of a Select Committee, but I think every member present and everyone who has been contacted would appreciate that when all normal courses of action have been followed it becomes almost obligatory for this House to step in and see that some amicable solution to the problem is found.

I am adding my support to that. Mr Dowd contacted me in a very concerned manner. His involvement at an early stage was at a time when he was involved with the Peterborough council and his concern was great, because he personally had put in may hours of time and much money, as he knew that many other members of the community had done, and from reports he was receiving (and we were all receiving) it was obvious that something was amiss. This Select Committee would appear to be the only way by which the matter can be resolved and I trust that it can reach a conclusion to the satisfaction of all concerned.

Motion carried.

The House appointed a Select Committee consisting of Mrs Adamson, Messrs Ferguson, Gunn, Hamilton, and Keneally; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Wednesday 5 December.

ROAD FUNDS

Adjourned debate on motion of Hon. D.C. Brown:

That this House is concerned at the inadequate funds available for road construction and maintenance, calls on the Federal Government to increase road grants allocated to State Governments and to give South Australia a fair and equitable portion of those funds and calls on the South Australian Government to reverse its decision to direct fuel tax revenue away from the Highways Fund—

which the Minister of Transport has moved to amend by leaving out all the words after the word 'funds', second occurring, and inserting in lieu thereof the words:

and congratulates the South Australian Government on its increased expenditure on roads in South Australia.

(Continued from 31 October. Page 1678.)

The Hon. B.C. EASTICK (Light): I do not intend to hold the House for any length of time but I believe it should be placed on record that a circular has been made available to all members by the Chamber of Commerce and Industry and more particularly a subgroup of that Chamber, the Save Australia's Roads Committee (South Australian Region), which typifies the problem referred to in this motion. Under the heading 'Increased road funding—an urgent need' the letter states:

The accelerating deterioration of the South Australian roads system as a result of inadequate funding by successive Governments has, for the first time, compelled the major organisations of road users and constructors to unite for the common good of achieving a more responsible allocation of road funds. This committee—the Save Australia's Roads Committee (South Australian Region)—now has much pleasure in submitting for your urgent consideration its unified proposals in this respect which have been achieved after several months of research and discussion. In sending you this submission SARC—S.A. seeks affirmation of your support of the proposals put forward in it.

I have no doubt that many honourable members will respond personally. The document that accompanies that letter indicates that the South Australian Roads Committee (South Australian Region) comprises representatives of the following: the Australian Asphalt Paving Association (South Australian Branch); the Australian Federation of Construction Contractors (South Australian Branch); the Australian Road Federation (South Australian Region); the Chamber of Commerce and Industry, South Australia, Incorporated; the Earthmoving Contractors Association of South Australia Incorporated; Extractive Industries Association of South Australia; Local Government Association of South Australia Incorporated; the National Ready Mixed Concrete Association (South Australia) Incorporated; the South Australian Road Transport Association Incorporated; and the United Farmers and Stockowners of South Australia Incorporated. Having observer status are the Association of Consulting Engineers Australia (South Australian Chapter), and the Royal Automobile Association of South Australia Incorporated. This document is dated November 1984, and by way of introduction the organsiation makes the following statement:

The accelerating deterioration of the South Australian roads system as a result of inadequate funding by successive Governments has, for the first time, compelled the various organisations of road users and constructors to unite for the common good of achieving a more responsible allocation of road funds. This committee—The Save Australia's Roads Committee (South Australian Region)—submits for your urgent consideration and support its unified proposals which have been achieved after several months of research and discussion.

That statement is in line with the letter that has been sent to individual members. Under 'Recommendations', the group indicates that funding is to be achieved at no additional cost to the budget. They believe, as I will identify shortly, that they have a way in which that can be effective. It also points up half yearly CPI indexation and earmarking of funds clearly definable as road construction and maintenance money; that is there is a clear understanding from the outset of where the money will be located and how it will be utilised.

The third point they make is that there needs to be an integration of the three existing road funding programmes, namely, the Road Grants Act, the ABRD and JOLOR into a single 'Road Grants Act'. They then discuss the road funding proposals, and the submission states:

It is recommended that the three existing road funding programmes—the Roads Grants Act, ABRD and JOLOR—be integrated and drawn into one 'Road Grant Act'. Funding should be allocated by the specific earmarking of the fuel excise tax on the following basis:—

Roads Grants Act—the rate of 4 cents per litre.
ABRD—the rate of 2 cents per litre.
JOLOR—the rate of 0.25 cents per litre.

The 6.25 cents per litre to be applied to roads is to be indexed half-yearly, as occurs with the collection of the fuel excise tax, to maintain a growth in real terms. This earmarked fund will not interfere with existing budget allocations as it represents an approximate equalisation of the current level of funding from general revenue.

This picks up the point that they are not seeking additional impact on Government, but rather the proper distribution of the amount that is being extracted from the community under the three actions that I have previously highlighted. The letter further states:

The funding would be clearly definable as road construction and maintenance money. It would be perceived as such by the taxpayers and the road making authorities would be held responsible for the effective commitment of these funds to the road system. These increased funding levels need to be tied to real increased funding at the State levels. Thus the change in the existing fundings to that proposed would be as follows:—

and they give this very simple equation—

	$m
Commonwealth Receipts from fuel levy	2 151
New Road Grant Act—6.25 cents/litre fuel excise	1 310
Fuel levy not allocated to roads	841

As to the distribution of road funds, the letter makes the following points:

South Australia only receives 7 to 8 per cent of the total road funds based on current arrangements. However, when the South Australian situation is calculated using all the objective measurements expressed by a formula, it should receive approximately 9 per cent of the total road funds.

(The basis of this formula approach is drawn from studies undertaken by the Local Government Association in devising a replacement to the needs disbursal arrangement which previously existed for the allocation of funds between councils within this State. The previous method was totally unsatisfactory.)

This formula approach would alleviate many of the current problems being experienced, and is the average of the various components which go to assess road funding criteria. Hence area, population, road length and expenditure on local roads, when averaged, give a more equitable share of the road funding cake.

Let me state here and now that I do not believe that South Australia is receiving an equitable share of the road funding cake in so far as the amount made available by the Commonwealth is concerned. I know that that view is shared by members on both sides of the House. It has been publicly stated by them not only in this House but beyond it, and South Australia can feel justifiably aggrieved that it has not been given a greater consideration.

The Minister has revealed that the Premier has commenced a direct approach to the Prime Minister, drawing attention to the inequality that exists, and I have no hesitation in adding my endorsement to any support that the Premier may wish to demand of the Prime Minister, not in this election situation but in a total responsibility that should exist towards South Australia, that he adequately address the matter that the Premier has drawn to his attention. The submission further states:

Thus, using the 1983-84 Commonwealth Road Funding under the Roads Grants Act only, and disbursing the funds according to the formula approach above, results in the following tabulations:

The first is identified as table A, 'Commonwealth Funding for Arterial Roads Formula Disbursements'. I seek leave to have the table inserted in *Hansard* without my reading it, it being purely statistical.

Leave granted.

TABLE A: COMMONWEALTH FUNDING FOR ARTERIAL ROADS FORMULA DISBURSEMENT (1)

	Population Per cent	(2) Road Length Per cent	(2) Expend-iture Per cent	Formula Entitlement Per cent	Present Allocation Per cent	Percentage Difference	(3) Result Dollar Terms $m
NSW	36	30.2	41.0	35.73	29.23	+6.5	+16.25
VIC	27	16.9	20.7	21.53	23.84	−2.31	−5.77
QLD	15	19.2	16.8	17.00	21.74	−4.74	−11.85
SA	9	10.5	7.3	8.93	7.55	+1.38	+3.45
WA	9	17.55	9.9	12.15	13.03	−0.88	−2.20
TAS	3	2.65	3.3	2.99	3.64	−0.65	−1.625
NT	1	3.0	1.0	1.67	0.97	+0.70	+1.75
	100 per cent	100 per cent	100 per cent	100 per cent	100 per cent		

NOTES: (1) Under Roads Grants Act (no ABRD)
(2) Road Length and expenditure factors from NAASRA Road Study
(3) A 1 per cent variation approximately equals $2.5 m
(4) Area component deleted as this has minimal bearing on the major road network. Arterial roads, by definition, connect centres of regional significance.

The Hon. B.C. EASTICK: There follows table B, headed 'Commonwealth Funding For Local Roads Formula Disbursement.' As it is also purely statistical and relevant to the points that have been made, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

TABLE B: COMMONWEALTH FUNDING FOR LOCAL ROADS FORMULA DISBURSEMENT (1)

	Area Per cent	Population Per cent	(2) Road Length Per cent	(2) Expenditure Per cent	Formula Entitlement Per cent	Present Allocation	Per cent Difference	(3) Result Dollar Terms $m
NSW	10	36	24.2	40.5	27.68	28.63	−0.95	−1.71
VIC	3	27	20.3	20.5	17.70	20.02	−2.32	−4.18
QLD	22	15	20.4	19.25	19.16	19.49	−0.33	−0.59
SA	13	9	13.3	7.2	10.62	7.67	+2.95	+5.31
WA	33	9	17.6	7.1	16.68	14.46	+2.22	+3.99
TAS	1	3	1.9	3.1	2.25	5.09	−2.84	−5.11
NT	18	1	2.3	2.35	5.91	4.64	+1.27	+2.29
	100 per cent	100 per cent	100 per cent	100 per cent	100 per cent	100 per cent		

NOTES: (1) Under Roads Grants Act only (no ABRD, JOLOR etc.)
(2) Road length and expenditure factors from NAASRA Road Study
(3) A 1 per cent variation approximately equals $1.8m.

The Hon. B.C. EASTICK: The group further states:

To activate the proposed formula disbursement between States it is seen that there needs to be a phasing-in programme. Such a period may be up to three years to allow for adjustments but it must make allowances so that:

(1) No State would receive less funds in any road category than applied in the previous year.

(2) the States which stand to receive increased allocations would receive proportional increases each year commensurate with the foregoing constraint.

I believe that that is being evenhanded in our responsibility to other States so that that phase-in period could be allowed. It is only right that the views of that group, which have obviously worked to the end advantage of South Australia, should be on the public record, and I certainly support the action that it has taken. I have written back to the Chairman of the group, Mr Truran, indicating that I have received the letter and the enclosure, and pointing out that I have no difficulty in supporting to the full his committee's action to secure an equitable share of funds for South Australia. The manner in which our share of the national total has been whittled away is cause for continuing alarm.

The Minister has seen fit to seek to amend my colleague's motion, by leaving out all the words after 'funds' second occurring and inserting in lieu thereof 'and congratulates the South Australia Government on its increased expenditure on roads in South Australia'. I cannot accept that amendment: it is self praising the Government at a time when it is not providing in South Australia a worthwhile increase in funds.

The Hon. D.C. Brown: It's not true.

The Hon. B.C. EASTICK: I will leave my colleague, in answer to this debate, to bring out that point, but certainly the councils that I represent—and there are 12 of them—do not believe that additional funds are available. In fact, some of the councils are missing out on vital work. They recognise that they have to take their share of the downs along with the ups, and I express here the view which I have put to successive Ministers of Transport, of both political persuasions, that it is urgent and necessary, in consultation with local government, very clearly to spell out that, if a local governing body is to miss out on an allocation in any one year, it does do not further miss out until its turn comes around again; that is, that there is a cycle whereby every local governing body takes its turn in a reduction or a withdrawal of funds in any one year. It should be on a forward plan basis to enable local governing bodies to give due consideration, when seeking to purchase new equipment or when having regard to additional workers that they need to put on or to provide a guarantee of work for those workers, to the matters involved and to be able to adjust their planning accordingly. The stop start position, which has occurred in recent years, is not good for harmonious relationships between councils or within the Local Government Association. Whilst I am ever mindful of the work which the Local Government Association through its current President has done to seek to rationalise and provide a formula for the purpose of road funding, I realise that that is only a part of the total.

The Government's own distribution of funds is another part of the equation. However, from the local government point of view, I believe that there needs to be a plan, which needs to be followed and which needs to be mindful of the humanity of suddenly reducing the daily paid workforce, when there has been a legitimate local and resident expectation of the continuation of a programme. The proposal put forward by my colleague, the member for Davenport, is I believe totally supportable by the members of this House. It expects nothing less than that which we have been called upon to provide by way of the charges to be extracted from a commodity that we all use. On that basis, I support the proposal and commend it to the House.

The Hon. D.C. BROWN (Davenport): I thank those who have contributed to the debate, particularly the member for Light, who has just spoken; I appreciate the contribution that he has made. I do not intend to speak for long, except to sum up this debate. I am concerned with the amendment that has been moved by the Minister of Transport which seeks to delete the words, 'and calls on the South Australian Government to reverse its decision to direct fuel tax revenue away from the Highways Fund' and to replace them with the words 'and congratulates the South Australian Government on its increased expenditure on roads in South Australia'.

The Minister's amendment is factually not correct. How a Minister of the Crown can stand in Parliament and move an amendment which factually does not stand up to examination astounds me. So, I will certainly oppose that amendment. It is worth bringing to the attention of the House that the Bannon Government has increased the fuel tax and, as that revenue normally would have gone into the Highways Fund, we may have been able to congratulate the Minister. However, at the same time, the Bannon Government put through a proposal to direct all that extra revenue into general revenue, away from the Highways Fund. On two occasions now the Bannon Government has increased the allocation to the police expenditure from the Highways Fund. So, we can now safely stand in this House and say that the Bannon Government has bled from the Highways Fund something like $17 million a year, which would otherwise have been spent on roads into general revenue or other expenditure.

This claim of increased expenditure by the South Australian Government as proposed by the Minister of Transport in his amendment does not stand up. I also remind members opposite, because they are about to vote on this issue, that if they support the motion—even if they support the amendment and it then becomes the motion—they will in this House be casting a vote that is very critical of the Hawke Government in Canberra. I hope that they do so. From what the Minister of Transport has said, he intends to amend the motion and then support it, but let it be clearly understood that in supporting this motion, even the amended motion, Government members will be severely criticising their Federal colleagues. For that I should congratulate them, because it is about time they stood up and took on the Hawke Government, rather than lying down and meekly accepting it as they have done on so many occasions in the past.

It is about time that the Premier and the Minister of Transport stood up and told the Hawke Government that this constant beating of South Australia around the ears will not last any longer. The only trouble is that I suspect they do not realise what the motion does and probably have not bothered to read it to realise that it is critical of the Hawke Government. I hope that as a result of the statements that I have made subsequent to this debate in criticising the Federal Hawke Government for the lack of funds for road construction and maintenance throughout Australia, but especially here in South Australia (because we do not get a fair share), Government members will support me in that criticism of the Hawke Government. The roads in Australia, particularly in South Australia, are in a deplorable state and, according to a national study, are deteriorating rather than improving. I urge all members to support the motion in its original form.

The House divided on the amendment:

Ayes (18)—Mr Abbott (teller), Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, Ferguson,

Gregory, Groom, Hamilton, Hemmings, Hopgood, and Keneally, Ms Lenehan, Messrs Payne, Peterson, Trainer, and Wright.

Noes (16)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Blacker, D.C. Brown (teller), Chapman, Eastick, Evans, Goldsworthy, Gunn, Lewis, Meier, Wilson, and Wotton.

Pairs—Ayes—Messrs Klunder, Mayes, Plunkett, Slater, and Whitten. Noes—Messrs Becker, Mathwin, Olsen, Oswald, and Rodda.

Majority of 2 for the Ayes.

Amendment thus carried; motion as amended carried.

COMPANIES (APPLICATION OF LAWS) ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

SHOP TRADING HOURS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I move:

That this Bill be now read a second time.

This Bill, which was introduced in the Upper House by the Hon. Martin Cameron, seeks to bring some rationality to the question of shopping hours in relation to the sale of red meat. This very vexed question has been too hot for the Government to handle and has caused some considerable difficulty for the Australian Democrats in their stance in relation to this Bill. The Government took a half step in agreeing to a proposal of the Australian Democrats. The Hon. Mr Gilfillan moved in the Upper House to introduce, with the Government's support, a measure which would allow butcher shops to trade on either Thursday nights or Saturday mornings. It was confidently predicted by a number of informed commentators that this would lead to a degree of confusion, and indeed that did occur. I might point out that in supporting that measure the Government took one tentative step in relation to freeing up shopping hours for red meat sales.

Now, in the fullness of time, that trial has proved to be as chaotic as had been suggested, it being thought that the public would not know whether a shop was open on Thursday night or Saturday morning and that they might go to a shop at either of those times but find that it was not open. The Hon. Martin Cameron introduced into the Upper House a Bill in terms of his original proposal, providing that red meat should be able to be sold on Thursday nights and Saturday mornings. With the support of the Australian Democrats the Upper House has now passed that Bill. However, I understand that the Government was not prepared to take that other half step which needs to be taken to bring some sense to this matter. That is what the Bill is all about.

The issues involved have been canvassed for a long time. For a very considerable period of time rural producers have been at a loss to know why on earth red meat cannot be sold when other meats are sold. They are at a loss to understand why the Government is not prepared to support what is simply a measure to provide some equality of opportunity in relation to the sale of red meat generally. I think the community at large accepts this and that the inevitability of bringing some rationality in this matter is accepted by all except, it seems, those in the union movement. I cannot understand why, with the general acceptance of this measure by all concerned except those from that quarter, the Government has to indicate again that it is completely under the thumb of that organisation. I certainly hope that when the Bill is debated in this House common sense will prevail and that the Government has a change of heart in relation to this matter. I do not think I need to say anything more in this second reading explanation.

The clauses are self-explanatory. I trust that in due course when the measure is voted upon that it will pass the Parliament. I commend the Bill to honourable members.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

WINE INDUSTRY

Adjourned debate on motion of Hon. P.B. Arnold:

That this House, recognising the depressed state of the wine industry, the plight of wine grape growers and their inability to meet mounting costs, condemns the Federal Government for imposing a 10 per cent sales tax on wine and calls on the Federal Government to withdraw the tax forthwith,

which the Minister of Education has moved to amend by leaving out all the words after the word 'recognising' and inserting in lieu thereof the words 'the important issues facing the wine industry, commends the Federal Government for its decision to remove the excise on fortified wine and repay the excise collected and supports the decision of the Federal Government to establish a Committee of Inquiry into the wine industry in the 1984-85 Budget, following its announcement of a 10 per cent general sales tax on wine'.

(Continued from 12 September. Page 810.)

The Hon. B.C. EASTICK (Light): On the last occasion on which I was addressing this motion I took the opportunity of seeking leave to continue my remarks. We had just heard a response from the Government, through the Minister of Education representing the Minister of Agriculture in another place. I indicated that typically it was a situation that, when Bannon fights, South Australia loses.

Ms Lenehan: Oh!

The Hon. B.C. EASTICK: Very definitely.

Members interjecting:

The ACTING SPEAKER (Mr Ferguson): Order! The member for Light has the floor.

The Hon. B.C. EASTICK: Thank you, Mr Acting Speaker. I seem to have opposition from people who do not keep their feet on the ground and do not know reality when they see it. In this case, like other Hawke promises, people associated with the wine industry were not to have an imposition placed upon them such as they have had. I make the point again that, when Bannon fights, South Australia loses because the Minister of Education standing in this place on behalf of the Bannon Government sought to find an excuse for what the Hawke Government did to the wine industry to the detriment of that industry.

There was no attempt of a positive nature by the Minister of Education to defend the position of the people in the wine industry in South Australia, including the people I represent engaged in the wine industry at Morgan, in the Barossa Valley (the fringes of which I represent currently, the total area of which I will represent after the next election) and in the Clare Valley—all of whom have reacted against the action of the Hawke Labor Government and therefore against the action of the Bannon Government in seeking to defend the Hawke Government's position.

Since the action taken by the Hawke Labor Government, the vignerons of Polish Valley Incorporated, based at Sev-

enhill (part of the Clare Valley, but more specifically the Polish Valley) have forwarded letters to the Prime Minister and more particularly to the Minister for Primary Industry, with copies to the Premier. They have also sent a letter direct to the Premier setting out the position as they see it. I will quickly read both documents because they represent the fears and problems of small wine growers and vignerons in relation to the action taken. In a letter to Mr Kerin dated 29 August 1984 they state:

At an emergency meeting of our organisation on 24 August, it was universally agreed that your Government's action in imposing a tax on wine was one to be condemned. The meeting did, however, put on record that your own personal commitment to the wine industry did offer some glimmer of light in the darkness.

The glimmer has not broken forth into light yet, because the action of the Minister for Primary Industry (Mr Kerin) has seen no resolution of this issue whatsoever. The letter continues:

The meeting also indicated that our organisation was desirous of making a submission on the inquiry into the wine industry when it is underway. On the matter of the wine tax itself, all members agreed that financial pressure would reduce profitability of the wine producers, and that reduced winemaker confidence would leave growers with unsaleable crop. We are unanimous that the tax is ill conceived and should be removed.

Our organisation represents vignerons, including two winemakers to date, within a defined viticultural region which exists between Sevenhill and Mintaro. Up to last week the mood of our members was one of extreme optimism as winemakers geared for increasing production and more exacting standards, vignerons planting high quality varieties to meet the winemakers' expectations, and the whole group working in unison to promote the reputation of this valley as a quality production area, and to implement in 1985 what we believe to be the first system of regional label certification in South Australia.

Tuesday's budget has deflated us! We believe that this tax has created or highlighted anomalies. One single factor created even more emotive discussion than the tax itself—subsidised EEC imports! Even though these incur a duty, they are being landed for such ridiculously low prices that there is still margin for enormous retail mark-up; and the agreement of the meeting was that this slice of the market share would gain most of all from the changed arrangements.

Then there is the longstanding anomaly where winemakers have to pay income tax on maturing stock. Logic would tell the wine producer to cut his intake of grapes for next vintage by 10-15 per cent. Our winemakers have indicated that this is the last thing they want to do; but the winemaker who takes the gamble and does not cut intake in 1985 runs the risk of taking a year or two longer to quit the stock, and the Government then penalises him by making him pay income tax on that stock. Two lesser anomalies are noted. There is the wine grape levy—not an enormous amount—but it now means that we have a stituation of double taxation. Another anomaly is the depreciation rates on oak casks: this is currently 20 per cent but on casks purchased before July 1983 was even less. Ideally these casks should be replaced every 3-4 years.

One of the most disturbing aspects of the Treasurer's justification for this tax was his comparison between the wine industry and the brewing industry. This comparison is so spurious and inaccurate as to be ludicrous. Our concern is the production and marketing of high quality wine which we believe has been savagely hit by your Government's action. Whilst the wine producers will suffer, it will be the small growers (they are efficient and conscientious) of premium varieties in the top areas who will really cop it in the guts.

Yours faithfully,
(Signed) John Wilson (Secretary).

That gentleman was writing on behalf of the vignerons of the Polish Valley. In a letter directed to the Premier, dated 29 August, the members bring the Premier's attention to their problems, stating:

On Friday 24 August our organisation convened an emergency meeting to discuss the implications of Canberra's recent wine tax. The unanimous sentiment of the meeting was that your own action in handling this situation so far has been most commendable—

there is no argument: members on this side accept that, whilst the Premier was seeking to do something, giving false hope as it turned out to so many people in this State, it was justified commendation—

and we congratulate you accordingly. Our organisation represents vignerons, including two winemakers to date, within a defined viticultural region . . .

They go on in almost the same terms as those conveyed to Mr Kerin. They also make this point:

We have also written to your Minister of Tourism, Mr Keneally, pointing out the mutual dependency of the wine industry and tourism; a copy of that letter is also enclosed. You will also find enclosed a map of our area that our organisation has recently produced. We trust that you will be able to have this tax lifted, or in whatever other way possible, and assure you that should you ever care to visit our valley you will be given the warmest welcome.

The welcome that the Premier would receive is diminishing because of effects being recognised by the people of that valley resulting in pressures on their industry. I have a copy of the letter sent to the Minister of Tourism, again dated 29 August, which I believe bears inclusion in the record because it is pertinent to tourism aspects, and which states:

Dear Mr Keneally, We wish to draw to your attention the adverse effect that the new Federal wine tax will have on tourism. Ours is a small viticultural region concentrating on premium table wine production. Many of the vine plantings are of improved and premium varieties and are not yet in full production. We have (we now wonder if 'had' is the more appropriate word) great plans for promoting the area and its wines, drawing on the scenic attractiveness of the valley, its unique Polish heritage, and its proximity to historic Mintaro.

This Government and I believe the people of South Australia would be interested to find that Mintaro was given a heritage listing, in connection with not just one or two buildings: the whole area was set aside because of its importance in this respect, resulting in a tourism benefit. The people concerned make the strong point that they are close to that tourist area. The letter continues:

Our plan has been to develop the image of fine wine in conjunction with pursuing development of tourist traffic, with the funding of tourist development coming from the wine. The financial pressure on our wine industry will now mean less funding for tourist development; there has also been a suggestion that the hitherto customary cellar door samplings may be restricted to one or two wines only. We have written to Mr Bannon suggesting that a differential licence fee structure would help overcome the problem.

They then seek any help that the Minister of Tourism may be able to give for their benefit. In relation to the whole wine industry and problems associated with the wine tax, I simply pick up the point made by Mr Mike Fallon, retiring President of the Barossa Winemakers Association, when he gave the following report at the annual meeting of the association and district growers, as reported in the *Angaston Leader* of 3 October 1984:

The wine tax for so long evaded finally became a reality. I believe it is now up to our industry to get on with the job of producing and selling wine and make strong representation to Government with regards to the cheap importation of French, German and Italian wine and request far stronger support from our Government for Australian wine in the export market.

In other words, he was prepared to say, 'The action being taken is not helpful to us, but let's get on with the job.' Most certainly the Government, if it really is interested in the wine industry in Australia, not only in this State but elsewhere, ought to be doing something about the manner in which overseas wineries are unloading their product in Australia at what can only be called dumping rates. That matter will be taken up in other areas federally, but I suggest that there is sufficient evidence that Australia is being used as a dumping ground for overseas products. That is against job opportunity in this country and certainly in many vital areas of South Australia—country areas such as Coonawarra, the Clare Valley, the Barossa Valley, and the Riverland (represented by my colleague the member for Chaffey, who brought this measure to the attention of the House).

Recently, in a media release of 12 November 1984, the Wine Grapegrowers Council of South Australia, under the heading 'Wine industry stability under threat,' made this information available in a slightly different context, but it picks up a very vital point, namely, the failure of Government (in this case, the State Government) to consult with the industry to the benefit of the industry and its employment capacity. The statement reads:

Public comment made at industry forums by the South Australian Minister of Agriculture, the Hon. F. Blevins, have been interpreted by the Wine Grapegrowers' Council as implying that their representation would be better serviced if incorporated within a large agro-political organisation. This interpretation has confused and bewildered growers and rocked the established structure of their existing representative body. Grapegrowers have become increasingly concerned at the unusual and unprecedented favour shown by Government and its departmental researchers to one particular agro-political organisation as confirmed by recent media exposure.

This peculiar development, coupled with the Government's obvious procrastination in commencing the South Australian winegrape price fixing procedures, has involved exploitation by individuals and corporate organisations that are motivated by self interest. Aided by this environment of insecurity, at least one large corporate winemaker has seized the opportunity to challenge and disrupt industry stability. The decentralised nature of viticultural regions within South Australia requires centrally co-ordinated price negotiations and demands the arm of the Government to ensure compliance of the grape prices that are set. This ensures that the wine industry is maintained on an equally competitive base.

Confusion and disruption allows the powerful few to exploit the vunerable majority, a situation that quickly develops into industry anarchy and snowballs into a negative factor that frustrates and curtails development of the industry as a whole. This snowballing effect takes on a national aspect as it has impact not only on the regional communities dependent on the harmonious management of the wine industry, but ultimately is reflected in industry profitability that directly affects the industry's ability to supply consumers with a product consistent with quality and price. Wine grapegrowers and, no doubt, most winemakers in South Australia, and indeed, Australia, anxiously await South Australian Government leaders to act immediately to diffuse this potentially volatile situation before it compromises the majority of grape and wine industry participants. The Wine Grapegrowers Council of South Australia is keen to work closely with Government to achieve this goal.

(Signed) L. A. Cavallaro
(Secretary).

I have raised that matter to point out that there is this difficulty in the wine industry at present. It has not been helped by the Federal Government's attitude, or by the attitude expressed in this House by the Minister of Agriculture on behalf of the Government, that we should drop our resistance to what is taking place against the promise made and that other local issues need to be resolved to the benefit of the wine industry. I commend the motion moved by my colleague the member for Chaffey, and I deprecate the view expressed by the Minister in his amendment to that proposal.

Mr EVANS secured the adjournment of the debate.

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

AUSTRALIAN FORMULA ONE GRAND PRIX BILL

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to establish a corporation to be known as the 'Australian Formula One Grand Prix Board'; to define its powers and functions; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is twofold. First, it establishes an Australian Formula One Grand Prix Board to undertake, on behalf of the State, the promotion of an Australian Formula One Grand Prix to be held in Adelaide in October 1985 (and thereafter up to a further six years). Secondly, the Bill provides for the establishment of a motor racing circuit; inserts provisions relating to the conduct of races held on the circuit; and provides for the commercial and financial management of the event.

South Australia was awarded the right to stage a Grand Prix series commencing on 13 October 1985 by the *Federation Internationale du Sports Automobile* (FISA) which is the controlling body of the world motor sport. The next stage in securing the Grand Prix involved the Government entering into negotiations with the Formula One Constructors' Association (FOCA) which is the umbrella body for the racing car teams, with a view to signing a contract to ensure the participation of the racing teams and to deal with the commercial and financial management of the event. As members will recall, I recently travelled to London to take part in those negotiations to ensure that South Australia was able to secure the best possible financial deal.

It has been decided that the most effective manner in which to stage and promote the event is the creation of a permanent statutory Board. The Board will have an onerous task as the first race is less than 12 months away and, in that limited time, it must attend to preparing the circuit; arranging sponsorships and advertising; entering into contractual arrangements; constructing stands, barriers, etc. It is imperative that a co-ordinated approach be developed if the project is to be successful, and this can be best achieved by creating a permanent single statutory body to assume overall responsibility on behalf of the State.

The Bill provides for the board to be a body corporate consisting of not more than nine members appointed by the Governor. Two members are to be nominated by the Corporation of the City of Adelaide and one member is to be nominated by the Confederation of Australian Motor Sport (the Australian representative of FISA). A Chairman will be appointed from among the members, and the day-to-day affairs of the Board will be managed by an Executive Director. The Bill also provides for the Board to appoint staff and, with the approval of the relevant Minister administering a department of the Public Service, to utilize the services of any officer or use the facilities of the department.

The Bill inserts the usual mechanical provisions dealing with matters such as the terms and conditions of office, procedure at meetings and validity of acts of the Board. Clause 7 of the Bill inserts a provision requiring a member of the Board who may be directly or indirectly interested in a contract, or proposed contract, to be made by the Board to disclose the nature of his interest to the Board and further provides that he is not to take part in any actions of the Board relating to the contract. Failure to disclose an interest attracts a penalty of up to $5 000. When such an interest is disclosed, provision has been made to ensure that any contract is not void, or voidable, and the member is not liable to account to the Board for any profits derived from the contract.

Clause 10 of the Bill sets out in detail the functions of the Board which include such matters as the care, control and management of public roads and parklands on a temporary basis; carrying out construction works; regulating admission to the circuit and the range of other matters to which the Board will be required to attend. The Board will also have power to grant permission to persons who may wish to record the event on film or video to do so and the ability to charge a fee if it deems it appropriate; however, it is not intended that a fee will be charged to any licensed broadcasters who have been given rights to record the event or to persons who record the event for their own private use.

Clauses 14 to 18 of the Bill deal with financial matters. The Board is required to establish a banking account and to pay all moneys received by it into the account. Any moneys not immediately required by the Board are to be lodged on deposit with the Treasurer. Clause 15 provides for the establishment of a trust fund by the Board, to be maintained separately from its other banking accounts. The Board is given power to borrow money from the Treasurer, or with his consent, from any other person. Any liability incurred by the Board under this provision is to be guaranteed by the Treasurer and is to be met out of the general revenue of the State.

The Board is to keep proper accounts of its financial affairs and an annual audit is required. Clause 18 requires the Board to present an annual report on its operations, on or before the 31 December in each year, relating to the period up to the preceeding 31 October. The annual report of the Board is to be laid before each House of Parliament.

Part III of the Bill provides for the establishment of the race circuit and the conduct of races. The Government has decided on a street circuit in the City of Adelaide which will include part of the parklands. The event is expected to be televised to anything up to 250 million people world wide and the promotional benefits for the State should be significant, particularly in terms of tourism and potential investment. This impact will be significantly greater than if the race were staged on a closed circuit. The State will also benefit in the short term through employment generated by the event such as road works, accommodation, construction of fencing and production of souvenir items.

The Bill provides that the Minister may, by notice in the *Gazette*, declare an area (consisting of public road or parklands) to be a declared area for a year specified in the notice and further declare that a period, not exceeding five days, be a declared period for a year specified in the notice. This provision gives effect to the Government's contractual obligations to provide an area for the staging of the event.

The staging of the event in the City of Adelaide attracts several existing legal requirements. While, in some cases, steps could be taken to comply with those requirements, this is not possible in many instances and could only be achieved at considerable expense. Therefore, the Bill provides for several existing legal impediments to the staging of the race to be overriden. This will also ensure that the Government is able to honour its contractual obligations associated with the staging of the race. The Government has taken this step only after careful consideration of its full implications and impact upon the people of this State, particularly those who live or work near the proposed circuit. It is important to remember that the race and its associated practice sessions, and any other activities to be provided by the Board, will occur over a limited period of not more than five days. All works and operations associated with the race will be carried out as expeditiously as possible with a view to causing minimal disruption in the circuit area and its surroundings. It is intended that the circuit be created and dismantled as quickly as possible before and after the event so that the area is restored to its normal state without creating undue interference for those persons living and working in the area or those who normally use the roads and parklands affected. While necessary roadworks will need to be commenced and completed well before the race, temporary structures such as fencing, guard rails, stands and advertising hoardings will not be erected on the circuit until near the event but allowing a reasonable time to complete the operation.

The Government is mindful of the existing rights of the people of South Australia to have access to and enjoyment of the parklands and, while the Bill enables the Board to have power to enter and carry out work on the declared area on a temporary basis, it acknowledges that the rights of other persons are involved and affected. The street circuit for the race will include part of the Victoria Park Racecourse which will enable utilisation of existing facilities (thereby reducing costs) and reduce the impact of the race on nearby residents. The use of part of the racecourse will be subject to thorough consultation with both the Adelaide City Council which presently has the care, control and management of the land and the South Australian Jockey Club which leases part of the land from the council.

The Bill reaffirms the Government's commitment to considering existing legal rights, first by providing in clause 21 that, while the Board is to have unrestricted access to land in the declared area, it is to comply with any terms or conditions reached by agreement between the Board and any person having an interest in the land. If agreement cannot be reached the Minister may determine the terms and conditions which are to apply. The terms and conditions contemplated by the Bill include the determination of fair and reasonable compensation for any damage or loss that may be suffered by any person having a right of occupation of any part of the land. Secondly, clause 22 provides that the Board must consult and take into account the representations of persons affected by the staging of the event. Clause 24 lists the legislation which is not to apply in the declared area during the period of the event, for example, the Road Traffic Act, 1961; the Motor Vehicles Act, 1959; and the Noise Control Act, 1977.

The event is to be staged for up to seven years with either the Government or FOCA having the right to terminate by giving two years notice in writing. Clause 27 inserts a sunset provision for the legislation to expire on 31 December 1992, which is 12 months after the anticipated final race. On the expiration of the legislation all real and personal property of the Board is to vest in the Crown, as well as all rights and liabilities of the Board. Clause 28 inserts the usual regulation making power. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

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 provides definitions of terms used in the measure. Australian Formula One Grand Prix is defined as meaning a motor car race that takes place in Australia and that is approved by the *Fédération Internationale du Sport Automobile*, is entered in the International Calendar of the *Fédération Internationale de l'Automobile* and counts for the Formula One World Championship. The term is to include any other motor race or practice held in conjunction or connection with the Grand Prix.

Part II (comprising clauses 4 to 19) provides for an Australian Formula One Grand Prix Board. Clause 4 provides for the establishment of the Australian Formula One Grand Prix Board. The Board is to be a body corporate with the usual corporate capacities. Clause 5 provides that the Board is to have a membership of not more than nine persons appointed by the Governor of whom two shall be persons nominated by the Corporation of the City of Adelaide, one shall be a person nominated by the Confederation of Australian Motor Sport and the remainder shall be persons nominated by the Minister. The clause provides for the appointment of a Chairman and Deputy Chairman from amongst the members and for the appointment of deputies for members. Clause 6 provides for the term and conditions of office of members of the Board.

Clause 7 requires a member who is directly or indirectly interested in a contract or proposed contract of the Board to disclose the nature of his interest to the Board and to refrain from taking part in any deliberation or decision of the Board with respect to the contract. Failure to comply with this requirement is to be an offence punishable by a fine not exceeding $5 000. Clause 8 fixes a quorum and provides for the procedure at meetings of the Board. Clause 9 provides for the validity of acts of the Board and certain immunity from personal liability for members of the Board.

Clause 10 provides for the functions and powers of the Board. The general function of the Board is to undertake on behalf of the State the promotion of an Australian Formula One Grand Prix in Adelaide during 1985 and each succeeding year up to and including 1991 and to establish a motor racing circuit upon a temporary basis and do all other things necessary for or in connection with the conduct and financial and commercial management of each Australian Formula One Grand Prix promoted by the Board. The clause goes on to list specific powers of the Board—to assume the care, control, management and use of public road and parkland upon a temporary basis (as provided under clause 21); to carry out works for the construction, alteration or removal of roads, track, grandstands, fencing, barriers, etc.; to carry on advertising and promotional activities; to regulate and control admission to any motor racing circuit established by the Board and charge and collect admission fees; to grant for fee or other consideration any advertising or sponsorship rights or any other rights, licences or concessions in connection with motor racing events promoted by the Board; to publish or produce books, programmes, brochures, films, souvenirs and other things in connection with motor racing events; to restrict, control and make charges for the use of the official title and official symbol for the Grand Prix; to take out policies of insurance; to acquire and hold any licence under any other Act; to deal with property, receive moneys and gifts, delegate any of its powers, etc. The clause requires ratification by the Board of any contract or agreement entered into by any person acting or purporting to act on behalf of the Board. Any delegation of the Board is revocable at will and does not prevent the Board from acting itself in any matter.

Clause 11 provides for the control of commercial filming of motor racing events from outside any circuit at which they are held by the Board. Subclause (1) provides that, except with the consent of the Board, no person is entitled to make, for profit or gain, at or from a place outside the circuit, any sound recording or television or other recording of moving pictures of a motor racing event or part of a motor racing event promoted by the Board. Under the clause, the Board may charge a fee for giving its consent, or, if a person proceeds to act without the consent of the Board, the Board may recover a fee fixed by regulation as a debt due to it.

Clause 12 provides that the Board is to be subject to the general control and direction of the Minister. Clause 13 provides for the appointment of an Executive Director of the Board and for the staff that will be required by the Board. Clause 14 provides that the Board may make use of public servants and public service department facilities with the approval of the relevant Minister. Clause 15 provides for the dealings with moneys of the Board. Under the clause, the Board is required to pay all moneys received by it into a banking account established by the Board. Any such account is to be operated by cheque signed and countersigned by persons appointed by the Board for the purpose.

The clause provides that moneys not immediately required by the Board may be lodged on deposit with the Treasurer or invested in a manner approved by the Treasurer. No moneys are to be expended by the Board except in accordance with a budget approved by the Treasurer. Clause 16 provides that the Board is to establish a trust fund. All moneys that represent income from the Board's commercial operations are to be paid into the trust fund and are to be held on trust by the Board for the State and such other persons as may be appointed by the Minister in accordance with a declaration of trust to be made by the Board with the approval of the Minister. Any such declaration of trust may be varied by the Board with the approval of the Minister. Under the clause, no moneys may be applied from the trust fund except in accordance with the terms and conditions of the declaration of trust as for the time being in force.

Clause 17 empowers the Board to borrow money from the Treasurer or, with the consent of the Treasurer, from any other person. Any such borrowing is to be supported by the guarantee of the Treasurer. Clause 18 provides for the keeping of accounts by the Board and for auditing of the accounts by the Auditor-General. Clause 19 requires the Board to produce an annual report and provides for the tabling of the annual report before Parliament.

Part III (comprising clause 20 to 26) deals with the establishment of a motor racing circuit and the conduct of races. Clause 20 provides that the Minister may, upon the recommendation of the Board, by notice published in the *Gazette*, declare that an area (consisting of public road or parkland, or both) shall be the declared area for a year specified in the notice and declare that a period (not exceeding five days) specified in the notice shall be the declared period for a year specified in the notice. The clause provides for the revocation or variation of any such notice. Clause 21 provides that the care, control, management and use of the land comprising the declared area for any year shall vest in the Board for the declared period for that year and that the rights or interests of any other person in the land shall be suspended for the declared period. Any land that is public road within the declared area shall cease to be public road for the declared period for the particular year, but shall revert to public road upon the expiration of the declared period.

Clause 22 empowers the Board to enter and carry out works on the land within the declared area for any year. These powers are to be exercised subject to any terms and conditions agreed with any relevant council and any person having right of occupation of part of the land. Where agreement cannot be reached, the Minister may determine terms and conditions governing the exercise of the powers. The terms and conditions contemplated by the clause include terms and conditions limiting or preventing unnecessary interference with or damage to the land or anything growing upon or built upon the land; limiting or preventing unnecessary interference with activities lawfully carried on on the land; providing for reimbursement of costs or expenses that may be incurred by any relevant council; or providing for fair and reasonable compensation for loss or damage suffered by any person having a right of occupation of any part of the land.

Clause 23 requires the Board to take all reasonable steps to consult with any relevant council or person having occupation of part of the declared area for a year, any person occupying land immediately adjacent to the declared area or any person whose business or financial interest might, in the opinion of the Board, be adversely affected by the operations of the Board. The Board is required by the clause to take into account and, to the extent reasonably consistent with the performance of its functions, give effect to the representations of any such person. The duties imposed by the clause are not to give rise to any right or cause of action against or any liability in the Board. Clause 24 empowers the Board to fence or cordon off the declared area for the declared period for any year. In addition, the Board may,

where it is reasonably necessary to do so for the performance of its functions, fence or cordon off part of the declared area for a period not falling within the declared period. Under the clause, land that is fenced or cordoned off is to be deemed to be in the lawful occupation of the Board.

Clause 25 provides that the Road Trafffic Act, the Motor Vehicles Act, the Noise Control Act, the Places of Public Entertainment Act, and by-laws under the Local Government Act are not to apply to or in relation to the declared area for the declared period for any year. The Planning Act is not to apply to or in relation to works carried out or activity engaged in by or with the approval of the Board in the declared area for any year. No activity carried on by or with the permission of the Board within the declared area during the declared period for any year is to constitute a nuisance. Clause 26 provides for the removal of vehicles left unnattended in the declared area during the declared period for any year.

Part IV (clauses 27 to 29) deals with miscellaneous matters. Clause 27 provides that proceedings for offences are to be disposed of summarily. Clause 28 provides that the measure is to expire on 31 December 1992. On the expiration of the measure, all property and rights and liabilities of the Board are to vest in the Crown. Clause 29 provides for the making of regulations dealing with access to the declared area, trespass upon the declared area, admission fees, consumption of alcohol and disorderly behaviour within the declared area and the parking and driving of motor vehicles within the declared area.

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

CARRICK HILL TRUST BILL

The Hon. J.C. BANNON (Minister for the Arts) obtained leave and introduced a Bill for an Act to establish the Carrick Hill Trust; to define its powers and functions; to repeal the Carrick Hill Vesting Act, 1971; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

The principal object of this Bill is to establish a Trust for the purposes of bringing into effect the magnificent bequest to the State by Sir Edward Hayward and his first wife Lady Ursula Hayward. In 1970 Sir Edward and Lady Hayward executed a deed in which they agreed to make separate wills, bequeathing their Springfield property known as 'Carrick Hill' to the people of South Australia. Lady Hayward died in August 1970. On the death of Sir Edward Hayward on 13 August 1983, the property passed into the hands of the State.

The Carrick Hill Vesting Act was passed in 1971 and amended in 1982, section 4 of the Act enabling and requiring the State to use the property for any one or more of the same purposes contemplated by the terms of the deed and wills of Sir Edward and Lady Ursula Hayward. In summary, they stated that the residence, grounds and suitable contents be used as a home for the State Governor or as a museum, a gallery for the display of works of art, as a botanic garden or any one or more of these purposes.

A Carrick Hill Committee reported in 1974 on the most appropriate use and development of the property upon its being vested in the Crown. Late last year the 1974 report was reassessed and up-dated by an inter-departmental committee. The subsequent 1984 Carrick Hill Report included estimates of recurrent and capital costs, together with a broad time table of implementation. Both the 1974 and 1984 reports proposed that a Carrick Hill Trust be established to manage the property. The question of a separate Carrick Hill Trust to hold title to and manage the property is in accord with the intentions of the original deed. Use of the property as a residence for the Governor has not been recommended and will not be pursued. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Carrick Hill is one of the finest bequests ever made to the people of this State. It is situated some 7 kilometres from the centre of the city of Adelaide and comprises over 39 hectares of land at Springfield. The house, built in 1939, is in the style of an Elizabethan manor house of the time of Elizabeth I. It was designed to contain some of the fabric from the old English manor of Beaudesert, including a large ornamental staircase, oak panelling and doorways. This is of particular historic interest, being the oldest interior in Australia, unique in this country, and a considerable tourist attraction in its own right. The house also contains one of the finest private art collections in Australia including nineteenth and twentieth century British, European and Australian paintings, antique English oak furniture, and china. The greatest sculptor of his day, Sir Jacob Epstein, is represented by one of the largest collections of his work in this country.

Carrick Hill presents an unrivalled opportunity to develop a unique tourist asset of wide community interest embracing the arts, recreation, leisure, educational and creative activities. While the house and immediate gardens are English in style and content, an effective and contrasting Australian accent will be developed in the surrounding landscape, to include picnic and recreation areas and a sculpture park.

The sculpture park will provide a superb site for the public exhibition of sculpture by leading South Australian, Australian and overseas artists, and will add another dimension to this fascinating complex. It represents an exciting new initiative in the Government's visual arts policy and will become a unique cultural and tourist attraction. Carrick Hill has the potential for generating income through admission charges to the grounds and the effective use of the house and surrounding gardens for appropriate income producing activities on a wide ranging entrepreneurial basis. Overall it offers a wonderful opportunity for development as an integrated cultural and recreational complex of great tourist potential. It can be confidently expected that it will generate wide community interest and support, and encourage further generous gifts to the State.

Carrick Hill is an ideal project for development as a special feature of the State's Jubilee 150 celebrations in 1986. As a Government initiative, it is one of the major projects in the Jubilee 150 programme and offers excellent opportunities for sponsorship. Although not yet officially open (it is proposed that Carrick Hill will be officially opened during the 1986 Festival of Arts), it has already aroused wide public interest. It has been featured extensively in the media both within the State and nationally, and it attracted large and enthusiastic crowds on the open days held during the last Festival of Arts. Continuing interest in Carrick Hill has been shown by the many people requesting special booked tours and by the sell-out of the first two inaugural concerts of the newly formed Carrick Hill Renaissance Consort. The purpose of this Bill is to establish the Carrick Hill Trust to further the realisation of the late Sir Edward and Lady Ursula Hayward's great bequest to the people of South Australia.

Clauses 1 and 2 are formal. Clause 3 provides such definitions as are necessary. Clause 4 tests Carrick Hill, its land and its personal property in the Trust established by this Act. All related rights and liabilities are also vest in the Trust. Provision is made for the registration of the Trust, without fee or stamp duty, as the proprietor of the land so vested in it. Clause 5 establishes a statutory authority to be known as the 'Carrick Hill Trust'. The Trust is given the usual status as a body corporate, but it is made clear that it holds its property on behalf of the Crown. Clause 6 renders the Trust subject to the control and direction of the Minister.

Clause 7 provides for the appointment of seven members who will constitute the Trust. A Chairman and Deputy Chairman will be appointed by the Governor from the membership of the Trust. Deputies may be appointed for members (other than the Chairman). Clause 8 sets out the usual conditions of appointment. Members will be appointed for terms not exceeding three years. Clause 9 provides for allowances and expenses to be paid to members. Clause 10 provides that a member of the Trust must disclose any interest he has in a contract (existing or proposed) with the Trust and must not take part in any discussion or decision on any such contract. Clause 11 provides for the procedures to be followed in respect of meetings of the Trust. Four members constitute a quorum.

Clause 12 provides the usual immunity from personal liability for Trust members and also provides for the validity of acts of the Trust, notwithstanding any vacancy in its membership. Clause 13 sets out the principal functions of the Trust, which are to run Carrick Hill as an art gallery, a museum, and botanical garden and a venue for music and theatre. Incidental to these primary functions, the Trust may establish eating and refreshment facilities, shops, and other amenities. None of the Trust's land, nor any object owned by the Trust that is of artistic, historical or cultural interest, may be sold or disposed of except with the consent of the Minister. Clause 14 empowers the Governor to place Crown land under the care, control and management of the Trust. Clause 15 provides for the appointment of public servants to assist the Trust. The Minister may employ other persons (e.g. gardeners, attendants, etc.) to assist the Trust—such employees will not be public servants.

Clause 16 sets out the usual financial provisions relating to the receipt, banking and investment of moneys. Clause 17 empowers the Trust to borrow moneys from the Treasurer or from some other person with the approval of the Treasurer. Clause 18 requires the Trust to keep proper accounts that are to be audited by the Auditor-General at least annually. Clause 19 requires the Trust to report annually to the Minister and any such report must be tabled in Parliament. Clause 20 exempts gifts and transfers to the Trust from stamp duty—this provision is similar to that in the History Trust of South Australia Act. Clause 21 creates an offence of damaging Trust property—a provision similar to that in the History Trust of South Australia Act and the Art Gallery Act. Clause 22 provides that offences against the Act shall be dealt with in a summary manner. Clause 23 provides for the making of regulations, upon the recommendation of the Trust. The regulations may deal with such matters as controlling the driving and parking of vehicles in the grounds of Carrick Hill, and prohibiting certain behaviour within the precincts of Carrick Hill.

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

COMPANIES (APPLICATION OF LAWS) ACT AMENDMENT BILL

Second reading.

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

Under the Companies Act, 1962, liquidators were registered by the Companies Auditors Board from 1 April in one year until 31 March of the subsequent year. A condition of registration as a liquidator was that the applicant give a bond in favour of the Registrar of the Companies Auditors Board in the sum of $10 000. Regulation 10 of the Companies Regulations made machinery provisions for the Companies Auditors Board to get in the proceeds of a bond and to distribute those proceeds where a liquidator had contravened a condition of the bond.

The Companies Auditors Board became defunct as from 1 July 1982 upon the commencement of the Companies (Administration) Act, 1982. As from this date the Companies Auditors Board's registration functions were carried out by the Corporate Affairs Commission, and its disciplinary functions by the Companies Auditors and Liquidators Disciplinary Board. This approach is consistent with the provisions of the Companies (South Australia) Code which empower the Commission to deal with claims against liquidators bonds given after the commencement of the Code.

The proposed amendment will allow the Corporate Affairs Commission to take the benefit of bonds given to the Companies Auditors Board under the Companies Act, 1962. This will provide security during the period from the repeal of section 8 of the Companies Act, 1962, to the registration of liquidators by the Commission under section 22 of the Companies (South Australia) Code. The amendment will enable the Corporate Affairs Commission to deal with claims against such liquidators' bonds on the same basis as the Companies Auditors Board would have dealt with such claims if it still existed.

Clause 1 is formal. Clause 2 will give the Act retrospective operation. This is necessary so that there is continuity in the security afforded by bonds given to the Companies Auditors Board under the Companies Act, 1962. Clause 3 inserts new subsection (5) into section 37 of the principal Act. The new subsection provides that the Corporate Affairs Commission may take advantage of a bond given by a liquidator to the Companies Auditors Board in the same circumstances as the Board could have if it had continued in existence.

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

ARTIFICIAL BREEDING ACT (REPEAL) BILL

Second reading.

The Hon. LYNN ARNOLD (Minister of Education): 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

This short Bill provides for the repeal of the Artificial Breeding Act, 1961. That Act provided for the establishment of the Artificial Breeding Board. The functions of the Board were, amongst other things: to establish and operate centres for the collection and storage of semen for the artificial insemination of stock; to purchase semen from other sources to supplement supplies; to establish field services and distribution centres for the insemination stock; to investigate infertility and promote the use of artificial insemination where economically feasible. On 1 September 1962, the Artificial Breeding Board of South Australia commenced operations at Northfield on Departmental land, where a semen collection and distribution centre was developed.

In the early 1970s frozen semen of high fertility was developed and the cost of operating proven bull schemes was considered prohibitive. Consequently, it was considered expedient to accept a proposition from the Victorian Artificial Breeders Co-op to lease the Northfield Centre. The South Australian Artificial Breeding Board ceased to operate as a semen collection and distribution organisation on 31 December 1974. In August 1975, a new Artificial Breeding Board was appointed with a watching brief on artificial breeding in the State, including a liaison with the Victorian firm.

In 1977 Victorian artificial breeders ceased producing semen and the centre become a semen distribution point under the agency of Herd Improvement Services Co-op Ltd (HISCOL). In 1983 HISCOL restricted sales of semen to its Yankalilla office and the Northfield facilities were taken over by the Department of Agriculture's Dairy Research and Veterinary Sciences Sections. It is considered that the watching brief previously provided by the Artificial Breeding Board can now be provided by the industries concerned.

Since the enactment of the Artificial Breeding Act in 1961, artificial breeding as a management aid has extended from the dairy industry to most species of livestock, through privately run operations. A Government artificial breeding operation is no longer warranted as the original objective of laying the foundations for artificial breeding has been achieved. Industry has been consulted and there is general agreement with the proposal to repeal the Artificial Breeding Act. The industries concerned have nominated a contact person so that the Minister of Agriculture may obtain industry opinion on artificial breeding matters, should it be necessary to do so. Clause 1 is formal. Clause 2 provides for the repeal of the Artificial Breeding Act, 1961.

The Hon. TED CHAPMAN secured the adjournment of the debate.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 30 October. Page 1590.)

The Hon. D.C. WOTTON (Murray): It is my intention to speak only very briefly on this measure before the House amending the South Australian Metropolitan Fire Service Act. The Opposition supports the legislation, although I have a number of questions that I want to ask the Minister when the opportunity is provided for that to happen. The Bill enlarges the functions of the South Australian Metropolitan Fire Service by including the function of dealing with emergencies in addition to fire in fire districts. I am very much aware (and I am sure that all honourable members of this House are aware) of the absolute need for there to be a department or instrumentality responsible for the control of dangerous and hazardous chemicals in relation to spillages and other problems.

We have been aware of problems that have arisen in recent times with accidents following spillages, and it is essential that some instrumentality be given the responsibility of overseeing the cleaning up operations and any other problems that might arise out of the spillage of such materials. I was very much aware, as a previous Minister in the Tonkin Cabinet, that at that stage a number of departments and instrumentalities all had their finger in the pie. Of course, it is important that that continue because different departments have their own expertise. In dealing with this matter as Minister for Environment and Planning, my Department had certain responsibilities and I would hope that that would continue and that that Department would continue to have a significant involvement, and that is one of the questions that I want to ask the Minister at a later stage.

Secondly, the Bill establishes a disciplinary code and procedures for dealing with breaches of the code which will be applicable to all members of the Metropolitan Fire Service. I am aware from discussions I have had with the fire chief and the executive of the Metropolitan Fire Service that there is a need for such a disciplinary code to be established. In fact, I believe that during the Estimates Committee debate last year I questioned the then Chief Secretary about the establishment of such a code, and the Opposition would strongly support that measure. When I made inquiries about this at an earlier stage, I was informed that attempts were being made but that there were a few matters that needed to be ironed out with the union. I am very pleased that those problems have been overcome and that everyone is united in recognising the need for the code.

Thirdly, the Bill provides for an appeal system regarding decisions arising from disciplinary matters and appointments to positions within the Service. Of course, this is more technical but very necessary and, again, it is a measure that is strongly supported.

Clause 12 caters for the attendance by fire brigades at emergencies other than fires and provides that all persons including other authorities such as the police and the Country Fire Services will be under the control of the commanding officer at a fire or at an emergency consisting of or arising from the escape of a dangerous substance. In first consulting with the police, I was informed that there may have been some problems in relation to this matter and I was asked to provide more details. They were uncertain on a couple of factors, but since that time the opportunity has been provided for consultation with Parliamentary Counsel, and the South Australian Police Force is now satisfied with that provision. However, I still have some concern about it, and I will question the Minister when the opportunity arises. When we talk about the commanding officer of the Metropolitan Fire Service taking over all control, I wonder how the police fit into that. Obviously, there will be a role for the police in traffic redirection and in other matters. I hope that in this legislation there will be appropriate communications and that all the services involved will work together.

However, I recognise the need for one commanding officer to be in charge. Following the consultation that the Government has carried out, it has obviously determined that the Metropolitan Fire Service should be involved, and I support that. On a number of occasions I have visited the Metropolitan Fire Service, and I have been most impressed with not only the facilities and the ability that the personnel have in fighting fires within the fire districts but also with the facilities that they now have and the training that is being carried out in relation to problems arising from the spillage of dangerous and hazardous substances. The South

Australian Metropolitan Fire Service would be as well equipped as, if not better equipped than, any other similar service in other States to deal with these problems. I hope that the present Government will continue to support the service in that work, and I can give an assurance that a Liberal Government would certainly do that.

Perhaps the Minister may be able to say when he replies to the second reading speech debate (because I have not been able to look closely at this) whether or not this legislation in any way cuts across the Dangerous Substances Act. I presume that it does not do so and that this matter has been looked at by those responsible for drafting the legislation. However, I would like that assurance so that I know how it fits in with that legislation.

The other matter to which I refer is the responsibility that the Waste Management Commission has in dealing with hazardous and dangerous substances. I would see the role of that authority increasing over time. How is it intended that this legislation will work in with the Waste Management Commission? Although I realise that this would occur in only a few areas (I think Athelstone would be one of those areas), I wonder who would take control where the responsibilities of the Metropolitan Fire Services and Country Fire Services overlapped.

There are other matters on which I will have the opportunity to question the Minister during the Committee stage. The Opposition supports the Bill. I am pleased that the Government has introduced this legislation. It falls into line very much with questions that I have asked on previous occasions, as I mentioned earlier, particularly at the time of the Estimates Committee last year, and I am sure that legislation will be very worth while indeed. The Opposition supports it.

The Hon. J.D. WRIGHT (Minister of Emergency Services): I thank the Opposition for its support of this very important legislation. For the first time it gives control to the Metropolitan Fire Services that it has not experienced previously, and if one looks at my second reading speech—

The Hon. Ted Chapman: You are not going to go over that again?

The Hon. J.D. WRIGHT: No, I am not going to go over it again. The Bill does three major things that in all probability should have been done a long time ago by various Governments and, to the credit of the Opposition, it has accepted the three major initiatives, which are very important. Three matters were raised in the honourable member's reply to the speech. The first dealt with the Dangerous Substances Act and how it is affected by this legislation. This legislation has been checked out with everyone who may be concerned in these areas, and it is clear that, in giving the powers to the Metropolitan Fire Service, as this Bill does, in circumstances where dangerous substances may be involved, the Metropolitan Fire Services has control over that situation.

The honourable member also mentioned something about the police concern in this type of matter. I have checked with the police and their position is clear: so far as the Metropolitan Fire Services is concerned, there is no problem at all as to who would be in control.

The Hon. Ted Chapman: No problem about who is boss on the site of an incident?

The Hon. J.D. WRIGHT: That is right. I said 'control' rather than use the word 'boss'. I cannot answer off the cuff the question regarding the Waste Management Commission which was raised by the honourable member. I think the honourable member's words were that it would have a continuing role in this area. Obviously it would, but under this legislation an incident which occurred would be controlled by the Metropolitan Fire Services in all circumstances; that is quite clear.

The Hon. D.C. Wotton: Could you give us a little more information on that and consult with the Waste Management Commission to see how it fits in with the legislation and provide that information at a later stage?

The Hon. J.D. WRIGHT: I believe there are two different roles. The first is where a flashpoint occurs: I believe the Metropolitan Fire Services would have the senior controlling rights. In relation to disposal of those goods, the Waste Management Commission has its secondary operation in this regard. Clearly, from my point of view, Metropolitan Fire Services must be in control, and that is what the Bill says. I do not think there is any need to give further information but, if the honourable member requires, I will obtain it. The matter of the Metropolitan Fire Services and Country Fire Services overlapping is a further issue that the honourable member raised. He knows as well as I do that this has always been a problem, and I hope to overcome those problems in the near future. I made a public statement about this matter today.

I want to encourage co-ordination between the Metropolitan Fire Service and the Country Fire Services and a move towards training both organisations at one centre. This relates to the old adage that one cannot dislike or mistrust the person one knows, unless one knows him too well, I suppose. I believe that the closer the communications between the Metropolitan Fire Service and the Country Fire Services can be allied the fewer will be the problems that we have all experienced over many years (and this goes back to the Select Committee on which I served in 1981) in regard to the reserve between those two organisations. I believe that over the past eight or nine months a great deal has been done to overcome that situation. I am not vitally concerned about an overlap, and I think that common sense will prevail if there is one. Over the past four or five months the heads of both the Metropolitan Fire Service and the Country Fire Services have both been very outspoken on the matter of an overlap of duties.

The Hon. Ted Chapman interjecting:

The Hon. J.D. WRIGHT: It has to start from the heads: if it does not start there it cannot go down to the bottom; the honourable member is very aware of that situation. I have done whatever I can to promote a coalition between these people to overcome the communication gap that has existed previously. As I have said, I am trying to establish a training centre where both organisations will have the opportunity of training together. I think that once they both know and understand each other's problems both bodies will become much more united. The matter of circumstances where responsibilities can overlap was worthy of being raised by the honourable member. However, I am not terribly concerned about that matter. I think that within both services there is a new approach to communication with each other, and in my view the interest between the two organisations has never been better. In those circumstances, I think that those in charge of the organisations will be able to manage the situations that arise and provide the best service that can be given to the community.

The question raised by the honourable member is worthy, and indeed I would have raised it myself a couple of years ago. I am not trying to suggest to the House that it is an issue that has been overcome, but there are continuing processes in train, particularly through the co-ordination committee which is chaired by Bill Davies and which will promote a better understanding and feeling between the services than has been the case for a long time. If I am able to establish a training centre where both Metropolitan Fire Service and Country Fire Services personnel can train together, I am sure that will be an important influence in

overcoming the difficulties that are occurring at the moment. I am being given the wind up signal, so I shall finish on that note. I thank the Opposition for its support of the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Insertion of new Division II in Part II.'

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

Page 4, after line 41—Insert new section as follows:

16a. (1) There shall be a secretary to the Tribunal.

(2) The office of secretary may be held in conjunction with any other office in the Public Service of the State.

Page 5, line 32—After the passage '(but no other member of the Tribunal)' insert 'or the secretary, at the direction of the chairman,'.

Page 6, line 24—Leave out 'not less than fourteen days written notice' and insert 'reasonable notice in writing'.

Page 7, lines 1 to 4—Leave out subsection (3).

I shall give a brief explanation of the amendment. The first amendment provides for the position of Secretary to the Tribunal. The second amendment amends new section 19 (2) so that the Secretary can issue a summons calling for the attendance of a witness or the production of documents to the tribunal. The secretary will only exercise this power at the direction of the Chairman of the Tribunal. The advantage of the change will be that the physical presence of the Chairman to sign every summons will not be necessary.

The third amendment removes the specific requirement (section 20 (1)) that 14 days notice be given by the tribunal of its proceedings. The requirement made by this amendment to give 'reasonable' notice is fairer and more flexible. There may well be instances where 'reasonable' notice is longer than 14 days.

The fourth amendment removes from new section 21 (3), which gives a party who is dissatisfied with an award of costs made by the tribunal the opportunity of having the costs taxed by a Master of the Supreme Court. The Chairman of the tribunal is a judge of the District Court and in the normal course the question of costs will be left to him. It is considered inappropriate that his decision should be subject to review by a Master of the Supreme Court.

The Hon. D.C. WOTTON: I rise to express a little concern. I appreciate, as the Minister indicated earlier, that these are technical amendments. However, as they have been brought in only this evening the Opposition has not had an opportunity to discuss them with the Metropolitan Fire Service, or with anyone else, for that matter, who may wish to have some input. I foreshadow that if the Opposition considers that there are problems it will take the opportunity to rectify any problems in another place. At this stage, recognising that they are technical amendments, the Opposition supports them.

Amendments carried; clause as amended passed.

Remaining clauses (9 to 27) and title passed.

Bill read a third time and passed.

COUNTRY FIRES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 1 November. Page 1772.)

The Hon. TED CHAPMAN (Alexandra): The Opposition supports the Bill, which authorises the Country Fire Services to attend, and act in relation to, emergencies generally, and particularly in relation to the discharge of hazardous chemicals and dangerous substances. The Opposition recognises that in this instance the proposal goes hand in hand with the Bill that the House has just considered and that, in the case of the Country Fire Services, when its legislation was enacted, there was little perceived threat in relation to the spillage or accidental release into the environment of dangerous or hazardous substances.

As a result of a number of instances that have occurred not only in the metropolitan area but indeed in the distant country areas of the State in recent years, there is now a need for the services to prepare themselves to meet any threat that may arise. From inquiries that have been made following the introduction of the Country Fire Services Bill, I understand that, like the Metropolitan Fire Service personnel, the executive and field membership of the Country Fire Services accept their primary responsibilities in their respective areas of operation. It is about that point in particular that I want to refer.

I noted with interest the Deputy Premier's remark about the close relationship that is developing between the Country Fire Services and the Metropolitan Fire Service personnel, and I appreciate the Minister's effort in cultivating that relationship. I think the action and the result, as I perceive them so far, are commendable. Over a long period (indeed too long) a need has existed for a better working relationship between the two authorities.

Having said that, I make clear that the Opposition is firm about its view that they are two separate authorities, that they are authorised to act and service quite separate areas of the State, and that the identity of each should be independently preserved. Whilst cultivating and to a large extent achieving a good working relationship between those State authorities, it is important at the same time to recognise that they not only service different areas of the State—albeit neighbouring areas—but are formed of a totally different engaged arrangement.

I need not spell out further the nature of voluntary effort associated with the Country Fire Services organisation and the need for that volunteer effort to be preserved, recognised, commended and, indeed, acknowledged at all levels as often as all of us on both sides of the House have the opportunity to do so because, quite clearly, no Government, irrespective of its political flavour, is in a position at public expense to combat or prepare the country in order to prevent runaway fires in a State as vast as ours. We do not have the facilities or the funding at local government, State or any other statutory level of the community to do the work that the volunteers do.

I again take the opportunity to place on the record the Liberal Party's recognition of those efforts and restate that its recent amendment to the Country Fire Services Act relating to the dispensing of services of the board membership did not have then, nor has it now, any bearing or association with the performances and role of the voluntary component of CFS.

In seeking to have the appropriate consultation that accompanies the investigations by our Party when a Bill is introduced by the Government, I did note some element of concern within the ranks of the Country Fire Services that, allegedly, in the leadup to the tabling of the Bill and the second reading, personnel of that outfit who believed that they should have been involved in a little more consultation or at least should have had access to a copy of the Bill and the second reading explanation prior to its introduction was brought to my attention.

I simply raise that matter because I know that it is the intention of the Minister and, indeed, my intention on behalf of the Opposition, to consult wherever possible to do so. I am not sure of the circumstances leading up to this oversight, but indeed in this instance, in order to obtain feedback on the content of the Bill introduced by the Minister of Emergency Services a week or so ago, it was necessary to forward our copy of the Bill to a quarter of the Country Fire Services to which I would have thought a copy would have already been provided. Be that as it may, we all make

mistakes from time to time, depending on staff and facilities to be in gear, but on occasions there are breakdowns. That aside, the Opposition supports the Bill and wishes it a speedy passage through this House without further amendment.

The Hon. J.D. WRIGHT (Minister of Emergency Services): I thank the Opposition for its support of the legislation. I thought that it would support it as it is important and complementary legislation.

The Hon. Ted Chapman: Complimentary to ours.

The Hon. J.D. WRIGHT: One or the other. We have just passed and are passing further complementary legislation, if that is how the honourable member desires it. I rise in my place only to reply on one score. The honourable member has agreed with the Bill and made no criticism of the clauses. He mentioned in his speech that certain sections of the Country Fire Services had complained about not having had the opportunity of commenting on the legislation. I am not in a position to say with any great certainty whether or not that is true.

However, the Director of the Country Fire Services has not complained to me that he did not receive the legislation. One would have thought that, if the member for Alexandra had contacted the Country Fire Services and found, for some reason or other, that my staff had not forwarded either the Metropolitan Fire Services or the Country Fire Services legislation (and I do not accept that they had not), the Director of the Country Fire Services would have contacted the Minister responsible for the legislation. He certainly has not done that, although the honourable member has not made abundantly clear that the Director did not receive a copy.

I do not know whether the honourable member is referring to people inside or outside headquarters. In order to ensure that this mistake has not been made or, if it has been made, that it will not be made again, I will be taking up the matter at 9.15 tomorrow morning with the Director of the Country Fire Services to ascertain why he did not complain to me and give me the opportunity of providing him with a copy of the legislation which I understand the honourable member is saying that he did not receive. I have some doubt about that, as I have great trust in my staff, who are competent people—both public servants and Ministerial advisers. I am confident that both pieces of legislation would have been sent. I will check the matter and come back to the honourable member about it. I thank the Opposition for its support.

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

FAMILY RELATIONSHIPS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 1682.)

The Hon. H. ALLISON (Mount Gambier): We have to confess that we are a little surprised that this Bill, the debate on which took about 150 pages of *Hansard* in another place and involved a considerable number of amendments, is to be put through this evening, and that we are also being asked to put through tomorrow's programme. One can only conclude that something will have to go if we are to get through before 6 a.m. tomorrow.

We regard this Bill as extremely important. We acknowledge that during the debate in another place a considerable amount of verbiage was expended in order to convince the Attorney-General that much of the extraneous matter which is also dealt with in the Bill by inference should be further considered by a Select Committee. Indeed there are quite a number of important factors contained in this relatively short Bill of only three or four pages which really carry quite massive implications for children in decades to come.

The Bill itself is important, because it deals with the status of children—that is primarily the aim of the Bill—born as a result of either artificial insemination by donor or by the more recent technique of *in vitro* fertilisation procedures. We will refer to those as AID for artificial insemination by donor and IVF for *in vitro* fertilisation in the remainder of the debate. As I have said, this Bill is relatively short (three or four pages) but at the same time it encompasses a very much wider spectrum of issues which will, in the main, be dealt with by the Select Committee which will consider those issues.

These are both legal and ethical or moral issues. Artificial insemination by donor has been in use as a method of causing the birth of children for at least the past 15 years. The relatively new *in vitro* fertilisation (IVF) method has been in use in South Australia and elsewhere for the past two or three years. It is extremely important that the children, the number of whom cannot clearly be defined, who have been born by either AID or IVF should have their parental status clearly defined by legislation, and that is really what this Bill purports to do.

However, as I have indicated there are a number of side issues. In relation to married couples, the Bill provides *(a)* that a child born as a result of implantation of an ovum into the uterus of a woman, whether or not that ovum is that of the woman into whom it is implanted, is the child of that woman; *(b)* a child born as a result of artificial insemination or *in vitro* fertilisation, whether or not the sperm is that of the lawful husband but where the husband has expressly consented to the procedure, is the child of that husband. So we see that where the husband of the woman has consented and where either the husband or the wife contributes genetic material, either the ovum or the sperm, or where even both the sperm and the ovum are donated by persons other than that married couple, the child is the lawful child of that couple, and the donors of any genetic material simply have no rights or obligations in respect of that child. It is important that we emphasise that they have neither rights nor obligations in respect of that child.

It seems the height of eccentricity that we are, in fact, legislating lies. The woman who donates the ovum is obviously the person who has handed over the genetic factors; the man who donates the sperm has likewise donated the other half of the genetic factors, and it is their parentage which results in the hereditary traits of that child. Yet, they have neither rights nor responsibilities with relation to that child if the sperm and the ovum have been implanted into a third person. We will refer a little later to the possibility of that third person being a surrogate mother, but in this instance we are of course referring to the legal mother. So, the husband who consents—whether he be a legal husband or a *de facto* husband—and the wife who consents are the legal parents under the terms of the Bill. New section 10d (2) provides:

> In every case in which it is necessary to determine whether a husband consented to his wife undergoing a fertilisation procedure, that consent shall be presumed, but the presumption is rebuttable.

We find that a little strange, although I do recall that in the debate in another place it was said that the legal husband of a wife, within a normal married couple, can still refute the fact that he is the parent of the child which is born. There is, of course, an old Turkish proverb which refers rather cynically to the problems of husbands along these lines:

Happy the husband who nurses a child and knows he is nursing his own.

Perhaps the lady who made the comment in another place was a little closer to the mark than I am in questioning that a man who consents can subsequently rebut the fact that he is presumed to have consented. But in any case this is another example where the Government has decided to reverse the onus of proof. We believe that it would have been a simpler matter and much less open to abuse had the Government simply required in this legislation that consent be expressly given, and then there is no doubt about it: consent is given, and it is not open to rebuttal afterwards.

That is important, because subsequently in this legislation we have the question of a genuine domestic relationship referred to—an unusual term which goes completely against the conception in the Family Relationships Act of what is or what is not a putative spouse. Of course, under this Bill a husband who has given consent can be someone who has had what is considered to be a genuine domestic relationship for as little as a week, a month or a year; the term is simply not defined. I find that highly remarkable—that, whereas in some legislation in South Australia putative spouses are quite clearly defined, here we could have a putative spouse, a husband, who has had a very shallow—one might say an ephemeral—relationship but one that may be considered to be a genuine domestic relationship, and he is considered to be the parent of a child which may be the child resulting from ovum and sperm donated by third parties—a very strange situation.

As I said a few moments ago, we are in fact legislating lies. We are doing that simply in order to protect the rights of children born either to AID or IVF over the past 10 to 15 years, to a mother and father so that they do have responsible parents and parents against whom they have rights of inheritance. I refer to the definition of 'putative spouse' contained within the Family Relationships Act. Section 11 (1) provides:

A person is, on a certain date, the putative spouse of another if he is, on that date, cohabiting with that person as the husband or wife *de facto* of that other person and—

(a) he

(i) has so cohabited with that other person continuously for the period of five years immediately preceding that date;

or

(ii) has during the period of six years immediately preceding that date so cohabited with that other person for periods aggregating not less than five years;

or

(b) he has had sexual relations with that other person resulting in the birth of a child.

In the legislation currently before us, as I said a moment or two ago, we are changing the definition of a putative spouse. An unusual aspect of the *in vitro* fertilisation programme and the desire of the Government to enable anyone to participate in *in vitro* fertilisation, whether they be married couples, *de facto* couples or even a single person desirous of having a child outside marriage, is that it could result in a situation where you have a lesbian feminine cohabiting with a homosexual male for however long a period (it may be a very brief period), and for the purposes of this legislation being regarded as being in a genuine domestic relationship, cohabiting on a genuine domestic basis. Those three words are the specific words used in new section 10a (1) and yet, to all intents and purposes, they are not cohabiting in a sexual relationship. It may be that the female is simply cohabiting with the homosexual male in order to enter into an *in vitro* fertilisation programme, and that is quite permissible. What sort of a relationship does the child resulting from that marriage have with the homosexual father, the lesbian female, who would have obviously established a very unusual family relationship, certainly not the norm, and not one which one would usually expect a child to be born into? But it could happen. That is one of the extreme cases, but it certainly is a possibility.

I just wonder whether the Government has fully considered the implications and whether it really intends that to happen. I quote that unusual example because we believe that married couples should be given prior rights, possibly exclusive rights, to the very expensive *in vitro* fertilisation programme and certainly have rights over those of *de facto* couples. We are told that no *de facto* couples have yet been admitted to the *in vitro* fertilisation programmes in South Australia. One wonders whether the Sex Discrimination Act should not after all overrule this, and that is why amendments were introduced in another place to make quite sure that our intentions were clear.

I understand that amendments now before the House will reinstate the *status quo* of the Bill when it was originally brought into the Legislative Council. I regard that as unfortunate. I find it unfortunate that there is the possibility under this legislation that couples other than married couples will have the right to enter into an *in vitro* fertilisation programme. As we said, this Bill is essentially to establish the legal status of children who have already been born of AID or IVF procedures.

I would also remind the House that a Select Committee will be examining the many and varied wider issues which have been canvassed in another place almost *ad nauseam*. I think there were probably 100 to 150 pages of transcript which we have been perusing in order to establish what was said there. We find it quite remarkable that massive sums of money have to be spent on AID and IVF programmes when at the same time within South Australia each year for the last 10 to 15 years we have had some 3 000 abortions which have removed from the adoption market those precious children who might otherwise have been available to childless couples who would have availed themselves of those adoption procedures and taken those children over without having to resort to the very chancy and sometimes dangerous AID and IVF programmes.

What an eccentric society this is when we spend hundreds of thousands of dollars on these unusual genetic engineering programmes and yet we condone the abortion annually in this State alone of 3 000 or more youngsters. This figure alone really represents the decline in population in South Australia. It represents the loss to South Australia's primary schools over the last 10 to 15 years. As I say, it is a very eccentric society when we legislate such as we are doing today and at the same time ignore the more pertinent issues which could resolve problems for a mass of childless couples in South Australia and which could obviate the necessity for such couples going overseas looking for children because there are simply no young Australians available for adoption. That is a nonsense.

As I said, many of the issues canvassed in this Bill in another place will go to a Select Committee and therefore we do not anticipate that this debate will be anywhere near as protracted as was that in the Legislative Council, but we still intend to examine some of the implications, because there are massive implications involved with this legislation.

As we said, it is difficult to establish the numbers involved in AID, and probably not so difficult in relation to IVF, because those statistics are very carefully kept. It is a very expensive procedure, but with AID those procedures can take place in a hospital, surgery, clinic or even elsewhere and parents themselves may not always wish to admit to having taken part in AID procedures, so to all intents and purposes one may assume that in many cases where AID has been used the father and mother are simply not prepared to say so and accept the child, the result of an artificial

insemination donor, as their own. It is very hard to define the true extent of this legislation.

However, suffice to say that there must be a great many children who are affected by this Bill. The legal status of children obviously has to be established, because there is donor sperm or donor ova involved and, as we have said, the rights and responsibilities of the donors are completely removed by this legislation. The children born of such procedures know that the people who donated the genetic material simply do not have rights and responsibilities, and it is also possible that the legal husband whose wife is subsequently living in a *de facto* relationship with another man may witness his wife entering into an artificial insemination or an *in vitro* fertilisation programme with a possible third party, with either the sperm or ovum donated. You have a legal husband; you have a *de facto* husband; you have one or more third parties donating genetic material to the woman involved. Of course, with the sheer complexity of it, where you have legal husband A who has the marriage lines; *de facto* husband B who has the woman; and donor C or the ovum donor, the woman D, who donated the genetic material, it is little wonder that a child being born of such a complex series of relationships would be looking around for ever and a day to establish who is are his rightful mother and father, so legislation is obviously needed with such complex possibilities to establish once and for all for the child precisely what are his or her rights and responsibilities.

As I said at the outset, those are really the essential factors behind this legislation. Much of the rest of the debate is for a Select Committee to examine. We would like to refer to the question of surrogacy. The term has been used in a number of different situations. Sometimes the actual mother with implanted ovum and donated semen has been referred to as a surrogate mother in so far as she is the recipient of foreign genetic material, but we prefer not to use that term for the purposes of this debate and we prefer to consider surrogacy as a case where the mother relinquishes possession of the child to another mother and father.

She receives either an implanted ovum or simply submits to fertilisation of her ovum from another party, either the husband of the woman who wishes to adopt the child or from yet another party, and subsequently that woman who has the child will relinquish the infant to the prospective mother and father. We abhor that sort of situation; we have stated so on a number of occasions and we will have nothing to do with it. We do not believe that that should be condoned at all in South Australia. It really means that a child is a salable commodity. It is nothing more than goods and chattels, and we would remind the House that this implication of a leased or rented womb has already been called in question in the United Kingdom, where a woman was allegedly seeking 13 000 pounds for giving birth to someone else's child whom she would subsequently hand over. Ultimately she reneged: she refused to give that child over.

In New South Wales more recently we had the case where a surrogate mother refused to hand over the child to the parents, who expected that she would, and again a financial payment was involved. So, we have the surrogate mother who could deny the parents on the birth of the child and cause them great trauma after they had been looking forward so much to having a child of their own through the medium of another person. One could also have the case, sad as it may be, where both the surrogate mother and the paying or leasing parents reject a child. A child could be born deformed in a minor or serious way and both the surrogate mother and the prospective parents could reject that child on the basis that their contract had been for a normal and healthy child, and here was a deformed child for whom they simply did not wish to accept responsibility.

Even if those possibilities that I have quoted are remote ones, I think that the very fact that there is such a possibility—and let us face it: genetic engineering cannot always produce perfection—means that the principle should be abhorrent to all members of the House. When we see so many aborted children, as I said earlier, who could well have been adopted, it makes one wonder why we even contemplate such unusual procedures.

It is pertinent that we talk about surrogate mothers, in case honourable members are wondering, because this Bill seeks to amend the Adoption of Children Act, and surrogacy is certainly very pertinent in both IVF and AID procedures. We are legislating here before national legislation is in train. Once again South Australia is in the trend setting position. I understand that several years ago, as a result of those general conferences that are held between Attorneys-General on an annual basis, New South Wales was selected as the State which would go into this question of family relationships, AID and IVF procedures and produce pilot or draft legislation. New South Wales still has not come up with that legislation. It has deferred the issue, probably because it felt that it should go into the 'too hard' basket.

The problems are insurmountable in many cases: it is hard to make everyone happy. One has to consider the rights of the child, which is of paramount importance. The children born of these procedures did not ask to be brought into the world and they have every right to expect parental rights from both a mother and a father. One could say that every child could expect those rights but, of course, about 20 per cent of children now are in a broken home situation and one third of Australian marriages are broken up, where husband and wife have either separated or divorced. Therefore, the rights of many children are in question, but here we are legislating for an unusual group of children who are born of unusual genetic circumstances.

However, I think that it is worthy of note that South Australia is introducing pilot legislation. New South Wales should have done it. Western Australia, Victoria and New South Wales seem to be not on necessarily convergent tracks. They are all working towards what they believe is a common goal but they are certainly not achieving identical legislation. So, we should consider the extent to which we take our legislation extremely carefully and just carry out the minimum of change before we come to some national solution to what is already an international problem. As I have said, at present this legislation before us is legislating for lies. It is telling us that black is white, that parents are parents when obviously the sperm and ovum have been donated by third parties, and there is nothing that can right that. It is simply a technicality to protect the rights of children born of the IVF and AID procedures.

The question of lawful marriage and *de facto* relationships is one which is tackled in this Bill and which really asks one to question whether or not the Bill is providing a legal recognition of polygamy. There is a confusion of the relationships. We have a lawful marriage, a *de facto* relationship, and this Bill legalising for the sake of the child a genuine domestic relationship that may be an absolutely fleeting one. The person who is legally the father under this legislation may in fact, because the question of fatherhood is rebuttable, be quite unaware that the presumption that he has given permission for an AID or IVF insemination is rebuttable, and it could be that, as a result of a relationship that lasted a week or two weeks during which the woman undertook to have an artificial insemination, the fellow is presumed to be the father, and here we are legalising what is really polygamy if we have a legal husband, a *de facto* relationship and a third party donor of either ovum or semen.

The matter was addressed by the Anglican Archbishop of Adelaide, Dr Keith Rayner, in the *Advertiser*, and I quote

at length what His Grace had to say (page 537 of *Hansard* of 28 August 1984, because I do not have a copy of the *Advertiser*). His Grace says:

Recent decisions have been quietly developing an entirely new principle, namely that married relationships and *de facto* relationships are being treated as almost identical. This is what the budget has done in allowing *de facto* spouses the same dependant rebate as married spouses. But this decision does not stand alone. Take, for example, the recent fuss in the Federal sphere about travel allowances for *de facto* partners of M.Ps. This has had its parallel in the case of a member of the State Parliament. For many of us it came as revelation that in the State sphere there are precise regulations about the conditions upon which a *de facto* spouse might gain travel benefits. Apparently one regulation is that the couple have lived together for five years. In that case they have the same benefits as M.Ps. who are legally married—

and that is the putative spouse regulation, of course, under the Family Relationships Act—

I am not talking here about the morality of the relationship. That is one matter. My present concern is the mess into which our law is getting.

A *de facto* relationship is in essence a private relationship. The couple concerned are presumably saying, 'We do not want to enter into the public and recognised status of marriage.' Because, after all, in the eyes of the law it is the essence of marriage that is openly recognised by the community.

That is why the law carefully regulates the conditions of marriage. Marriages are formally registered. It is possible to determine at any moment who is married to whom. There are clear objective tests of marriage. It begins with a public ceremony, and, if it is to end, it must be by fair judgment of the State.

I am not talking here of marriage in its specifically Christian perspective. Christians see marriage as a spiritual bond. But the Christian understanding is grounded on the general human understanding of marriage as a natural, clearly defined relationship. A great deal in our legal system and in our social relationships is built around this status accorded to marriage. The law has always recognised it as a quite unique relationship, different from any private arrangements which people might enter into.

Once we get into the business of treating *de facto* relationships as identical in law with marriages, we have a nonsensical situation. A relationship which is esentially private, which deliberately eschews the public consequences which marriage implies, now purports to take on the character of the very relationship which it has deliberately avoided. Or at least it does so when financial advantage is involved! You cannot have it both ways. Marriage and non-marriage are not the same. If we say they are, then language no longer has any meaning.

So, I would ask the House to consider the eccentricities of this legislation, where we legislate for lies, we ignore the putative spouse definition of the Family Relationships Act which stipulates five years cohabitation cumulatively out of the preceding six years when the date is fixed by Government and, at the same time, we permit other definitions to intrude so that a genuine domestic relationship, or living together on a genuine domestic basis, can really be for as little as a week, a month or whatever we care to consider, because absolutely no time limit is stipulated in the legislation before us.

A number of problems are associated with this legislation. We do not intend to protract the debate because that was done in another place for the specific reason of putting many of the extraneous considerations—the implications behind this Bill—into a Select Committee, and the Government has accepted that. However, we still have a Bill before us which does a number of things. Some amendments were accepted in another place, but we already have a series of amendments placed before us whereby the Minister in charge of the legislation intends to re-establish the *status quo* of the legislation when it enters another place. I find that unfortunate. The Opposition will oppose the amendments (I give notice of that), and we will support the legislation through the second reading.

The Hon. JENNIFER ADAMSON (Coles): In so far as this Bill clarifies the status of children who have been born as a result of artificial insemination by donor or as a result of *in vitro* fertilisation procedures, I support it. I do, however, have the gravest reservations about some of the content of the Bill and about the acceptance of some of its principles on a continuing basis if those principles are to be accepted and continue to remain on the Statue Book following the report of the Select Committee which was established in the Legislative Council.

There is no doubt, I am sure, in the minds of any member of this House that babies who have been born as a result of either of those artificial procedures to which I have referred should have their status clarified in law. None of those children asked to come into the world; they are the innocent result, if one likes, of decisions made by other people, and they should suffer no adverse legal consequence as a result of that. My concern is that, in passing this legislation, we may be tactitly or implicitly accepting principles which I believe are unacceptable. In doing so, even for a relatively short period of time—year or so—we may be embodying in the law some very undersirable aspects which will have long term effects on the family in South Australia, the family in law; consequently society's attitude to the family; and, as a consequence of that, the whole concept of family life as we have known it.

The purpose of the Bill is to ensure that a child conceived following use of fertilisation procedures of artificial insemination by a donor and *in vitro* fertilisation using donor gametes will be the child of a couple who have consented to the procedure and that all other related legislation will reflect that position. That at least is to be commenced in so far as the Parliament is confronting the fact that the present situation is unsatisfactory because it is unclear.

Legislation has not kept pace with scientific development as, indeed, it never does. It lags behind and it is, I believe, right that it should do so, because quite often one has to obtain a perspective on the consequences of scientific and technological change before one can determine the correct way in which that change should be dealt with by law.

I have concerns with this Bill in relation to the status that the Bill gives to marriage. The Bill deems a child born following IVF or AID procedures to be the child of a married couple or a couple living as husband and wife in a genuine domestic relationship. The Minister in his second reading speech referred to the approach of the Standing Committee of Attorneys-General, namely, that any legislation should relate to married couples or couples in genuine domestic relationships living as husband and wife. The Minister went on to say:

This recognises the value of providing a child with parents who carry the responsibility for the emotional and physical growth and development of that child.

I cannot accept that a so-called genuine domestic relationship, which is nowwhere defined in the Bill and which can mean anything to anyone, confers on a husband and wife and a mother and father the rights which marriage should and does confer on a husband and wife and mother and father in respect of their children.

The Minister speaks of the value of providing a child with parents who carry the responsibility for the emotional and physical growth and development of that child. I ask how a father, who has not made a commitment to the mother of the child by entering into a legal state of marriage with that woman, can have a permanent commitment to the child. How can a mother of a child who has not made a permanent commitment to the father of that child in the form of marriage have a commitment to that child, a commitment in the sense as I understand fatherhood and motherhood, namely, that it embodies a relationship between three people (the mother and the father and the child)? That relationship has from time immemorial in our society been embodied in the form of what christians describe as holy

matrimony and to which other religions denote special status, namely, legal marriage.

If one considers the way in which society has regarded marriage, certainly from the time when this State was founded and its laws enacted, one finds that definition in the Book of Common Prayer under the sacrament of the solemnisation of matrimony, which is described as an enterprise which:

> ... is not by any to be enterprized, nor taken in hand, unadvisedly, lightly, or wantonly, to satisfy men's carnal lusts and appetites, like brute beasts that have no understanding; but reverently, discreetly advisedly, soberly, and in the fear of God; duly considering the causes for which matrimony was ordained.
>
> First, It was ordained for the procreation of children, to be brought up in the fear and nurture of the Lord, and to the praise of his holy Name.
>
> Secondly, It was ordained for a remedy against sin, and to avoid fornication; that such persons as have not the gift of continency might marry, and keep themselves undefiled members of Christ's body.
>
> Thirdly, It was ordained for the mutual society, help, and comfort, that the one ought to have of the other, both in prosperity and adversity.

There is much in that ceremony that is not subscribed to by those who are not of the Christian belief, and therefore it should not be imposed on everyone regardless of their conviction. But the reality is that all the great religions of the world in some form or other subscribe to the principles embodied in that ceremony of holy matrimony as outlined in the Book of Common Prayer, namely, that the first purpose of marriage is for the procreation of children in a situation of stability and legal contract into which two people enter in the full knowledge of what they are doing by way of a commitment to each other. No-one can deny that many a child has been brought up, and well brought up, by parents who are not married, and no one can deny that many a child has been well brought up by either a mother or a father. But, equally, I believe that no-one in their right mind could deny that the ideal situation in which to bring up a child is that where a mother and a father are committed to each other and to the child.

In countenancing a situation where people living in a so-called genuine domestic relationship can have legal status of parents of children born by artificial means, society is in fact saying that there is no ideal, that virtually anything goes, and that any domestic arrangement, genuine though it may need to be, is sufficient and good enough a situation into which children can be born and reared. I cannot accept that, and I do not believe that the majority of people in our community accept it, either. I do not think the 'genuine domestic relationship' is a good enough situation in which to bear and rear a child.

To my mind, legal marriage is the ideal situation, and it should be regarded in law as the only situation that we can countenance in terms of the artificial situation. I stress that, because obviously, one will never eliminate the normal conduct of humans and one will never overcome the situation where children are born as a result of normal human sexual relations, whether the parents are married or not. But we are talking about making a law which provides the framework into which children shall be born and reared. I do not believe that as lawmakers we have any right to accept anything less than the ideal and best in terms of the situation in which children can be born and reared.

That is why I am extremely unhappy about this definition of 'married woman' or 'wife', which is given as including 'a woman who is living with a man as his wife on a genuine domestic basis'. It is further provided that ' "husband" has a correlative meaning'. I think that the provisions of proposed section 10a (1) are quite unsatisfactory. In so far as it might give status to children who are already born, I do not argue with it. However, in so far as the provision paves the way for artificial reproductive processes to be provided to people who are not married and for children of the future to be born into those relationships which, at best, might be stable and at worst variable and extremely temporary, I think we are failing the children of the future in a very serious way.

The Hon. H. Allison interjecting:

The Hon. JENNIFER ADAMSON: We would be creating immense problems for the future and, as the member for Mount Gambier says, we already have very serious problems with which to deal. The member for Mount Gambier referred to the fact that married couples should be the only ones to use the processes of AID and IVF, and he also mentioned the expense. To my mind it is not because of the expense but because of society's attitudes to the desirable situation in which children should be born and reared that we should be concerned about the possibility of opening up AID and IVF procedures to anyone other than married couples.

I recall when as Minister of Health I was approached by the Queen Elizabeth Hospital and the Flinders Medical Centre to identify Government policy in relation to the people who had been eligible for inclusion in those programmes. There was no doubt in my mind that the programmes should be available to married couples only. On obtaining legal advice, I discovered that under the Sex Discrimination Act in no way could such a policy be administered without the possibility of legal challenge unless the Sex Discrimination Act was amended to exempt those procedures from the provisions of that Act. I believe that that is a highly desirable thing, but apparently the Government does not share that view. That matter will have to be dealt with in Committee.

The member for Mount Gambier referred to the possibility of lesbian couples seeking to be admitted to the programme and, again, under the anti discrimination legislation proposed by the Government (which has yet to come before this House) the inclusion of 'sexuality' as distinct from 'sex' in that Bill would render lesbian couples eligible for the AID and IVF programmes. That to me is an absolutely reprehensible concept. I can think of very few things that would identify society as being more negligent in its obligations to children than to permit that situation to arise legally, and yet apparently that is what the Government is contemplating. To my mind that is an abomination and should not be countenanced by Parliament. The Bill goes on to define 'fertilisation procedure', and as I have said, it makes reference to the definition of the terms 'married woman', 'wife' and 'husband'. The Minister in his second reading explanation, said:

> If a married woman has a lawful husband and another 'husband' within the meaning assigned by this Part (being a man with whom she lives on a genuine domestic basis as his wife), that other husband shall be considered as the husband for the purposes of this Part to the exclusion of the lawful husband.

If ever a legal, social and moral tangle was outlined in one sentence, that is it. I find difficulty in believing that the Minister who has carriage of the Bill, or indeed his colleagues, could countenance that proposition. Yet, that is what the Bill does. It puts the child to be born in an impossible position to my mind.

The Hon. G.J. Crafter interjecting:

The Hon. JENNIFER ADAMSON: Yes, the children who have already been born. However, we are looking beyond children already born and accepting principles in this situation which I believe are not acceptable. New section 10(c) provides as follows:

> A woman who gives birth to a child is ... the mother of the child, notwithstanding that the child was conceived from an ovum donated by another woman.

I have no argument with that, but I do say, possibly anticipating the Minister's action in relation to the Bill in the Committee stage, that the notion of surrogacy is utterly

abhorrent to me and, I believe, to the majority of people in South Australia. If one defines surrogacy as giving birth to a child and relinquishing it to another mother, as distinct from adoption, that trading in human flesh is alien to our whole notion of motherhood and fatherhood.

The concept of our own flesh and blood (a phrase common to and well understood by us all) will obviously no longer have the same meaning because children will be produced from the flesh and blood of people who are not their biological parents. But, to do that deliberately by scientific means as distinct from doing it humanly through the simple sexual actions of man and woman, is again given to condoning something which to my mind should never be condoned. The notion that babies can be handed over like parcels and be traded as slaves were once traded and swapped around from person to person for the gratification of another person is too horrible to contemplate, and the law should not be contemplating it.

The arguments put in another place—indeed, put by one of my colleagues the Hon. Ren DeGaris—to my mind missed the moral point that should link actions with the law. The notion that just because a man can impregnate a woman who is not his wife and subsequently have the baby that results from that impregnation handed over to him and his wife, and the law cannot stop that happening, is no excuse for the law legalising its happening as a result of scientific means. One can never hope to govern the actions of human beings, especially when it comes to reproduction and sexuality, but one can certainly hope to embody in the law the moral principles that are identified by society as being highly desirable for the bearing and rearing of children. This Bill, both in its content and lack of content, appears to be embarking on a dangerous path.

I would like to cover one aspect of the Bill, namely, its implications for women—not specifically for the women who may today have been participating in the programme, but the implications for womankind as a whole. It is interesting that feminists who might perhaps by some accounts be expected to welcome being relieved of the reproductive function or some aspects of it, have an instinctive wariness of this Bill. Many radical feminists are violently opposed to the whole concept of *in vitro* fertilisation. They see the implications of removing the productive function from women and placing it in the hands of scientists as having long-term adverse effects on women. I cannot help but agree with them.

Professor B. Morris of the Australian National University, a distinguished immunologist who has some links with South Australia in that he came to this State at the request of the previous Government to advise on the ethics of scientific experimentation with animals, has dealt in some depth with this issue of scientific reproduction of the human species. Earlier this year he gave a speech to the University of Adelaide—a foundation lecture delivered in South Australia on 20 July. In it Professor Morris canvassed many issues relating to IVF and canvassed them in a very far-sighted way, raising possibilities which have not occurred to many of us. In that speech Professor Morris stated:

> . . . whereas the options available up to now have been essentially whther to have a child or not, the new reproductive biology will offer a bewildering array of alternatives.

The report continues:

> It will be possible, he says, for a woman to produce on one particular day in her reproductive life a litter of, say, 10 embryos. The litter of embryos can be stored, frozen, and then reanimated and transplanted into recipient mothers. The numerical status of the pregnancies can be decided (twins, triplets, etc.), as well as the sex.
>
> It will become possible to produce identical twins and genetic copies of one or other parent. Eventually the possibility will present itself for a woman to have a mother-child relationship with herself. This could be done by dividing an early embryo into segments, implanting one segment into a surrogate mother and storing the other deep frozen.
>
> A female child produced from the transplanted segment will be able, on reaching sexual maturity, to act as the host to the other part of the divided embryo (herself) after it has been reanimated from the frozen state.

That possibility goes beyond the function of this Bill, but nevertheless the Bill provides some of the foundations from which the programme will operate and provides the legal foundation which will be regarded by this State as being Parliament's opinion of what can and should happen in respect of children born as a result of IVF or AID procedures.

This Bill will have tremendous far-reaching effects. Notwithstanding the findings of a Select Committee that will inquire into issues that go way beyond the provisions of this Bill, it is still a matter of great concern that some of the definitions within the Bill and some of the omissions from the Bill set an ethical stance in regard to IVF and AID with which I cannot entirely agree.

As I said, in so far as the Bill clarifies the status of children already born, I support it, but in so far as it sets guidelines which the Government obviously thinks are desirable for future arrangements and, in so far as I disagree on a moral basis with those guidelines, I must oppose some of the provisions of the Bill.

I conclude by saying that, having visited both clinics that provide IVF procedures and having spoken to the staff who counsel and treat the couples involved in these programmes, I am well aware of the extraordinary burdens that infertile couples must bear. The immense sorrow felt by a woman who wants to have a child and who cannot and by a man who feels likewise about his wife is great indeed. I believe that those feelings are reinforced by society's attitude that one is not a whole person unless one is fertile and that, I think, should be addressed as seriously as the scientific and legal aspects of the case—that a person's worth should not depend on their fertility but on themselves and their personal qualities; they should be judged as individuals, notwithstanding their reproductive processes.

I think that, if we could get a much more enlightened attitude to fertility and to the worth of a woman and a man as individuals in their own right, regardless of their capacity to be parents, there would be much less pressure on the individuals concerned and on the health system. That, in itself, would be a very good thing. However, until that day comes I think there will be continuing pressure on these programmes. I am an optimist by nature, but I do fear for the future in terms of the scientific developments and the manner in which they are being handled when we fail to recognise the tremendous importance of legal marriage—not a *de facto* relationship, not a so-called relationship of a genuine domestic marriage—but legal marriage as an expression of a permanent lifelong commitment of one human being to another. Without that, I think the prospects of children who are going to be born and reared by artificial means are bleak indeed.

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

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

Motion carried.

The Hon. D.C. WOTTON (Murray): At the outset, I commend the members for Mount Gambier and Coles for the detail they have gone into regarding this legislation. They have both dealt with scientific and legal aspects of the legislation. I do not intend to do so; I intend only very simply to express very grave concerns that I have as a member responsible for a constituency, as a person and as a father.

It is also my responsibility to say a few words because of the concern expressed to me through my district as a result of my bringing to the notice of people within the community the ramifications of this legislation. I also commend the Hon. Mr Griffin in another place for the many hours of work that he did on the subjects contained in this legislation. He is to be particularly commended for his success in moving to have a Select Committee of the Legislative Council established to examine a wide range of issues related to artificial insemination by donor, *in vitro* fertilisation and embryo transfer procedures.

I mentioned the concern that has come from those in my district. When this legislation was introduced in another place it was suggested that it be dealt with in some haste, so I made it my business to contact responsible organisations in the community, particularly churches in my district. I received a more significant response from the churches and from the people in the community concerned with this legislation than with any other legislation that has passed through the Parliament in the 10 years I have been involved in this place.

It staggers me that so few people in the community, even with the publicity given to the matter through the media, really knew what this legislation was about, and that very few people, I suggest even now, really understand the scientific and legal aspects of the Bill. I am pleased that at least some time has been given to consider this matter, and that has only come about as a result of the period that it has taken for the debate to be completed in another place. As the member for Mount Gambier indicated earlier, when one looks in *Hansard* at the extent of the debate that took place, one recognises the thorough approach to this legislation in that place.

I totally support the clarification or legalisation of the status of children already born as a result of an involvement with AID or IVF programmes. However, I have very grave concerns about the use of such programmes in certain circumstances, particularly as they relate to situations out of wedlock. I particularly commend the member for Coles, because there is very little I could add to what she has already said about that matter.

However, my concern is not in any way for adults who can care for themselves, but particularly for the children that result from these programmes where one has a male and a female who would be acting, and I repeat acting, as mother and father but who have not been prepared to make a commitment in marriage before the mother proceeds with such a programme. I know of the concerns and frustrations of those married couples who are unable to have their own children. I must admit that I find it staggering that we are going into these details in developing such programmes with the cost and ramifications involved, yet we continue to allow the abortion rate, particularly in this State, to increase. It makes no sense to me whatsoever, when there is such a considerable waiting list of people who would wish to adopt children and who are unable to do so because of the lack of children available.

That concerns me considerably. I believe that this legislation goes a considerable way towards upgrading the status of a *de facto* relationship and I believe it goes a considerable way towards downgrading the status of marriage. As I say, my colleague the member for Coles has dealt with that matter very well indeed.

I want to indicate the regret that I have that the majority of members in the other place were not prepared to support making surrogacy illegal, particularly as it relates outside of marriage, and I even have concerns about surrogacy within a married situation, but instances have been referred to tonight where women have been prepared to adopt the role of a surrogate mother and, having gone through those procedures, have found that they are not able to give up the child when the time comes.

The Hon. Jennifer Adamson: We cannot be surprised at that.

The Hon. D.C. WOTTON: We cannot be surprised at that, because surely if a woman is going to mother a child it would be a most difficult thing to give up that child. I am sure the majority of honourable members must recognise that that is the case, but the concern that I again have is not even for the mother, but rather a very real concern for the children who result from the surrogacy situation, because one can imagine the legal wrangles that are going to surround the upbringing of those children as there are determinations outside marriage as to who should be responsible, whether it should be the mother, or in fact in many of these cases who should be the father. I regret that honourable members were not successful in another place in making surrogacy illegal.

It is not my intention to take up the time of the House other than to say that I am particularly pleased that a Select Committee has been established. I have a copy of the terms of reference of that. I know that there will be many people within the community who will seek the opportunity to give evidence before it. It is important that this opportunity be provided because of the significance of the subject and the many uncertainties relating to it. I for one will be very interested in the report which comes out of the Select Committee. I hope that it will be able to seek information and to provide answers that up until this point in time have not been available. I again make the point that I support strongly the clarifying of the status of children already born as a result of the programmes that have been referred to, but there are many other clauses in this Bill that I feel very strongly about indeed and it was because of the response that I have received from my own electorate and my own personal feelings in this matter that I felt it was necessary to participate in this debate.

Mr MEIER (Goyder): In rising to speak in this debate I do not wish to go over again the points made by earlier speakers, but I would draw attention to the factors referred to by the member for Mount Gambier, the member for Coles, and most recently the member for Murray. The IVF and AID programmes have created a lot of concern in the electorate of Goyder and I have had many, many letters on this issue. I am well aware that a Select Committee has been established to look into these two aspects. I was very appreciative of the fact that the Minister of Health arranged a briefing a couple of weeks ago for members of Parliament who were interested to find out some of the medical details surrounding the IVF and AID programmes. That committee will certainly have a lot to look at and I am sure it will receive representations from many interested groups.

It is my understanding that the Bill before us tonight is basically to legitimate those children who have already been born, and for that reason I believe we have little option other than to recognise this fact. If nothing else, it shows that our modern technology in this society can often get to a stage where it is very worrying, where we are virtually producing life by a different method and yet our laws and society are not able to take account of it; therefore this Bill has to virtually be pushed through so that at least those children who have been born this way are recognised and accepted. I think society as such has to think very carefully as to moves it makes in the future in this area. A lot more will come out during the debate after the Select Committee hands down its findings.

I would urge all members of the public who are concerned about this issue to see, if at all possible, that their points of view are presented to this Select Committee. I know there

are several church groups that are concerned and I believe they will be making representations in their particular cases. It never ceases to amaze me that here we have a situation where people have obviously gone to great extremes and great lengths for life, for children, and in a sense this is very pleasing to see, because mothers who may have otherwise been barren are now able to give birth to children, but it is very disturbing and distressing to me when I see articles in newspapers expressing concern about abortion and what it is doing to women and even to nurses, so in a sense our society is sick, I suppose, from the point of view that we are quite happy to destroy life on the one hand and yet on the other hand will go to great extremes to try to create life for people who are not able to create life through normal means.

Ms Lenehan: They are two totally different issues.

Mr MEIER: I am fully appreciative of that, but I mention it. I just see that with all the great advances and looking to the future with modern technology it cannot handle such issues. As human beings we are still left with very serious questions that will probably only be resolved some time in the future. From the point of view that this is a temporary measure to see that children already born are legitimated in this sense, I think it is a necessary move. I hope that the Select Committee will be able to look into all matters in a most positive way and have all the relevant information available to it. I am sure it will not be long before this Parliament will be considering the findings of the Select Committee on the AID and IVF programmes.

Mr EVANS (Fisher): I wish to support those aspects of the Bill that give the child conceived by an artificial process a legal identity. As much as I have a great concern about surrogacy, I want to talk about that briefly because I believe that Parliament and society have a major problem regardless of our own personal convictions, about what is right or wrong, whether it be according to our own personal convictions, or the general teaching of the church, and I refer to not only the Christian belief but to many beliefs that different sections of the world's society may have about the male-female relationship in marriage, seeing that in the main traditionally as the best and most likely union or relationship that will give a child or children a chance of a reasonable upbringing.

None of us could deny that to a great degree that system has failed in our present society not only in this country but in many other countries. My concern is that members of the Select Committee will have some great difficulties in deciding what to recommend to this Parliament, or what action it should take. A publication called *Lumen* from the Adelaide University, dated 10 September 1982, discusses the *in vitro* fertilisation possibilities and programmes, and here Parliament is, two years later, trying to decide what it should do in the case of surrogacy, particularly where an individual woman wishes to give birth to a child without having sexual intercourse (if one likes) with a male.

It has taken us two years to get to that point. One has to admit that, if a woman decides to take this course and the laws of a State deny her that right, there are perhaps several alternatives. If such women are rich enough they can go to a country that will allow it, whether through a Government agency through the *in vitro* fertilisation programme or private clinics elsewhere in the world or in another State, so it will not deny the rich the opportunity of doing it. I am not talking about the moral aspect: that is up to the individual to a great degree. The woman may have been severely burnt at birth and not very attractive, and so has been rejected. The woman may have been unfortunately born with some visual faults, but in fact she may end up being a better mother than many who bear a child through the *in vitro* fertilisation programme through marriage, a Government agency or a private agency.

Yet, much as one's strongest desire says that that should not be made lawful for her, I have a grave doubt in my own mind about Parliament's role in saying that that would be wrong for that individual, especially when we stop and think that in quite a considerable number of cases, even today while we have some excellent methods, I am told, of preventing pregnancy, there are many unwanted pregnancies or not planned pregnancies (if I can use that term). Yet, for an individual to decide to bear a child through an IVF programme and not be married at least it would be a deliberate act and an intent to have and raise the child.

If we are considering children, which is one of the strong arguments—we must consider the child and try to guarantee as much as is humanly possible that children are born within wedlock—and we look around in our society and see how many problems we have, even within that institution and the results coming from it, maybe we have to say as a Parliament that we should also be looking at who are suitable parents in marriage to bear children. That is an impossibility, and I acknowledge that. However, I think that the surrogacy question also is bordering on the impossible in regard to being 100 per cent fair. It can be considered immoral, and I know that that is the general belief of a vast majority of the community and it is the sort of belief towards which my own upbringing would tend to lead me.

However, there must be a doubt in all our minds when in 1982 the Adelaide University was warning us through the *Lumen* publication that IVF was with us and now just two years later it is warning us that cloning is with us. In its 1982 publication it stated that cloning was just around the corner for animals. The 10 December 1982 edition of *Lumen* further stated at page 7:

> The last fear of the unknown concerns cloning, the possibility of producing a number of individuals who are identical, and who presumably would have some special characteristic. Experiments in cloning in the animal world are already being undertaken, and if successful it is feared such procedures might be applicable to humans. Many people do not understand what cloning is. Almost all vertebrates reproduce sexually, that is, union of male and female sex cells are required to produce a zygote or fertilised ovum, which can develop through the embryonic stages to an adult individual. The only exception to this in humans is the division of an ovum after fertilisation to form monozygotic or identical twins.
>
> Cloning is the technique by which multiple identical offspring are produced by separating undifferentiated cells. Cloning thus contravenes a biological principle which most persons would regard as having a special ethical sanctity.
>
> However, cloning experiments in lower vertebrates have produced a high proportion of malformed offspring, which is not the case with *in vitro* fertilisation where the babies born have been reported to be normal. Cloning should therefore be regarded as unethical and undesirable, and it might resolve the doubts some people have regarding *in vitro* fertilisation if cloning experiments with human tissues were declared illegal.

That was in 1982. I think that the publication about two months ago (and I do not have a copy with me: it was not available to me tonight) contained an article stating that now we must consider that cloning is here. It is possible for anyone in this building now, if we had the money, to produce a spare heart, a spare lung, or spare parts of any type through a cloning process. It is being done for animals already. Should we, as a Parliament, be looking at that subject also before the Select Committee? The article is available in that edition of *Lumen* (I am sorry that I do not have it here tonight), clearly stating that it will be possible for a human being in the very near future, anyway, to say, 'I want to have provided in the racks a spare heart, spare kidneys, or some other spare organ'.

Where do we go with that subject? We are not creating another human being, but it is tied up within the whole realm of what the Bill and the Select Committee are about because it will be possible to produce human beings by that

process, and members should not say that it will not be possible. Two years ago the University was telling us to be concerned about it but we ignored it. It was suggested that it should be made illegal then; it was not.

Surrogacy, in all our teachings, is wrong, and I cannot support it at this stage. I believe that by the time the Select Committee looks into it deeply it will have great difficulty in reporting back to this Parliament on what the correct procedure is, because in the end we may only legislate to give the opportunity to the rich to have it done legally somewhere else and, if the poor wish to do it, they take a chance of breaking the law within the State. I look forward to seeing with keen interest what will come from the Select Committee's findings.

Mr BLACKER (Flinders): I wish to speak to this Bill and add my concern to that which has been ably expressed by other members in the debate. Whilst I acknowledge that the debate is about the Family Relationships Act Amendment Bill and, as such, is making good some of the legislation that has crept up on us over a period of time, we would all support that a human being within our society at this moment at least is entitled to, and should definitely have, legal status and subsequent recognition. That part of the Bill is something with which we all agree. Other parts of the Bill tend to lead into legislation of the future. Also, the issues that will be covered by the Select Committee that has been established by the Legislative Council are of far wider concern, and this is something that is probably not properly the role of this debate; nonetheless, it is a matter on which we all share an opinion.

The member for Fisher has mentioned cloning, and that was one of the first issues that came to my mind when talking about the subject as proposed by the Select Committee, as well as that of genetic engineering. Being a farmer, I have seen this exercise go on in the animal world for many years. Tremendous efforts have been made to produce a top quality animal in specific areas of production, be it wool, meat, milk or whatever. In the poultry industry we have seen developed birds that put on so much meat that, if they were allowed to live to the age of six months, their legs would not be strong enough to carry them around. That is done in pursuit of a meat quality and quantity within a bird which the market dictates or requests. So, we have seen what some people might call malformation of birds engineered to assist in a domestic market. One can get a little concerned, and hopefully it will never happen (although it is a possibility), that such genetic engineering could occur in the human species. That is something about which we should all be frightened because I do not think any one of us is in a position to be able to make qualified or reasoned judgments on such issues.

I am pleased that the Select Committee is being established to at least look at this matter. I fear that that Select Committee (I do not know who is on it—I have not checked it) will have extreme difficulty in coming to grips with the complexities of the problem before it. The member for Coles referred to the role of the mother and the potential breakdown of the significance of parenthood and motherhood, and that is an issue about which we are all concerned.

The initial reason for this Bill is something with which we all agree. I support that, and the issues to which other members and I have briefly referred are really issues for subsequent debates on other Bills. It is something which this Parliament will no doubt have to spend many hours grappling with. This applies not only to Parliament's own conscience and that of the individual: society itself also has some enormous problems in coming to grips with the complexities of the problem confronting us in this field. I support the Bill, inasmuch as it gives recognition to those persons who have been conceived and born within society and who, at this moment, through the lack of legislation applying when they grow up, have not been given the legal status that they justly deserve.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank members for their contributions to this debate. The comments that we just heard from the member for Flinders were particularly pertinent because he attempted, in his brief address, to put into context this piece of legislation.The issues that can be drawn from legislation of this nature are wide and varied. It is easy for members to fall into the trap into which some have fallen, that is, to extrapolate from the specific purpose of this legislation into those very wide general issues.

The member for Coles in her address to the House talked of ethical issues. This does raise, of course, ethical or moral issues, and there will obviously be a great divergence of opinion amongst members of any Parliament on issues such as this. We saw an expression of those interests in the Legislative Council, where there was a long debate on I would suggest not this specific piece of legislation but on the issues raised, all of which will undoubtedly be covered by the Select Committee. I can only implore honourable members who have a particular interest in this matter to refer back to the second reading explanation that I gave when introducing this measure and the reference to the specific purpose of this legislation.

Here I must correct the record. The member for Mount Gambier talked about trendsetting legislation in South Australia once again being in the front in laws of this type. South Australia is not legislating before any other State. Similar legislation is in place in Victoria and New South Wales, and this Bill is based on the model Bill agreed to by the Standing Committee of Attorneys-General. That was referred to in the second reading speech; the Attorneys-General first discussed this matter back in 1977.

The model Bill and the New South Wales Act are referred to and outlined in the Kelly-Conlon Report, and I have a copy of that if honourable members have not already had an opportunity to read it in the Parliamentary Library or in their own research. The other matter to which the member for Mount Gambier referred and which also needs to be put into context was the suggestion that the putative spouse definition should be used. I want to explain why the Government considers that the use of the putative spouse definition is inappropriate in the circumstances. The member for Mount Gambier did not go on in the definition that he read out to explain that the status of a putative spouse will come into existence on the birth of a child.

Whilst a period of cohabitation is referred to, there is an alternative definition, and that is that the status of putative spouse is given effect upon the birth of a child in that relationship. There is no time limit to the relationship where there is a child, where there is issue, from that relationship.

The Hon. H. Allison interjecting:

The Hon. G.J. CRAFTER: Because this matter is the subject of the honourable member's amendment, I apologise to him if I missed that, but that is the simple and obvious reason why that definition is not appropriate. This is what the Government is talking about in relation to artificial conception procedures and the birth of a child, and the length of the relationship is not to be a determining factor. Instead, the proposal is that the couple must live together as husband and wife in a genuine domestic relationship. One must look at the practical situation: a couple finds that they are not able to have children, and they arrive at that decision obviously after taking medical advice: they then seek the advice of one of the two clinics that have been established in South Australia to assist couples in that sit-

uation. At that time they are assessed as to their suitability for the programmes that are provided.

It is well known to members that an assessment is made of a couple's relationship. The fact is that at both the hospitals in South Australia that provide this service access to the programmes will be restricted to married couples. At the moment more than 700 couples are on the waiting lists at the Queen Elizabeth Hospital and the Flinders Medical Centre, and the waiting time for treatment is up to three years. So, when the reality of the current situation is understood one can see that the situations to which members referred do not arise. Further, we now have a Select Committee which will look at this matter and which indeed has specific terms of reference. The Select Committee of the Legislative Council has been asked to:

> . . . consider and report on artificial insemination by donor, *in vitro* fertilisation and embryo transfer procedures in South Australia, and related moral, social, ethical and legal matters, including—

and I shall quote the fifth term of reference, namely—

> eligibility and conditions for admission of individuals to artificial reproduction programmes, with particular reference to social issues such as marital status, the patient's ability to pay, and the provision of adequate counselling services.

That is a specific term of reference of the Select Committee, and that committee must come to grips with that situation. The practical reality is that couples other than married couples are not able to take advantage of the current services that are provided by those two hospitals in this State.

Mr Baker: They can change, can't they?

The Hon. G.J. CRAFTER: If the honourable member believes that 700 people can be taken of the list simply by the stroke of a pen, he is deluding himself. I want to explain the definitions of 'putative spouse' and 'genuine domestic relationship'. The important words in these definitions have been examined exhaustively. I think the honourable member may have inferred that there was not a legal basis to the use of those words. The Parliamentary Counsel's Committee which advises the Standing Committee of Attorneys-General considered this matter in great depth when it was advising the Attorneys-General in the formulation of the model Bill. I want to quote that advice given to the Attorneys, namely:

> When a man and woman are spoken of as living together as husband and wife, those words are to be construed in their ordinary and natural meaning having regard to the societal and legal factors that apply in the jurisdiction in which the laws expressing that concept operate.

In the case of *Lamb v. The Director-General of Social Services* (from the 1981 Social Security Report of the Administrative Appeals Tribunal) the judgment stated:

> Before a woman can be said to be living with a man as his wife there must in our view be elements both of permanency and of exclusiveness in the relationship as the elements are of the essence of a marriage relationship.

I think that the fears expressed by honourable members both at law and in the practical reality of the availability of these programmes in this State cannot be justified. But, even if honourable members do not want to take that as a legitimate argument for the framing of the legislation, I would say that the work of the Select Committee is specific in this area, and that committee will have to come to grips with this matter. I am only suggesting that that is in fact the appropriate venue for proper consideration of this matter. The recommendations of the committee will ultimately be brought before the Parliament so that this matter can be settled.

As I said when referring to the contribution of the member for Flinders, the legislation currently before the House is not trying to resolve once and for all these very fundamental issues. I refer to the second reading explanation, wherein it is stated that:

> . . . ensuring that a child conceived following use of fertilisation procedures of artificial insemination by donor and *in vitro* fertilisation using donor gametes will be a child of the couple who have consented to the procedure and that other legislation will reflect the same position.

So, that is the purpose of this legislation. I would remind honourable members of that: it is to bring certainty into the law in respect of those children who have been born as a result of those procedures. I am certain that all members would want to see that achieved. This is one step along the way to bringing about the clarification of the law, and obviously much other legislation needs to be tackled once the work of the Select Committee has been concluded.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Insertion of new Part IIA.'

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

Page 2, Line 27—leave out 'Subject to this section, this' and insert 'This'.

The amendments in question delete the sunset clause inserted in this Bill in the Legislative Council. The Government is of the view that it is not appropriate to include a sunset clause in legislation of this type. The promises I have just made in the second reading debate indicated that it is logical to have a cut off date for this legislation, which deals with fundamental rights about the status of children and the legal rights that flow from the status of those children in society. The Bill relates to the status of children born following fertilisation procedures. It is unacceptable for the Government that these children should have one status fixed from now until July 1986 and, after that, children born following fertilisation procedures will not have any status.

The Hon. H. ALLISON: We believe that the sunset clause should be left in the legislation.

Members interjecting:

The CHAIRMAN: Order! The honourable member for Mount Gambier.

The Hon. H. ALLISON: The Minister said that when the Bill was introduced in another place the essence of the legislation was to legitimise and establish the fatherhood and motherhood of children already born to artificial insemination donors and under IVF procedures. We believe that, if we extend this legislation beyond 1986, we are adding a completely new dimension to the Bill. We also believe, having read the terms of reference of the Select Committee, that we are anticipating the findings of that committee. The Minister in another place said that it was inappropriate to do that in the context of another section of the debate, but in this context it is quite all right. I refer the Minister to term of reference No. 15 which states:

> To consider the legislative implications which may arise out of consideration of points 1 to 14 above and the desirability of any such legislation being uniform throughout the Commonwealth of Australia.

He would surely give us time to establish commonality between one State and another and the Federal Government. Term of reference No. 16 states:

> Any other matters of significance relating to points 1 to 15 above.

The sunset clause is inserted to provide a couple of years leeway to get in fresh legislation and give the Select Committee time to report to the House and for legislation to be introduced. We see nothing wrong in leaving in a sunset clause.

The Hon. JENNIFER ADAMSON: I certainly oppose the Minister's amendment to leave out the sunset clause, because the whole purpose of the Bill is to confer status on these children pending the outcome of the Select Committee. The Bill is an interim measure, as the Minister has already acknowledged. It is pending the outcome of the Select Com-

mittee. If there had been no Select Committee, the Bill would have been amended in many different ways and the Government would have considered those amendments. However, because of the Select Committee, it did not consider the amendments. Therefore, the Government has, by its very actions, accepted that the legislation is not continuing. It has an end, and that end will come when the Select Committee reports.

We cannot sit around indefinitely awaiting the outcome of the Select Committee, and the Bill should therefore embody the temporary nature of the legislation by having a sunset clause. To do otherwise is to acknowledge that what we are putting on the Statute now is what the Parliament intends shall be the case. I (and I believe many members on this side and some on the Government side) do not want to see the provisions of this Bill as permanent provisions. It is not intended that they should be. Having accepted that, one must accept that there should be a sunset clause, and the one inserted, namely, to include the date of 1 July 1986, is a perfectly reasonable clause that will certainly allow ample time for the Select Committee to report. The Opposition therefore opposes this amendment.

Mr BAKER: I support my colleagues in this matter. The Minister made passing reference to the fact that it will leave the status of children in limbo. There are many cases of laws which have changed; we change laws every day. In fact, we have changed the status of people on many occasions, so we do not have a system which is cemented: it changes with the needs of the time. In this sunset clause we are making quite clear that the whole position will be reviewed. The terms of reference may be widened; the areas of recognition may be widened or constrained, depending on circumstances. There may well be other areas which have to be considered under this Part. For the Minister to say that we will have stateless people because this Part will be taken out at the end of two years is an overstatement and oversimplification of the principle.

Because of the complexity of the question, and the fact that we have referred it to a Select Committee, it is a temporary measure only and should include a sunset clause until the wider ramifications of the Bill are known. This clause is totally in keeping with the appointment of a Select Committee in the Upper House to consider the wider implications of *in vitro* fertilisation. I cannot understand why the Minister and his colleagues in the Upper House cannot take this amendment on board and realise that it is totally consistent with the purpose of the Bill.

The Hon. G.J. CRAFTER: I am rather disappointed that members have placed this construction on the status of children. All the comments made by members opposite during this debate have been dominated by a concern for those who can participate in these programmes, citing moral, social and ethical reasons for and against that matter. This legislation is about providing status for these children. I suggest that members reflect on the dominance of the arguments advanced in this debate. I will quote again from the second reading explanation, which states:

> For about 15 years the practice of artificial insemination by donor has been used as a means of overcoming infertility. The law has failed to respond to this development and continued to treat the genetic, or biological, father as the father, for the purposes of the law, of any child which resulted from the use of this procedure. It is plain that the social husband within a couple which takes advantage of this procedure should be treated for all purposes by the law as the father of the child.

I have not heard anyone in the debate argue against that point. It is accepted that that is a desirable situation that gives status to the child. It gives certainty to the issue of that relationship and all the social, ethical and moral arguments advanced are in support of that situation. That is what this legislation is about: it is about giving back legal status to those children who are very much present in our community today. All those people who participate in these programmes are so proud of the fact that those children are the children of their parents today.

That has been, as the member for Mount Gambier said, the source of a great deal of joy for those people. I cannot see why we should want to terminate that status that this legislation is conferring upon those children on a date in 1986. If the Select Committee, which is dealing not just with this matter of status but with a whole range of other matters, for some reason or other (it is hard to conceive how it would want to change that status, given the debate which we have had here and in another place and which the community has been having now for some time) changed that status, obviously that would be an extraordinary act, and it would have to be considered at great length by the Parliament and the community.

But this provision is about giving permanence to the status of those children. I do not hear any controversy about that. There is controversy about who can participate in those programmes and about a whole range of other issues but not about this. That is why the Government does not accept a sunset clause. It is inappropriate in these cases. We will obviously have legislation introduced as a result of the Select Committee, but it is hard to conceive of reasons why the committee would want to alter the status and security that this legislation confers upon these children.

The Hon. H. ALLISON: I am astounded to think that the Minister has sat through probably an hour of my second reading speech, then stands up and says that at no time did we refer to the rights of the children. The notes, from which I spoke, on at least five occasions refer specifically to the rights of children. I recall that fairly late in the speech I said that we were actually building into the legislation a series of lies; we are legislating lies in order to protect the rights of children. Those lies were that the father, the person who donates the sperm, has absolutely no rights or responsibilities, and the woman who donates ova has no legal rights or responsibilities; yet two people who obviously are contributing the genetic, the inherent traits—the material—for the child are being denied any parental rights in order to protect the rights of the child to a parent—the status of the child. We repeated that. I started off with it and said it about five times in the course of the debate.

For the Minister to say that the Opposition has ignored it is ignoring what the member for Coles referred to on several occasions. I find it quite intolerable to think that the Minister is belittling the intelligence of the Opposition. We acknowledge that the whole purpose of this legislation is to establish the rights of the child, but at the same time we remind the Minister that if he looks through *Hansard* he will find that we referred to the rights of the child. If he reads the quite massive pile of notes from another place he will find on any number of occasions references to the wider issues being referred to a Select Committee. I suggest that the Minister have a rethink and realise that, had it not been for the fact that the wider issues were being referred to a Select Committee; that the Minister accepted that; and that the sunset clause was built into the legislation, the Bill that finally came down to this House might have been subject to a far wider series of recommendations.

The whole purpose of the debate in another place was ultimately to refer those extremely contentious issues to a Select Committee—an unusual procedure, admittedly, because generally it has been an independent committee which has investigated the whole range of problems. However, here we have a Select Committee looking into those issues, and for the Minister to suggest that we are not really *au fait* with the arguments is to fly in the face of the truth. We know very well what we are talking about.

He suggested that we were unaware of the fact that there was some legal basis (speaking to clause 6) for the term 'genuine domestic basis' or 'genuine domestic relationship'. The Victorian legislation refers to it in terms similar to that but not specifically the same. The Minister said that we were tending to confuse the issue of putative spouse with the matter of people living together on a genuine domestic basis. We are not confusing anything. We are quite well aware, however, that in South Australian legislation people who are living together in a relationship are quite clearly defined as putative spouses in several Acts of Parliament, not just the Family Relationships Act.

People have lived together for an aggregate of five years in the six years immediately preceding the date on which the putative relationship is recognised. Here, in another piece of legislation, we have another definition for spouses—husbands and wives. We are arguing that there is a high degree of inconsistency and that we, the Opposition, have accepted that inconsistency simply to protect the rights of children to know at least that they have legal parents, a father and a mother, who may or may not be the actual parents who contributed the genetic material.

If the Minister wants to go into this argument much more deeply, we can refer to the report of the Adelaide Anglican Synod which is a very pertinent document, divided into three parts in a two-page report, and which enlarges upon these issues considerably. Perhaps the member for Coles would care to expand on that because we have been discussing it at some length while the Minister was making his rather specious statements which indicate to the Opposition that he just has not been listening.

Mr MATHWIN: I oppose the Minister's amendment. I think my colleague the member for Mount Gambier has explained the situation very fully. However, in relation to the Minister's reply in which he said he was disappointed in the attitude of Opposition members, I in turn am very disappointed with the Minister's attitude. With his legal knowledge and experience in this place, the Minister would well know that the children concerned will be protected until 1986 by this legislation. The Minister tried, by the best wiles of a lawyer, to twist the situation around to suggest that we were completely in the wrong.

The Hon. G.J. Crafter: What would happen after 1986?

Mr MATHWIN: In fact, this is a holding measure, as the Minister's senior colleague (of whom he should be taking some notice) says, 'depending on the legislative implications which may arise out of consideration of points 1 to 14 above and the desirability of any such legislation being uniform throughout the Commonwealth of Australia'. Is the Minister saying that it will take two, three, four or five years for the Select Committee report to come before this Parliament? Is he saying that he expects the Select Committee report to take that long? This Bill protects certain young people, in the Minister's own words, until 1986.

The sunset clause protects and affords rights to the child until 1986. With due respect to the Minister, I expect that the Select Committee report would be presented to this Parliament well before that time, when there could be a reassessment of the whole situation if necessary. For the Minister to say that the child's rights are not protected and that this Bill in some way upsets the rights of the child is entirely wrong. I would ask the Minister to reassess the situation from his own knowledge and in legal jargon, if he wishes, but nevertheless from his own knowledge and experience in this place he would know that this Bill does protect the child and the rights of the child and will do so until 1986.

Mr BAKER: Let us be brutally frank with the Minister. A number of measures were originally introduced in the Upper House. Some of those measures have been set aside. I will try to be very delicate. We know, for example, on this side of the House that some of the legal changes are deliberately aimed at breaking down some of the traditional things that we on this side of the House hold very dear. We know that this legislation could well be used as setting a precedent and a principle in terms of recognition of other forms of *in vitro* fertilisation, or using *in vitro* fertilisation for purposes other than those which we believe on this side of the House are desirable. Let me be brutally frank. The Bill was originally incompetent. It was designed to spread itself over a number of subjects, and I am very thankful that the wisdom of the day has prevailed in the another place and that many of the more difficult questions have gone to the Select Committee. The Minister said that he was really disappointed with our views on this subject.

Mr Mathwin: We are disappointed with him.

Mr BAKER: We are disappointed with him. We did believe that he was made of better stuff than that, because he knows that the original Bill was flawed. He knew that some of his colleagues in the Upper House had made statements about where they believe family relationships should go, and we know that, if we took those statements to their fullest extent and included them as an extension of the Family Relationships Act, then it would be in the category of 'Anything goes, mate'.

Members interjecting:

Mr BAKER: According to the views of certain people in the Upper House marriage is unnecessary. It has been made quite clear to us what are the intentions of certain members on the other side in the other place. We have not yet heard from members opposite in this place. Nobody has opened their tiny mouth in this House. The Minister said that he was disappointed. We are disappointed with him.

Mr Mathwin: The member for Mawson is—

Mr BAKER: Yes, and moving around out of her seat. All we can say is that we on this side believe it is important to protect the status of those children, and my colleagues have clearly enunciated our stand on this matter. I do not really need to regurgitate some of the arguments canvassed in this case. However, I will say that we are totally supportive of this clause. As my colleagues have pointed out, if this Committee cannot come to a determination within two years on the total subject, then it is time the House was disbanded. I believe the two year clause will in fact be supportive of a due consideration of the wider issues that have been canvassed. I believe that the two years will allow us to come up with a package of recommendations which will be both positive in their impact and will guard against some of the measures implied by certain contributions in another place.

Mr MATHWIN: Is the Minister going to reply after this?

The CHAIRMAN: Order! There is nothing to require the Minister to reply to anything.

Mr MATHWIN: I am most upset that the Minister does not see fit to make some effort to reply, if he can, to the points put forward by the Committee relating to his trying to mislead the House by saying that if this Bill remains as it is it would cause the loss of rights of the child. The Minister did say that earlier. After thinking about it, I am sure he would know what he did say was incorrect. I am willing to accept as an excuse from the Minister that, if he believes the Select Committee is going to take over two years to bring down its report, then it would have some effect on the rights of the child, but as this Bill stands it will fix the Minister's concern in relation to the rights of children to 1986. Therefore, in that situation, with due respect I would suggest, as I have before, that the Minister was wrong in supposing that the rights of the child will be affected by this Bill as it stands and that his amendment will do nothing in relation to that because the children, as

the Minister has told us, are protected until 1986. Having that pointed out to the Minister and perhaps following some of the other matters that were mentioned by my colleagues on this side, I hope that he would change his attitude in relation to this amendment.

The Hon. G.J. CRAFTER: I was going to rise but the member for Glenelg is like a jack-in-the-box. He jumped up before I could. First of all, my comments about the debate from the Opposition were not meant in the disparaging way that honourable members seem to think. What I said was the dominance of the debate about who should participate in these programmes and not about the status of the children who are the issue of those relationships. This legislation is about conferring that status on the children who are so born.

Mr Baker: Did you read the contributions from your side, too?

The Hon. G.J. CRAFTER: It is very clear why this legislation was introduced and that is the purpose of it. The Bill confers protection on children born within an established relationship. The member for Mount Gambier has talked about putative spouses, and I think I explained that if a couple have a casual relationship where maybe they have met only on one occasion and intercourse takes place, as a result of which a child is born, then there exists a putative spouse relationship. I am sure the member for Mount Gambier is not alleging that that type of casual relationship is sufficient to confer putative spouse relationships on people entering into programmes such as this, and it is arguments of that type that have dominated this debate.

As I have said repeatedly, the concern of the Government is to recognise the value of providing a child with parents who carry the responsibility for the emotional and physical growth and development of that child, and to bring down a sunset clause which would throw things into chaos (and there have been no arguments advanced by the Opposition against conferring that status on children) I can only see as undesirable. As I have said, if some other intervening force, whether the Select Committee or whatever, says that we should take that status away from children who had that status conferred upon them, then that would be a very dramatic step indeed. I would suggest that it is just simply not appropriate to deal with that matter by way of sunset clauses. I understood from the debate that we have had and the debate in another place that everyone was in agreement with conferring that legal status on those children, and that is simply the aim of this legislation at this time.

The Committee divided on the amendment:

Ayes (21)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Keneally, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison (teller), P.B. Arnold, Ashenden, Baker, Blacker, D.C. Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs Klunder and Slater. Noes—Messrs Becker and Oswald.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. JENNIFER ADAMSON: Aspects of this clause canvassed during the second reading debate in my opinion are quite unsatisfactory and raise many questions that I believe the Minister should answer. The Minister's responses, both in the second reading stage and in reply to the points made on the amendment that has just passed, seem to indicate that he has a view of this debate which is confined to those aspects of the Bill which deal solely with the status of children. However, the Bill does not deal solely with that, and there are aspects of this clause which do not necessarily bear a relationship to the status of children. I refer particularly to the definition of 'married woman' or 'wife', which includes a woman who is living with a man as his wife on a genuine domestic basis and 'husband', which has a correlated meaning.

The Minister has continually alluded to the fact that the Opposition is talking about the eligibility of people for the programme, and alleges that we should be concentrating on the status of children. However, the fact remains that the Government claims that no-one other than married couples has been admitted to the programme and that the Ministerial and Cabinet guidelines lay down that no one other than married couples shall be admitted to the programme. That being the case, why is this clause in the Bill? I take it that, when the Minister says that no one other than married couples has been admitted or will be admitted, he is using the term 'married couples' in the sense that it is formally known, namely, that a contract of legal marriage has been entered into.

I feel sure that that is the way he is using the term. That is certainly the view of those who administer the programme at the Queen Elizabeth Hospital and the Flinders Medical Centre. That was the view of the administrators of the programme when I was Minister of Health, but (and there are important buts here) the administrators of the programme told me that they never investigated the claim of a couple to be married; in other words, they checked to see whether the couple seeking eligibility for the programme was married. The couple simply had to say 'Yes'. There was never any requirement to produce evidence of marriage and that in itself raises a very interesting series of questions in relation to this clause.

A married couple is not apparently at this stage at any rate required to prove evidence of marriage; yet, we talk about a 'married woman' or 'wife' including a woman who is living with a man as his wife on a genuine domestic basis and 'husband' having a correlated meaning. How can anyone give evidence of living on a genuine domestic basis? Under the Minister's definition of that term, which he claims has been accepted by the Parliamentary Counsel Committee advising the Standing Committee of Attorneys-General, he claims that that definition has legal status. We are not querying its legal status. If Parliament says that anything has legal status it has legal status.

We are questioning the principles on which it is based, and I simply say that that is an absolutely meaningless definition. There is nothing to stop a couple walking in off the street and saying, 'We are living on a genuine domestic basis.' There is no checking of it that I can see, and there is no time to define it. In other words, there is no responsibility on this Parliament to put into the Statute a definition that provides no protection whatsoever in my opinion for a child to be born into a stable family with parents who intend to live together on a permanent basis for the purpose of rearing that child. I just find it irresponsible in the extreme. I cannot countenance the morality of such a proposal, and I think that it is grotesque that this Parliament should be contemplating providing that kind of definition for people who wish to be eligible for the programme.

I ask the Minister two questions: is it or is it not a fact that only married, that is to say legally married, people have been, and will be, admitted to the programme? If that is so, why is this clause included? If it is not so, why has the Minister said that it is so and why, indeed, has he opposed a sunset clause that would terminate this arrangement? We cannot tell whether it applies or does not apply. It is in the Bill. The Bill is supposed to legitimise the status of children already born and those who will be born between now and when the Select Committee reports and new legislation is

passed. Yet, the Minister includes in this Bill a clause which appears to be redundant and irrelevant. The Minister may say, 'Okay, the administrators of the programme have never checked; they have never obtained a legally binding acknowledgement that marriage has taken place, so this clause is necessary to cover circumstances where the couple may, for example, have misled the administrators and said they were married when they were not married.' If that is the case, for clarification of the status of the children, unwillingly and most reluctantly, I could accept that clause, but for that purpose only—the clarification of the status of the children. However, at what tremendous cost are we clarifying the status of children by in effect legalising polygamy because new section 10a (2) provides:

> A reference in this Part to the 'husband' of a woman shall, where the woman has a lawful spouse but is living with some other man as his wife on a genuine domestic basis, be construed as a reference to the man with whom she is living and not the lawful spouse.

If that does not legitimise polygamy, I do not know what does. The law is saying that it does not matter what one's married status is, to whom one is married, or indeed, how many 'wives' or 'husbands' one has: any child born of those relationships will be a legitimate child and thus the relationship is a legitimate relationship.

I find that that is morally incomprehensible, and the inconsistencies embedded in this clause would befuddle any theologian, let alone a humble politician. All I know is that I do not believe that it is right that people should have access to the programme unless they are legally married. The Government apparently does not believe it is right, either, because the Cabinet guidelines laid down require that eligible couples shall be married at this stage, at any rate, pending the outcome of the Select Committee. If that is the case, why is this provision defining married people as including those who are living in a so-called genuine domestic basis included in the Bill? It seems to me to open up the whole *in vitro* fertilisation procedure and the artificial insemination by donor procedure to people who are not married, and that is something which I strongly oppose.

The Hon. G.J. CRAFTER: The honourable member seems to be taking a particularly narrow view of the intention of this legislation, and I am sorry that I have to repeat that. It has been said here on a number of occasions that AID can be achieved at a doctor's surgery or even at home; the member for Mount Gambier referred to that. It is not a medical procedure that requires sophisticated medical intervention. It has not been, until this Government brought down guidelines, that only married couples shall participate in this and in other programmes that that rule has existed. I imagine that some of the children who are born and on whom we are trying to confer status were in fact born during the period of the Administration of the previous Government and Governments previous to that when those guidelines did not exist. Therefore, it is necessary to contemplate that there may be children who have been born to *de facto* couples as a result of AID procedures. The status of these children must be clarified. Therefore, new section 10a (1), the definition of 'married woman', is to include that *de facto* situation to cover those cases.

The corollary of that, if we take the honourable member's argument to its extreme and we exclude that, is that we leave those children without status. I have explained the procedures, (the honourable member knows them full well) that now apply for those programmes. Perhaps I can explain it in a little more precise detail. If we did not act in this way, and bearing in mind that we have the background of the Select Committee looking at the issues in the wider context, we could create a hiatus in the law whereby an AID child born to a married couple was deemed to be a child of the mother and social father, and the donor had no responsibility to the child.

However, if a *de facto* couple has an AID child, the donor would be the legal father, and the social father would have no legal rights or responsibilities towards the child. This could have significant results in the event of the death of the *de facto* father. The child would have no claim on the estate if the rule provided for a 'my children' type of clause or if the *de facto* relationship broke down. They are the sorts of situations with which this legislation is trying to come to grips, and that is why the clauses are framed in the way that they are. They are certainly not intended to give the purport that the honourable member has placed upon them.

The Hon. JENNIFER ADAMSON: As I said, if the intention that I surmised was the intention, (and the Minister has clarified that it is), I cannot quarrel so far as it protects and clarifies the status of children who have been born. However, we are now talking about future arrangements that will apply between the time of the passage of this Bill—

The Hon. G.J. Crafter: And the past ones.

The Hon. JENNIFER ADAMSON: —and the past ones, and the time of the passage of legislation which one might describe as comprehensive and if not permanent at least as permanent as any legislation in this place. By including that definition as applying to all children born as a result of artificial reproductive procedures, the Minister will surely acknowledge that the IVF procedure comes under that definition as much as the AID procedure.

Given that neither the Government nor anyone else can control totally what happens by way of artificial insemination by donor, because it can be done by relatively unskilled people at their own initiative and without the need for medical supervision, that is not the case with artificial insemination by donor. My question is rather more of an administrative nature than a legislative nature. Under the Government guidelines promulgated for eligibility of couples for IVF, is there a requirement for the couples seeking admission to the programme to produce evidence of marriage, or it is simply a question of the couple saying, 'Yes, we are married.'?

The Hon. G.J. CRAFTER: I am afraid that I really do not have that information but I will certainly seek it out for the honourable member. However, I presume that a prudent medical practitioner would certainly seek such information prior to embarking on a procedure of this nature. I do not have that knowledge personally, but I will certainly obtain it for the honourable member. I must admit that I would be surprised if that was not part of the information sought during the screening process that occurs prior to the placing of a couple's name on the list of people eligible for receiving these medical services.

Mr BAKER: Can the Minister clarify the position in relation to a case where a husband agrees to the fertilisation and a child is born in a *de facto* situation? What is the status of the child? Proposed new section 10a (2) provides that:

> A reference in this Part to the 'husband' of a woman shall, where the woman has a lawful spouse but is living with some other man as his wife on a genuine domestic basis . . .

No time frame at all is involved in this. I am referring to a situation where a person goes into the programme in a married situation but comes out of the programme in another domestic situation. What is the legal situation in relation to the status of a child that has been conceived?

The Hon. G.J. CRAFTER: The member's proposal is almost a conundrum, if I understand it correctly. I point out that the whole *milieu* in which a couple enters into a programme of this nature and the relationship that they have with the medical practitioner and the team that is

involved in the programme would preclude another relationship forming. If a couple's marriage broke down, presumably they would simply drop out of the programme.

Mr Baker: If the woman was impregnated and the marriage broke down?

The Hon. G.J. CRAFTER: I think the honourable member must follow that through. This legislation then confers the status that we intended for such a child. A child born to those parents is provided for under this legislation. If a father or mother did not simply desert but if, say, a person died in that situation—

Mr Baker: No, I am referring not to a dying situation but to a situation where—

The CHAIRMAN: Order! The honourable member cannot have about four bites of the cherry.

Mr BAKER: I would like to pursue this matter, as I have not received an answer. My proposition relates to a married couple who enter into an *in vitro* fertilisation programme, under which the woman is fertilised, but who then some time later part company. Under the law as it stands today the person who impregnates the woman, if he is the husband, is the father of that child. That is quite clear, but under this legislation it would appear that the ownership of the child passes to the newly acquired 'domestic husband'. Can I please have that point clarified?

The Hon. G.J. CRAFTER: The simple answer, I suppose, is that the fatherhood goes with the consent to the procedure.

Clause as amended passed.

Clause 7 passed.

Clause 8—'Amendment of certain Acts.'

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

Page 4, lines 5 and 6—Leave out subsection (4).

I have mentioned a number of times the Government's intention in moving these amendments, which delete amendments made to the Sex Discrimination Act during the course of the debate on the Family Relationships Act in the Legislative Council. As the Bill now stands, it amends the Sex Discrimination Act by removing fertilisation procedures from the ambit of the Act. The Select Committee established in the Upper House has as one of its specific terms of reference the matter of eligibility and conditions for admission to artificial reproduction programmes, with particular reference to social issues such as marital status.

Both hospitals in South Australia currently offering IVF treatment restrict access to the programme to married couples. There are now more than 700 couples on the waiting list for IVF programmes at the Queen Elizabeth Hospital and the Flinders Medical Centre. The waiting time for treatment is up to three years. Further, no complaints have been made to the Commissioner for Equal Opportunity concerning access to IVF programmes. The Government does not consider that the sex discrimination aspect of the IVF programmes to be a matter requiring immediate legislative action or action within the framework of this legislation. The approach preferred by the Government is, as I have explained to the Committee, to await the recommendations of the Select Committee.

The Hon. H. ALLISON: This amendment virtually puts back into the ambit of the Sex Discrimination Act the permission for single as well as married women to enter into the IVF programme. Whatever the Minister's intention is, one has to question the legality of the Minister's actions in removing this provision from the Bill. The Opposition tried to remove the application of the Sex Discrimination Act from the provisions of this Bill. However, once this is reinstated and the Sex Discrimination Act applies, surely the very act of discriminating against single women or men and women in putative relationships, and indeed men and women living on a 'genuine domestic basis', would be subject to legal challenge, and quite possibly a case could be won.

We had some sort of assurance in the debate in another place that, because the Minister of Health and Cabinet had made pronouncements, and because it was accepted by the legal profession that it was against public opinion or against the public requirement that any couples other than married couples should enter into a programme, then that would be the situation. But, if a couple chose to challenge the Minister's actions and to challenge the actions of a hospital in refusing them permission, I think that they would stand a very good chance of winning, because the Sex Discrimination Act in itself prevents discrimination. The very fact that we tried to remove the provisions of that Act from this Bill was in itself a protection. One really wonders what the Minister's intentions are in explaining at great length to the Committee that this is the Government's intention and that hospitals have not allowed anyone but married couples to undertake IVF programmes.

I would say, too, that during the debate in another place plenty of assertions were made by the Attorney-General that no couples other than married couples had been admitted into IVF programmes. But, the Minister in charge of the Bill in this place, by his own admission, is unable to confirm that hospitals do in fact check into the legitimacy of marital status as specified by applicants, and once again it begs the question: if it is maintained that there are no persons other than married couples in the IVF programmes or on the waiting list of 300 or as part of the group that has passed through the IVF programmes, what proof does the Minister have? That is the first question, namely, whether the Minister has any proof that hospitals have checked into the marital status, the *bona fides* of applicants and, if not, how can the Attorney-General in another place and the Minister in this place give to members of the Committee those bland reassurances that the things about which we are worried are nothing at all and, in so doing, pat us on the head and tell us to wrap up the debate as quickly as possible? How can the Minister and his Ministerial colleague in another place make the assertions that they have made?

The Hon. G.J. CRAFTER: During the period of the previous Government's administration no proof was required, and there was no requirement that only married couples could participate in these programmes. The present Government has changed that situation. It did not concern just the previous Administration. As I have explained, these procedures have now been available for some 15 years in this State. These steps have been taken recently by this Government. I do not have first-hand knowledge of what forms people fill out or what proof of marriage is required at that time. I have undertaken to obtain that information for members and assure them that that is the requirement of those Government directions to those persons responsible for providing those programmes.

The Hon. JENNIFER ADAMSON: I oppose the amendment and suppose I cannot do more than agree with the remarks made by the member for Mount Gambier. I go back to the situation which applied under the previous Government. What the Minister says is quite correct. There was no policy as such, but there was an extreme amount of concern on the part of the Attorney-General and myself as well as a recognition that the matter had to be addressed. Time was the enemy. The matter was not addressed but was definitely the subject of discussion between us, as files will demonstrate. The matter was addressed by me and the Crown Law Department, and there was correspondence with church leaders on this very subject prior to a policy being developed and legislation to back up that policy being drafted.

The length of time that the Standing Committee of Attorneys-General took to come to grips with the problem was

one of the reasons why it was not directly dealt with under the previous Government. We had no power to prohibit the inclusion of any but married couples in the programme. The legal advice was that we could not do so unless amendments were made to the Sex Discrimination Act.

I use that as the very sound basis for saying that, unless we exempt the provisions of this Bill from the provisions of the Sex Discrimination Act, the Government is powerless to enforce its policy or guidelines in the period that will elapse between the passage of this Bill (or, indeed, from now on) and the passage of comprehensive legislation. There is no way that the Government can go into court and say that this policy will apply.

The Hon. G.J. Crafter: It takes three years to get to the top of the list at the moment.

The Hon. JENNIFER ADAMSON: I do not dispute the Minister's statement, but someone is on the top of the list now. On this very day women are undergoing the necessary procedures to permit *in vitro* fertilisation. The Minister has given us an assurance but no proof whatsoever of the way the Government is administering its policy and ensuring that its guidelines are adhered to. It is not good enough, as advice should be available to the Minister here and now on how the policy is being administered at the Queen Elizabeth Hospital and the Flinders Medical Centre. It is not good enough to say that it takes three years.

Who is to say that only the people at the bottom of the list might be contravening the guidelines and might challenge the Government if it insisted on the guidelines being adhered to and take the Government to court? It could be a woman currently undergoing the procedures. The Government is leaving itself wide open to legal action and criticism. I cannot see why the Government is refusing to admit this clause introduced in the Bill in another place, namely, exempting the provisions of this Bill from the Sex Discrimination Act. It seems wrong in the first instance, illogical in the second, and negligent in the third instance because of the danger to which the Government is exposing itself in terms of potential litigation.

It is a very irresponsible move to remove the amendment made to the Bill by the Hon. Trevor Griffin on the basis of policy supported by members of the Liberal Party that only legally married couples should have access to the programme. I can accept the Minister's explanation for the preceding clauses about which we have deep reservations on the basis that they are necessary for children already born. However, I cannot accept his explanation about the reason for removing this clause from the Bill, because we are talking not about children already born but about children who will be born from now on. The Minister's explanations are not good enough, and the Committee should certainly support the inclusion in the Bill of an exemption from the Sex Discrimination Act.

The Hon. G.J. CRAFTER: We will probably agree to disagree on the purport of the method of dealing with this problem.

The Hon. Jennifer Adamson: But we're not at cross purposes, are we?

The Hon. G.J. CRAFTER: I suggest to the honourable member that, if her concern is that a couple have made themselves eligible to obtain those services by fraud through a forged marriage certificate or some other fraudulent means, whatever technique we use for making laws people will presumably still try to obtain those services by those means. The Government has said that only married couples may participate in these programmes. The honourable member has said that this was a complex matter and she was concerned about it when she was Minister, but that it was a matter under consideration by the Standing Committee of Attorneys-General.

The matter cannot be left without action. The Government has had to act in this area and requires a full and comprehensive inquiry. There is a specific term of reference in the Select Committee on the question of marital status. The problems raised by the honourable member will be dealt with very comprehensively by that Select Committee. Legislation can be brought down and the matter finally resolved.

The Hon. JENNIFER ADAMSON: The Minister has missed the underlying point of what I was saying. I was not only suggesting that people can purport to be married and get into the programme: I am saying that any woman who wants to be in the programme—be she married, unmarried, living in a heterosexual relationship, or in a lesbian (a homosexual) relationship—

The Hon. G.J. Crafter: She is outside the programme after—

The Hon. JENNIFER ADAMSON: The Minister can say that she is outside the programme—the law says that, if she insists, she must be included in the programme. There may be women right now in the programme, not near the top of the list but actually undergoing treatment, who could say to the doctor administering treatment, 'I am not married. I know the Government's guidelines say that I have to be married, but I am not, and the law says I do not have to be married.' There is nothing that the Government can do about it unless it permits the provisions of the Sex Discrimination Act to be included in clause 8 (4) in order to exempt the programme from the provisions of the Act. The Minister can say that there are not any unmarried women in the programme but he cannot give that positive assurance. No-one can. There may be women in the programme who are married and those woman may proceed into the programme, undergo treatment and say prior to undergoing that treatment, 'I am not married.' The Sex Discrimination Act provides that no-one can discriminate in the provision of services on the grounds of marital status.

As far as I am concerned, in law the woman has got the Government cold, because the guidelines have no legal foundation. They are administrative only and the law of the State actively contradicts those guidelines because the Government has chosen, as a matter of policy, to discriminate on the basis of marital status. The law clearly states that it cannot do so.

The only way we can alter that situation is by embodying in this Act a provision which exempts the provision of those services from the requirements of the Sex Discrimination Act. I am not a lawyer, but it seems to me that that is a very simple proposition and one the Government should accept, notwithstanding the fact that the question of marital status has been referred to the Select Committee. We are not even contemplating what the Select Committee of the Parliament might decide in that regard.

We are actually talking about what is the law of the State at the moment and the law of the State clearly says that the Government's guidelines have no legal basis. I am saying that this Bill should give the Government's guidelines a legal basis. I would have thought that the Government would welcome the opportunity to give its own guidelines a legal basis. On that ground, I certainly cannot support the Minister's amendment. It absolutely amazes me that he is moving it, because he is cutting the legal ground from under his own and his Government's feet, which seems to me to be a very stupid thing to do.

The Hon. H. ALLISON: In case the Minister has any doubts about the issues we are addressing, the Sex Discrimination Act, 1975, Part III 'Discrimination to which Act applies', under section 16 provides:

(1) A person discriminates against another on the ground of his sex or marital status if on the ground of his sex or marital status he treats him less favourably than in identical or similar

circumstances he treats or would treat a person of the opposite sex of a different marital status.

(2) A person discriminates against another on the ground of his sex or marital status if he discriminates against him on the basis of a characteristic that appertains generally to persons of that other person's sex or marital status, or a presumed characteristic that is generally imputed to persons of that sex or marital status.

I believe that section 16 (1) would certainly apply in this instance. Section 16 (3) provides:

A person discriminates against another on the ground of his sex or marital status if he discriminates against him by reason of the fact that he does not comply, or is not able to comply, with a requirement and—

(a) the nature of the requirement is such that a substantially higher proportion of persons of a sex or marital status, other than that of the person discriminated against, complies or is able to comply with the requirement than of those whose sex or marital status of that person;

and

(b) the requirement is not reasonable in the circumstances of the case.

People could certainly argue reasonability on the grounds of section 16 (3). Section 16 (4) provides:

A person shall not be regarded as discriminating against men on the ground of their sex by reason only of the fact that he grants to women any rights or privileges in connection with pregnancy or childbirth.

So it goes on, and there are a number of other grounds. However, contained within sections 16 (1), (2), (3) and (4) there would be at least two instances where the Government could be embarrassed if a person chose to challenge the legality of exclusion from an IVF programme.

Mr MATHWIN: The Minister's answer to the member for Mount Gambier is quite unsatisfactory, as far as I am concerned. If the Minister remembers, he said that the member for Mount Gambier wanted to know how one checks whether or not people are married—that is, according to the law. The Minister said that that did not apply in the previous legislation but that his Government has taken steps to make sure that only married couples could take part in the programme. Yet the Minister cannot inform us whether or not that is checked. I suggest that, if the Minister cannot do that, he should get the information and if he has not got it he should adjourn the Committee until he does have the information.

Amendment carried; clause as amended passed.

Schedule.

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

Page 5, Part IV—Leave out the whole of Part IV.

Amendment carried; schedule as amended passed.

Long title.

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

Leave out 'and the Sex Discrimination Act, 1975'.

Amendment carried; long title as amended passed.

Bill read a third time and passed.

PRICES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 31 October. Page 1689.)

The Hon. JENNIFER ADAMSON (Coles): The Opposition supports the second reading of this Bill, which has three main purposes: first, to propose removal of a restriction upon the power of the Commissioner to communicate information to consumer authorities in other jurisdictions; secondly, to amend the Prices Act in such a way as to remove certain restrictions upon the powers of investigation by the Commissioner; and, thirdly, to amend the Act to remove certain restrictions upon the Commissioner's power under the Prices Act to commence, defend or assume the conduct of civil proceedings on behalf of consumers. The Bill has particular reference to land transactions. The House should be aware that consumers are already very well catered for in respect of grievances regarding land transactions.

It is worth while noting what avenues are available to them. Firstly, they can obtain legal aid from the Legal Services Commission. Secondly, the matter can be pursued through the ordinary court procedures. I would be the first to acknowledge that that is not a course that many people want to take and it is desirable, for a whole range of reasons, that they should not have to resort to that course. One of the most valuable courses of action which I think is available to consumers is that the aggrieved party can obtain advice from the Real Estate Institute Public Advisory Service. I am sure I speak for all members when I say that this is an immensely valuable service which is always my first port of call when I have a constituent who is confronted with difficulties in respect of real estate transactions. The advice is impartial. It is well founded, and the Institute itself has a very vested interest in ensuring the self regulation of its members; therefore, members of the public and certainly members of Parliament can rely upon a very sympathetic hearing by the Public Advisory Service of the Real Estate Institute.

If the dispute cannot be resolved following advice from the Institute, consumers can make written complaint to the Disputes and Complaints Committee of the Institute. This Committee is set up by the constitution and is reinforced by an appeal provision to the Full Council of the Institute. If the matter is still not resolved the consumer can appeal to the Land and Business Agents Board and that, in turn, can refer the matter to any court. Before referring the matter on, the Board obtains expert legal opinion on the rights of all of the parties to the transaction in question. This process has worked efficiently and expeditiously in the past and continues to provide consumers with a means of resolving their dispute.

Concomitant with that arrangement is of course the very existence of the Land and Business Agents Act, which provides consumers with a large amount of protection when they are dealing with land. Under section 88 of that Act consumers are given two clear business days to cool off should they not wish to proceed with the contract, so all in all there is already on the Statute Book and in practice a considerable amount of protection for consumers, so the Opposition does not quarrel with the general intention of the Bill, but its objection is really to the widening of the investigative powers and that objection is based on the fact that that widening of investigative powers is open to abuse.

An investigation is a considerable expense and inconvenience to a business, particularly a small business, and in our view the present powers are wide enough. The Opposition believes that the power of the Commissioner to take or defend actions on behalf of consumers should be limited. It was never intended that that power should be, in effect, another system of legal aid. I do not propose at this hour of the night to go through the process that was gone through in the other place in an attempt to amend the Bill back to the status that we believe it should have. I would simply say that the matters have been vigorously canvassed in another place. We do not quarrel with two of the purposes of the Bill, but we do quarrel with the widening of the investigative powers, and we believe that a continuation of this intrusion by Government into normal commercial transactions must be limited, because if it is not the whole concept of transaction and contract becomes meaningless and therefore normal commercial dealings become almost impossible and the whole economic system upon which our society is based becomes increasingly clogged and difficult

to function. So, with those general philosophical remarks we would support the Bill with strong reservations about the widening of investigative powers.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I will not debate this issue at length either, because it has been the subject of a long debate in another place. However, I have foreshadowed to honourable members that I will be moving in this place some amendments which restore the Bill to a form in which it was introduced in the Legislative Council. The amendments that were moved in the Upper House defeat the very purpose of the Bill and the Government does have a strong commitment to bringing about fair trading in the market place. The role of the Commissioner has now been established in the community.

I think it has been shown that the services provided by the Commissioner's office have had widespread support in the community. They are subject not only to Parliamentary scrutiny and through that public scrutiny, but are also subject to the powers vested in the Ombudsman. I believe and the Government believes that commerce and industry in the business community in this State have in fact benefited from the intervention of the Commissioner in many areas of the market place. I believe this State enjoys a good reputation for fair trading because of the activities of the Commissioner, and it has taken time for that reputation and expertise to be established amongst the officers of that Department.

It has been provided by sound laws that have been updated and modified from time to time. That is proven by the fact that other States have followed the consumer law models established in this State and I suggest the fears that have been expressed by the member for Coles are false, that there is not inherent in the Government's intentions with respect to this legislation the basis of reality in the community and in fact it is not a reality that the powers vested in the Commissioner to take legal proceedings would establish a new form of legal aid.

In fact, that power in its present form has been used sparingly in this State. It is designed to take test cases to clarify the law, particularly where neither the trader nor the consumer want to take those proceedings, or may be unable to afford those proceedings, so many of these matters relate to people who are not eligible for legal aid; they are not able to take expensive legal action, but the law does need clarifying and these matters must be brought before the proper tribunal so they can be clarified. That is the general thrust of the amendments that I propose to move in the Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Functions and powers of the Commissioner.'

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

Pages 1 and 2—Leave out all words after line 18 on page 1 and all words on page 2 and insert:

(a) by striking out from paragraph *(d)* of subsection (1) the passage 'subject to subsection (1a) of this section,';

(b) by striking out subsections (1a) and (1b);

(c) by striking out from subsection (2) the passage ', where the amount claimed or involved in any case does not exceed the sum of five thousand dollars,';

and

(d) by striking out subsection (3a).

As I have said, those amendments reinsert in this legislation the original intention of the Bill as introduced in another place.

The Hon. JENNIFER ADAMSON: The Opposition opposes the amendments for the reasons that I outlined earlier, namely, that we believe that they go too far and are too intrusive, provide too wide a power, and are not supported by the industry itself. Neither the Real Estate Institute nor the Master Builders Association supports the powers that the Government proposes to give itself and I think that the Minister would be the first to admit that both those organisations are well respected in South Australia and have earned that respect by the thoroughly professional way in which they and their members conduct their business. I believe that the powers that the Government is conferring on itself will be very costly in terms of their application to some businesses.

We on this side of the Chamber acknowledge the importance of fair trading and that very term implies obligations not only on behalf of the trader but also responsibilities on behalf of the consumer. We believe that the present law is sufficient to protect the consumer and that the powers being reinserted in the Bill as a result of the Minister's amendments are somewhat oppressive. Having said that, I do not propose to divide on the clause because of the hour at which we are debating it, but I make the point that we oppose it.

The Hon. G.J. CRAFTER: I certainly respect the status of those organisations to which the honourable member referred. However, they opposed vigorously the original legislation that established the legal basis on which those professions and their members operate in this State, and I think that that legislation has received now acceptance right across the community and indeed across this country. Therefore, I think that it is only natural that those organisations would resist, if possible, legislation. However, I believe, and the Government believes, that given time as with the previous legislation it will be seen to be warranted.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

MAGISTRATES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 1689.)

The Hon. H. ALLISON (Mount Gambier): The Opposition supports this Bill, which is one of the minor pieces of legislation before the House and which deals with two issues. The first one regards the removal from the position of supervising magistrate of a magistrate appointed to that position and apparently under the Magistrates Act, which was passed through both Houses late last year, no power was included permitting a magistrate who had been appointed as a supervising magistrate then to be subsequently removed, and that is an issue which should be resolved and which this legislation covers.

The second amendment contained in the legislation recognises that some magistrates do perform special duties when they are directed to do so by the Chief Justice and with the concurrence of the Attorney-General, and it covers a provision for extra remuneration to be paid for that extra work that has been incurred. The extra remuneration is determined by the Governor. We support the legislation.

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

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

EVIDENCE ACT AMENDMENT BILL (No.2)

Adjourned debate on second reading.
(Continued from 31 October. Page 1691.)

The Hon. H. ALLISON (Mount Gambier): The Opposition supports this Bill with some reservations, and I will move an amendment a little later. I will address myself briefly to that in the course of the second reading debate. The Bill deals essentially with suppression orders and members of the House will recall that there was a spate of suppression orders made in December 1982, following which the present Government asked the present Crown Solicitor to prepare a discussion paper on the subject. That discussion paper was circulated, submissions were made, and as a result of that a report was prepared by the present Crown Solicitor and recommendations are included in the Bill now before us.

Among other things, the Bill provides, first, that, where a court considers it in the interests of the administration of justice or to prevent hardship or embarrassment to any person, it may order any person to absent himself or herself from the court. The court may provide a person excluded from the court with a transcript or other record of the evidence, and appeal is provided against refusal of the court to provide a transcript. Secondly, the Bill provides that, where a court considers it desirable in the interests of the administration of justice or to prevent undue hardship to any person, it may make a suppression order forbidding the publication of evidence or an account of evidence, or forbidding the publication of the name of any party or witness or any person alluded to in the proceedings and material tending to identify those persons.

The court may make an interim suppression order without considering the merits of the application with a view to hearing the merits at some subsequent time. A person who satisfies the court that he or she has a proper interest in the question of whether or not a suppression order should be made may make submissions and may by leave of the court call or give evidence in support of the submissions. An appeal lies against a suppression order or a decision not to make a suppression order.

Thirdly, the court which makes the suppression order has to forward details of that order to the Attorney-General, who has to prepare an annual report specifying the total number of orders made, the number of orders made by each of the various courts, and a summary of the reasons assigned for making the orders, and that report is to be laid before each House of Parliament as soon as practicable after it is prepared.

Fourthly, an appeal lies to the Supreme Court or to the Full Court of the Supreme Court against a suppression order or against a refusal to make a suppression order. Fifthly, where a report of the proceedings taken against a person for an offence is published by a newspaper, radio or television and the report identifies the person against whom the proceedings are being taken, the report is published before the result of the proceedings is known, and the proceedings do not result in a conviction on the charge that was laid against the person to whom the report relates, the newspaper, radio or television making the initial report must, as soon as practicable after the determination of the proceedings, publish a report of the result of the proceedings with the same degree of prominence as that given to the earlier report.

Copies of this legislation were circulated fairly widely among the various sections of the media in South Australia, and a number of comments and suggestions were made. Among them include questions regarding the extent of publication of notification of innocence of a party where substantial comment had been made in that media regarding the initiation and processes of a trial. I do not believe that that issue has been absolutely clarified; there is still some doubt.

I refer also to a question that was raised by Southern Television Corporation Pty Ltd, and I have put on file an amendment regarding clause 4, page 3, line 14. I notice that the Minister, too, has on file an almost identical amendment which makes me quite satisfied that he had seen the wisdom of our amendment and adopted it.

The Hon. G.J. Crafter: No, we took it further.

The Hon. H. ALLISON: The Minister has said that he has gone a stage further. It seems that we triggered the Government into a spate of activity, a real flurry of movement. However, Southern Television Corporation Pty Ltd suggested that by the proposed section 69a (3) members of the media are able to make submissions to the court on an application for a suppression order if they can satisfy the court that they have a proper interest in the matter. Subsection (4) provides that the suppression order may be varied or revoked. However, subsection (4) is silent as to the persons who may make that application.

The view presented was that such an application could only be made either by the defendant or by the prosecution and the media had no standing to apply for variation or revocation. Of course, the media does have standing under subsection (6) of the Bill to institute an appeal. The persons making the submission thought that it was important that they also had standing to apply for variation of a suppression order, it being conceivable that the terms of an order may operate in a way which may unfairly impede their ability to publish a report of the proceedings. That point was taken up by the shadow Attorney-General and is now the subject of the application of the amendment which will be moved in the Committee. The Opposition supports the legislation through the second reading stage.

The Hon. G.J. CRAFTER: (Minister of Community Welfare): I thank the Opposition for its general support of this measure. I do not intend to canvass the nature and the purpose of the Bill which the honourable member has covered in his speech and which has been well debated in another place. I also give notice of an amendment further to the one to which the honourable member has just referred, and that is a further consequential amendment to clause 4 to clarify who can make submissions in relation to a suppression order. I trust that that amendment will receive the support of all members.

I indicate that the Government is prepared to accept the amendment that will be moved in the Committee by the member for Mount Gambier. It is an amendment about which both the Opposition and the Government received representation. It is obvious that the Bill should be amended accordingly to clarify that matter and place it beyond doubt.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Repeal of ss. 69, 70 and 71 and insertion of new heading and sections.'

[*Midnight*]

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

Page 3, line 14—After 'made' insert ', on the application of any of the persons entitled to make submissions by virtue of subsection (3) *(b)*'.

The amendment is worded in exactly the same way as the amendment of the member for Mount Gambier which is

on file. It merely makes clear which parties may be heard on an application variation of a suppression order. It is a matter of clarification only, and obviously it has the support of the Opposition.

Amendment carried.

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

Page 3, after line 24—Insert new paragraph as follows:

(ba) a representative of a newspaper or a radio or television station, who—

(i) appeared before the primary court;

or

(ii) did not appear before the primary court, but satisfies the appellate court that his non-appearance before the primary court is not attributable to any lack of proper diligence on his part;.

This is a consequential amendment made to this measure in another place and accepted by the Government and the Opposition. The amendment makes clear that media representatives may make submissions in relation to the question of whether a suppression order should or should not be made. This consequential amendment makes clear that media representatives may institute or be heard on appeals in regard to such questions.

Amendment carried.

Mr EVANS: I move:

Page 5, after line 13—Insert new proposed section as follows:

71aa. (1) The Governor shall, by notice in the *Gazette* each month, publish a list of the names of all persons convicted of offences (not being summary offences), in that month, but notice shall not be published in the *Gazette* of a charge against a person for an offence unless he has been convicted of the offence.

(2) The Governor shall cause the list referred to in subsection (1) to be published in a newspaper circulating throughout the State.

I have several amendments but this one stands on its own. It is in relation to the Governor publishing names of persons convicted of offences. At the moment the press believe that it is within their prerogative to decide whose names they will publish in relation to those people who are convicted of the more serious offences against our society or within our society. By this amendment I am guaranteeing that each month the names of every person found guilty of more serious offences will have their names published in a daily paper. If I remember correctly, this was referred to in one of the reports, probably the Mitchell Report. I can see that perhaps there is a need for society to know the names of those persons who have been convicted of more serious offences other than summary offences.

I ask the Committee and the Government to accept this proposition. The cost would not be great, and if there is an interest in those who have committed the more serious offences against society, the opportunity is available for people to take note of that in the publication. However, more particularly, we are being fair. It means that everyone who is found guilty of a serious type of offence will have their name published. I ask the Government to accept the principle that the names of persons found guilty of the more serious offences should be published, instead of it beng left to the media to decide which ones it will publish. I asked the Government to accept the amendment.

The Hon. G.J. CRAFTER: The Government does not accept the amendment. It really takes the law back to medieval times where persons who breached the law were taken into a public square and there paraded before all and sundry. I think we have well and truly passed that period. I remember when I was at school reading the daily lists in the papers of those persons who were charged with drunkeness and other offences. The publications of those lists was a regular part of newspapers, and hence gossip in the community. These days I think there is a degree of responsibility exercised by the courts' roundspersons employed by newspapers and other sections of the media, and those matters are not considered to be newsworthy points any longer. To require that the *Government Gazette* (and presumably that is for wide distribution) publish lists of all persons convicted for offences, other than summary offences, would seem to be lacking in consideration of the public interest. I do not think that that is a matter of great importance to the public. Presumably the offenders would have been dealt with by the courts and by the law and that penalties would have been provided and that in that way the processes of the law would have been acceeded to. One is continually reminded of the difficulties that people have living down sentences in regard to obtaining employment, the re-establishment of their family life, and so on. Publication of such details may well harm that rehabilitation process.

Mr EVANS: I am particularly disappointed with the Minister's answer. I perhaps expected the decision that he has made, but I am disappointed with the answer. Nowadays there is no hesitation on the part of the consumer affairs authorities to publish details of people who have committed offences against consumers. There is no hesitation in publishing the names of tax dodgers, and there are many areas of Government which automatically publish the names and details of the businesses of individuals who offend against certain laws. I am not talking about trivial offences but about the more serious offences. In talking about the medieval ages, the Minister will I hope remember that a little later in regard to further amendments to be moved. I think he will then be at cross-purposes. It is logical to stipulate that rather thanselected details being published, details of all offences should be published. The Minister suggested that the news media acts responsibly, but I ask him to think about what occurred this week. Why do we provide the opportunity for those who do not wish to act responsibly to act irresponsibly? That is what we are doing. A disgraceful example of this occurred this week in another scene, of which members of the House are fully aware and which was absolutely disgraceful. I am disappointed with the Government and with the Minister in relation to this matter. I am sure that this is just the beginning of a long path and that in the end justice will be achieved and common sense will prevail. The Committee divided on the amendment:

Ayes (20)— Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Blacker, D.C. Brown, Chapman, Eastick, Evans (teller), Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olson, Rodda, Wilson, and Wotton.

Noes (21)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter (teller), Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Keneally, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Trainer, Whitten, and Wright.

Majority of 1 for the Noes.

Amendment thus negatived: clause as amended passed.

Clause 5 passed.

Clause 6—'Restrict upon reporting proceedings relating to sexual offences.'

Mr EVANS: I move:

Page 5, line 18—leave out 'subsection' and substitute 'subsections (2) and'.

My amendment gives the opportunity to have a provision placed in the Bill that will place an obligation on society that it cannot publish in writing, announce at a public meeting, through radio or television anything that is likely to identify a person before a trial begins in relation to a charge that may be laid against that person. The current position is that the news media believe it is their right, and their right only, to decide whether they will publish names or identify individuals and at what stage in proceedings by

the Crown against those individuals such groups will identify those persons.

If we talk, as we have at times, about the administration of justice and say that we believe people are innocent until found guilty, how can we justify allowing the names or identification of persons to be published before they are charged, immediately after they are charged, or while awaiting a case of an indictable offence to be committed? How can we allow their name or identification to be bandied around the community before or, in some cases, after a committal hearing? In some cases and with some offences the committal hearing does not take evidence because the Act prevents it. One then has to wait six or nine months before the hearing of the court to put an argument on whether or not the individual is guilty.

By the news media alone, quite often the person is guilty in the eyes of many before the trial begins, and even before the committal hearing. Sometimes they are guilty in the eyes of the media before they are even charged. The media publishes at any time—before being charged, at the time of being charged, up to the time of committal, up to the time of trial, and while the trial is on.

This amendment will stop people publishing the identity of a person before a trial begins. Once the trial begins it will be in the hands of the court as to whether there is justification for suppressing the identity of the person at that time. That can be up to 10 months or more after the charge is laid. I do not believe that any person in the Parliament really believes that one should have their name bandied all around the country, whether by film, tape, radio, voice or in print, before they have had an opportunity to put their case. That is what happens currently.

During the last week a person was filmed before being charged—as they were being arrested. The radio stations were bandying around that person's name throughout the community that afternoon, possibly before relatives were informed that action would be taken against that person. I am not only talking about the individual charged, in moving my amendment. I refer also to family and associates. One could be a member of a church, a union, a sporting club: wherever that individual moves, he has to carry a taint because he has no opportunity to protect himself, and that opportunity is not given until the trial begins.

One can imagine the strain it puts on individuals who are students doing Matriculation or other studies. A member of the family may have their name bandied around upon being charged with an offence along with the inference of what has happened. It may end up to be quite inaccurate and found to be not true. What sort of pressure does that put on an individual attempting to achieve a lifetime goal when one of the family has been charged with something?

The present Government over the years has talked about being interested in individuals and fair play to individuals. This is an opportunity to show such interest. I would suppress any publication until such time as a person is convicted, but at this stage it would be beyond the realms of possibility to get the Parliament to accept it. I am not a great lobbyist, but I have spoken to a number of people on this subject. I have raised the matter in my Party many times over 18 years. I believe the actions of the press in recent months show that it is time for us to take action and show that we have a concern about what happens to individuals. The main reason that those within Parliament do not want to take the action is that we are frightened of the press. I would be one of them. We would be frightened that the press would write it up and say that we are denying the freedom of the press.

That will not stop open courts. If people want to attend court and listen to what is happening, they still can. In the days when this law was created we had mainly newsprint, and papers were not purchased or read by much of society. Now, nearly every motor vehicle has a radio and nearly every home has a television set. The news media like to get hold of a juicy bit and blow it up time and time again, regardless of what that does to the individual, who has no recourse or opportunity to go to the court and say, 'I am not guilty; give me a hearing,' because the court has such long delays.

Who are the news media to decide whose name shall be published or who shall be identified and, in some cases, by scurrilous means, filming from behind to show the rear view of a person in the hope that they might be identified? If Parliamentarians took that sort of action to hide things the press would be the first to say it was a pretty low down trick. At times the press makes the point that it is interested in individuals and injustice in society.

What greater injustice could there be than an individual and that person's friends, associates and family, having to wait for the process to take place before he or she can protect themselves? My amendment provides that where police believe in the interests of justice that there is a need to publish a person's name for the sake of society, they can apply to a judge. If the judge agrees, it will be published. At times, that is necessary. I have also been told that at times it may be necessary for the defendant's name to be published because it might bring necessary evidence to prove innocence. I have not tried to cover that in my amendment, because some people in the community would say that is not necessary. However, now is the time to do it.

We have the Bill before Parliament, and at the start of the trial, a person can stand in court and say, 'These are the facts as I know them and I believe I am innocent.' At that point the press can publish what it likes, even though we know it will publish the bit of evidence that suits it and will not even publish a contrary argument to that. It will take another bit of selective evidence that may come from the defendant and take from that whatever inference it likes. A recent case in Adelaide related to a very young man who was killed. One headline tended to imply that that young person may have belonged to what is known in the community as the skinhead cult. What a disgraceful thing for a newspaper to do!

I do not bow to those sorts of pressures. We now have an opportunity to accept the principle that at least to the point of trial a person is innocent and their name and identity should be protected at that time. The Minister earlier spoke about medieval times. What sort of age do we live in when people are virtually condemned at the whim of the press before even having an opportunity to defend themselves? What more medieval exercise could there be!

Think about the power of television and radio and how far it travels. At one time in this country if a person had the unfortunate experience of being found guilty by the press and then found innocent by the court, at least such a person could move to another part of the country and be sure reasonably of not being identified. However, now we have television and mobility of society that is virtually impossible. The individual has a much greater trial and has to sit it out within the community. I have spent some time talking to people who have had such an experience. If I wanted to sensationalise what has happened to some families, I could, but it would do my cause no good.

If the Minister has made the decision or if my colleagues believe they cannot accept my amendment, I remind them of the matter of the Ombudsman. I fought for that and people said, 'You will not win.' However, in the end justice will prevail. I am proud that at least on that issue every State in the Commonwealth has an Ombudsman. This issue

is just as vital—administration of justice. I ask the Committee to accept the principle and even though this is only a minor amendment, tied to that is the argument I have just put. I ask the Minister to accept it. I hope that if he is not prepared to do so now he will adjourn the debate and take the amendment back to his Party for consideration. It is a vital issue and I know the views of his own people over the years about justice. I ask the Minister to accept it on that basis if he cannot do so now.

The Hon. G.J. CRAFTER: It may be more appropriate for the honourable member to take the amendments back to his Party and seek its support rather than for me to take them to my Party. The Government simply cannot accept the amendments. I understand that the honourable member, in moving the amendment to this clause, was using this as a test of support for his consequential amendments and the substance of them. One must ask how many members support a total blanket prohibition of publication of information that would identify a person charged with a serious offence in this community until the commencement of the trial—that is after arrest, charges have been laid, committal proceedings have been undertaken, a *prima facie* case has been established, and then until the point of trial, often a period of many months.

One must ask what is the evil that the honourable member is seeking to address by advancing these amendments. Is he saying that the police are laying frivolous charges? Is that the problem? Is this practice widespread? I suggest that there is no evidence to say that that is the case. The reputation of the Police Force, particularly the Prosecutions Section, cannot be questioned, I suggest. Simply, charges are not laid without there being sufficient evidence to justify that fact. In my experience the laying of charges errs often on the side of caution. If it is to be overcome, as the honourable member suggested, it would involve circumstances similar to those that occurred in recent days where a television crew was waiting for a person to be arrested prior to charges being laid. The honourable member's amendment will not address that situation because that is prior to charges being laid, before a person is brought to the court, and before suppression takes place.

I would compare that with the example today of the demonstrators who were arrested at a political rally and the television cameras filmed those arrests taking place. Is the honourable member saying that television cameras should be turned off when arrests are taking place in those circumstances? I would suggest not. Is it to protect the conduct of a fair trial? Often the arguments advanced in suppression cases are that a person will not receive a fair trial as a result of the publicity that has been generated by the media. Honourable members would be aware that in notorious trials in the United States jurors are impounded, and when they are transported to the court from the hotel or premises where they are staying during the period of the trial the windows are often blacked out in those vehicles so that they cannot see newspaper stands, for example, and so that they are removed from those sorts of influences.

If that is why the honourable member is moving this amendment, it cannot be so, because in his amendment he provides that the relevant date means the date on which the trial of the person charged with an offence commences—not at the conclusion of the criminal justice process. The crucial time is when the trial begins and when the jury is in fact empanelled, and I would suggest that perhaps that is the strongest argument that can be advanced for suppression. That concerns us all, yet the honourable member avoids that situation by his amendments; so, I would say that there needs to be clarity as to what is the evil that the honourable member is seeking to overcome.

One has to balance the rights of the individual and his ability to obtain justice before the courts for the law enforcement authorities in our State. However, we must balance out the freedom of information, particularly the freedom of the press. One of the great strengths of our democratic society is that we do have a free press and to gag the press in a blanket fashion is, I would suggest, not the way to ensure the continuation of one of the fundamental strengths of our society. What the Government proposes in this measure is that there is a capacity for the suppression of the name of a person who has been charged with an offence and that is at the discretion of the courts, and that is what this piece of legislation allows.

It provides for a person who does fear that he will be unfairly dealt with as a result of the publication of his identity to apply for a suppression order and, if that can be justified before a court, that suppression order will be granted so that that protection can be gained and a fair trial of the matter can be achieved. I would suggest that the legislation provides for the circumstances about which the honourable member appears to be concerned. To take the measures that he proposes, which I consider are extreme indeed, may well harm the very fundamental process on which our criminal justice system is established and which I suggest works to the satisfaction of the community.

Mr EVANS: The Minister amazes me. He is virtually saying that the prosecution or the police are always right, and that we should not be concerned about the fact that at times they make errors or that the evidence given to them is wrong.

Let us admit that there are faults in the system and there are times when people are not guilty of an offence and that is found to be the case. Of course, there may be times when people are found not guilty who are guilty and vice versa: people are found guilty who are not guilty. We understand that, also.

The Minister said that one of the strengths in our society is the freedom of the press. I also thought that one of the strengths in our society, in the administration of justice, was that one is innocent until found guilty. The Minister referred to waiting until the trial begins, when the jury is empanelled, and that that is when all the evidence comes out and that publicity could affect the jury. That is a joke because in fact the trial does not begin until the jury is empanelled; so, the jury is set up before any evidence is published in regard to identifying the person.

Of course, then the jury takes over the responsibility of hearing the evidence. There is no doubt that often evidence is published (and I am not trying to stop evidence from being published: I am trying to stop the identification of a person) that has an effect on individuals who may serve on a jury. We must all acknowledge that. We develop an attitude from what we read, see or hear—rightly or wrongly. My amendment refers to the point at which a charge is about to be laid—whether that is at the time of arrest or not I suppose becomes a debatable point. However, I am referring to the point at which the charge is about to be laid. I think that if the Minister reads the amendment closely that point is covered. I sought to cover that point quite deliberately.

I do not know whether the Minister is saying to me that the Parliament should not be concerned about incidents that have occurred over the past few months. Is he saying I am going too far because I am asking that the name of a person or anything that identifies that person shall remain suppressed as far as publications are concerned until the

beginning of a trial? This is not stopping the openness of the court. The trial has not begun. It is still leaving an open court and it is still leaving the press the opportunity to publish material, barring a suppression order by the court, about a particular case. It is not denying the openness of the court at all.

That is one matter that seemed to concern the Minister. I believe that in a very short time (and I would say within no more than 12 to 18 months) the Minister will look back on the words he has spoken tonight and will have to find a reason why he has changed his mind, because there is no doubt that if we are to have justice in our society and if the sort of situations that have occurred recently continue, we will not be having justice. I ask the Minister to take back to his Government what has been said and the points that have been made tonight, even though I know that he has said 'No' at this stage. I ask all other members of the Committee to accept what I believe is a fair proposition to try to get some form of justice in this area of administering our law in this State.

The Committee divided on the amendment:

Ayes (4)—Messrs Evans (teller), Gunn, Mathwin, and Rodda.

Noes (37)—Mr Abbott, Mrs Adamson, Mr Allison, Mrs Appleby, Messrs L.M.F. Arnold, P.B. Arnold, Ashenden, Baker, Bannon, Blacker, D.C. Brown, Chapman, Crafter (teller), Eastick, Ferguson, Goldsworthy, Gregory, Groom, Hamilton, Hemmings, Hopgood, Ingerson, and Keneally, Ms Lenehan, Messrs Lewis, McRae, Mayes, Meier, Olsen, Payne, Peterson, Plunkett, Trainer, Whitten, Wilson, Wotton, and Wright.

Majority of 33 for the Noes.

Amendment thus negatived; clause passed.

Clauses 7 to 10 passed.

New clause 11—'Amendment of Local and District Criminal Courts Act, 1926.'

Mr EVANS: I move:

Page 6, after clause 10—Insert new clause as follows:

11. Section 320 of the Local and District Criminal Courts Act, 1926, is amended by striking out from paragraph *(b)* the passage 'in the *Gazette*, and in newspapers circulating generally throughout the State and in such other publications as he deems proper and'.

Through this new clause I seek to amend section 320 of the Local and District Criminal Courts Act, 1926, section 320 of which provides:

The Senior Judge shall, from time to time, as occasion requires, either personally or by giving of proper directions—

(a) . . .

(b) after receiving the criminal lists from time to time from the Attorney-General, cause to be published in the *Gazette* and in newspapers circulating generally throughout the State and in such other publications as he deems proper and at court houses, police stations and at such other places as he deems proper and necessary, such notices as will, as far as reasonably practicable, keep all persons concerned duly informed of the lists and the sessions of District Criminal Courts throughout the State;

If this amendment is carried it will remove the obligation on a court to publish in the *Gazette* and other publications the names of all people who may have actions taken against them in the court. It will not stop them doing such a thing if they want to. I trust that the Minister knows that at the moment if a suppression order is made the Governor is still obliged, under the court's direction, to publish in the *Government Gazette* the name of the individual concerned even though that person's name has been suppressed. This makes the suppression order a joke. This has been going on for years.

What is the good of a court suppressing the name of a person if a Government agency publishes it? All this amendment will do, and I trust the Minister will accept it, is remove the obligation on a court to publish the identity of an individual. In such circumstances it provides an opportunity to abide by the decision of the court. It is a total farce that a person's name is suppressed and then the *Government Gazette* publishes that person's name and that *Gazette* is distributed throughout schools, Government offices, and so on, making the suppression order of no effect.

The Hon. G.J. CRAFTER: The Government opposes this amendment for the reasons it has opposed the other amendments that the honourable member has moved this evening. The honourable member is inaccurate when he says that a suppression order brought down by a court has no effect with respect to the names of persons arraigned appearing in the *Government Gazette* because the purpose of such a suppression order is to prohibit the publication of such names in the popular press and other parts of the media.

An honourable member interjecting:

The Hon. G.J. CRAFTER: Well, it is not sold on the corner of streets or highways and byways. As I understand it, the publication of those names in the *Gazette* does have attached to it some official significance, particularly with respect to the rights of people upon their arraignment, and traditionally that has been the notification of the status, if you like, at law of those persons in the community. Therefore, it has a significance at law, and I would suggest that the suppression order brought down by the court does prohibit the widespread dissemination of that information in the community.

Mr EVANS: By this Act we compel the Government Printer to publish in the *Government Gazette* the names of persons whose names have been suppressed by the courts. Surely the Minister is not arguing that there is justice in that. It is not beating any course of justice. The court has decided that an individual's name should not be published, yet an Act of Parliament is stipulating that names shall be published. The real intent of the provision in the Act was not to take into consideration suppression orders but really just to publish all the other names, where there were no suppression orders. That was the intention of the Act and it is something that has never been corrected.

At one time the *Government Gazette* had a very narrow circulation. However, today it has a huge circulation: nearly every community welfare officer receives a copy of the *Gazette*. All Government departments and their agencies receive copies. Schools receive copies for their libraries, and each member of Parliament I think is entitled to 15 copies for distribution throughout the State. To suggest that a person's name should be published in the *Gazette* after a court has stipulated that the name should be suppressed is quite ridiculous. I am sure that the Minister knows that that is so, and I ask him to accept the proposition that I have put forward.

The Committee divided on the new clause:

Ayes—(18)—Messrs Allison, P.B. Arnold, Ashenden, Baker, Blacker, Chapman, Eastick, Evans (teller), Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Rodda, Wilson, and Wotton.

Noes—(23) Mr Abbott, Mesdames Adamson and Appleby, Messrs L.M.F. Arnold, Bannon, D.C. Brown, Crafter (teller), Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Keneally, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Plunkett, Trainer, Whitten, and Wright.

Majority of 5 for the Noes.

New clause thus negatived.

Title passed.

Bill read a third time and passed.

BUILDING SOCIETIES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 1 a.m. the House adjourned until Thursday 15 November at 2 p.m.