HOUSE OF ASSEMBLY

Thursday 27 November 1986

The SPEAKER (Hon. J.P. Trainer) took the Chair at 11 a.m. and read prayers.

CAMDEN SCHOOL NOISE

Mr BECKER (Hanson): I move:

That this House requires the Government and the Minister for Environment and Planning to take immediate and positive action to encourage Hy-Stress Concrete Pty Ltd to reduce industrial noise levels affecting Camden Primary School to legally acceptable levels and not to allow under any circumstances further noise exemptions to be granted to the company after 31 January 1987.

It is regrettable that this motion must be moved in an attempt to resolve a situation that has become intolerable. The history of this dispute goes back to April 1984, when the school council first brought the noise problem to the attention of the Noise Abatement Branch of the Department of Environment and Planning. The school council complained first of the noise and also of the dust, and that complaint was investigated by the Noise Abatement Branch.

By July 1985, the noise was excessive in the music suite in the hall adjacent to the plant. Music lessons were disrupted and a second complaint was lodged. The Noise Abatement Branch assessed the noise as excessive and advised that Hy-Stress Concrete should be asked to take remedial action. The City of West Torrens council was also contacted and it referred the school to the Department of Environment and Planning.

In August 1985 the Music Coordinator, Mrs Palmer, was showing signs of stress, such as persistent headaches, caused by the noise. In October 1985, the Deputy Principal, Mrs Palmer, and I as the local member met Mr Robertson, one of the owners of Hy-Stress Concrete. We were assured that every step would be taken by the company, but virtually nothing was achieved. On 29 October 1985, I wrote to the then Minister of Education (Hon. Lynn Arnold), as follows:

Dear Minister,

Re: Camden Primary School

Noise pollution from adjoining neighbour Hy-Stress Concrete Pty Ltd

Since early July this year, I have been investigating and negotiating with Hy-Stress Concrete the impact of noise caused by their machinery upon Camden Primary School and in particular the music room. Mr Leon Robinson, Managing Director of Hy-Stress Concrete Pty Ltd, moved one very noisy section of his company's operation to another part of the property in an effort to reduce the noise impact.

Some machinery tested by the Noise Abatement Branch has been modified in an attempt to reduce noise levels. Even with this cooperation the music room situated in the multi-purpose hall is still subject to a very high level of noise. How your staff can stand the stress of such noise is a tribute to their loyalty to the students. I now fear for the health of your staff if the noise continues.

Minister, could you please have your department, Housing and Construction Department, and the Noise Abatement Branch inspect the Music Room, and the multi-purpose hall with the idea of sound proofing.

I consider there are design faults with the multi-purpose hall which could be rectified, such as the huge air intake area for future air-conditioning. This area alone provides no protection or noise barrier. The iron walls and roof should be sealed or lined with material of sufficient absorbent material to reduce the noise.

Your advice and comments on what action your department will take to ensure the teaching environment in the school's music room and multi-purpose hall are made satisfactory will be appreciated.

Yours sincerely,
Heini Becker, M.P.
Member for Hanson.

Following that letter was the usual acknowledgment, but the school community and I were disappointed that around that time the Minister took no action and did nothing except to go doorknocking in the Camden area a few streets away from the school. He did not even bother to visit the school or speak with the school council or the company involved to discuss the problem. The then Minister of Education shows the type of coward that we have in the Ministry today: he did not care about the school, and it was not until 16 January 1986 that the Acting Minister of Education replied to my letter of 29 October, and stated:

I have been advised that to date the Adelaide Area Education Office has not received any requests on this matter from Camden Primary School.

When minor works requests were called for early in 1985 to enable the establishment of a program for the 1985-86 financial year, Camden Primary School did not submit any projects. The most appropriate time to follow your proposal would be with a minor works submission from the school, the next of which will be called for early in 1986.

When establishing a program of works *via* the minor works budget the Adelaide area respects priorities indicated by schools, but naturally preference is given to projects addressing 'health, safety and security'.

Should the school wish to discuss this matter further I suggest that contact be made with the Facilities Manager located at the Adelaide Area Office.

The school council considered that letter and decided to pursue as well the course it had already taken about the cause of the problem. In February 1986 the noise was assessed again by the Noise Abatement Branch as being far in excess of the permitted levels and a notice served on Hy-Stress was sent to an incorrect address.

In May 1986 a second notice was served and the company was given three months to comply with the department's request. Advice was also sought from acoustic engineers, resulting in modifications by the company to the vibrator. However, this was unable to reduce the noise to the permitted maximum level. An exemption from section 10 of the Noise Control Act was sought. In June 1986 the Education Department approved soundproofing of the music suite, contingent on a satisfactory reduction of noise. So, the school council did follow up the suggestion by the then Acting Minister of Education.

There was disruption of a concert held in the court for senior citizens in that month. Maths lessons in the green room (part of the hall complex) were interrupted by the noise level as well. The Music Coordinator, Mrs Palmer, was sent on two weeks sick leave, resulting from stress related ill-health because of the noise. From June to August the industrial activity diminished somewhat because of a downturn in the industry and inclement weather.

The Noise Abatement Branch was unable adequately to monitor noise in order to make recommendations regarding exemption. In August this year the school Principal and the school council executive met with the Adelaide Area Office personnel to discuss interim measures, such as installing a temporary music room. In August 1986 the Music Coordinator, Mrs Palmer, reported sick and was absent on workers compensation. In September the noise was monitored by the Noise Abatement Branch and, while it considered the exemption application, the company was permitted to operate at levels far in excess of legal levels and restrict the noise operations to between 11 a.m. and 2.30 p.m. No consultation with the school was undertaken on this condition. Some other teachers were showing intermittent signs of stress.

In October this year adverse health effects directly attributed to the noise manifested in one child. This development changed the direction of the school council's management of the problem. The school council decided to be more

visible and more vocal, thereby bringing pressure to bear on relevant Ministers to effect a speedy resolution. There was mounting parental pressure. The school council requested the Ombudsman to investigate the relevant departments.

In November this year the Department of Education authorised the immediate installation of a Demac classroom for music tuition on the opposite side of the school campus. We understand that the Minister of Environment and Planning granted a short exemption to the company until 31 January 1987, virtually giving it the alternative to reduce the noise or relocate. The problem that is occurring at the moment is simply that the Minister of Environment and Planning has refused to meet requests by the school council, my office and, I understand, the operators of the company, to meet with him to discuss this problem. That in itself has caused additional pressure on all people.

On Thursday 13 November a special meeting of the parents of the schoolchildren was held and some 120 persons were present, including representatives of the Education Department and the Department of Environment and Planning. During that meeting parents were advised that a notice was served on Hy-Stress on 18 February 1986 giving them three months to make the necessary modifications to their machinery to comply with the Noise Control Act and that, if the company did not conform, there would be a fine of $5 000 maximum for each offence to be imposed. However, at the April meeting of the school council members were advised that there had been a mix-up and that the notice had been served at the wrong address. A further notice was issued in May 1986, so three months was virtually lost on that occasion. The company then attempted to make the necessary modifications. At the same time the Education Department considered it feasible to soundproof the music suite, as already mentioned, and the provision was made to fund this in the 1986-87 budget.

At that meeting several members of the staff and parents spoke of the problem that they were experiencing. Mr Paul Briffa, the Deputy Principal, advised the meeting of parents that he teaches for one hour a day every morning and afternoon in the green room, which is situated in the hall. During these lessons he had to raise his voice in order to be heard above the factory noise. He finds that he is less tolerant than he was before, that it is very difficult to teach in that room when the noise is excessive and that it is a great relief when the lessons end. He is now experiencing loss of hearing.

Mrs Doreen Peake is engaged in teaching in many areas of the school, including the music program. She said, 'The children all appear to be restless.' Music branch personnel visiting the school have asked, 'What is wrong with the children? How do we work with the noise alongside? The whole hall seems to vibrate when Hy-Stress are using their machinery.' Mrs Peake has found that her hearing has deteriorated and on her day off she feels unable to do much more than rest all day.

Mrs Mary O'Loughlin, who teaches the reception class, supported what had already been said. The young children in her class are easily distracted at the best of times. During 'health hustle', because of the noise from Hy-Stress, the tape recorder has to be turned up very loud and the relaxation section of 'health hustle' is out of the question.

A report was prepared for the school council meeting by Ms Manos stating that the factory noise outside her classroom makes verbal instruction during fitness classes impossible. On most days doors and windows must be kept closed to help keep out the noise. On some days everyone in the class has sore eyes and sneezing problems. Ms Manos reported that she does not experience this at home. She had thought that some of the children were not listening when she was teaching them, but she now believes that the factory noise causes them to tune out. Some of her pupils complain of headaches which they have for no apparent reason. Ms Manos said:

Children often cannot articulate a feeling of stress, nor the anxiety that they feel when exposed to worrying noise. They have a vague feeling around the head and call it a headache.

At the committee meeting Daphne Palmer, the music coordinator, stated:

. . . all the time the delays were going on in finding a solution to the noise Hy-Stress have been digging in more firmly, bringing in more and more equipment and stepping up their operations in very close proximity to their boundary with the school. The ongoing noise from the factory has impaired her hearing and tolerance of any kind of noise, even music which she loves, and has seriously affected the quality of her life. She is concerned that all the children and other staff at the school are at risk of being affected in the same way she has.

Mrs Raven, the mother of Chad Raven, who is in year 3, stated:

Until early this year Chad had performed well at school. For seven to eight months he has suffered from stress-related migraines and has trouble concentrating. He has had to be taken from school on many occasions because of headaches. On one occasion he refused to go to school, saying he could not bear the noise from the factory—he lay on the floor imitating the noise of the machinery. After extensive tests his doctors have concluded that his headaches are stress-related. For the past five weeks Chad has been taking migraine medication and the headaches have ceased.

Mrs Raven feels she cannot keep her child on this medication indefinitely, and, if no solution to the noise problem is found, she will reluctantly have to find an alternative school.

That is a terrible situation. Here we have a young child who is so affected by the noise which is generated from the adjoining neighbour, that he is taking migraine medication, which is not a very nice type of tablet. As we all know, prescribed drugs have some side effects and, with children, they could have a lasting effect on the health of that child for the rest of its life. That is an indication of the pressure to which these young primary students are now being subjected so that they now are being forced to take medication. Another parent, Mrs Gehlert, also submitted a letter to the meeting. She stated:

My daughter is eight years old and in grade 3. Her classroom faces the Hy-Stress yard. She has suffered from headaches for a long time, mainly during school day and at night—not on weekends. We were away for three weeks during the school holidays and no headaches. The doctor says it could be migraine headaches, and she is undergoing tests.

Her class is very restless and hard to manage. I take a group for reading every week and have a hard time trying to control them. These children are subjected to noise during lessons and at play in the school yard. Surely this is not good for these young children. What are we doing to them? What of the teachers? They must feel on edge if trying to control children and are subjected to the added problem of outside noise.

My daughter is a violinist, a member of the Silver Strings ensemble. I am very concerned about the problems that may occur to her hearing as she has acquired a perfect pitch which is very important for a violinist. I sent her to Camden school so she could pursue her love of music. How dreadful to think the music program has had to be so seriously affected. Why should we parents have to worry that we are subjecting our children to an unseen health hazard?

On my way home from the school on Friday morning I heard 5DN's Ken Dickin and Leigh Hatcher talking about noise pollution on the main roads of Adelaide. They were quoting a figure of 69 decibels and saying how the Department of Environment was concerned at this figure. I was so angry to hear this . . . We have a school we are proud of with excellent teachers and facilities. Why should we feel that nobody outside of the school is showing any concern for our children? After hearing the very important people putting forward their views and arguments, please let us not forget that our children are the most important people.

I think that sums up the feeling of the parents of the students who attend the school. Those students really respond to the teaching and to the whole school community that has been created since Camden Primary School was established in 1977. It was necessary to place that school in that location because the old school had very few modern facilities. The lavatories were about 100 metres from the main school building, and there was no covered walkway or schoolyard that was conducive to attending those toilets in a hurry, particularly in the winter.

The school staff facilities comprised a small temporary area created on the verandah of the original building. So, with the deteriorating condition of the premises, the then Minister of Education (Hon. Hugh Hudson) agreed to my request to relocate the school in grounds purchased in 1954. It took 23 years to relocate the Camden Primary School. The only way we could get that school was to agree to a Demac construction. From a cost point of view it was an excellent project. It is an excellent school which has been well maintained with superb grounds and facilities. For the first time the Camden Primary School children have a grassed oval to run around on. They have plenty of space and pleasant surroundings.

The school council worked extremely hard in the 1970s when I was first elected to Parliament. In fact, members of the school council worked their hearts out to raise a few hundred dollars to provide a few books and a few extra facilities for the school. The school council has worked very hard indeed for the improved environment of the new school today and it has been able to provide the best facilities and amenities that any school could ask for. The parents are proud of the school, the staff are proud of the school and the whole community of Camden is proud of what has been achieved for the students of Camden Primary School. However, the blame for this noise and this problem really lies with the Government.

Back in 1976 the Government had an opportunity to purchase a block of land adjoining the school to provide a staff car parking area. However, the Government was not prepared to do that; instead, it was prepared to save plenty of money in the construction of the school, but it was not prepared to provide an extra buffer area to the industrial complex. So the owner/proprietor of Hy-Stress Concrete Pty Ltd acquired the land and expanded the premises. Naturally, the Managing Director of Hy-Stress is concerned. On the occasions that I have met and talked with him about the situation I have found him to be concerned about the impact. He is concerned that he must not exceed the noise level stated in the Act.

However, at the same time, he was most upset when he first heard through the media that notice would be served on the company that it had until 31 January to reduce all noise to the legal level. The notice served on the company by the Minister for Environment and Planning is dated 6 November and simply says:

By virtue of the provisions of section 11 of the Noise Control Act 1976-1977 I, Donald Jack Hopgood, the Minister for Environment and Planning being the Minister of the Crown to whom the administration of the said Act is for the time being committed, do hereby exempt Hy-Stress Concrete Pty Ltd, 99-103 Morphett Road, Camden Park, from the application of section 10 of the Noise Control Act, subject to the following conditions:

1. The exemption shall cease to apply after 12 noon, 31 January 1987.
2. Hy-Stress Concrete Pty Ltd shall ensure that all noisy activities on its premises are undertaken as far away as is possible from the Camden Primary School music suite.

Dated this sixth day of November.

D.J. HOPGOOD
Deputy Premier and Minister for Environment and Planning.

The Managing Director of Hy-Stress Concrete Pty Ltd, Mr L.M. Robertson, wrote to the Minister for Environment and Planning on 25 November. I think it is only fair that this letter should be quoted in the debate, as follows:

Dear Minister,

Your comments that we are neither planning nor able to reduce the noise from our premises appear to have been based upon misinformation or assumption and require a response. While improvement may be difficult for us to achieve, there is however no basis for your statements. It is apparent that there has been a lamentable lack of communication from your department over several months.

The most recent written communication we have received was dated 13 June 1986 advising that a re-assessment was to be made shortly thereafter. Subsequently Mr P. Torr met with me and informed me that in checking he had not found anything unacceptable. Furthermore, he said that the department had been monitoring the situation for some months (unbeknown to us) and, except for one occasion, there had been no problem.

I informed him that during September we would be carrying out some work which may possibly generate somewhat louder noise than had been monitored and, in a spirit of cooperation, I offered to keep him advised to enable the situation then to be checked and expected that the department would keep us informed so that we could consider possible remedial measures (if required).

I carried out my undertaking and I understand measurements were taken but there was no communication regarding the results (nor has there been any further communication since). As a consequence and because we had not received a reply to our application for exemption (23 May 1986), I assumed that we were operating in accordance with legal requirements.

We were of course aware of the well orchestrated and emotional media campaign recently conducted through the school. It was through this that we first learned of the intended ultimatum, now confirmed in your letter. Until receipt of your letter on 10th inst., we believed that we had been working within the requirements of the Act for some time and indeed had been given to understand that there was then no significant problem.

I am further concerned by the attitude adopted by Mr Lambert in a telephone discussion on Tuesday 18th inst., which I had initiated in an effort to assist in the resolution of the now apparent problem. His statements that the department would *(a)* not offer any advice in this matter; *(b)* act in a policing role only; *(c)* not meet with me or my officers to discuss the matter in any way; and *(d)* that we could expect legal proceedings, indicate an extremely negative viewpoint being taken by the department, which is quite unhelpful.

We are currently preparing proposals, costings and a program of implementation to reduce the noise and would seek to discuss these with you as soon as they are available. Your suggestion that we relocate our operations in alternative premises is beyond our financial capacity to implement as I expect this to involve expenditure in excess of $1.5 million. In any case I do not believe this would solve the problem but would simply be shifting the same operations with the same attendant problems to another location. Relocation in a remote area would seriously impair our competitive ability.

Our consultants advise me that it is necessary they be properly briefed on the details of the new Act or regulations (or changes to the existing) which I understand have been foreshadowed for introduction within the next few months. Currently they have been denied access to this information which, you will appreciate, may influence our decision whether to proceed with the required improvements or to close our business. Your cooperation in providing this information would be appreciated.

It is regrettable that we were unable to discuss the situation with you prior to making the decision now communicated. I assure you of our desire to act responsibly in this matter and would seek to discuss our propoals with you as soon as we have completed documentation.

Yours faithfully, Hy-Stress Concrete Pty Ltd.
L.M. Robertson, Managing Director

That sums up the situation. Notice has been served on the company. The school community, the school council and the staff are extremely concerned about what is happening to the students and what will happen in the future. The Government has served notice on the company, and the school council wants to know whether the Government will take action. On the other hand, the company wants to know exactly where it stands and where it has breached the regulations.

A petition was prepared which reflects the concern of parents, but unfortunately it was not signed in accordance

with the Standing Orders of this Parliament. The first six signatures were acceptable but the remaining 123 were attached to the petition. It is important that the Minister and other members bear in mind the content of this petition, which states:

To the honourable the Speaker and honourable members of the House of Assembly in this present Parliament assembled—

The humble petition of the undersigned, staff and parents of Camden Primary School, City of West Torrens, respectfully sheweth:

That:

either the administration of the Planning Act, and the Noise Control Act 1976-77 or the Acts in themselves cannot effectively manage noise pollution along the boundary of industrial land.

Exposure of Camden Primary School over the past two years to noise levels in breach of the above Noise Control Act has resulted in ill health, stress and disruption of educational programs.

This is clear evidence that:

- These Acts failed to prevent the circumstances arising in the first instance and
- Subsequently their administration has not been impotent at finding an acceptable solution.

Your petitioners therefore pray that your honourable House will amend the relevant aspects of these Acts forthwith and incorporate any recommendations made by the Ombudsman's report. And your petitioners, as in duty bound will ever pray.

So strongly do parents feel about this issue that they want the Government to take further action. They have already approached the Ombudsman and are currently mounting a demonstration on the steps of Parliament House. This is not the sort of action that these people are prepared to take lightly: they feel for their children, and anyone who has any feeling at all for the young people of this community attending our schools, must be concerned when children run out of their classrooms screaming or request to leave a classroom to go home because their head hurts, because they are experiencing head noises or are upset by the noise and vibration coming from the operations of the company next door.

On the other hand, where does the company stand when it wants to meet contracts, when it is providing jobs for 38 people and when there is this capital investment in the community? The resolution of the whole situation lies with the Minister. He already stands condemned because he will not meet the school council, or myself and school representatives or company representatives. The only way in which we can get a decision about this matter is to bring it before this House. I therefore appeal to all members to support the motion and ask the Minister now to do something positive quickly to resolve this situation and to protect the health, safety and welfare of the children and staff while bearing in mind his responsibility to industry.

Ms GAYLER secured the adjournment of the debate.

HISTORIC MONUMENTS

Mr ROBERTSON (Bright): I move:

That this House requests the Minister of Aboriginal Affairs to investigate the establishment of a series of historic reserves or monuments, similar to the network of national monuments in the United States, to mark the location of some of the more significant episodes in the history of European colonization of the State; and, further, this House determines that such monuments should only be erected after consultation with and subject to the approval of the relevant Aboriginal organisation.

In doing so, I wish to add some details to the address I delivered during the adjournment debate a week or so ago on the subject of the establishment of a system of national monuments to mark significant chapters in the evolution of relations between the Aboriginal community and European community in this country. To put the issue in context, I think it is important that the House and the public of South Australia realise that at the time of European arrival in this country, between 1680 and 1788, there were in fact a number of racial groups of Aborigines already in this country.

There is some debate as to how long they had been here, but educated anthropological opinion has it at this point that they had been here at least 60 000 years, and some cave paintings in the southern part of Tasmania indicate that the inhabitants of this country produced the oldest existing art anywhere on this planet. That art is said to date back somewhere around 25 000 or 30 000 years. There have been a number of anthropological discoveries such as buried ornaments, buried remains and so on which date back 20 000 or 30 000 years, so the minimum date is at least 20 000 or 30 000 years and it is highly likely that Aborigines had been on this continent for at least 60 000 years.

The people who were here, contrary to the view of the settlers, belonged to a number of different races. They were as racially different as Poles, Germans and Russians. There were at least three or four separate races. There was a separate and distinct race in Tasmania which was quite different from the mainland people, and it is generally held by anthropologists that there were at least three or four major racial groups on the mainland. Anyone who has travelled from east to west or from north to south across this country, even to this day, would be able to bear that out. The people are quite different, and different in many ways.

At the time of the European arrival there were as many as 400 languages. The only comparable number of languages anywhere on earth would have been in Papua New Guinea where there were said to be 900 different language groups in the hills and valleys. Australia did not have the advantage or disadvantage of the Owen Stanley Ranges to separate groups of people into different ethnic and language groups. Despite that, the people of this country still managed to evolve 400 separate languages by the 17th century, when the first European explorers arrived.

There were at least 10 or 12 separate language groups—if one likes to consider the various Pitjantjatjara languages as being separate, which, in fact, they are, because they are almost mutually unintelligible. They belong to the same language groups. Linguists can, of course, tell that by examining the structure of the languages. There were at least 10 or 12 different language groups setting people apart from one another in quite distinct and definite ways. When it was realised by Europeans in the early part of this century that there were substantial differences between Aborigines and when Norman Tindale finally got around to mapping the differences and the tribal boundaries in the 1930s, he showed that there were at least about 100 tribal groups he was able to map. Those groups can be considered as separate ethnic groups in much the same way as we consider various races of Europeans as separate.

What the Aborigines of this country had in common, though, was a number of shared words which were used for purposes of trade and communication; words such as 'yes', 'no', 'male', 'female', 'dog', 'sun', 'moon', 'river', and 'water' tended to be shared words, particularly within various language groups. There was not, however, a common language anywhere in this country even for the purposes of trade, and it became necessary for people from, say, the Northern Territory who wanted to trade in South Australia to pick up the language as they went.

So, there was no shared culture of any kind. A few legends were shared by different tribes. A creation myth, the Kuna-

pippi legend of the Northern Territory people, was in fact a shared legend, and many tribes subscribed to that particular creation legend. Similarly, a number of the desert people from Alice Springs south into South Australia subscribed to the belief in a creation hero called Arkaroo and various other names, who was a giant mythical serpent who created a number of significant landmarks in South Australia and the centre of Australia. But there were not any particular shared beliefs, languages or practices which covered the whole continent.

The only thing that they had in common as of 1788 was the fact that the Europeans who had arrived began pushing them off their lands. They began pushing them off their lands simply because there was a clash between European and Aboriginal culture. It was quite clear to those early settlers who bothered to inquire about Aboriginal belief systems that the notion of private property, which the Europeans had, was quite different in many ways from the notion of property which the Aboriginal tribes shared. The ownership of water, game and territory was anathema to Aborigines outside of the fact that people had their own clans and totems, significant landmarks and creation animals or totemic animals. The notion of private property, aside from that, was almost unknown except for implements such as spears, axes and coolamons.

So, the Aboriginal people had no idea of European thinking. They had no idea, in fact, that Europeans regarded territory as something around which one could put a fence and boundaries and say, 'This is mine; this is yours. I will stay in my patch if you stay in yours.' This was complete and utter anathema to people who had spent 60 000 years evolving a system of beliefs.

They had no idea of water. The Europeans wanted to put fences around the water and reserve it for cattle, and chase away the native game and any Aborigines, in some cases, who wanted to use the water. That was also complete anathema. The Aborigines had no idea that the Europeans regarded water as private property. They had no idea that the Europeans regarded the European animals—and, in fact, even the kangaroos and native animals—as being the private property of the Europeans. It was a complete mystery to the Aborigines.

The Europeans had no real need to learn about that. They had the guns, the horses, the mobility and the police on their side, so there was no real need for them to learn anything about the way Aborigines thought. In fact, the Aborigines were regarded as a form of animal by many of the frontier Europeans. They were regarded in the same boat as kangaroos, possums, wombats; some animals were helpful and others were not. That view resulted in some quite horrendous incidents at the frontier between the two cultures.

The Europeans had no idea of the Aboriginal conception of creation, why we are here, where we are going and where we have come from. The Europeans had their idea of the one god, which had been modified and added to by a belief in Darwinism. Unfortunately, what has become known as social Darwinism was the belief that many of the frontier people carried. This is the belief that if one race, one group of people, is superior technologically or in any other way to another group, and if it manages to push the other people out, it thoroughly deserves to do so. That could be justified in the name of progress and in the name of a higher form of life. This was certainly the way in which the Europeans regarded themselves. Mind you, they had a good deal of help from the police and various other people and, of course, from their technology which made it pretty easy to push Aborigines around.

So, with these intellectual bags that the Europeans carried—of private property, their idea of a single god and of social Darwinism—it made a clash between the cultures absolutely inevitable. When one goes back through the literature and reads some of the accounts of frontier incidents, the casualness of the whole thing, in 1986 terms, is absolutely breathtaking. For anyone who is interested in pursuing the subject I would highly recommend a series of books, one of which was written by C.D. Rowley, as part of a tetralogy called *The Destruction of Aboriginal Society*. This deals with the early episodes of frontier clashes between the two cultures. Even in his book—and Rowley is quite sympathetic to the plight of Aboriginal people—no attempt is made by him to dramatise the situation or overplay it, or try to move people to pathos. Things are simply stated in a very matter-of-fact way: that X number of people were killed, maimed or driven away, the police took a particular action and their response was such and such. It is very dry and matter of fact. By way of illustrating that, in a moment I will read a portion of C.D. Rowley's account of the famous Myall Creek massacre.

Another author who is worth pursuing and who has written several books on the subject is a man called Henry Reynolds, an historian from, I think, James Cook University in North Queensland. He has written a number of books on Aboriginal-European culture clashes, on Aborigines and settlers, on Aborigines and miners (in which he documents the enormous frontier clashes that occurred on the Palmer River goldfields in north Queensland in the 1870s) and on a number of other issues that were provoked by the Europeans desire to get to the inland and rip out all the gold and copper as quickly as they could.

I now turn to C.D. Rowley by way of illustrating this point and read a brief account—and that is all he gives—of the Myall Creek massacre which went down in history as the most famous incident between Aboriginals and whites in the early days of settlement. Page 36 of *The Destruction of Aboriginal Society* states:

> The massacre on a run held by Henry Dangar was one of a series, and seems to have been undertaken against quite inoffensive people as a routine matter; almost casually, 28 people were taken from the hut of a friendly stockman, tied up with ropes and slaughtered in the bush. 'In order' wrote the *Monitor*, 14 December 1838, 'that their cattle might never be "rushed", it was resolved to exterminate the whole race of blacks in that quarter'.

Rushing cattle referred to the habit that Aboriginals had of driving cattle away from watering points and, in the minds of the pastoralists, running the useful fat off the cattle so it would lower their market value. C.D. Rowley continues:

> That the murderers did not necessarily have support of all station holders in the area is indicated by the action of some of these men, who had refused to tell the party where some of the Aborigines were. One settler had tried to warn the Myall Creek Aborigines, partly because of the activities of the select committee and the setting up of the protectorate which had already stirred up controversy.

So, even as early as 1838 there was a consciousness in the cities that relations were not all that flash at the front and that Aboriginal people were receiving some fairly raw deals. The other thing that that quote brings out is that even amongst the frontier Europeans there was a diversity of opinion. A lovely story was recounted in the *Advertiser* in 1970 in an article concerning a massacre in the Kimberleys in the latter part of last century, when two Europeans were on the point of a gun fight to establish whether or not they should shoot a couple of Aborigines. At that point in time, and even as early as 1838, some Europeans had realised that you did not go around shooting other people—that it was not nice. That certainly was not a universally held view, as it presently is.

I wish to go back to some of the points that I raised in my adjournment debate the other night in order to illustrate how many of these incidents occurred. The Myall Creek massacre in Rowley's book rates half a paragraph of text—and it is the most significant single incident in the history of European-Aboriginal relations—in a volume which is 406 pages long and is one of four volumes on the same topic. It was treated fairly casually. Rowley, on page 41, talks about the Wide Bay massacre in a couple of lines; on page 113 of the Orara River and Yulgilbar Station massacre of northern New South Wales; and on page 112 of the Kangaroo Creek massacre in the space of a couple of lines. Also, on page 157 he refers to the Kilcoy Station and Nindery Station massacres in Queensland and on page 170 the 1864 Mitchell River incident in north central Queensland. As well, on page 170 he covers a long protracted series of guerilla operations that were mounted by the local Aboriginal people against miners on the Palmer River in the 1870s culminating in a major reprisal by miners in 1875 in which a number of Aborigines were killed with the help of kindly well intentioned native police who used to surround them and exterminate the lot.

On page 179, Rowley covers the Batavia Station (north Queensland) massacre and the Dulcie River massacre which occured in 1889; on page 67, turning to Western Australia, he covers the Pinjarra massacre of 1840, in which 25 people were summarily shot while they tried to swim across the river and escape. On page 200 again in Western Australia, he covers the East Kimberleys incident which occurred as late as 1927 (do you mind) when something in the order of 30 people were shot and bludgeoned to death by police taking reprisals against them. If 1927 was not late enough for that kind of incident to occur, on page 257 Rowley refers to the Coniston massacre of the Alice Springs area which occurred as late as 1930 in which 31 people were killed in a reprisal raid for the simple reason that an Aboriginal man had hacked to death a European shepherd who was sleeping with his wife. The Aboriginal concerned, not unreasonably, felt a bit peeved by that, took action against the shepherd, and in the fight that resulted the shepherd was killed. These deaths of the 31 people occurred not in one incident but in a series of five or six incidents spread over the space of two weeks.

The charge was led by someone who was experienced in these things. The policeman in charge of that operation was a Gallipoli veteran who had taken up a job with the Northern Territory police. He did not seem to have learnt a great deal of racial tolerance while at Gallipoli, but I suppose that is understandable. Those incidents were quite common in the early days of the frontier, and it is not particularly hard to find more. This subject has interested me for a number of years. One only has to watch the TV and listen to the radio to pick up items on this. It is not something that is collected in one place or spelt out. Even in 1986 I have heard Charles Perkins mention incidents that I have never heard of. One reads in historical pamphlets from towns along the Murray River and elsewhere of incidents that have occurred. They are understated because, even today, the Europeans do not regard them as being more than of passing interest.

Therefore, in 1986 it is probably time that the European part of our multicultural society started thinking about making some form of formal apology at the outside or, at the very least, a recognition of some of the incidents which have taken place in the past and which have helped in no small measure to create the present situation in which the Aboriginal strand of Australian society still feels itself to be isolated from mainstream Australia and cut off from European society with all the good things that that involves.

In general terms it seems that many people of Aboriginal descent are cut off from their tribal ways of life and largely cut off from European ways of life partly by suspicion and partly by poverty, and that they cannot relate to either society. That is a major problem in present day Australia and Adelaide, as most members would realise. It seems to me that as we approach the European bicentenary in 1988 we ought as a nation to be big enough and mature enough to look back at some of the incidents and events that have helped to shape our culture (both the good and bad bits of it) and to acknowledge the warts.

I think that we have moved on from the year when Daisy Bates in the 1930s could talk about smoothing the dying pillow, as she believed that the Aborigines were a race that was bound for extinction, as occurred in Tasmania. She believed that the desert people of Central Australia would follow that path, and she determined to smooth the dying pillow for them. As it turned out, it did not work. The populations recovered just in time, and presently there are almost as many full blood Aborigines in this country as there were at the time of European settlement.

However, they have not fitted into multicultural Australia. It is probably time that we looked for some of the reasons why they have not fitted in and started to acknowledge some of the blemishes (which are two-sided) on our past record. Certainly, the Aboriginals provoked a number of violent incidents and the Europeans, of course, as they always have, responded, many times over. The reprisals that were taken by the police in general right through the 19th century were sometimes quite horrendous.

We do not need a set of monuments to remind the Aboriginal people what occurred. They know it and talk about it; it is part of their folklore. Every Aboriginal kid whom you run across around the railway station, at Port Adelaide, in Carrington Street, in Port Augusta, or anywhere else will tell you of the incidents that they know about. The frontier Europeans (the people in the country towns) know about it and talk about it—or even whisper about it—but it is rarely acknowledged publicly. The people who do not know about it and do not know what effect it has had on the evolution of our multicultural society are the urban Europeans.

It is largely for the benefit, the education and the edification of the urban Europeans that I have moved this motion today and why I recommend the idea that a network of monuments be looked at, initially in South Australia and later extending to the whole of Australia, in order to document some of the incidents that have led to the suppression of Aboriginal people in this country and to what I regard as a fairly unequal and inadequate form of relations between the two subcultures in multicultural Australia.

With those final words, I commend the motion to the House. I believe it deserves serious consideration. I do not want it to be seen as a reinforcement of racial superiority by Europeans over Aborigines. I simply want it to be seen by European people, particularly those who live in the cities, as a recognition that we got where we are by a very rocky road, and the people who travelled hardest on that rocky road were the Aboriginal people of this country.

Mr S.G. EVANS secured the adjournment of the debate.

COMMONWEALTH-STATE RELATIONS

Adjourned debate on motion of Mr M.J. Evans:

That this House expresses its strong concern and disquiet at the increasing use by the Commonwealth Government of the

privileged position under the Australian Constitution to avoid the application of relevant State laws in Commonwealth places even where those laws do not conflict with or impinge upon the dominant purpose for which the Commonwealth place is used or for which it was established and, in particular, this House condemns the decision to allow the erection of the advertising hoardings at Parafield Airport adjacent to the Main North Road without the consent of the relevant State or local authorities which would otherwise have been required.

(Continued from 25 September. Page 1228.)

Mr DUIGAN (Adelaide): The question raised in this motion by the member for Elizabeth is yet another of the very difficult constitutional issues involved in the relationships between the State and the Commonwealth. We have been confronted with a number of examples in recent weeks of difficulties in respect of section 92 and the wide net that that section casts, and the member for Elizabeth's proposal raises similar difficulties in respect of the relationship between the State and the Commonwealth as a result of section 52 of the Australian Constitution. That section provides:

The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order and good government of the Commonwealth with respect to—

and this is the first subpoint, and the critical one in respect of the proposition raised by the member for Elizabeth—

(i) The seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes:

The issue that the member for Elizabeth is throwing into sharp contrast in his proposition is the extent to which the land currently held by the Commonwealth at the Parafield Airport can, when it comes down to the matter of advertising hoardings, be deemed to be used by the Commonwealth for public purposes. However, there is a larger and more difficult constitutional and theoretical argument as to the relationships involving the States and their respective powers. That exclusive jurisdiction is conferred in respect of Commonwealth lands or places is the layman's interpretation of section 52.

If the legislative power is exclusive to the Commonwealth, the States have no legislative power at all with respect to the subject matter of the Commonwealth property. A number of questions then arise as to what in fact is the subject matter that is addressed in section 52 and what is the scope of the power that the Commonwealth has as a result of subclause (i). There really are three arguments about how wide the power of section 52 (i) extends. The first of those three arguments suggests that all State law cease to apply upon the acquisition by the Commonwealth of any place for any purpose whatsoever.

The second argument is that, since Commonwealth places remain parts of States from which they were acquired they remain subject, on acquisition, to the same laws as they were subject to prior to acquisition, and that the only change which takes place is as a result of their acquisition by the Commonwealth and the powers of the Commonwealth under section 52, the Commonwealth is the sole authority with respect to any new laws that are made.

The third argument is even more restrictive. The third argument about the interpretation of section 52 (i) is that a law is a law with respect to places acquired by the Commonwealth for public purposes only in the sense that it is related to their capacity as Commonwealth places. In some respects some of the propositions that were put by the member for Elizabeth would fall more into that category, that only in respect of specifically defined 'Commonwealth purposes' should section 52 (i) apply.

The third argument is obviously the desirable result on a practical basis, because it would leave undisturbed State laws with respect to property that was owned and used by the Commonwealth in the States. The difficulty is the High Court, which has adopted the wider interpretation.

The second argument is less desirable on a practical basis because, over time, laws are repealed or amended and new laws may apply to some Commonwealth places and not to others. That tends to lead to a gap in the applicability of some State laws to some Commonwealth places. The second argument was the one accepted by the High Court in 1970 in the case *Worthing v Rowell.* That was in respect of applicability of the general law. But also in 1970, as a result of another decision in the High Court, it was determined that the criminal law also did not apply to Commonwealth places, which was the case in respect of the *Crown v Phillips.*

As a result of those two decisions in 1970 the Commonwealth enacted the Commonwealth Places (Application of Laws) Act to try to overcome this general dilemma that had been created by the applicability of State laws to Commonwealth places. Contemporaneously, there was also introduced into all State Parliaments—including this State Parliament—a Commonwealth Places (Administration of Laws) Act. I would like to quote a few extracts from the speech of the Hon. L.J. King, then Attorney-General in this place, when the Commonwealth Places (Administration of Laws) Bill was introduced on 18 November 1970:

It is part of a legislative scheme that attempts to minimise the effects of the decision of the High Court of Australia in the case of *Worthing v Rowell and Others,* judgement in which was handed down early in July of this year. The effect of that decison was to throw in doubt the extent of the operation of the laws of the State in and in relation to places acquired by the Commonwealth for public purposes.

He goes on and raises a number of queries, some of which have been raised by the member for Elizabeth and others which have been canvassed in this House in recent days. The Hon. Mr King concluded then by saying:

The [South Australian] Government does not feel that the complex and sophisticated scheme of which this Bill forms a subordinate though useful part is a really satisfactory solution to the problems adverted to here. In common with the Governments of other States, we believe that the proper solution would be an amendment to the Constitution. However, such a solution is clearly not possible without the cooperation of the Commonwealth and until the cooperation is forthcoming the Government believes that the only responsible course [of action] it can follow is to participate in the scheme.

He concluded with this sentence:

The responsibility for this situation therefore rests fairly and squarely with the Commonwealth.

Obviously, it is something that has to do with Commonwealth power, the Commonwealth Constitution and, as a consequence of that and a consequence of the Constitution now being under review by a Constitutional Commission with that commission. I therefore move the following amendment to the member for Elizabeth's motion:

Leave out 'express' and insert 'refer', leave out 'this House condemns'and after 'required' insert ', to the Advisory Committee of the Constitutional Commission on the distribution of powers between the State and the Commonwealth'.

The motion would then read:

That this House refer its strong concern and disquiet at the increasing use by the Commonwealth Government of the privileged position under the Australian Constitution to avoid the application of relevant State laws in Commonwealth places even where those laws do not conflict with or impinge upon the dominant purpose for which the Commonwealth place is used or for which it was established and, in particular, the decision to allow the erection of the advertising hoardings at Parafield Airport adjacent to the Main North Road without the consent of the relevant State or local authorities which would otherwise have been required, to the Advisory Committee of the Constitutional Commission on the distribution of powers between the State and the Commonwealth.

The amendment simply means that the whole issue of the relationship between the State and the Commonwealth in respect of the power of their relative laws over Commonwealth places is referred to the Advisory Committee of the Constitutional Commission so that the arguments which were canvassed in this debate, as well as those issues canvassed in 1970 and subsequently, can be referred to the proper place for resolution.

Mr M.J. EVANS (Elizabeth): I thank members who have participated in the debate, the member for Morphett and particularly the member for Adelaide, who has given a very well thought out and reasoned contribution. Certainly, I can accept the logic and force of the honourable member's amendment. I believe it enhances the motion and certainly will achieve the purpose for which I brought the matter before the House. Accordingly, his amendment has my support and I commend it to the House; I will then commend the motion as amended to honourable members.

Amendment carried; motion as amended carried.

SELECT COMMITTEE ON ADELAIDE HILLS LAND USE

Adjourned debate on motion of Hon. D.C. Wotton.

That a select committee be appointed to investigate and report on current and future policies relating to land use in the Adelaide Hills and in particular within the water catchment area.

(Continued from 25 September. Page 1225.)

The DEPUTY SPEAKER: The honourable member for Florey.

Members interjecting:

The DEPUTY SPEAKER: Order! The honourable member for Florey has the floor.

Mr GREGORY (Florey): Mr Deputy Speaker, I will give way to my colleague the Minister for Environment and Planning.

The DEPUTY SPEAKER: The honourable member realises he loses his right to speak if he does that.

Mr GREGORY: Yes.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I oppose this motion. I am fully aware of the matters that have been weighed by the honourable member in placing the motion before us, and I compliment him in placing the matter on the agenda of the Parliament. Frankly, I do not believe that a select committee is the correct means of approaching this problem. Candidly, some of the problems do not yet admit of what one might call a political solution because the facts are not yet available to us to allow that sort of debate to take place.

For many years there has been concern about the policies that apply to the water catchment areas. These arise because of concerns that people have, in particular over the quality of water which is delivered to homes in Adelaide and beyond but also, of course, it relates somewhat to the concern which has been expressed in recent years about the impact of bushfires on those areas because the water catchment areas in the Hills are reasonably well vegetated and therefore subject to the regime of fire from time to time. Therefore, we have a fairly sensitive set of planning issues which confront us in those catchment areas. I am not sure that I can think of any other place in Australia where the catchment areas have been as subject to development as is the case in the Adelaide Hills.

Of course, the Adelaide Hills are closer to the population centre than is the case with any other capital city which comes to my mind. Certainly, the centre of Sydney is much farther away from the Blue Mountains; Perth is farther from its catchment areas; and that is also the case in Melbourne. Therefore, for the most part, there has been less development in those areas. Certainly, if one looks at the Dandenong area in Victoria, although there is a degree of development in those hills, there is also far more undeveloped land than is the case in South Australia.

Also, as a result of the freeway being built to Murray Bridge in the 1960s and 1970s, additional population pressures were placed on the Hills. I think that there is also something about the lifestyle expectations of people in Adelaide that induces those who have the resources to look to the Hills for some further upgrading in lifestyle. So we have considerable development in the Hills area.

The traditional approaches of Governments to this problem have been, first, to do what they could to provide resources for some sewerage and deep drainage of those areas, and there is still a good way to go to complete that program. However, it is one that, of necessity, must proceed. The other approach has been in terms of land use planning in one way or another to try to control or to dissuade those land use activities which lead to the sort of intense development in the Hills which has an unfortunate effect on water quality.

We are aware of the problems that exist with water quality in the Adelaide Hills. A good deal of eutrophication occurs in our reservoirs as a result of washing into the reservoirs of particularly nitrogen based outfalls from mainly primary production activities in the Hills. It is interesting that the turbid water from the Murray River of which people complain is an inhibiting factor in eutrophication because, when that clay laden water is put into our reservoirs, it tends to make the upper layers of the water more opaque and therefore the sun's rays do not penetrate to the same depth. As a result, there is less photosynthesis, algae growth and eutrophication generally. Murray water is dirty in layman's terms, although it is good clean silt in terms of the way in which some people talk, and filtration is able to inhibit the growth of algae in our reservoirs.

Mr Oswald: Good rubbish.

The Hon. D.J. HOPGOOD: It is not rubbish at all. The other thing that we have to indicate is that, when there is silt in the streams of the Murray, that is usually an indication that there is lower salinity. Apparently we cannot have it both ways. We can have silt laden water, which has a low level of salinity—

Mr Oswald interjecting:

The Hon. D.J. HOPGOOD: The honourable member's colleague the member for Chaffey would know exactly what I am talking about here, because he would have to be the expert in this Parliament on this subject, representing, as he does, the Riverland. However, as I was saying, you get silt laden water which has a low level of salt content (such as we have at present) or you have very little silt and high levels of salinity. I know what most people prefer, because it is much easier to remove silt from water than it is to remove salt. However, I have digressed and I apologise for the fact that I allowed the member for Morphett to take me down that track; I should return to the matter that is immediately before us.

The point that I was going to make is that the Myponga reservoir is particularly susceptible to eutrophication, and it does not get any water from the Murray system at all. So, *QED*, the point has been well made. As I say, the other approach has been the use of land use planning which in

some cases has been quite draconian in its impact. I suppose the classic example was former Minister and former Premier Des Corcoran's action many years ago in actually purchasing the town of Chain of Ponds and stopping all human activity in that area, so close it was to the Millbrook reservoir. Of course, that device is not continually available to Governments.

The severe restrictions on land use planning in the Hills are seen as essential. I guess that the problem is to be able to quantify a causal nexus between, on the one hand, a particular land use and, on the other hand, a particular reading in a laboratory when you pull the water out of Mt Bold or wherever it is and you find that there is an unacceptably high level of some dissolved or suspended solid, an organism or something like that. In general, we know that, if there is greater primary production in the Hills area, it will almost certainly mean that there will be greater eutrophication in the reservoirs and that there will have to be greater dosages of copper sulphate.

The Hon. D.C. Wotton: Water quality is really only a very small part of what I was trying to get to in my motion to set up a select committee to look at all aspects.

The Hon. D.J. HOPGOOD: I am grateful to the honourable member. I suggest that water quality is one of the matters of fact—one of the indices—which we have immediately available to us. Surely we accept that, when we are putting controls on human activities, we should be able to establish our case. I accept the general philosophy that the onus of proof is on all occasions on the controllers. If you want to control human activity, you do not do it because you like controlling what other people do. You do it because there is a goal in view—there is an aim which is in the interests of the whole community which in turn can justify the controls that one is putting on.

You should try to establish your case as scientifically and as precisely as you possibly can. Water quality and the measurement of organisms or dissolved or undissolved solids in water, it seems to me, is something that you can do in a laboratory and you can come up with a measure that everyone understands. Going just a little further down the track, there is the amount of chlorine or copper sulphate with which you have to dose this water in order to be able to get to some unacceptable level of water quality. Again, that is a measurable entity. It is something that the Director-General of the Engineering and Water Supply Department can give the honourable member, me or anyone else on a thrice weekly basis, if that is what is required.

This is measurable, and the measures available to us give us no cause for complacency at all. However, there are not enough. We do not yet know all that we need to know to assure ourselves that the policies are appropriate or to determine whether they are stringent enough. I do not really believe that a select committee is the way to go. We need a proper scientific investigation and that is why the Government has announced the two-year study into the Hills areas. That study will draw together officers from, for example, the Department of Agriculture, the Department of Environment and Planning, and the E&WS Department, and it will be undertaken in full consultation with local government in the Hills areas.

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: I have allowed the honourable member to deviate me from my course too often, but I will ignore him from now on. The study has begun: it has been under way for some time and we are proceeding to consult with local government to ensure it can make a proper input into the study. It will not be successful or politically saleable unless we are able to involve local government in the process fully. Any areas of local government that do not yet know what is going on will know that very soon, and we will be looking to them for resources to assist in this overall policy. Many matters must be addressed, such as the scope of primary production in these important water catchment areas.

Matters such as the degree of urbanisation that is still possible in the Hills areas even under existing policies must be addressed. I do not have to remind members opposite, particularly those who represent Hills districts, that even under policies that allow for no further subdivision of those areas there can still be considerable urbanisation as people take up the options that are represented by the empty blocks of land in those Hills areas as a result of subdivisions that were approved perhaps many years ago. There are pressures for certain types of commercial and light industrial activities in some of these areas. As I said earlier, there is a continuing backlog of sewerage schemes, which must be applied to the Hills. New technologies are emerging for the treatment of effluent from domestic properties. I understand that there is an exhibition in the Hilton Hotel right now which seeks to introduce not only the industry but also people generally to some of these new technologies for domestic effluent schemes and those schemes that would be particularly appropriate to the larger properties, which are the feature of the near Hills areas.

All of these matters must be taken into account fully. I believe that the two-year program is reasonable: anything less than two years could be regarded as too slap dash, too much of a light skirting over the surface of these problems which, too often in the past, have been lightly skirted around. However, anything more than two years would be represented (and perhaps misrepresented) as a recipe for procrastination and no further policy would be developed. Mark my words—it is important that further policy development take place if we are to secure our objectives. Those objectives should be, first, adequate protection of the quality of water supply from the Adelaide Hills, and, secondly, proper protection from fire and proper land management to try to minimise a repetition of the disasters that we have seen in our Hills areas in the 1980s.

Of course, we cannot ignore the lifestyle of the people who live in the Hills areas. I would be the last to suggest that we ride roughshod over the aspirations of those who are already there. That is something else that we need to take into account. There are political components in all of the issues that I have raised, but there are also very important matters of fact on which some of our information base is very sketchy indeed. We will move over that two-year study to ensure that we are able to have a far more adequate information base as a result of which political decisions can be made. I oppose the motion.

The Hon. P.B. ARNOLD (Chaffey): I do not disagree with the comments in general made by the Minister. What I am concerned about is this: a straight-out scientific study does not take sufficient account of human input. After all, we are talking about people. There is a large population in the Adelaide Hills catchment area which has to be taken very much into consideration. Unfortunately, when we talk of a straight-out scientific assessment of what needs to be done the human element is very often left out to a large degree, and that is not on.

The proposal put forward by the member for Heysen is that we have a parliamentary bipartisan approach to try to determine a policy once and for all in the best interests of all people in South Australia—not only those who are to use the water, but those who live there. Parliament is a

forum comprising a wide cross-section of people from throughout the State and that is the reason why it works as well as it does in most instances. I strongly support this approach, because I do not believe that any individual scientific study will meet the needs of the people of this State. I strongly support the motion put by the member for Heysen.

The Hon. D.C. WOTTON (Heysen): I regret that I have to close this debate because I know that there are others who wish to speak on it. I regret, also, that I have only a few minutes to answer what the Minister has said. First, I regret that the Minister has rejected the proposition to set up a select committee. He started by saying that one of the problems that we face is that a lot of the facts are not available. He then went on to expand on various areas with regard to that matter. That is one of the reasons why I want a select committee established.

As the Minister would know, the purpose of a select committee is to provide an opportunity for evidence to be presented by a wide cross-section of people who are particularly concerned about both the current and future policies relating to Adelaide Hills land use. To say that the facts are not available and that we will just have to keep on plodding along is not satisfactory, because we have been doing that for year after year. I have reports on my desk at my electorate office which go back to the early 1960s and which talk about policies for the Adelaide Hills. I suggest that we are no further down the track now than we were then.

The Minister has spent much time this morning talking about water quality in the Hills. One of my major concerns, and a major concern of many of my colleagues who are involved in the Hills, is the lack of statistics available from any Government department supporting current Hills controls and those controls which are to be brought down in the near future regarding the types of developments that can occur in the Hills. Again, a select committee would have provided an opportunity for people to come forward to try to seek further information from the departments established to advise this Parliament and the Minister on some of these issues.

The Minister spoke of his two-year study and I was interested to learn from him that that study has commenced. He announced in June of this year that there would be a two-year study into future planning matters relating to the Hills. He has indicated that local government will be fully involved, yet only last night I met with some representatives of local government in the Hills, and they know nothing about it.

There has been no involvement whatsoever. Departmental officers to whom I have spoken from the Minister's own Department of Environment and Planning and also the Water Resources Department know nothing about it. This is an absolute farce. If the Minister had been able to attend the public hearing as I did in Stirling a few weeks back, which provided the opportunity for people to have their say about the supplementary development plan relating to the water catchment area, he would have learnt first hand from organisations like the UF&S and other bodies associated with the Hills, that they are particularly concerned at what is happening currently. They want to be involved but are not being given the opportunity.

By the establishment of a select committee we could have invited those people to provide evidence because it is a subject that should be debated in this House. It is not just a matter of the departments deciding what should be happening but something that should be determined by members in this place. Obviously, that will not happen. I remind the Minister that on 13 November I brought up this matter, asked questions in a grievance debate in relation to that study and have since written to the Minister drawing his attention to it so that some of the questions being asked can be answered in regard to when it started, who will be involved and the guidelines being set down that need to be considered as part of that study. I hope the Minister will bring forward that information. I do not have the opportunity to speak any longer, but again I regret that the Government has been unable to support this motion. It is a matter of vital importance to people of the Hills.

I have always lived in the Hills, where I was born. There is more uncertainty on the part of landowners in the Hills now than there has ever been. People who have been there a lot longer than I, support that comment. Some families have no idea what is their next move, and whether they will be able to hand over their properties to their sons or daughters, whether dairy farming can continue or what the case might be. It is not something we can throw away or say, 'Let us have another two year study'. We have studies coming out of our ears. Any member might like to go and look through the dozens of reports in the Parliamentary Library that have been brought down by various departments relating to problems associated with land use in the Hills. We are no further now than in the early 1960s. I am extremely disappointed, and know that the people who have had an association with the Adelaide Hills will be equally disappointed, that the Minister has not been able to bring about a select committee to look into many of these matters.

Motion negatived.

LIQUOR LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 753.)

Mr DUIGAN (Adelaide): This matter has taken a long time to come back on the agenda for private members' time, originally having been introduced on 28 August by the member for Davenport. No doubt exists that the proposition to which the member for Davenport addresses himself in the Bill brought before this House is a matter of considerable concern and creates considerable disquiet in the community. He addresses in his Bill a number of offences relating to minors, by attempting to make some amendments, additions and alterations to section 121 of the principal Act.

There is no doubt that the issue of minors consuming, possessing or being supplied with liquor and drinking in public places is increasing and is causing considerable public offence and creating quite a number of problems in respect of public order, as well as difficulties for the police. There is also no doubt at all that the whole problem of under age drinking and the abuse of alcohol in our society by young people is a matter of major concern in both social and health terms.

The member for Davenport referred quite rightly to a number of studies which indicated that the consumption of alcohol by young people is increasing. A recent survey by the Anti-Cancer Foundation in South Australia in 1984 showed that 24 per cent of people as young as 12 years old had drunk alcohol at least once in the previous week. The fact that young people of that age can admit to drinking alcohol reasonably regularly is a cause for considerable alarm. For young people over that age the percentage using alcohol once a week is even higher, and that again is something to which I think this House needs to address itself and about which the Parliament and the Government need to take

some lead to ensure that the glamour associated with drinking is put in its proper context.

There is also widespread community concern about the ready availability and use and the ready misuse of alcohol in public places and on public occasions. The concern has been there for some time. There are always incidents in and around the city and the major venues of the city, particularly on New Year's Eve, when alcohol causes a great policing problem and a great problem of public order. It was as a result of a riot in Glenelg in 1984 that the Government moved to tighten up laws relating to under age drinking and had a general review of the liquor licensing laws undertaken by Mr Young and Mr Secker from the Department of Public and Consumer Affairs.

Again, in 1986 there were further riots and unruly behaviour, again in the Christmas-New Year period, which led to the Attorney-General asking that the Liquor Licensing Commissioner draw up some recommendations about how the control of the use of liquor could be undertaken on these major festive occasions. The police, as the member for Davenport quite properly indicated, are concerned about the way in which they are able to address the problem of drinking in public and, in particular, under age drinking. The arrests for under age drinking have increased about 50 to 60 per cent over the past five years, and the liquor-related offences have also increased. These are all matters of considerable concern to the community, the Government and the Parliament.

The Bill seeks to amend and add to section 121 of the principal Act. However, several other areas of the Act need to be altered if we are to address the problem of youth and under age drinking, and of the control on the use of alcohol in public places, particularly on major public occasions. We also must address the way in which the suppliers of alcohol can have conditions imposed on their authority to sell it. The way in which minors are able to purchase alcohol and, in fact, their very right to be on a number of licensed premises, are matters quite apart from the issue of consuming liquor in public places, which is the only matter addressed by the proposition put to us by the member for Davenport. Also, we need to be able to strengthen the hand of the police in dealing with people who engage in unruly or offensive behaviour, particularly as a result of the overconsumption of alcohol. We also need to give extended powers to the Licensing Commission to govern the amount and type of alcohol that can be consumed at various public places.

It is therefore not because I disagree with the thrust of the proposition proposed by the member for Davenport that I oppose the Bill at the second reading, but simply because there is a whole range of other propositions that can be addressed in the Licensing Act by way of a very comprehensive package of laws to toughen control and regulate the sale of liquor to young people and the use of alcohol by all members of the community in public places. That total package will give us better control; it will also give a better lead to the community through the Parliament as a result of a Bill, which I understand will be put before the House shortly. For the time being, I oppose the Bill that is before us now, while acknowledging that the particular offences and circumstances which the Bill addresses are matters that are attracting community concern.

Mr S.G. EVANS (Davenport): Can I say that I am amazed:after a 10 year fight now at last someone on the ALP side says that it is not a bad idea, although a few more things should be put with it. The Hon. Mr Crafter, presently Minister of Education, when I introduced exactly the same proposition, as an amendment to a Government Bill, last year said:

To try to manipulate liquor licensing laws in this State in this way is asking the impossible.

At least I have got to the point where someone on the ALP side admits that one can achieve what is thought to be impossible. This is quite possible, and something should have been done about it before. I point out to the honourable member who has just resumed his seat and to other members opposite that even if they do not want to give me the credit of fighting for this measure and admitting that I was right—because they want to bring in their own Bill—at least this Bill could be allowed to pass and then, if petty politics must prevail, it could be not proclaimed. At least members of the ALP could agree to it going that far, even though they want it to go further eventually.

Members opposite agree that there is nothing in what I said that should not be done. They agree with the measure; it is before the House and members have had an opportunity to speak to it, and several members have taken that opportunity. It was agreed that the measure was all right but that some other things are required. Those matters could be addressed in a Government Bill. The Bill presently before the House could be passed, and if members want to play the petty part of politics—which happened last year and is happening again now—the Bill need not be proclaimed. That is all that has to be done—but at least it should be admitted in a vote that it is possible for someone who may be on the other side of politics from the Government to bring up a proposition that the community wants. There are young people who need protection, and the Government should be prepared to say, 'Yes, what is written in the Bill is all right; we will accept it and put it through.'

There is no reason not to do so. Previously members on the other side of the Chamber have also said that what I am trying to achieve is not achievable, and I will not go back through all those debates, although I could. I am pleased that at least someone on the other side agrees with it. I know that the Liberal Party, the Country Party and the National Party agree with it; they have voted for it in the past. I know that it will be destroyed here today for, what I call, the pettiness of politics. Individuals—not Independents but private members—have to fight to get any form of recognition for introducing a good idea, in regard to the Ombudsman or anyone else.

I ask the House to think about this matter. If members believe in it, they should vote for it. That is what we are here for. They should not say, 'Something better will come up later.' If something better comes up later then do not proclaim this Bill. At least it can be voted on and agreed to. The ALP's only speaker evaded the issue several times, much to my regret. I thought it was unfair, but the honourable member concerned explained that he did not understand the position, and I accept that. Perhaps he should have been advised by others. This Bill is now before us. Why not say that we agree to it; do not vote against it. I leave it to the House and ask members to support it.

The House divided on the second reading:

Ayes (17)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, S.G. Evans (teller), Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Noes (26)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, Crafter, De Laine, Duigan, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes (teller), Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Majority of 9 for the Noes.

Second reading thus negatived.

BELAIR RECREATION PARK

Adjourned debate on motion of Mr S.G. Evans:

That in the opinion of this House the name of the 'Belair Recreation Park', which was the first national park in South Australia, second in Australia and tenth in the world, should be altered back to the 'Belair National Park'.

(Continued from 28 August. Page 763.)

Mr S.G. EVANS (Davenport): There was a lot more information that I wished to give on this subject. It is obvious that we will run out of private members' time, but at least the Minister knows that what I have said so far is endorsed by the community. I have had one letter from one of his colleagues, the Minister of Transport, referring to the park as the Belair National Park, and, if that Minister is recognising it as the Belair National Park, I think this House should change the name back or get the Minister for Environment and Planning to do so. I will not say any more on the matter at this stage, but if I am not successful this time I will reintroduce the motion next year and use the other information I have then. I ask the House to support the motion, which seeks to change the name of Belair Recreation Park (which some people would like it to be known as now) to Belair National Park.

Ms GAYLER secured the adjournment of the debate.

CORRECTIONAL SERVICES STAFF

Adjourned debate on motion of Mr Becker:

That this House condemns the Minister of Correctional Services for failing to protect the health, safety and welfare of Correctional Services staff at Adelaide Gaol.

(Continued from 28 August. Page 761.)

Mr BECKER (Hanson): I know that we are not supposed to refer to other debates in this House, but I believe that my attitude to this resolution condemning the Minister for not providing a satisfactory work environment for correctional officers is confirmed by the Minister's statement last night when he virtually admitted that working conditions at the Adelaide Gaol are atrocious. For that reason, what I have already said I stand by solidly and see no point in adding anything further, because the Government has already introduced legislation to improve health, safety and welfare in the working environment, and, as I know that the member for Florey is keen to speak, I will hand over to him.

Mr GREGORY (Florey): I oppose the motion. I think the member for Hanson has misunderstood what the Minister has said. The Minister said that the conditions at Adelaide Gaol are not very good, and no-one in their right mind who has been there would suggest that they are. The motion of the member for Hanson condemns the Minister of Correctional Services for failing to protect the health, safety and welfare of correctional services staff at Adelaide Gaol. The Minister is indeed protecting their health, and he and the senior officers of the department have gone to extraordinary lengths to ensure that it is protected. If one has had the opportunity to inspect the gaol as I have—and I know on one occasion I was with the member for Hanson when we had a look around the Adelaide Gaol—one will readily see that it is an appalling place, even though there has been much work done on it.

Mr S.J. Baker interjecting:

Mr GREGORY: I was looking for you but I could not find you. If the member for Mitcham did get in there he might find that his face matched a photograph and he would never get out. The gaol was built a long time ago. It was our first prison and, when one looks at it, that is how it looks. No member from either side of this House or another place can escape criticism for allowing South Australia's prisons to fall into such a state of disrepair. However, the Government has undertaken much activity in this State in providing prisons so that prisoners no longer have to be housed in that gaol, which is just as awful for the people who have to work in it as for the inmates.

The Remand Centre is a solid example of the Government's activity in this area. The work undertaken at Mobilong is another demonstration of the Government's desire to move people out of these poor conditions. Work has been done on upgrading B Division at Yatala so that it is more in line with the United Nations standard applying to people detained in prisons, and that is just another example of the Government's activity in this area. The building of cottages at the Northfield complex is yet another demonstration of the Government's commitment. In the life of this and the previous Government there has been ample demonstration of Government commitment in the spending of millions of dollars in this area. The department undertakes close monitoring of Adelaide Gaol in regard to health and safety of its staff. All avenues are explored and strategies have been developed to assist in making working conditions safe and more bearable.

The Hon. Ted Chapman: You're addressing the House with an air of experience.

Mr GREGORY: I would have thought that the member for Alexandra, with his vast experience, would have been there once or twice. He would know what it is like, although I do not know whether he has merely visited the place or was a guest. Perhaps he will tell us. The department has issued instructions insisting that they be followed strictly in regard to the handling of prisoners with infectious and communicable diseases. The House should appreciate that sometimes people suffering from infectious diseases are locked up because the courts demand that they be held in remand. Therefore, rigid controls are necessary to ensure that prison officers follow these instructions to the letter. If that is not done and the system becomes careless, people working in this environment can catch diseases. That work is important.

Certainly, the instructions have not just been dreamt up by the officers and the department: they are designed in consultation with the South Australian Health Commission to ensure that they are feasible and they are always under review. The department undertakes regular inspections of all cells and facilities through the Chief Correctional Officer, and management is always informed of consequential actions and the results of those inspections. There are daily inspections of accommodation and other facilities, and they are carried out by senior correctional officers.

Yatala Gaol has an occupational health and safety committee, which is active and works closely with management. The only way in which occupational safety can be implemented is by involving people on the job, that is, the workers and management. They should all work together to ensure that it is a safe working environment, and that is what they are doing. They understand the problems there and they take extraordinary measures to ensure that people are not harmed.

The Health Commission goes through the place every five months and officers do a detailed inspection of all areas of the gaol, which includes the showers, toilets, bakehouse, kitchen and laundry. They then submit a report to the department recommending any work that needs to be

done and then funding is allocated either through the Department of Correctional Services or the Department of Housing and Construction. When the member for Hanson and I were there, we were shown through the kitchen and we were told that funding was being provided there to ensure that the kitchen would be up to scratch. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

[*Sitting suspended from 1 to 2 p.m.*]

PETITION: BREAD

A petition signed by 167 residents of South Australia praying that the House urge the Government to protect the viability of small business proprietors involved in the South Australian bread industry was presented by Hon. Frank Blevins.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answers to questions without notice be distributed and printed in *Hansard.*

ADELAIDE RAILWAY STATION UNDERPASS

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

The Hon. G.F. KENEALLY: It is not possible at this time to predict an exact date for opening the underpass. Current indications are that March-April 1987 is the likely time for completion. Nine concessions will be located in the underpass. Charity raffle ticket sellers will not be able to operate within the underpass which has primarily been designed to facilitate the efficient movement of people between the city centre and the railway station. However, space will be made available for them at the north end of the public concourse in the railway station.

ROAD UPGRADING

In reply to **Mr S.G. EVANS** (5 November).

The Hon. G.F. KENEALLY: The project, comprising roadworks and a new bridge over Brownhill Creek, is expected to be completed in November 1987.

BRIGHTON HIGH SCHOOL

The SPEAKER laid on the table the following progress report by the Parliamentary Standing Committee on Public Works:

Brighton High School—Redevelopment Stage II.

Ordered that report be printed.

QUESTION TIME

COMMUNITY WELFARE DEPARTMENT

Mr OLSEN: Will the Premier obtain an immediate and urgent report into the Department for Community Welfare's refusal to intervene in a case in which a 14 year old girl who had been under the department's care went to live with her natural father—a convicted multiple rapist and kidnapper, whom she had not seen for several years—contrary to a Family Court order, against the strong pleas of her mother, and despite professional advice which counselled strongly against the daughter having any further contact with her natural father? I seek the indulgence of the House regarding the explanation of the question because, as this concerns a particularly grave matter, the explanation is somewhat lengthy.

The Opposition raises this matter publicly at the request of the girl's mother, who has today made strong criticisms of the department's handling of this matter. The case is a particularly upsetting one and the Director-General of Community Welfare (Sue Vardon) has today admitted that there are many other stories like it in Adelaide. The department first became involved in August, when the girl ran away from the home of her mother and stepfather, which a child psychologist has described as providing an ideal clime for the rearing of their three children. The Department for Community Welfare placed the girl in Southern Admission, an environment for young offenders, even though the girl had never offended. Her mother has provided the following statement to my office:

> She was there for about 26 days. In that time she was not seen by a social worker at all, but did have phone contact with him on about two occasions. She stayed out overnight on several occasions, did not come home for three days at one stage. I was never notified; the only way I found she was away from the centre was if I had happened to ring and see how she was going. She completely dropped out of school. No effort was made to counsel her at all. Her life started to revolve around Hindley Street, booze, boys and drugs: all in 26 days. We were in constant contact with DCW, but social workers are always busy, pushed for time and not enough resources.

After leaving Southern Admission, the girl was sent to a relative interstate, before the department placed her with Western Central Admission, another centre for young offenders. The girl was then transferred to a foster home where her foster mother was away from the home five days a week and for eight hours on Sundays. During the woman's absence the girl was not allowed to remain in the house, and her mother claims this situation forced her back onto the streets. In October, the girl's mother allowed her to visit her paternal grandmother, on the condition that the girl's natural father have absolutely no contact with her. The following day, the mother was informed that her daughter had moved in with her natural father. Her natural father had been convicted in 1980 of four counts of rape, kidnapping and fraud. These offences followed other criminal behaviour in the past.

The alarmed mother contacted the Department for Community Welfare seeking help and expressing grave concern about the safety of her daughter. The mother stated:

> Jacqui is having problems in adolescence because of her childhood—one of continual custody and access battles, emotional abuse and manipulation by her biological father—and now she is being allowed to stay in that same environment. The man who scarred her emotionally in her preschool years is now allowed to scar her in adolescence. I requested that DCW send someone to look at the home where Jacqui is staying in view of her father's criminal record, his rape charge and kidnap with firearm, armed robbery, etc., but there are not enough staff or not enough hours in the day to do this.

Mr Speaker, a report from a child psychologist stated that the girl would be (and I quote) 'endangered emotionally' by having access to her father. The Department for Community Welfare eventually called a 'child at risk' conference to discuss the matter. That meeting was held on 11 November, many weeks after the mother claimed that living with her father would 'probably do her more damage'. An officer from the department told the mother after that 'child at

risk' meeting that the department was not prepared to intervene in the matter, but that, if living with her father did not work out, the mother could 'pick up the pieces'. The tragedy of this case was compounded just one week after the department's 'child at risk' conference. On 18 November, the father, who is suspected of being an AIDS carrier, was charged with having raped his daughter.

The Hon. J.C. BANNON: This case which has been outlined by the Leader of the Opposition obviously is a very distressing and difficult situation. Naturally, I am happy to obtain a report, although I would have thought that in this case the appropriate action is not simply to stand up here in Parliament and, as the lead question of the day, to indulge in a long recitation in the way that the Leader of the Opposition has done, asking me a question, knowing that I would not be in possession of the facts or would not be able to say more than I have—that I will get a report—but rather, to ask the Minister concerned, or indeed, if we are really concerned—

The Hon. E.R. Goldsworthy: That's true to form; you'd cover it up.

The SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

The Hon. J.C. BANNON: That is a pretty disgusting interjection, and quite unwarranted. Let me go on to make this point: I am suggesting what is the normal reaction when confronted with terribly distressing cases involving human beings and obviously involving family conflict as well as a whole range of other massive problems in what is an area of social breakdown. It is not usual to stand up and make it the lead question of the day in the House of Assembly to the Premier, who is not in possession of those facts and does not even have ministerial responsibility. I wonder what the motives are for doing it.

Members interjecting:

The Hon. J.C. BANNON: Mr Speaker, these things will be fixed. Action will be taken; there is no question of that.

The Hon. Jennifer Cashmore interjecting:

The Hon. J.C. BANNON: I suggest that the way in which it has been done indicates a kind of prurience about this matter that ill becomes the Leader of the Opposition and his Party.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: Can I say this, if they would cease interjecting (if it is so serious, then they ought at least to listen to the reply quietly): very often, when these cases are brought out, what we hear is simply one side of the story. There is often a whole range of facts which are not put into public knowledge. Indeed, in many of these cases, there are facts that cannot properly be made public, and to pick up the statement of somebody who is obviously very closely involved in the situation, and who is enormously emotionally affected by it and very concerned, by the sound of the statement—

The Hon. Jennifer Cashmore interjecting:

The Hon. J.C. BANNON: Please, will you listen to the answer and stop gibbering away about it. The member for Coles—

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order! I call the honourable member for Coles to order.

The Hon. J.C. BANNON: —time and again has brought up cases like this. I remember that, in relation to one case last year, she in fact severely jeopardised the handling of the case and a possible prosecution arising out of it because of the way that she wanted to deal with it publicly, instead of having the decency to take her facts to the Minister and ask him to act. I think that she also had better remain quiet.

Let me finish the point I am making. I do not wish to detain the House longer, but I ask each member to think about this. Here we have a statement read into *Hansard* by the Leader of the Opposition from one of the parties involved who, as I say, is obviously extremely emotionally distraught about it, who is concerned about the welfare of the child and who has been living with these circumstances.

I simply say that we have to be cautious in those situations, because we all know that, caught in an emotional personal situation, we often have a perspective that is not totally balanced and there are other facts to be brought to bear. A Government agency, a counsellor, a psychiatrist or a law enforcement officer must have an objective approach and must look at both sides of the question to ascertain the true story. This statement and all these facts might be absolutely correct, but we do not know that. It is only reasonable, before one stands up and spouts them in this Parliament, that one actually finds out.

Members interjecting:

The SPEAKER: Order! This is a matter of extreme sensitivity. The question asked by the Leader of the Opposition was heard with complete courtesy and in complete silence, and it is appropriate that the Premier in making his reply be extended the same courtesy.

The Hon. J.C. BANNON: These things very much affect the welfare of individuals, and allegations or statements which may not in fact be correct and which may involve other perspectives must be heard fully. Clearly, the Opposition has not done that. That is pretty disgraceful. Of course, the concern of the Department for Community Welfare must be primarily the child's welfare. The question that must be answered in this case is, 'Has that welfare been adequately or properly protected?' We are not able to answer that at this stage, and I believe that raising the matter as the lead question in Parliament, where someone is unable to respond, is not a helpful or constructive way of solving that unfortunate family's problems.

I hope that in future things will not just be raised in this way but that they will be put to the responsible Minister and some opportunity given to obtain a report. Then, if the Opposition believes that action has not been taken, that a response has not been made, fine, let the matter be raised publicly. But it should not be done in this way with members trying to grab a cheap headline, in the way that the Leader has done.

Members interjecting:

The SPEAKER: Order! I call the House to order. I warn the Leader of the Opposition for continuing to interject at the very moment that the Chair was calling the House to order.

ROCTAGON DISCO

Mr RANN: Has the Minister of Employment and Further Education seen press reports in this week's Messenger *Para Gazette* claiming 30 arrests and vandalism at the last Roctagon disco at Elizabeth? As City North is one of the organisers of the Roctagon discos, has the Minister called for a report into the claims? The press reports refer to discos organised by City North and Rough Cut Incorporated. Rough Cut is comprised of a group of more than 100 talented young people from Salisbury and Elizabeth who are engaged in writing, producing and performing rock music and arranging entertainment for local young people. Earlier this year there was national acclaim for its production of a video on life for young people in the northern suburbs. These press reports have caused a great deal of heartache to Rough Cut and City North members.

The Hon. LYNN ARNOLD: I thank the honourable member for his question. Upon seeing the press reports and in the light of press contact that I have had, I have asked for a report on this matter. I may say that I find the reports as indicated in the local media to be quite unusual and bizarre. Indeed, the attacks that have been made against Rough Cut and, by implication, I guess, City North in relation to the presentation of the Roctagon disco seem to me to be quite scurrilous and bizarre in general.

As the report indicated, there is an inherent contradiction in the information. The Deputy Town Clerk of the City of Elizabeth has come out and claimed that 30 arrests were made at the last Roctagon disco, but the police say that no arrests were made. There is rather a big difference between 30 arrests and no arrests. It is also interesting to note that the Deputy Town Clerk of the City of Elizabeth has indicated in a report to the Elizabeth City Council committee not only that 30 arrests were made but also that significant damage resulted at previous discos organised under the Roctagon disco program.

Indeed, in a report the he gave to the city council, he indicated that at a disco held on 9 August and at another held on 16 August damage was done to seating and by graffiti amounting to $824.97 in its repair value. He indicated in his report to council dated 14 November that that was the case. Given the fact that the damage took place apparently on 9 and 16 August, it took him until 14 November to indicate this to members of the committee of Elizabeth City Council, I wonder what ulterior motives are involved in this affair. It seems to be a quite baseless attack by somebody in a position of power on the young people of the northern suburbs, many of whom are in a position of absolutely no power. Many members of the community have actively supported worthwhile programs for young people in that area, including such things as the Roctagon disco.

I note with a degree of interest that indeed even the member for Elizabeth, who has been supporting much of the work that they have been doing, wrote to the organisers of the Roctagon disco indicating in his letter that the disco he attended (one at which vandalism apparently occurred) was very well organised and was a very good event. I concur in those comments (although I have not been to the discos) because the experience I have of the Rough Cut group and the City North group endorses that. This is grossly unfair. In the minds of many people of the northern suburbs, it has indicated that there is a problem, whereas in reality the apparent evidence given is unsubstantiated. To claim that 30 people had been arrested when the real figure was zero, to make a claim that there was vandalism when it took some three months for such a claim to be followed through, to my mind seriously begs the question of the motives of the Deputy Town Clerk of the City of Elizabeth. On that basis, I believe that councillors of that corporation have not had reasonable information placed before them.

The advice I have is that organisers of the discos have cancelled any further bookings. They have had to do so because the cost of the bookings is too high for their needs. It is not a profit making organisation and has had to make such a decision on a financial basis. It has also intentionally not paid the account. It has sought and not received details of the vandalism that is alleged to have occurred. It received an account on 21 October from the Elizabeth City Council for $824.97. The youth worker for Rough Cut projects contacted the council asking it to detail the account. The answer was another account dated 31 October 1986 with no details provided. Naturally, I am advised by officers of the department who received a report from City North that it would be irresponsible for it to pay an account that it had queried, those details having not been supplied. For that reason, the account remains unpaid to this date. Indeed, I have supported that in a call to the council for further information on this matter.

The point made by the member for Briggs is very accurate indeed, namely, that Rough Cut is a concerned group of young people wishing, by their own endeavours, to improve their circumstances. They are supported by the efforts of City North, which has been a very successful program in the northern area. It is not helped by untrue allegations of damage. It needs proper support and, where there are valid claims of concern or worry, such valid claims can be detailed and addressed.

AIDS CARRIERS

The Hon. E.R. GOLDSWORTHY: Will the Minister of Correctional Services advise whether the Government has any policy on checking prisoners for AIDS when they are released from prison? In view of the circumstances that the Leader outlined to the House and the fact that it is admitted that there is drug usage, instruments for drug administration and homosexuality practised in prison, I ask this question. I hope that we will not get the tirade of abuse that we got from the Premier in questioning the motives of—

The SPEAKER: Order! The Deputy Leader is fully aware that his last comment was completely out of order.

The Hon. FRANK BLEVINS: Any medication, treatment or anything to do with the health of prisoners—any health problem that they may have—is attended to by the Health Commission and not the Department of Correctional Services. I will refer the honourable member's question to the appropriate Minister and ask him to respond directly to the honourable member.

BEACH PALLETS

Mr HAMILTON: Will the Minister for Environment and Planning obtain a report on the feasibility of erecting signs on metropolitan beaches warning of the dangers of the burning of pallets used on beach walkways? Members of the House will be well aware of the 1985 report concerning disabled access to metropolitan beaches, which found—and I quote from the *Portside* Messenger newspaper of 23 October 1985:

> The *Disabled Access to Metropolitan Beaches* report found that beaches needed extensive and costly upgrading to make them more accessible for the disabled. It was compiled by the Coastal Management Branch of the Environment and Planning Department on request from Albert Park MP Kevin Hamilton, who found metropolitan beaches inadequate.
>
> The Management Branch studied 47 beaches from St Kilda in the north to Seacliff in the south. 'It was found that very few locations exist along the metropolitan coastline which specifically cater for disabled persons.' the report said. 'Many locations are not suitable for access to the beach nor can they be easily modified to provide improved access for disabled persons without expensive and extensive engineering works.'

Members would be well aware that permapine pallets (I think that is the type, if not the specific name of the pallets) are used for people to gain access to metropolitan beaches over the sand dunes. Last Monday morning and on the previous Monday morning, upon walking along the beaches in my electorate I found that some uncaring people had used these pallets for a fire to either cook with or warm themselves. I subsequently ascertained from the Department of Environment and Planning that people gathered

around such fires can be contaminated by fumes from copper chrome arsenic inpregnated timber.

An honourable member: It's poisonous.

Mr HAMILTON: Indeed, it is poisonous, as someone interjects. I am also informed that the ashes from this timber also contain arsenic and that animals, children or adults who play in or near the ashes left could also be contaminated. Further information on the subject has been provided to me which I would like to incorporate in *Hansard*, and I ask the House to bear with me. It is as follows:

The timber used in the construction of beach walkways has been generally treated with copper chrome arsenic as a preservative. In its non-volatile state this presents no danger but when burned it is exceedingly hazardous—in two ways. First, burning such treated wood causes dangerous fumes to be given off which can cause arsenic poisoning. Secondly, the ash remaining has a high concentration of arsenic and poses further risks of contamination and poisoning from arsenic.

The Department of Environment and Planning has conducted tests to determine the level of danger posed. It has found that the higher the temperature at which the wood burns the greater the percentage of arsenic given off in fumes. While it finds it difficult to quantify the level of danger, the department is certain that risks exist. For example, using the wood for a barbecue can poison the food. Even turning the wood in a pot bellied stove creates a risk from fumes.

The nature of the health risk posed by such timbers for fuel may be judged by the symptoms of arsenic poisoning. Low levels of poison may induce only nausea, muscle pain and fatigue, but higher levels will lead to vomiting and diarrhoea, cramps, convulsions and coma.

I am concerned (and I believe all members of the House would be concerned) that those unthinking people who have burnt these pallets may pose dangers to members of the public who use the beaches.

Members interjecting:

The SPEAKER: Order! The honourable member cannot comment at this stage. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: As I recall, copper chrome arsenate was the material spilt into Magazine Creek, part of the Port Estuary, some time ago in an incident which drew a good deal of publicity at that time. I certainly will not quarrel with the information the honourable member has placed before the House as to the poisonous and indeed carcenogenic properties of that compound in the vapour form. I share his concern and distress that this material should have been vandalised in this way, not only for the use to which it was put on this occasion (affecting the access of disabled people to the beach area—something about which the honourable member has been a very active proponent for some time) but also because pine posts treated in this way of course are quite widely used by the Coastal Management Branch of my department and also, on their recommendation, by local government along the coast for fencing, for example. The only real alternative is stardroppers which are quite dangerous in an environment where people are for the most part barefooted or lightly clad.

Mr S.G Evans interjecting:

The Hon. D.J. HOPGOOD: From the interjection of the member for Davenport, I am not too sure that the incineration of creosote treated timber would be all that desirable a practice, anyway. However, I will bring the matter to the attention of my officers. It is our intention in the long run to appoint wardens under the legislation, and that would allow for a better surveillance of the area.

COURT SENTENCING

The Hon. JENNIFER CASHMORE: My question is directed to the Premier. Will the Government review recent court sentences imposed for armed robberies to determine whether those sentences are acting as a sufficient deterrent? I refer to statements today by the officer in charge of the Major Crime Squad, Detective Superintendent R.G. Lean, indicating police alarm at an unprecedented wave of armed hold-ups in Adelaide. Following an armed hold-up in the city yesterday—the sixth in six days—Detective Superintendent Lean said he could not remember when so many armed hold-ups had occurred in such a short period. He also said:

The courts should be handing out harsher penalties to deter would-be offenders.

The Hon. J.C. BANNON: I will refer the question to my colleague, the Attorney-General, who has responsibility in this area. I point out that we have launched appeals on sentencing on very many occasions, and in fact our record in this respect is infinitely better than that of the previous Government when in office. On many of those occasions, the appeal has been successful. I think that the Attorney-General's record in this area is well stated and well known, and I am certainly happy to refer the question to him.

O-BAHN

Ms GAYLER: Can the Minister of Transport advise the House whether the design of the doors of O-Bahn buses could be modified to allow passengers to board through all doors so as to speed up peak hour boarding, particularly at the Grenfell Street stops? Further, when does the Minister expect to release the report on a review of the O-Bahn operations? I am advised by Christopher Steele, the author of a book entitled *From Omnibus to O-Bahn*, that the bus doors are deliberately designed to prevent boarding except through the front door, for purposes of preventing fare evasion. I understand that the State Transport Authority's introduction next year of the new Crouzet electronic ticket validating system would enable speedier boarding through all doors provided that the doors could be modified and ticket cancelling mechanisms installed.

The Hon. G.F. KENEALLY: In response to the second part of the honourable member's question as to when the report which I, as Minister, commissioned on the performance of the O-Bahn, both before and after, will be available, I have not as yet considered the report. It is now in my possession and I cannot give any clear estimate of when it will be made public, but it will be, and I shall be able to determine that in the course of my consideration of it. On the matter of opening the back doors on the articulated vehicles, the quick answer is 'Yes, we could do that.' However, there are at least two, and probably other, reasons why at this stage at least the State Transport Authority does not open all doors. It would facilitate the boarding of passengers, especially in Grenfell Street at peak periods as mentioned by the honourable member, and that would be an advantage.

The honourable member alluded to one reason, which concerns the collection of fares. These are one-person buses and currently we direct the boarding passengers past the driver so that fares can be collected. When we have the new Crouzet ticket system next year, that will enable the STA, at some cost I might say, to place a validating machine in the back part of the bus so that boarding passengers can validate tickets purchased elsewhere. However, the factors of safety and security also need to be considered, especially as regards the articulated vehicles which are not always parked in a straight line, so the driver cannot look in his rear vision mirror to see what is happening at the rear, especially when the articulated part of the vehicle is at an

angle. Also, the step well on which the boarding passengers must step up exacerbates the difficulty.

The back doors override the driving mechanism of the buses, so the driver cannot drive away while the back door remains open. All members would understand that. Therefore, safety, security and revenue collection must all be considered by the STA before it can facilitate the quicker boarding options mentioned by the honourable member. However, I will refer her question to the STA to see whether, when the Crouzet ticketing system is available, all the problems concerning security and safety can be addressed to provide an easier boarding pattern for commuters.

MEMBERS' BEHAVIOUR

The Hon. B.C. EASTICK: As the custodian of the rights of all members of this House, will you, Mr Speaker, initiate discussions with the President of another place to ensure that the sincere and genuine intentions of members of this House are not subjected to insults and intimidation by Ministers in another place? I refer to statements yesterday by the Minister of Health, in which he said of the member for Price:

> Mr De Laine has not been a terribly fast learner prior to this but I think that he has been on a very fast learning curve in recent weeks.

On two previous occasions you, Mr Speaker, have refused to take action on questions raised about the treatment of the member for Price on the basis that no complaint has been made to you. On this occasion, I make a complaint on behalf of all members of the House which has been reflected upon, in the hope that you will be prepared to take some action to ensure that the intimidation and insults to which the member for Price has been subjected on this matter are not repeated.

The SPEAKER: The Chair will examine the matter, but I am still of the view that there has not been a complaint from any individual member who has been the recipient of anything inappropriate.

ONE AND ALL

Mr PETERSON: Will the Premier consider converting the Government loan to the *One and All* into a grant? The State Government has provided a loan of $250 000 for the project. There is a moratorium on interest payments which is due to expire on 31 December 1986. In view of the significant financial consideration that has been given to a variety of projects in South Australia, it has been put to me by many people that this very worthwhile ship may qualify for similar treatment.

The Hon. J.C. BANNON: I thank the honourable member for his question. Really, there is no analogy between the situation with a yacht and the *One and All*. Let me just recount briefly the history of it. I think it was in about 1981 or 1982 that the previous Government was confronted with two propositions for a sail training boat. One related to the restoration of the *Falie* and the other related to building the *One and All*. As I understand it, both propositions were given very serious consideration by the Jubilee Board (or its predecessor) and the Government. In the end, the Government of the day decided that it would purchase the *Falie* and the *One and All* proponents were advised that, if they intended to go ahead, they would have to do it from their own resources. Naturally, they were disappointed with that decision, but nonetheless they got on with the job and, indeed, they have taken it a long way down the track.

The policy has always been that, in this area of a sail training vessel, there was scope for only one vessel and the *Falie* project was the official Government supported project. Of course, the *Falie* has been remarkably successful. Yesterday we announced that, for the period following the Jubilee, it will be continued to be administered and sailing in the consortium, which includes the Hindmarsh Building Society, so I believe that the *Falie* will perform a very useful function over the years ahead. A considerable amount of money was put into that project as part of the Jubilee, both to purchase the *Falie* and to contribute to its restoration.

Meanwhile, the *One and All* project sought support through the Community Employment Program, which of course is a Commonwealth program administered in conjunction with the State. Again, the State, while supportive of the *One and All* receiving assistance (which it did and it involved a considerable sum of money from the CEP), was not making a direct contribution, except in its role of administering the CEP. It then appeared that the vessel would not be completed because funds again ran out, even with that quite considerable support and with public donations that were made to it. The State provided a loan of $250 000 and the State Bank of South Australia provided a loan of $250 000, which was guaranteed by the Government, and work was able to proceed.

If one adds all the various sums of money that have been put into a project which, if you like, had been rejected in favour of another project, a considerable amount of Government money or Government support has been given to it, but it was always on the basis that the *One and All* must in fact fund itself from sponsorship, public support and any income that it may derive. We are told now that a further $300 000 (and that sum is probably less now, because work has been done) is required to actually finish the vessel. There has been some quite prodigious and some very worthy fundraising undertaken by the *One and All* group. Thousands of dollars per month are being raised. They are continuing to work on the vessel, although of course at a much slower pace.

The Government has been approached to provide further assistance, either by way of a grant to complete the vessel, or by way of assistance through further loans, interest remissions or a moratorium on debt. On 1 September Cabinet examined a request and looked at the overall financial position of the *One and All*. We resolved that the Government could not be involved in providing any further financial support to that project. I think that, in the circumstances, that was a reasonable decision, particularly when one recalls, as I say, that to get any Government money at all was not something that was contemplated for the *One and All*.

Further propositions have been put, as I have outlined, for interest rate remission, and so on. I have had a discussion with the State Bank about what is or is not possible, and we both agree that, really, it is up to the syndicate. They must try to ensure that they can raise the funds and get the vessel completed at their own pace. It was determined that it would not be reasonable for the Government to make any further contribution. I do not accept the honourable member's analogy with the yacht project. The fact is that we have sail training capacity through the *Falie*. I do not know whether that will involve the Government in further expenditure, although the proposition that has been accepted should see the *Falie* as a self financing venture.

In view of the considerable outlay in this area (if we take the two projects together—the *One and All* and the *Falie*), I do not believe it is reasonable to expect any more Government support. If the *One and All* is to be completed,

and I sincerely hope that it will be completed, it will have to be done by the efforts of those involved in the project.

SUBMARINE PROJECT

Mr S.J. BAKER: I direct a question to the Premier. Because of attempts being made in Canberra by the New South Wales Government to undermine South Australia's case for the submarine project, can he clarify the question of State Government financial assistance offered to the two final tenderers?

The latest issue of the influential publication, *Inside Canberra*, includes some comment about the final selection process for the submarine project, obviously inspired by the New South Wales Submarine Task Force. I refer in particular to the following:

> The New South Wales Task Force also raised the question to what degree the Bannon Government got the contenders' nod for Port Adelaide because of State subsidies. It claims that New South Wales never sought to win the contract by weight of State Treasury subsidy.
>
> The answer to this question will probably never be known but it should be noted that the Federal Treasury believes the Bannon Government, with the substantial profits from the South Australian Finance Authority, was probably in a better position to throw subsidies at the two submarine contenders than any other State.

The publication also suggests that economists in key Government departments which will have input into the selection process will be inclined to accept the New South Wales argument about the advantages of building the submarines at Newcastle.

The Hon. J.C. BANNON: I found that report to be both interesting and amusing. It was amusing that, quite early on in the proceedings, I understand, the tenderers were told by the New South Wales Government that they virtually had an open cheque. Anything that they were offered by any other State, and better, could be obtained from New South Wales. So there must have been a very strange and sudden change of heart which resulted in their not offering any incentives at all.

Members interjecting:

The Hon. J.C. BANNON: The Premier of that time is no longer Premier of New South Wales: he has retired. As far as South Australia is concerned, naturally with a venture of this kind State incentives are offered, as they are with any major company or industry that starts up in South Australia. But, they are within the normal parameters of such incentive schemes, as members would know. There is the establishment payments scheme and various other remissions. The construction of the Hilton Hotel is a good example of rate remissions and things of that nature. In fact, in negotiations with both tenderers, the Government has indicated what may be expected in the normal course of events.

There is support for infrastructure, dredging and the construction of the ship lift, which will be valuable, whether or not we get the submarine project. In other words, that facility with Government involvement is seen as one that will be available for a whole range of uses, whether or not we get the submarine project. The important thing is the bottom line, first, that we do not offer strange, unusual or too large incentives, and that certainly has not been the case. Secondly, the overall benefit means that, whatever concessions are offered in the start up or initial phase, they will be more than recouped as the project develops. Again, those calculations have been made.

So, the assertions in that article are quite wrong. We have thrown nothing at the tenderers but have discussed with them the sort of package of incentives that any industry of that size and scope could expect to get. As to New South Wales, the latest advice we had was 'Anything you can do we can do better.'

WORK EXPERIENCE

Ms LENEHAN: Will the Minister of Employment and Further Education institute an indemnity scheme to cover work experience students who have left school and are participants in such programs as Bridging the Gap, which is a Rotary employment project? I was contacted some time ago by one of my constituents who is directly involved in the southern area with the Bridging the Gap program. My constituent outlined to me the problems that this employment program has in placing young unemployed participants in work experience situations, because employers are not covered by an insurance scheme similar to the one that is provided by the Education Department to cover secondary students who are involved in work experience programs.

The Hon. LYNN ARNOLD: I thank the honourable member for her question. It raises an area of examination in which we are going to have to do some work. Bridging the Gap as a program has been well supported financially by the Government to the tune of $50 000 in the 1984-85 financial year and $95 000 in the 1985-86 financial year. However, to date it has not run work experience programs. I appreciate the fact that it has not run such programs for unemployed people because, amongst other reasons, it does not have indemnity cover.

I can undertake that the Office of Employment and Training will examine the matter to find what options may exist, with the background of financial resources that we already make available to Bridging the Gap and in terms of any other approaches that could be followed. The attitude of the State Government is no different from what it has been in the past. We have always taken great interest and care in the provision of work experience programs for young people, particularly in terms of the support that has been offered for work experience programs for students in secondary schools.

In addition, with our concern we have been conscious of the need to ensure that work experience programs are properly administered and do not breach any of the industrial relations provisions. Clearly those provisions include the need for adequate indemnity for participants in the program. If Bridging the Gap is proposing to move into this area (and I understand from the honourable member's question that that is something that it wishes to consider), I will have the Office of Employment and Training examine the solutions in regard to the indemnity question. It would be untenable for people to go into work experience programs if there were no indemnity provisions.

FREGON TRANSPORT

The Hon. P.B. ARNOLD: Will the Minister of Aboriginal Affairs advise whether, as part of the examination of the financial affairs of three Aboriginal communities in the North-West of South Australia by the Department of Aboriginal Affairs, he will arrange through his Federal counterpart to have investigated the involvement of the company Fregon Transport with one of these communities? After I raised this matter in the House earlier this month, the Commonwealth Department of Aboriginal Affairs revealed that it is examining the accounts of three South Australian communities which receive Federal and State funding. Fur-

ther information provided to me reveals that the Fregon community has had considerable involvement with a company called Fregon Transport of Port Wakefield Road, Burton.

Drivers who have previously contracted to this company have approached me expressing concern about the manner in which Government funds provided to the Fregon community have been used by the company. Earlier this year the company told the drivers that it would meet a range of costs that they incurred. I quote from a notice dated 3 February to all Fregon Transport drivers, as follows:

> Fregon Transport has agreed to pay all overloading fines, also any speeding fines if asked to do, any overnight express runs if asked by the above company to do so.

However, Fregon Transport has recently reneged on this commitment and is suspected of being in financial difficulties, despite the fact that it appears to have received significant amounts of public money channelled through the Fregon community. In the circumstances, it would be appropriate for the Minister to raise this with the Commonwealth to determine the extent of State and Commonwealth funds involved and the manner in which Fregon Transport has used this money.

The Hon. G.J. CRAFTER: The honourable member said that he had raised this matter previously. I draw the attention of the House to the allegations that the honourable member made against the incorporated body of the Pitjantjatjara people: the honourable member, in a rather inflammatory way, said that to his knowledge a fraud of some $1 million had been perpetrated by that organisation. The explanation I gave indicated that the State funds provided to that body had in fact been audited and that the investigations undertaken by the Government after the allegations had been made indicated that no fraud had been perpetrated by that organisation, and that funds that the honourable member had lumped together in that figure were for road building on the Pitjantjatjara lands, which money was provided through the Highways Department.

The honourable member received, as we all did, a telegram and representations from officers of that incorporated body who sought a retraction, or in fact hard evidence from the honourable member, to back up those serious allegations that he had made—and none was forthcoming. I think that that is most unfortunate, as it was a most serious allegation against a group of Aboriginal people in this State. The honourable member, in his fresh allegations against an incorporated body, has also now mentioned that there was very little Aboriginal involvement in that body. I have already made representations to the Federal Minister for Aboriginal Affairs expressing my concerns about the administration—not by Aboriginals but by non-Aboriginals—in respect of a number of communities on the Pitjantjatjara lands. I understand that the Federal Minister for Aboriginal Affairs is having those allegations investigated.

The Fregon Transport Company is an incorporated body and subject to the laws of the State in respect of the proper administration of those bodies. I will also refer this matter to my colleague the Attorney-General for his reference to the Commissioner for Corporate Affairs. But, if the honourable member this time wants to come forward with any information that he has in his possession which will assist in uncovering any fraudulent or other improper or illegal activity, I will be pleased to receive that and forward it to the appropriate authorities for their consideration.

NATIONAL FOOD STANDARD

Mr ROBERTSON: I direct my question to the Minister of Transport, representing the Minister of Health in another place. Can the Minister inform the House of the implications for South Australian consumers of the national food standard agreement which was recently signed in Canberra? In particular, will the Minister outline what savings can be expected to accrue to South Australian consumers and to the food industry in this State as a result of that agreement? In the November issue of the Federal Government publication *Government in Focus*, and under the heading 'At last a uniform food standard code is adopted', an article outlines an agreement between the Commonwealth and the States and the Territory towards a national food standard agreement, which could save the public an estimated $50 million a year. The article goes on to say:

> That standard covers aspects such as the composition of foods, permitted food additives, maximum limits on contaminants, microbiological standards and food labelling.

In the light of the agreement, can the Minister say what are the implications of such a national standard and what savings can be expected to accrue to the industry and to consumers in this State?

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I will refer it to my colleague in another place and ask for an early response to the important matters that have been raised.

WALLAROO HARBORMASTER

Mr MEIER: Does the Minister of Marine accept full responsibility for the strike by the Merchant Service Guild at Wallaroo whose members refused to berth ships because the Minister had refused to appoint a harbormaster to Wallaroo? The Minister has been aware for nearly three months of the problems associated with his refusal to appoint a harbormaster to the Port of Wallaroo since the transfer of the former harbormaster. I first raised the matter with the Minister in writing on 5 September. Because of his inaction and blundering, the grain industry and shipping companies have incurred huge losses from the strike. The *General Capinpin* has been unable to berth for nine days, and this has resulted in financial losses of up to $9 000 a day for the shipping company and several thousand dollars a day for the grain company.

The *Eastern Jay* has been unable to berth for four days. In this case, losses to the Australian Barley Board and therefore to the South Australian barley growers could exceed $100 000. Meanwhile, up to 40 casual workers have been waiting for the ship to berth before they commence work. At 2.25 p.m. today, it was reported to me that the bans were lifted since, after three months of inaction by the Minister, he finally decided to appoint a harbormaster.

The Hon. R.K. ABBOTT: No, I do not accept responsibility for this particular dispute.

Mr Meier: Who will accept responsibility?

The Hon. R.K. ABBOTT: I have just been informed that the strike is over, and it is hoped that the ships will be able to resume loading at Wallaroo harbor some time this afternoon.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: I call the House to order.

Mr Meier interjecting:

The SPEAKER: I warn the member for Goyder for continuing to interject when the House was being called to order.

STURT CONSERVATION PARK

Mr TYLER: Will the Minister for Environment and Planning tell the House whether his department has any long-term development and management plans for the Sturt Conservation Park? This park is a beautiful and spectacular area within my electorate. It has wide community support, and the Flagstaff Hill Primary School—

Members interjecting:

The SPEAKER: Order! The Chair is obliged to remind all members, whether they are new or have been here for some time, that they must not introduce comment into their explanation.

Mr TYLER: Thank you, Mr Speaker. There is some fact involved in this explanation, in that it is a spectacular area within my electorate and it has wide community support. Accordingly, I would appreciate any details the Minister could give to the House on the Sturt Conservation Park.

The Hon. D.J. HOPGOOD: I can certainly agree with the honourable member's comments about the scenic beauty of the park.

The SPEAKER: Order! I presume that the Minister means the explanation of the honourable member, not his comments?

The Hon. D.J. HOPGOOD: Indeed, Sir. I have walked the park on a couple of occasions, and certainly it is true that it is an area of considerable scenic attractions. It has been substantially modified, of course. It would not be regarded as a prime area for native habitat and, therefore, I think its future probably lies in recreation rather than as what we might call one of the core parks in the national park and wildlife system.

I believe there are three things that need to happen in the mid-term in the area. Some things are perhaps a little more urgent. There is some weed infestation in the park that we need to control fairly quickly. I believe that we should develop the park for walking and hiking. When I walked the park I found, for example, that one could not in fact get out at the bottom end of the park without trespassing, so we need to secure an easement for foot access out on to the main South Road. There should be considerable revegetation of the slopes of the gorge, and some interpretive material should be prepared as well. I will ask for a report on those matters from my department.

PRISON SENTENCE

Mr BECKER: Will the Minister of Correctional Services say whether a foul-up in documentation will mean that a man sentenced to three years gaol on a housebreaking charge will serve none of the sentence? I have been informed that papers are currently being prepared to allow the release on 30 November from a South Australian prison of James Dean Miller. Earlier this year, Miller was convicted in relation to a break-in at the Port Lincoln Hotel and given a 12 month sentence, with nine months non-parole, that expires on 30 November. While serving this sentence, on 28 July this year Miller pleaded guilty to a house break-in at Port Lincoln in December last year in which goods worth $50 000 were stolen. He was given three years on this charge with an 18 month non-parole period. This sentence was to commence when the first non-parole period expired at the end of this month. However, I have been informed that a major foul-up in documentation relating to these sentences will mean that Miller serves none of the second sentence.

The Hon. FRANK BLEVINS: I know nothing at all about the query. I will refer the question to the Attorney-General, who has responsibility for sentencing in the courts, and ask him to reply directly to the honourable member.

PARAFIELD LAND

Mr RANN: Can the Minister of Agriculture rebut or confirm persistent rumours in the Salisbury area that a sizeable part of the land now occupied by the Parafield Poultry Research Centre and the Parafield Plant Introduction Centre will be sold for housing purposes?

The Hon. M.K. MAYES: I thank the honourable member for his question. He would obviously be concerned if there was a rumour in the area that some of that land was to be sold off. However, there is no intention to sell the Parafield Poultry Research Centre or the land surrounding the centre which is used as a plant introduction centre. The future of the research centre was reviewed in 1983 by the group that produced the report on the review of research centres. That report recommended the retention of the centre and the surrounding land. Since then, a new laboratory complex has been built at Parafield and opened on 30 September 1986. The surrounding land is used as a plant introduction centre for introducing and multiplying pasture plants. The land is also required to act as a quarantine and security buffer for the Parafield Poultry Research Centre.

The SPEAKER: Call on the business of the day.

COUNTRY FIRES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 20 November. Page 2191.)

The Hon. B.C. EASTICK (Light): I rise on a point of order in the first instance, Mr Speaker, and ask you how members can discuss this item when there is on the Bill file Bill No. 26, which was introduced by the member for Flinders and which deals with basically the same detail as is dealt with by this Bill.

The SPEAKER: It is in order to proceed. There are two Bills of like nature before the House and it is for the House itself to determine with which Bill it proceeds. The honourable member for Light.

The Hon. B.C. EASTICK: On a further point of order, Mr Speaker, the Leader of the House has introduced a measure which is on the Notice Paper, but without the House having determined whether it will receive this Bill before it receives the other. I do not want to delay the issue, because I support the measure before the House, but I do not want to be caught out on a technicality which in any way interferes with the eventual decision. If I take your answer to my point of order, Sir, it would be necessary for the House to discover that it would take this Bill before the one that was introduced by the member for Flinders.

The SPEAKER: This is the Bill that has been called on and it is for the House to decide how it disposes of this item.

The Hon. B.C. EASTICK: Thank you, Mr Speaker. The Opposition supports the Bill, as it would have supported (indeed, as it pledged to support) the measure introduced by the member for Flinders. This Bill goes further than the Bill introduced earlier and in that sense overcomes a deficiency which has existed for a long time and which was not

necessarily the intention of Parliament either in the past or at present. I genuinely believe that the Parliament, when it passed the previous measure, was of the view that the provisions of that legislation would have safeguarded the position of volunteers, but a case in the Port Lincoln area has demonstrated that that is not so, therefore it is only fit and proper that the matter should be adequately addressed in the way that this Bill addresses it. Whether, in fact, the Bill before the House goes as far as Country Fire Services volunteers would have it go is another matter.

Some time ago the volunteer organisation communicated with the Minister (indeed, that communication was made known generally) and indicated that it was particularly happy to see progress being made in the implementation of an improved compensation scheme. However, the organisation said that it believed that certain areas of the scheme required further attention. The communication then went on to ask the Minister four questions, the first of which concerned the fact that many CFS members were housewives, registered either as CFS members or auxiliaries, who performed an important role in the service. The Minister was asked whether such persons would be covered by the proposals as they were not employed, self-employed or unemployed. The Minister was also asked how compensation would be calculated. I believe that that matter has been addressed in the Bill because, for the first time, there is an opportunity to determine a sum to be paid to a person who is unemployed, that sum being related to the person's skill.

The second question, which concerned the self-employed person, asked how, although it was relatively easy to calculate compensation for a tradesman or person working in an industry covered by an award, compensation would be calculated for a primary producer (that is, a farmer, dairyman, orchardist, etc.) performing within his daily tasks a wide range of functions required by the industry. Would he be considered a manager, an accountant, a truck driver, or what?

Whether that question is totally answered may well be decided later in the courts, but I believe that it should be the clear intention of the House that a person who has volunteered his or her efforts to this important community activity should not be disadvantaged and that that person should not be subjected to a considerable degree of harassment in order to obtain what I believe the Parliament believes he or she should have as just compensation.

The third question, which concerns the unemployed, asks how would the rate be calculated if a person was a student or someone who had not been permanently employed since leaving school. The generality of that matter is well covered in the Bill before the House. The fourth question concerns semi-retired and retired people. The letter states that many CFS members, albeit having retired from a permanent occupation, still perform an active role in the CFS and asks how would compensation be calculated for such persons. I suspect that it is possible to equate compensation for these persons within the framework of the Bill, although it may be a contentious issue, that will have to be decided in the courts.

The very fact that such people nominate themselves as retired people does not necessarily allow them to return to a level of compensation in respect of which they claim a recompense in accordance with their previous employment. If a professional person had allowed their registration to lapse, such as in the case of a nurse or a schoolteacher who did not hold a current licence, whilst it would be easy to determine their value if that registration were still in existence, there may be an argument to the contrary by some hard nosed authority.

I do not suggest that any authority can be blamed, but I know that the system can sometimes hold up a person for an indefinite period while some point of law is determined, or while some attitude is determined. I suggest (and I think that the House would be of the same view) that assistance should be provided to injured volunteers with the minimum amount of difficulty. This is a very vital volunteer service and an injured volunteer or, in the case of death, the next of kin, should be able to lay claim to just compensation or assistance without a great deal of hassle.

I return again to the point that it is extremely important that we do not create a situation which will cause conflict in the volunteer service because people are unable to obtain justice as Parliament believes that justice should be done. The point is clearly made that what we seek to achieve must, to all intents and purposes, be achieved when the Bill is passed. That does not suggest that there will not be some subsequent argument; that is one of the hazards of the review system which takes place at a later stage if the matter should go to court.

Members who have followed this debate will recall the statement by Justice Mr Wells, a former justice of the Supreme Court, who made it very clear on a number of occasions that it is not what Parliament thought it was passing; it is the words that Parliament used in the Act which the judges are then called upon to interpret that are of consequence. I draw attention to the absolute need to ensure that Parliament does not create a possible trap down the track. We know what we want to do. We believe quite fervently that this is something which should be achieved and we want to be quite certain that, in hindsight, we do not leave the question unanswered and that those who look at this Bill from a legal point of view, even before it finally passes, will have investigated that measure.

I look upon this debate and the one that will follow in relation to another Bill as a cognate debate. The action that will be taken in respect of the next matter to be called on, (the Volunteer Fire Fighters Fund Act Amendment Bill) relates to removing from that legislation a provision that will be inserted into this legislation. I draw the attention of members to the fact that the explanation that the Deputy Premier gave to this House in introducing this Bill did not relate to the clauses of the Bill in a total sense. I refer him to something that he said (and this is an exact quote):

> The Bill also provides a ceiling to compensation benefits consistent with provisions previously considered by this House under the Workers Rehabilitation and Compensation Bill.

That comment in the second reading explanation made by the Deputy Premier caused my colleagues and me some concern, because it makes one suspect that *de facto* we are returning to workers compensation legislation which previously was considered by this House and which sought to make such a provision. It did not enjoy the support of the Parliament of South Australia, and therefore it was not passed. This upper limit *de facto* brought into the volunteer fire service award a provision that the Government had been unable to have inserted in the legislation. It was not until after I made other inquiries that I found that there was in fact a clause in a draft of the Bill which provided that limit. In fact, that is not in the Bill that is before the House and, even though we have been given the benefit of the statement, it alerted me to the need to check up on the intent of the Government. I found that the Government, in its wisdom, had deleted that provision.

Some people in the volunteer organisation would possibly question whether the provisions contained in this Bill go far enough, particularly if a person is a professional, or has been drawing quite a large salary as a leader of industry or whatever. Let us not fool ourselves: a number of volunteers

hold particularly high positions within our community and they work, along with others of lesser means, to provide this volunteer service. I think that the debate as to whether the provisions which have been suggested by the Government are totally adequate will continue for some time, but suffice to say that we are satisfied that these provisions go a lot further than those that have existed in the past and they do deserve the commitment of this House.

I note also that provision is made for the Country Fires Board, or some other authority as may be determined (even the individual brigades) to enter into some form of additional insurance for their members. I do not disagree with that, but can the Minister indicate whether, if action is taken by the Country Fires Board or by the individual brigades, there will be a non-commitment, a partial commitment, or a full commitment by the Government to meet the necessary premiums associated with that additional cover. If that were the case and it is to be a total commitment, or indeed a respectable part commitment, quite obviously there would have to be some guidelines as to the upper limit that could be insured so that it did not involve an open-ended cheque.

While I have spoken of the importance of giving not only lip service but also showing real and genuine consideration for the needs of the volunteers, I believe it is necessary to ascertain where the additional cover will come from and whether or not it is to be assisted. I ask that question against the background of an area of the Country Fire Services that I do not want to canvass or introduce at any great length in this debate at the moment, but there is considerable concern still being expressed on the new subsidisation rates and various aspects of the Country Fire Services. That is on top of criticism coming not only from volunteers, but also local government councils, local government bodies and some commercial organisations. We do not want to create any further confusion or anger.

I appreciate (and the Minister made this quite clear during the Estimates Committee at the end of September) that other measures are being considered for the Country Fires Act. Those provisions will not be forced through before there has been adequate consultation. Indeed, the Minister quite clearly stated in the Estimates Committee that the volunteer organisations, the councils and all other persons who would be involved would be able to provide some input in relation to any variation of the Country Fires Act.

I would go one step further and sincerely suggest to the Minister (and I believe he has already taken note of this) that any major amendment to the Country Fires Act should be made well before a new fire season. In other words, we are looking towards action very early in the after-Christmas continuation of this session of Parliament or the very early part of the following session, preferably the former. That is all I need to say. Because there is a financial connotation, those matters should be put out into the arena.

Other matters will be brought forward in Committee because of the relative complexity and the new ground being covered under new section 27. The Minister in the second reading explanation stated:

> Clause 3 substitutes section 27 of the Act which deals with the obligation of the Country Fires Services Board to pay compensation in respect of injury to or death of fire control officers, fire party leaders and members of CFS fire brigades while serving in that capacity.

The following is important:

> The proposal extends this obligation to members of the public who assist in fire fighting or dealing with an emergency at the request or with the approval of a person apparently in command pursuant to the principal Act at the fire or emergency.

I question whether the provision is tight enough to guarantee that we will not face another potential area of major litigation relating to when a person is and is not a volunteer. The general thrust of what I have said is wide enough to encompass any person. It will pick up the holidaymaker who answers a call from the police or a radio station. That person may not even sight the commander of the unit in the area and therefore would not have the imprimatur of that leader that he was a member of the fire fighting service for the purpose of this Act. In the heat of a fire, particularly a holocaust such as that which occurred on Ash Wednesday or Black Sunday, the person in charge of the operation should not be held responsible for spending their time ticking off the names of people in their work force. I am not critical of what has been done: I just want to make doubly sure that we are not creating a litigation situation which is against the thrust and the principle of what we are trying to achieve. The Opposition supports the Bill.

Mr BLACKER (Flinders): I too support this Bill, and the Minister would probably appreciate why. To a very large degree, this Bill is identical in principle to that which I introduced in this House on 21 August.

Mr S.G. Evans: Are you experiencing that, too?

Mr BLACKER: We will debate that later. This matter is serious. There have been circumstances where a fire fighter died at the scene of an accident, the cause of his death being attributable to the fire. There has been considerable doubt about whether the deceased person's wife was eligible for compensation, as would normally be the case under the workers compensation legislation. The problem arose when it was deemed necessary to prove that the wife was, in fact, the husband's dependant. A question arose because they were both members of a family farming partnership, and thus the wife was deemed not to be a dependant in the normal course of events. Therefore, I introduced my private member's Bill on 21 August to clarify or amend section 27 of the Act to ensure that this point was taken up and that the legislation related to the spouse of a fire fighter, ensuring that compensation (which at that time was $40 000 under the Act) was available.

In the case to which I have referred, there was an out of court settlement, and I believe that the wife received about half the sum prescribed—but I am not quite sure of the exact figure. The wife had forgone a considerable amount of compensation rather than face the litigation that might have followed and, more particularly, she might not have been able to prove that she was a dependant as the law then stood. I trust that this amendment will rectify that matter. If this provision had applied, the person to whom I referred would have been able to prove that she was a dependant of the deceased fire fighter.

That was of extreme concern to me because, when the matter was brought to my attention, my casual observation (and probably that of every other person) was that about 90 per cent of family farming partnerships would be arranged in a similar way. Thus, while this House had every intention of drafting legislation which it believed encompassed the spouses of fire fighters and, in particular, the spouses of farmers, legally there was a question mark. I was horrified to find that 90 per cent of the 'dependants' or the spouses of farmers were not covered should a death have occurred. That was a serious circumstance which had to be rectified.

From my discussions I ascertained that various officers believed that my interpretation was not necessarily correct. But, I could not get a clear and unequivocal statement to that effect, so I persisted with my Bill, and I am very pleased now that I did. Because I persisted with that private mem-

ber's Bill, the Government has considered the matter seriously, recognised that the problem exists, and taken steps to solve it. I am grateful for that, and I hope that the community in general and in particular fire fighters and their spouses will recognise that that anomaly has now been rectified.

However, I note that the Minister has broadened the Bill slightly so that the board has the ability to arrange extra insurance. A couple of aspects worry me. I wonder whether the Government, by this measure, is paving the way to hand back insurance cover to individual boards and organisations. I might be wrong and a little cynical about that point, but I hope that the Minister will clarify the situation.

The member for Light referred to the way in which a volunteer fire fighter would be covered. It is difficult to know just when a person has authority or is effectively fighting a fire. It could well be that a motorist was travelling along a road, noticed a small fire (perhaps caused by a cigarette) on the side of the road and stopped the car. However, because he had no authority and was under no control, technically he might be unable to get any assistance under this Act.

As the member for Light said, the terminology of the second reading explanation is wide enough to encompass that occurrence, and it is loose enough to allow the department, the authority or the board to avoid obligation in those circumstances. I do not know the answer. I do not know how we can amend the Act to make that issue clear cut. Indeed, I am not sure that there is a way to do that.

In any case, as long as the Government is aware of this, that is the important point. At other times people can delibately interfere with fires and, if that were proved to be the case, other Acts of Parliament would take over. It is with pleasure that I support the Bill. I am pleased that a little piece of legislation that I had some part in initiating in this Parliament will come to pass. I ask the Minister, in summing up the second reading debate, to indicate when he hopes the Act will come into operation, as the fire season has virtually already started. I would like to think that, should an accident occur tomorrow or the next day, that person would be covered at least for this fire season. I have pleasure in supporting the Bill.

Mr S.G. EVANS (Davenport): I support the Bill and congratulate the Government for introducing it and taking notice of what the member for Flinders has been advocating for some time. The honourable member's Bill could have been debated in private members' time and, if the Government so desired, it could have amended it to suit its purpose. It chose not to do so. That is the practice nowadays it appears. That aside, it is an achievement if we get this through. I hope the Minister will give me an answer to a question that I cannot get through the normal processes. I have on notice a question—No. 120—that has been on the Notice Paper four months. I asked:

1. Does the Government support a limit on the number of volunteers per CFS brigade and, if so, why and what is the number?
2. Does the Government intend that in future only those volunteers that pass particular examinations and training levels will be registered for insurance and, if so, why?
3. Does the Government intend to make it compulsory for CFS officers to obtain permission from the Department of Environment and Planning before proceeding with slow burn clean-up operations prior to the fire danger season and, if so, why, and will the CFS have to apply one year in advance to allow for departmental processing?

I hope the Minister will answer that question. He can have a copy, but I hope he will answer it today. He answered about seven other questions that were placed on the Notice Paper at the same time, but for some reason did not wish to answer this one. That is not satisfactory to those in the CFS who have a concern about those matters. There is an answer to the matter that the member for Light and the member for Flinders raised. We may not be able to do it in this Bill, but I will raise it now as I have done previously. The Minister may like to look at it with his colleagues. I am sorry to hear that the member for Playford is ill, but he has some knowledge of the things about which I am talking, namely, good Samaritan legislation.

Where somebody goes to help another in the case of an accident and, to all intents and purposes, tries to do the right thing, that individual could subsequently be accused of harming the other. Is it a defence for that person to say that they were doing a good Samaritan deed and should be protected by law? One can expand that concept to pick up the point made by the members for Flinders and Light so that, where somebody is moved to do something for the good of the community and suffers some injury or death, they or their families should be able to collect compensation. That is expanding it a little further than it goes in this Bill. We can do it in another Bill in the form of good samaritan legislation. The time has arrived for us to do that.

Because people take litigation action against individuals quickly nowadays, any sensible person must stop and decide whether they want to get involved in a situation; this is particularly so because of the risk that another human being may be put in a worse position. Such persons could fear litigation if the other individual or their family happened to be the type that would sue. I raise that point so that the Minister can take it back to his colleagues. If I introduce a Bill along those lines I will have to fight it for 10 years and just when I look like winning, someone will take another Bill to Cabinet and say that mine is not worth supporting, as has happened today.

The Hon. D.J. Hopgood interjecting:

Mr S.G. EVANS: That has happened previously with others who have gone by the way, but the Minister is still here. There is a concern amongst CFS brigades as to where they go with funding support. This is one area where the Government is supporting that section of the CFS by ensuring that that section which may have been at risk is now covered in the case of accidents. However, there are some matters about which we need to hear from the Minister. For instance, who owns the units? If a group of volunteers work and create a unit by their own effort (although it does not happen often), to whom does the unit belong? Does it belong to CFS headquarters or to the local brigade? If it belongs to the local brigade, do those volunteers whom we are insuring here have some say in how many units they have in the brigade, or can they have some that are not maintained by the department, with the volunteers being told to leave them in the shed and let them fall to bits? That happens with some brigades. What is the process, and where are we going with this new form of administration in the Taj Mahal-type building in the city to which volunteers have some difficulty relating?

I do not want to expand the debate into areas where the morale amongst CFS volunteers is very low. Morale is not likely to be lifted by those who tend to say, 'I know more than you, I have fought more fires than you have ever seen, and you should take notice of what I say.' That is not the way in which to handle a group of volunteers.

They cannot be regimented to that degree. If we try that, those with the best knowledge and attitude in a crisis, and who have the initiative to handle a situation without a lot of direction, will fall by the wayside. The effectiveness,

ability and success of the CFS will fall, and it will be a lower standard operation, to the detriment of not only private property holders but also Government property holders.

I support the Bill knowing that out in the community CFS personnel have lost some faith in the headquarters of their organisation and in the Minister. It is up to those two areas of interest to show the CFS people through this legislation and by directions that come from headquarters that they understand that volunteers are genuinely giving a service for the betterment of society where others are getting paid high amounts to tell them what to do.

The Hon. D.J. HOPGOOD (Deputy Premier): I thank honourable members for the consideration that they have given to this legislation and for their indications of support. When the member for Flinders gave notice of his legislation I considered very seriously the possibility of amending that legislation in the direction that the Government thought desirable and proceeding in that way. I decided against that course of action on two grounds: first, the amendment that would have been required would have been rather clumsy, and it seemed better to go back to the drawing board and start again. Secondly, there are problems with private members' business and giving absolute priority to a measure as opposed to other measures and the desires that private members have for their motions or Bills to proceed. It seemed in those circumstances, since it was absolutely imperative that we get legislation in place before the Christmas season, that this would be better.

The Hon. B.C. Eastick interjecting:

The Hon. D.J. HOPGOOD: As I recall, I did speak to the honourable member and I indicated that we would be proceeding with Government legislation. It was never my desire for that debate not to proceed and I really cannot comment on why the debate did not proceed. I notice that my colleague the member for Henley Beach secured the adjournment on the matter, and had I been called upon to speak on this matter (no doubt had the member for Henley Beach been called, I probably would have asked him for his courtesy to allow me to take over that timeslot) I would have spoken then very much as I am speaking now: I would certainly have given the honourable member the credit for having placed this matter on the Notice Paper but then have gone on to explain why it seemed to be more straightforward to introduce Government legislation.

However, there is no intention on my part or that of the Government to in any way take away from the honourable member the credit for having put this matter on the Notice Paper. I certainly want to make it absolutely clear that the Government has no desire to be dilatory in this matter, and the point was that the workers compensation legislation should pick up all these concerns.

Members know that that matter is still to be resolved in the other place. It is possible that it may be resolved before we rise for the Christmas recess, and it is possible that it may not be. Obviously, we cannot take that risk and therefore it is necessary that we proceed. The Government does not believe that in any way it has been slow to respond in this matter: it is simply that the other Bill has been held up in another place. At the same time, as I said earlier, the Government has no desire to take away from the honourable member any credit for the initiative that he has taken here. As to one of the specific matters that he raised in his speech, proclamation is timed for early next month—as soon as we can do the processing that will be necessary to put the legislation in place.

I shall now deal briefly with comments made by the member for Davenport, before returning to matters raised by the lead speaker for the Opposition, the member for Light. I do not intend to take up the member for Davenport's invitation about responding to questions that are on notice, but I indicate to the honourable member that there will be a response to that question in very short order indeed, and I will investigate why in fact it has taken as long as it has done to get the specific information together. But I am interested in what the honourable member had to say about good Samaritan legislation. I point out that the thrust of the examples that he put to the House, whatever his general desire might have been, were really to talk about the damage or injury to a third party as a result of the efforts of the individual to assist that third party in some way. I can well understand how that situation could arise. But I have to remind the House that here we are talking about the injury that occurs more to the individual than to any third party as a result of good Samaritan activity.

This also brings me to the point that the member for Light raised concerning the difficulties of definition in some of these cases. I make a couple of points here, the first being that the Government wants to encourage a broad definition here of the verbiage used in the legislation. Secondly, where there seems a reasonable case which for the necessities of definition cannot be picked up, there is always the possibility of an *ex gratia* payment being made, and I believe that a reasonable Government should also be reasonable in the way in which it approaches that point of view. If we look at the specific situation as it may arise of, say, a person driving along the road and seeing a fire in its early stages, it seems to me that the person has got one of two responsibilities there: one would be to jump out and address the situation immediately—which may have the effect of quenching the fire without any damage to the individual or to any other life or property—and the second would be to immediately move to a situation where a person could inform someone who really knows what they are doing that there was a fire that needed attention.

Mr S.G. Evans: It's too late sometimes.

The Hon. D.J. HOPGOOD: Of course it may be too late sometimes but I would have thought that in many situations the more reasonable response, particularly of the typical suburban daytripper, might be to get to someone who can institute a proper procedure for the control of the fire, rather than people racing willy-nilly into the situation and trying to control it themselves.

I believe that (and I do not think there is really any argument here) members opposite are just sort of canvassing the possibilities that could arise and the way in which we might be able to address them. I believe that the sort of definition in the existing legislation is about as far as we can go at this stage, while at the same time indicating that a broad interpretation of the definitions provided is better. When in doubt in a certain situation, a broader rather than a narrower interpretation should apply.

I want to apologise to the House in relation to the point raised by the member for Light concerning the second reading explanation. It is true that an amendment to the Bill was made during the various stages of discussion within Government, and the second reading explanation that found its way into *Hansard* reflected an earlier draft. I believe that the amendment that the Government made, which rendered that draft at that point merely an historical document, was in fact a wise way to proceed, rather than getting into the arguments about what an appropriate limit should be. However, I do apologise for the fact that that out of date second reading explanation found its way into the record.

On the matter of specific benefits, as the member for Light has indicated there are some problems of interpreta-

tion in any legislative scheme in relation to benefits for certain categories of individual. If we are dealing with the CFS volunteer who is a boilermaker, for example, I guess the situation would be pretty straightforward, and I think that where a person is self-employed in business, where there is a fairly predictable sort of income, again, that situation is fairly straightforward.

The honourable member referred to some situations where it is a little more difficult to make those sorts of calculations. He cited the case of the primary producer, in relation to whom we know that income is subject to quite violent fluctuations as a result of the vagaries of meteorological conditions, and so on.

As I understand it (and this is certainly the Government's intention) here we are probably looking at the cost of employing someone to look after a property. After all, it is assumed that that injured primary producer would not lose more income from the property. The property itself, all other things being equal, would probably not be impaired in relation to its capacity to produce income; the problem is that the person is impaired in his capacity to be able to manage that property, which in turn will produce income.

The Hon. B.C. Eastick interjecting:

The Hon. D.J. HOPGOOD: It is certainly subject to violent fluctuations, and at present all fluctuations seem to be down; however, I certainly do not want to argue about that. As has been explained to me, it would be necessary in certain circumstances to employ a person to manage a property and to do the things that the injured primary producer would otherwise be doing—and that would form the basis of the calculation.

The honourable member raised the matter of the housewife—the person in the 'not employed' category—the words that have been deliberately chosen in this legislation. Here we are looking at the income arising out of work which that person is reasonably fit to do. Obviously, the courts would draw a distinction between a woman who had spent 20 years as a homemaker and, on the other hand, a woman who had perhaps been employed as a teacher's aide or a kindergarten teacher or something like that in the local town, notwithstanding that, of course, she was also a homemaker. That additional component of income would be taken into account.

Where the role had been that of homemaking, then of course the sort of activity, domestic service or whatever it is, that seemed to be appropriate would have to be called up. The semi-retired person comes partly into both of those categories. If a person is semi-retired, one can assume there is some degree of income—superannuation or something else which is available—and that would continue to flow. However, the fact that a person is only semi-retired suggests that there is still some income from certain sources, and then the considerations to which I have referred in these other two categories would have to be called up.

The matter of additional cover is being discussed with the CFS at present. There has been no final decision about topping up. As a Government, we would not want to dissuade initiatives in that area if in fact it seems that it is possible to get a workable scheme operating. At this stage, there is no final decision. There is, of course, the administrative decision about compensation for loss of personal effects. That is something which has now been in operation for some time, something which is not touched by this Bill, nor need it be, because it seems to me that a reasonable degree of acceptance of the initiative exists there.

The matter of the general legislation was raised, and perhaps it is not unreasonable to refer briefly to that legislation in these comments, although I suppose it could be regarded as out of order. It is not unreasonable, because originally it was considered that possibly, workers compensation legislation aside, this could have been taken up in a general review of the CFS legislation. As members will know, there is a draft of that legislation in existence. It has been subject to some criticism in certain quarters and, as a result of that criticism, a joint Local Government Association/CFS working party has been set up which is considering submissions from local government, and I understand it will be able to continue to consider submissions from local government for some time. I hope that may be able to bring us to a position where we can very early next year introduce legislation.

I accept what members are saying, that obviously we would want that legislation in force well before the 1987-88 fire season. The pity is, in fact, that it is not in place now. Therefore, if it is at all possible for it to come into force as a result of debate here and in another place in the autumn session next year, certainly I would regard that as desirable. I apologise if I have missed some matters which have been raised by members in their second reading contributions. No doubt they will take the opportunity to raise them when we reach clause 3 in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. B.C. EASTICK: This Bill will come into operation on a date to be proclaimed, whereas under the provision that the member for Flinders was considering the measure was presumed to commence operation at the same time as the principal Act. Obviously, the honourable member was considering retrospectivity there in relation to a particular case involving a partnership arrangement. Unless it is intended by the Deputy Premier that the proclamation will allow for a retrospectivity provision in relation to one category—and I am not sure that it is even competent for the proclamation to make such allowance—the specific reason of the member for Flinders in bringing this matter to our attention will not be addressed. I am heartened by the answers that the Minister just gave indicating that any Government worth its salt would recognise the making of *ex gratia* payments where appropriate. I ask the Minister whether, as we have no amendment to this proclamation provision at the moment, this matter might be considered in another place if necessary. Otherwise, consideration might be given in another place to provide for the one clause to come into effect when the principal Act does so, with the remaining clauses taking effect as from the proclamation date.

The Hon. D.J. HOPGOOD: Perhaps the member for Flinders could assist us in this matter. It was my understanding that that case had now been settled out of court. I wonder whether it is any longer pertinent to any scheme of legislation that we have before us?

Mr BLACKER: I would have to check on that matter. That was certainly the indication I gave to the House. Now that the point has been raised specifically, I would prefer to be able to check it.

The Hon. D.J. HOPGOOD: I am fairly certain that the settlement has taken place, but I will give a commitment that if that is not the case it will be addressed by my colleague in another place when the legislation reaches it.

Clause passed.

Clause 3—'Compensation.'

The Hon. B.C. EASTICK: The Minister has indicated that there are ongoing discussions as to who will pay for the additional cover. He mentioned the administrative action

that had been taken to offset the loss of personal equipment. That had been a very contentious issue over a long period, and still is in the minds of some people. Frankly, one of the biggest problems I find among people directly associated with the fire service, whether they be in local government, volunteers or ratepayers of an area, is a lack of knowledge of precisely what the Act provides and what administrative arrangements may exist affecting them. I was told as recently as yesterday, for example, that if a person were to lose their new suit and wrist watch, they would not be compensated at all. Certainly what we are now providing in the legislation does not compensate nor seek to compensate for that, but under an administrative arrangement it could well be covered; so, there is this problem of interpretation.

Further, I refer to the problem that might arise if people had to substantiate the fact that they were volunteers for the purposes of this Act when they answered the call or when they were legitimately assisting in fighting a fire. I quote subclause (4) *(d)*, as follows:

A person who, at the request or with the approval of a person who is apparently in command—

That is delightfully vague: 'apparently in command . . .'. That is the sort of funk-hole into which people disappear sometimes when trying to get a legitimate answer in a certain set of circumstances. You prove that it was a person in command and not someone apparently in command! You prove that it was 'at request'.

We are considering the problems of a major emergency situation and the person given that authority is better employed in marshalling the equipment rather than going round and ticking off the names of persons. I am sure that we are proceeding in the right direction, but I hope that we do not have someone in an insurance area or a decision making area holding up a legitimate and reasonable request on the basis of wanting to know how a person knew that another person thought to have been in command was in command. We do not want the case of a person exercising authority when not in command, apparent or otherwise, and telling someone to get on a truck when he really does not have that authority.

Problems have arisen in the courts over matters similar to this and lawyers can argue about them for days on end. I hope that the commitment given by the Minister, which I would be prepared to give if I was in his position, would be in the spirit of the debate today. Regrettably, however, things do not happen as satisfactorily as he and I would like them to.

The Hon. D.J. HOPGOOD: I find that the administrative instruction has not been sent to individual brigades, but it will soon be sent. I guess that, as a result of this debate in a public place, we could say that such an instruction has been issued, but details will be communicated to individual brigades. Concerning the wording of new section (4) *(d)*, the word 'apparently' has been inserted to help the claimant rather than the individual or body defending the claim.

It seems that the Parliamentary Counsel paid heed to the fact that a person could lose a case if we left that word out. If the person takes instructions from a uniformed fire fighter who turns out not to be the person in charge at the fire, he could say that the instruction had been given and that he had complied with that instruction in good faith. I believe that the verbiage has been adopted to help the claimant and to prevent the use of some of these questions of statutory interpretation to frustrate the claim in any way. I believe that the Committee accepts that we are saying here that there should be a broadness of interpretation in the way in which the clause is examined, and I hope that that will be the case.

The Hon. B.C. EASTICK: I appreciate the Minister's reply and will be pleased to know what is in the administrative instruction when it has been issued. Indeed, I should appreciate receiving a copy of it. That instruction, as well as the booklet that has been published subsequent to the announcement of 16 November, should be widely distributed to overcome the present difficulty in the community mind.

What I have said about the construction of the clause is not meant as a slight on the person who drafted it, but rather to draw to the Minister's attention the problem that I have seen from time to time, not necessarily in the case of fire fighting, but where a course of action that Parliament has agreed should be taken by a person is stymied by many days of legal argument. I trust that the way in which the Minister has explained the provision is the way in which it will be interpreted.

Mr BLACKER: The member for Light referred to the case of a person who becomes involved with a fire and there is a dispute about whether that person has the authority to be there and under whose guidance he operates. My comment deals with a different situation. What about the person who might be first at the scene of the fire and, although he is not qualified and has no authority, has the good sense to take action. Such a person is not in control and has no authority, but he has gone out and acted with good sense. I want to encourage that type of person rather than have him or her stand back and wait for directions. After all, such a person has taken a commonsense approach to put out the fire whereas, if there is a legal impediment to such action, there will be a reluctance on the part of that person to step on dangerous ground.

The Hon. D.J. HOPGOOD: As I indicated in my second reading reply, there must be a definition in the legislation and at this stage we think that this is probably as far as we should go. There is always the possibility of amending legislation and, if there is a bipartisan approach, the retrospectivity of benefits in a particularly bad case that is drawn to our attention can be effected.

There is also the possibility of an *ex gratia* payment being made if that is the only way in which the benefit can be made available. Without wishing to take things to a ridiculous length, if the definition is too loose an arsonist who injures himself or herself may try to claim by simply saying that he or she was trying to put out a fire that he or she believed had been lit. The Bill must try to address all the situations that may arise. I understand what the honourable member says, but at this stage that is as far as we can go and, after all, it is an improvement on what we have at present.

Clause passed.

Title passed.

The Hon. D.J. HOPGOOD (Deputy premier): I move:

That this Bill be now read a third time.

I thank members for their consideration of what is an important measure and one that we clearly need to get into place before the fire season commences.

Bill read a third time and passed.

VOLUNTEER FIRE FIGHTERS FUND ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 2191.)

The Hon. B.C. EASTICK (Light): I support the Bill.

The Hon. D.J. HOPGOOD (Deputy Premier): And I support the Opposition.

Bill read a second time.

In Committee.

The Hon. B.C. EASTICK: The Minister may be able to tell the Committee now, or provide the information at a later stage, as to what money the State Treasury will receive from the fund.

The Hon. D.J. HOPGOOD: I believe that it is $20 000.

Clauses 1 to 3 and title passed.

Bill read a third time and passed.

COMMERCIAL AND PRIVATE AGENTS BILL

Adjourned debate on second reading.

(Continued from 30 October. Page 1715.)

Mr S.J. BAKER (Mitcham): The Opposition supports the Bill which repeals the Commercial and Private Agents Act which currently licenses and controls debt collectors, private investigators, loss assessors, process servers, security agents, store security officers, and suppliers of guard dogs. I am reminded a little of Dick Tracy, or some of those detective shows on television.

An honourable member interjecting:

Mr S.J. BAKER: No, but he was one of the comic characters of a misspent childhood. If this were 20 years ago, I am sure we would see Dick Tracy provided for in this Bill.

The DEPUTY SPEAKER: It is a very tenuous connection.

Mr S.J. BAKER: It is appropriate that Parliament makes rules to govern people such as those mentioned in this Bill. They have something of, if you like, a para police role and they have a certain amount of power which goes beyond that which normally exists. As I said, it is appropriate that Parliament sets some rules and regulations as to the way in which those people should operate.

I remember that when I first entered Parliament I received some information about someone who had difficulty with guard dogs. At that time the comment was made that the law was inadequate and could not cater for this guard dog owner or trainer who operated in quite a scurrilous fashion. He used training methods that I think would be viewed by most people as being very doubtful; in fact, they were quite cruel. The fact is that he had what we would call killer dogs that were unsuitable for the tasks for which they were sold. I believe that there is room—and that there should be legislation—to cover the activities of people who could have a very strong impact on the community.

The new Bill changes the body responsible from the Commercial and Private Agents Board to the Commercial Tribunal. This is in keeping with a number of changes that Parliament has made in the legislative sphere in many areas. The most recent case related to the Travel Agents Bill, so that now, rather than referring them to particular boards of control, there is a Commercial Tribunal which will address itself to what are generally commercial type practices where disputes may arise, or where there may be a need for disciplinary action. That is something that the Opposition supports.

It is pleasing to see that loss assessors have been removed from the provisions of the Bill, while included in it are those people who are responsible for installing and selling electronic alarm devices. To make it quite clear that we are not talking about the local locksmith, I emphasise that it is to include only those people at the upper end of the scale who install major electronic devices to protect homes and premises. The important fact with this Bill is that it has changed from occupational licensing to activity licensing.

As members would realise, as the world becomes a little more complex, various people such as agents and representatives operate under various titles. If one looks at various American television series, one will see that reference is made to a 'private detective' in one series and an 'inquiry agent' or whatever in another, so it is important that we do not attempt to specify the occupations but, rather, the activities in which they are involved. I believe that in this respect the Bill is an improvement on the Act which it seeks to repeal.

The original Bill attempted to include control of other ventures. The original Bill did not pass in the other place, but it said that we should now, because we have a list of those areas that should be controlled, control other areas that may come along in the future. I am pleased to see that the wisdom in the other place has prevailed and that the efforts of our shadow Attorney-General have been rewarded in that the Government cannot, without referring the Act back to Parliament, introduce new categories. It is fitting that Parliament should determine who should operate under the provisions of this measure. The Minister should not have that discretion, because it is an area in which additional categories that have no particular merit (but may be there for political purposes) could be added.

The Bill also addresses the conflict which inevitably will occur when one talks about a type of service and how it is dispensed; for example, if one talks about security guards, it is inappropriate that banks should be regulated under this Bill because, despite the fact that they have security guards, they have their own form of self-regulation. A firm such as Metropolitan Security Service is in the business of security and it is its own entity and should be recognised as such; it should be subject to the rules provided in this Bill. Again, it is very sensible legislation.

The Bill strengthens trust account provisions and I believe that this will create the prospect of financial stability in an area that can often have a number of what we call fly-by-nighters. I know that over the past few years a number of security firms that offered security devices suddenly sprang up and, while some have very strong and legitimate backgrounds, others have sold a service which, if one looks at the quality of the product, they have little right to do. I am not sure how far those people will be regulated. I presume that a number of them will be brought under the umbrella of this Bill.

Constraints are placed on debt collecting practices and there must be agreement on pro formas. There are some question marks about that area but, generally, the Opposition believes that some of the practices conducted in the past are not necessarily appropriate.

The Bill provides licensing conditions. This is a Committee Bill. The subject has been canvassed extremely well in another place, and I believe that generally it addresses the needs of consumers and operators in the industry. I will not prolong the debate further, but I will ask a number of minor questions in Committee. The Opposition supports the Bill.

Mr HAMILTON (Albert Park): I have voiced my concern about the licensing of agents over many years, and I related an experience I had a couple of years ago when a person knocked on my front door purporting to be an agent.

I rejected his advances to install devices and, subsequently, our house was burgled. I had reservations about the situation and, being of a cynical and suspicious nature, I imposed upon my good wife the task of checking out the credentials of the organisation. We found that no-one answered at the telephone number given and that the company had mysteriously disappeared from the face of the earth.

Not so many months after that I was working on a train at Tailem Bend, and I had occasion to talk to the engine driver who had just come back from New Zealand. I said, 'How was your trip, mate?' and he said, 'Pretty good, but the icing was taken off the cake when I got home.' He related circumstances that were similar to my experience. I asked whether he had reported it to the police and he said, 'What is the use?' I said, 'If you don't report it, there is no way we can track these people down.' I understand that he subsequently reported it. I have many suspicions about these people, and I have raised questions about their credentials and whether or not they are honest or dishonest. People could have a criminal background or be known inside or outside the State. I am not quite sure whether that is covered in the Bill or what checks can be made in relation to people interstate, but it is important that the credentials of people in this State be checked.

From talking to people in the industry some time ago, I understand that ways and means were developed to check the credentials of people who applied for these positions. The industry is concerned about the fly-by-nighters. When I first raised this matter, a number of representations were made to me by people in the western suburbs about the fly-by-nighters who installed what were considered to be inferior products. I do not wish to delay the House: suffice to say that it is important that, before anyone allows an agent of a security firm into their house, they should check their *bona fides*. If the approach is unsolicited, the agent should be asked to come back. It is very easy to falsify cards or to flash them before someone's eyes and say, 'I am from the Kevin Hamilton security firm.' People might find that the firm—not I—was shonkie. That is important for the peace of mind of the aged or people who live by themselves. It is good that agents must produce identity cards and that a penalty exists for non-production. I welcome this legislation and am pleased to see that the Opposition also supports it.

Mr S.G. EVANS (Davenport): I support the Bill. If South Australians or Australians knew about the devices available to these private agents, they would be scared. I recently heard a private agent tell a group of people about the devices that are available. For example, a device that is no bigger than the cork tip of a cigarette can be fitted into a telephone. That device is self-energising. Even though the telephone is on the hook, the device can transmit any conversation that takes place in the room to a person within at least half a kilometre away or more. Thus, any conversation that takes place, say, in a meeting room, can, without the receiver being taken off the hook, be transmitted either to a tape recorder or to someone listening within at least half a kilometre. That is frightening. The device can be activated by a person in the know tapping into the Telecom lines: that person dials the number and hangs up before the phone is picked up, thus providing the connecting link.

People claim that they can break into almost any computer that is in operation, even business computers, to find out information about individuals or companies. Listening devices can be installed into the telephone line some distance from the phone. Telecom employees or people who have some knowledge can get into these lines and record conversations over the phone. The device is activated whenever a call is made. It does not use energy all the time and is self-energising. Other details were given about how these devices operate that left me convinced that the penalties provided may be appropriate but, somewhere down the track, we may have to consider heavier penalties. I accept that a person's licence can be cancelled.

After listening for 20 minutes to that individual and after listening to questions and answers, I believe that this Bill is necessary. I know that we are talking not only about private agents but also about other fields. The community should be advised how these people can operate. They can sit in a van after setting up a directional microphone, which can pick up conversations through glass windows, even though the microphone is not close to those windows. The conversation can be transmitted to someone who is sitting in a van 200 or 300 metres away from the home or business premises.

The Hon. Ted Chapman interjecting:

Mr S.G. EVANS: The member for Alexandra suggests that it is time I went home, and that would not be a bad place to be—I have quite a nice home. I wanted to voice my concern in this matter and congratulate the Government for introducing this measure. I hope that the member for Alexandra has the opportunity to talk about what is really important to him: I would like to hear that. I support the Bill very strongly.

The Hon. G.J. CRAFTER (Minister of Education): I thank honourable members for indicating their support of this measure which is indeed a major rewrite of the Commercial and Private Agents Act, which was enacted in 1972. At that stage it was the leader in Australia in this area. It is appropriate that legislation of this type be reviewed from time to time. In 1983 a working party was established by the Government, and it embarked on a series of consultations with interested persons in the community to bring about an updating of this measure. The aim of the working party was to make improvements to the legislation to simplify and improve not only the law but also the administration of the Act and to bring into the ambit of this legislation areas which were not controlled and which it was thought would be more appropriate within the ambit of this legislation.

It also brings the Act within the jurisdiction of the Commercial Tribunal. That is most important as it brings about a simplification of the proliferation of tribunals that we had previously in this area. There are many advantages to the community, and indeed to those who are administering this legislation, as a result of the establishment of the Commercial Tribunal. I thank honourable members and the Opposition for their support of this measure, which I am sure will bring about an improved service to South Australian consumers.

Bill read a second time.

In Committee.

Clauses 1 to 15 passed.

Clause 16—'Tribunal may exercise disciplinary powers.'

Mr S.J. BAKER: I am expediting the Bill, as many questions that I had have been answered in another place, and I will not pursue them again. Subclause (10) provides that there shall be a proper cause for disciplinary action under this section if there has been a breach of another law or Act in the dispensing of the agent's duty. I presume that that means anything from a speeding fine to expectorating on the pavement would be cause for disciplinary action. I could not see that there was any let-out or softening of the clause. Is it the intention that if an agent is on duty following

a suspect and breaks the speed limit, he should be subject to disciplinary action?

The Hon. G.J. CRAFTER: A reasonably settled law exists in this area. Clause 16 refers to a person being a fit and proper person to hold a licence, and behaviour which amounts to a person being declared not a fit and proper person has been reasonably well clarified at law. That is obviously a matter that the tribunal would consider in exercising its disciplinary powers. One cannot say whether spitting on the footpath amounts to that or not. I have my doubts, but obviously when there is cause for complaint the tribunal would consider that and base its decision on its previous findings in this area.

Mr S.J. BAKER: Without delaying the House, the only reason I was asking was that is says 'shall be cause for disciplinary action'. If someone is following a vehicle that is breaking the speed limit then one also has to break the speed limit. It says 'shall be', whereas I would have thought that 'may be' would be a better terminology.

Clause passed.

Clauses 17 to 27 passed.

Clause 28—'Trust accounts.'

Mr S.J. BAKER: Penalties are contained in this Bill related to discharge of debt and the management of trust accounts. Will the Minister clarify the situation in relation to a person who is collecting a debt from another person. If the person who owes the debt pays the creditor the money, is the private agent required to pay that money into a trust account, or can he pay it directly? From my reading of the clauses about trust accounts, it seems that trust money shall be paid into the account, which would seem to be a double exercise. An agent would collect the money, pay it into a trust account and then pay it to the creditor, which seems a strange way of operating.

The Hon. G.J. CRAFTER: My understanding is that if the commercial agent takes possession of that money as payment of the debt there is an obligation on that agent to pay it into the trust account. However, if a debtor pays money directly to a creditor then obviously that is the thrust of this legislation because there is no involvement of the persons who are covered by this legislation. So that would then be a matter of a simple transaction between a debtor and a creditor.

Mr S.J. BAKER: Perhaps someone can explain what happens today. I understand that if a collection agent goes to the door and says to a person, 'You owe John Martin's $20, I want that $20 as you have not paid that account,' and the person says, 'It is an oversight, I will give you a cheque for $20,' it seems strange that the cheque has to be made out to the collection agent who then has to take the money out of the trust account and pay it to John Martin's. I do not know about this industry, but it would seem simpler to me for the person owing the money to write out a cheque to John Martin's for the amount of $20. Then, the collection agent would have no right to cash it in the meantime (which is a healthy check and balance), and pay the creditor who would get the money directly without having to depend on a trust account.

The Hon. G.J. CRAFTER: The honourable member was correct when he said that he did not know much about the industry. He will find that the profession of a collection agent is to carry out the collection process. Part of the moneys collected are fees associated with the collection of the outstanding debt, and therefore the role of that person is interwoven in that process. It is appropriate that those moneys be collected by that person and accounted for in a proper manner through trust accounts rather than there being a direct payment structure which has caused problems that have necessitated the introduction of this legislation.

Mr S.J. BAKER: I still maintain that we are creating a rod for someone's back, but I will not pursue the point. It will cause more problems than it is worth, but as the Minister said, it may provide some check.

Clause passed.

Clauses 29 to 39 passed.

Clause 40—'Form of letters of demand.'

Mr S.J. BAKER: Subclause (1) *(b)* provides that, no matter how strenuous the demand in the letter, it will stand unless the Commissioner somehow disapproves of it. Can the Minister explain why this situation should prevail? Is this to cover the legal problem that would arise if an agent said something a little naughty in a letter, and to ensure that that does not derogate from the original claim?

The Hon. G.J. CRAFTER: I shall provide some details about clause 40, as this was a matter of some comment in another place. I think all members would know that quite often questions are raised in this Chamber about the letters of demand that are received by debtors in the community. Clause 40 (1) *(a)* allows a commercial agent to receive from the tribunal an authoritative ruling that a particular form of letter complies with the requirements of fairness and clarity. That will be spelt out in more detail in the regulations.

However, it is recognised that it will be unduly restrictive to require agents to submit in advance a *pro forma* of all letters. Circumstances may require a different form of letter to be sent quickly. Competent agents should have no difficulty in composing a letter that complies with the prescribed requirements, but to maintain the desired completeness of monitoring they would have to submit such letters to the Commissioner for Consumer Affairs. If the letter is effective, the Commissioner would be in a position to initiate disciplinary proceedings. If not, nothing will happen. Naturally, if the new letter is one that the agent expects to use repeatedly, the agent will also lodge a *pro forma* of the letter with the tribunal to seek clearance for future uses of it.

In summary, clause 40 (1) paragraphs *(a)* and *(b)* provide alternative procedures which are designed to meet the twin objectives of, first, maintaining comprehensive monitoring of documents used in this field, and, secondly, providing a system which does not enforce delays on agents, leaving them free to get on with conducting their business. This clause has been the subject of consultation with industry representatives, and they support this approach.

Mr S.J. BAKER: I will not belabour the point, but it is a little inconsistent. Subclause (1) *(a)* provides that the document shall be approved by the Commissioner—which is saying that the letter is okay—but paragraph *(b)* stipulates further that the letter can be used and then a sample of that is lodged with the Commissioner. There is nothing in that provision that says that the Commissioner has to approve of the letter beforehand. The interesting part of the provision is that the letter may not be such that it is subject to disciplinary action; however, it may not necessarily be the most reasonable way of addressing the problem. Under paragraph *(b)*, as long as the agent lodges a sample of the document or letter 14 days after it has been served, that agent has complied with the requirements. Notwithstanding, paragraph *(a)* stipulates that the document or letter must be approved by the Commissioner in the first place. So, this conflict seems to be a little strange.

The Hon. G.J. CRAFTER: I think this matter needs to be clarified, as a prudent practitioner in this area would want to run his business along the lines that there would

be no doubt that the letters of demand and other forms that were sent out were in accordance with the law and acceptable practice to the tribunal. The relevant section refers to regulations to a prescribed code of practice, and, if a practitioner in this area was running close to the wind and continually before the tribunal for forwarding letters (as we have seen in this House) which take on the appearance of a summons or use language of a type that would cause an ordinary person to believe that they had an obligation to pay without question, or the like, that would cause there to be consideration of whether the code of conduct had been breached, and that would then flow on to disciplinary action. So, I think the honourable member can be reassured that this matter has been the subject of a great deal of consideration and that this methodology that is proposed here—perhaps a catch-all provision—is one which does simplify practice for those legitimate practitioners in this area and yet will still catch those who seek to go around the law.

Clause passed.

Clauses 41 to 49 passed.

Clause 50—'Offences by bodies corporate.'

Mr S.J. BAKER: Under this clause, it seems that everyone is guilty of an offence unless someone can prove otherwise. That overthrows the traditional form of British law, as all members in this place would understand. In the past this has been done seemingly for good reasons, but the ambit seems to be getting wider and wider all the time. I express my severe reservations about the way that we operate the law. To say that it is good enough in one jurisdiction but not good enough in another is a matter about which I think we must be very circumspect.

I believe it ought to be up to the law to establish where guilt should finally lodge, rather than putting all and sundry on the chopping block of the law. That is the case here, and it is certainly the case in relation to the Occupational Health, Safety and Welfare Bill, which actually prescribes who would actually be the responsible officers, and in some corporations, if the Crown wished to be difficult about a situation, 20 or 30 people would have to go through the process of proving that they had no knowledge of an offence, no intent to commit an offence, and had done the best that was possible in the circumstances. This is a slightly different situation, and I appreciate that in a situation such as this we might have to have a cover-all power. However, I believe that legislation should not be laid down in this form. I do not believe that anyone should be presumed to be guilty rather than innocent.

The Hon. G.J. CRAFTER: I think this is where the Opposition often finds itself in some degree of conflict in respect of its policies on punishment in the community; they take a very strict attitude towards people convicted of criminal behaviour and demand that very harsh penalties apply. Yet, here we are talking about penalties with respect to a body corporate (I presume it was a similar debate to which the honourable member referred) and the Opposition calls for a different approach to punishment and penalties and the way in which convictions can be recorded.

The Hon. Ted Chapman interjecting:

The Hon. G.J. CRAFTER: I have noticed. The problem is not with the Government but more with the Opposition.

Clause passed.

Clauses 51 to 53 passed.

Clause 54—'Regulations.'

Mr S.J. BAKER: Whilst the Government quite often says, 'We shall consult,' we find that when a Bill is introduced nobody has been consulted, or they have been consulted virtually five minutes before the measure was introduced.

The Hon. Ted Chapman: They were advised of their intentions.

The CHAIRMAN: Order! The honourable member must not interject from out of his seat.

Mr S.J. BAKER: Yes, advised of their intentions. Actually, Mr Chairman, that was one of his better interjections! The Bill allows the Government to prescribe codes of practice for the holders of a licence, and we agree with that proposition. We only ask—and we ask quite often—that the Government hold meaningful dialogue with the people concerned before they introduce codes of practice. We get an assurance each time we ask, but it just never seems to happen that way, and we find that regulations are brought in or changes to legislation are made and the people that the Government has promised to talk to have not even been asked for their opinion or, alternatively, as the member for Alexandra has pointed out, they have been told of the Government's intentions.

The Hon. G.J. CRAFTER: I am not sure of the value of assurances that are given in the House, but, as I explained in my second reading explanation, it is obvious there has been very substantial consultation over a long period with the industry associated with this legislation, and that will obviously continue in the preparation of the regulations. Of course, those regulations will come before the House, so there is once again that opportunity for public scrutiny of those measures. In my experience, it is often not those who have not suffered from a lack of consultation who complain in this way but those who have been consulted but do not agree with what is contained in legislation or regulations.

Clause passed.

Schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT

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

That the House do now adjourn.

Mr OSWALD (Morphett): I wish to participate in this grievance debate to bring to the attention of this House some concerns I have relating to recent activities of the South Australian Council on the Ageing, better known as SACOTA. I take this opportunity for two reasons. First, my electorate has a high percentage of constituents 55 years and over, and their problems are my concerns. SACOTA was supposed to be an organisation dealing with specific issues relating to the aged.

Secondly, SACOTA sacked its Executive Director, Mr Bob Randall, in August of this year. Mr Randall, as some members will recall, was a member of this House between 1979 and 1982, as the member for Henley Beach. In my discussions with Mr Randall, and having read his report and the report of the independent consultant appointed by the Minister of Health, there appear to be some issues left which still need clarification. Mr Randall apparently lost his job not only because he was prepared to put his concerns on paper but because he sent a copy of the report to the Minister who was responsible for the supply of approximately $50 000 of public money to SACOTA annually.

Both the reports of Mr Randall and Dr Leon Earle expressed concerns about SACOTA's finances and management. It appears that their reports are closely intertwined with the building of a new headquarters which has been a

'severe financial drain' on SACOTA's financial resources. In fact, had not the Government and the City Council given extra funding grants to SACOTA this year, its outstanding debt of $36 000 as at 30 June could well have been approximately $74 000. After discussions with Mr Randall, I am left with the opinion that problems had been evident within the organisation well before Mr Randall joined it in March. There was every indication that the Minister was concerned back in December of last year. The former Executive Director was certainly concerned about SACOTA's finances, as indicated by the reports he presented to the board.

Related to this financial crisis is the matter of sponsorship, which both Mr Randall and Dr Leon Earle address in their reports. Mr Randall's closing remarks sum up his position, as follows:

I find it difficult to reconcile to the fact that we need to lift SACOTA's profile in the community and gain the support of the elderly, yet allow a commercial organisation as a major sponsor to exploit that confidence placed in us.

This concern for the elderly appears to be the very heart of the matter which prompted Mr Randall to take such action—action which finally cost him his job.

Mr Randall was concerned that a financial adviser was allowed to conduct financial consulting services on the premises of SACOTA. The principles were Mr Kim Bennett and Mr Peter Johnson, of Bennett and Johnson. They have recently changed the operating name to Bond Mark Financial Services. Not only was Mr Johnson operating from SACOTA's headquarters but Mr Bennett was Vice-Chairman of SACOTA and Chairman of the Commercial Committee, which among other things reviewed SACOTA's sponsors. Mr Bennett and Mr Johnson both conducted radio segments on Bob Byrne's 5DN evening programs in the name of SACOTA.

Mr Randall recommended in his report that Bennett and Johnson cease to create the impression that they are part of SACOTA. He recommended that guidelines be drawn up for the 5DN programs, that Mr Johnson's office be relocated to Bennett and Johnson's office in Market Street, and that a review of the procedures for determining sponsorship be made. When I read the consultants' report, I found a stronger detailed criticism of the Bennett and Johnson operation.

It is easy to understand Mr Randall's frustration today, because he has indicated to me that since his departure Mr Bennett is now no longer involved with SACOTA, their office has been removed from SACOTA premises, and the 5DN segments have ceased. Meanwhile, Mr Randall remains dismissed. Other recommendations included in Dr Earle's report are in line with Mr Randall's submission to Dr Earle. For example, Mr Randall expressed concern about the procedures used for his own appointment to SACOTA. Dr Earle's recommendation in paragraph 4.4 should correct any anomalies which existed. Mr Randall believed the board was too big and unmanageable. Dr Earle recommends a reduction to 12.

Mr Randall's concern about informal executive meetings has been addressed and the position will be corrected. Mr Randall, when discussing his concern about the insurance services provided by MLC through Minet Insurance Brokers and SACOTA, strongly emphasised he did not want to see the service stopped, but that his real concern was that the use of policy holders' money to provide SACOTA with a daily cash flow was improper. Whilst this issue has been addressed in both reports, I hope that the Minister clearly indicates that the practice of using money in this way should cease immediately, if it has not already done so.

I am told that the Minister of Community Welfare was asked during the Estimates Committee whether or not he had seen the consultant's report and what action he intended to take. The report itself recommends that some form of public statement be made to clarify SACOTA's position now, especially as the Minister has allowed funding to recommence. Many members of Parliament are concerned about the shoddy treatment of Mr Randall by the board of SACOTA and the lack of support shown by the current Minister of Community Welfare (Hon. J.R. Cornwall). I hope that the lack of support by the Minister does not result from the fact that Mr Randall was a former Liberal member of this Chamber.

Clearly, either the board of SACOTA should apologise to Mr Randall for its strong actions or the Minister should publicly thank Mr Randall for drawing to his attention SACOTA's problems. Indeed, without doubt, both should happen. This is particularly relevant when one considers that it has recently been revealed that Mr Kim Bennett, whilst Vice-Chairman of SACOTA, offered Mr Randall's job to the Minister of Recreation and Sports' consultant to SACOTA (Mr Rod Martin). This took place while Mr Randall was still employed by SACOTA. It is of further concern to me that it was in fact Mr Rod Martin, the Government consultant, who expressed strong concern at a board meeting that Mr Randall had given a copy of his report to Dr Cornwall. It was because of expressions of concern like this that some board members wanted to sack Mr Randall on the spot.

I should be interested if the Minister of Recreation and Sport would also respond and tell the Parliament why he allowed his consultant to continue serving on the SACOTA board when the Minister of Community Welfare withdrew his consultant immediately he became aware of Mr Randall's concerns. The Minister of Recreation and Sport may also wish to review his own department's funding allocations to SACOTA: for example, in relation to SACOTA's Healthy Lifestyle program. It has been put to me that there are still sufficient funds set aside to conduct camps for the elderly and this finance seems to have been absorbed by SACOTA's overall shortfall of funds. It has also been put to me that the Minister should review the role of his representative (Mr Rod Martin) at SACOTA's board meetings. This is especially applicable given Mr Martin's interest in the Executive Officer's position. If there has been a misuse of grant moneys, Parliament would be interested to know whether or not the Minister will reprimand his departmental officer for not keeping him informed.

Overall, SACOTA has been through a difficult period. Mr Randall told me that he hoped that people like Mr Arthur Cys, who has been fighting for many years for SACOTA reforms, receive due recognition for their service to South Australian elderly citizens. Mr Cys has been a hard working, dedicated man who deserves the utmost praise for his efforts. The SACOTA board needs, as board representatives, more retired people who have close contact with the elderly and to that end we hope that, with the forthcoming board elections, a new SACOTA can begin. Clearly, elderly people in South Australia need a strong coordinated advocacy to act on their behalf. They need an independent body to advise both the Government and the Opposition on their problems, their desires and their needs.

Mr HAMILTON (Albert Park): Like every other member of this House, I have been approached by constituents who express anger at the theft of either their motor vehicle or that of a member of their family. Recently, one of my constituents, residing in Alford Avenue, Seaton, came to see me. He was a retired person, a pensioner, and to say that he was angry was to say the least. Those people who have had their motor vehicle stolen (and I have experienced

that) feel angry and bitter towards the person or persons who have broken into their vehicle, taken it for a joyride, and stripped parts from it. Of course, my constituent was no exception in that regard.

His family took great pride in the vehicle, which had been carefully nurtured over the years and recently renovated. It was later found at Port Adelaide, I understand, with the windows smashed and evidence that large rocks had been thrown against it, causing much damage. I further understand that the vehicle was insured only for its market value and not for its replacement value, a matter to which I will refer later in my remarks if time permits.

I raise this matter for many and varied reasons. More than $415 million worth of motor car thefts occurred in Australia during the financial year 1985-86. That figure comes from information provided in the *ICA Bulletin* of November 1986. The article states:

> Each day throughout Australia an average of 325 motor vehicles is stolen. Add 365 days together and the results are staggering. National statistics show that 118 607 motor vehicles valued at an estimated $415 124 500 were stolen in the 1985-86 financial year. These figures present an increase of 15 739 vehicles over the previous financial year (1984-85). Journey back to 1978-79 and this increase escalates to 50 869.

Mr Lewis: It is a growth industry.

Mr HAMILTON: Yes. The article continues:

> Of the 118 607 vehicles stolen only 101 778 were recovered, leaving insurance companies to bear the brunt of an estimated payout totalling $55 086 500.

Who pays for that? We, the average Joe Bloggs in the community. The article points out that many of the thefts are the direct result of the owners' negligence in leaving the keys in the car, a side window or a flip window open, or whatever. There are those people who have nothing better to do than go around looking for cars to steal. Even in the Festival Car Park, where members park their cars, cars have been broken into and stolen. The thief finds a window open, the keys in the ignition, and away he goes joyriding and smashing the vehicle.

Indeed, to break into a vehicle is easy. I know that myself. Anyone who has locked the keys in the car knows how to open the car in five or 10 seconds. I do not want to say how it is done in case anyone reading this wants a few hints. Sweet lipping, as it is commonly known in the profession, is a simple way of getting into a car. At this stage, I seek leave to insert in *Hansard* a table from this *ICA Bulletin*. It is purely statistical information and shows the number and value of stolen vehicles in all States of Australia since 1978-79.

Leave granted.

MOTOR VEHICLE THEFTS

State	1985-86				1984-85				National No. of Vehicles Stolen in Previous Years	
	No. of Vehicles Stolen	$ Value ($3 500 Average Per Vehicle)	No. of Vehicles Recovered	%	No. of Vehicles Stolen	$ Value ($3 500 Average Per Vehicle)	No. of Vehicles Recovered	%		
Vic.	24 416	85 456 000	21 566	80	21 622	75 677 000	19 484	90	1978-79	67 738 ($237 083 000)
N.S.W.	60 827	212 894 500	50 862	83	53 130	185 955 000	44 291	83	1979-80	70 551 ($246 928 500)
Qld	9 441	33 043 500	7 745	82	8 764	30 674 000	7 449	85	1980-81	70 696 ($247 436 000)
ACT	1 000	3 500 000	714	72	812	2 842 000	731	90	1981-82	80 353 ($281 235 500)
W.A.	9 941	34 793 500	9 228	93	9 092	31 822 000	7 728	85	1982-83	94 776 ($331 916 000)
S.A.	10 780	37 730 000	9 831	91	7 548	26 418 000	6 935	92	1983-84	96 317 ($337 109 500)
TAS.	1 090	3 815 000	998	91.5	861	3 013 500	818	95		
N.T.	1 112	3 892 000	834	75	1 039	3 636 500	979	94		
Total	118 607	$415 124 500	101 778		102 868	$360 038 000	88 415			

Mr HAMILTON: The car companies have a lot to answer for in terms of the locks that they install in these cars. Because of the short time left to me, I will not go into that at this stage. I raise this because, among other things, of the program that exists in New South Wales. The New South Wales Anti-Theft Advisory Committee has been in operation for two years and continually implements measures aimed at combating property theft; namely, burglary and motor vehicle theft.

It is good to see that the Deputy Premier is in the House listening to this because that comes under his portfolio. I spoke to him briefly today and asked if he would look at this. He indicated that he would look at the program, and I thank him for that. We all know that the Neighbourhood Watch scheme that has been in operation since 1983 in South Australia has been very successful in those areas in which it has been introduced. Similarly, this Anti-Theft Advisory Committee scheme could be introduced in South Australia. The committee hopes to institute a greater public awareness campaign in New South Wales to combat the theft of motor vehicles. Notices designed to alert motorists of their shortcomings in motor vehicle security will be distributed by police in high risk areas in that State. The article further states:

> . . . locking systems in motor vehicles have not kept pace. Until manufacturers are able to improve locking systems to vehicles, other ways must be found to prevent the increase of motor vehicle theft. Other deterrents adopted by the Anti-Theft Advisory Committee include plainclothes motor cycle patrols by police in high risk areas. Following the success of 'Operation Car Watch' in some Sydney suburbs, this scheme may be extended to other areas.

I hope that that scheme will also be considered in South Australia. The article further states:

> The question of penalties is also disturbing, as sentences do not seem commensurate with the seriousness of the crime and provide a pallid deterrent. The Anti-Theft Advisory Committee which meets regularly in Sydney welcomes suggestions designed to protect property and apprehend offenders.

I believe that would be a welcome adjunct to this Anti-Theft Advisory Committee, should it be established in South Australia, because I know that many people in the com-

munity think that some of these kids who steal motor vehicles seem to get a smack on the wrist and nothing is done. That is not absolutely correct, but I understand their anger and frustration in relation to this matter. Of course, this is one of the areas where perhaps a similar committee could look at revising the schemes and the laws.

As the festive season is almost upon us, I encourage people (as I do through my newsletters every December) to take action to lock up their homes and, if they go on holidays, to lock all doors and windows; do not hide the key; do not leave notes; do not leave money on premises; obtain identification of antiques, jewellery, etc.; cancel milk, bread and paper deliveries; get a neighbour to collect the mail; and generally to look after their home. I understand that, if the house is vacant for 30 days or more, some insurance policies on those houses are invalid, so people should check their insurance policies.

The Hon. TED CHAPMAN (Alexandra): On Tuesday night of this week I went to the Minister of Transport's office and talked to him in order to forewarn him of a question that I proposed to ask in the House on the following day. At that time I cited the specific matters to which I proposed to refer in Parliament and read to him various parts of the explanation so that he would be fully aware not only of what the question was, but also the reasons for my asking it. In the style and the courtesy that the Minister of Transport is known to be capable of extending, he agreed that I should bring the question forward in the fashion that was discussed and that my request for an investigation and report would be acceded to.

For some grandstanding or other reason, when I asked the question in the House on Wednesday, the Minister suggested (and this is recorded in *Hansard*) that he had not known about some of the reasons that I put forward. Be that as it may, the nub of my question was to request an investigation and report as to why his Highways Department had changed its mind and its intended course of action to a road upgrading project in Hackham West between June and October this year, which is a period of some four months.

I will not canvass all the details again, but I reiterate my call on the Minister to have that investigation carried out and to present a report to Parliament, because clearly there is something wrong with the procedures that have been adopted in this instance. Among other things, the Minister in his answer yesterday indicated that he now approves of what the department is doing, even though the day before he had never heard of the subject or of the alleged intentions of his department (or for that matter, of the tavern application that had been lodged).

On the relevant morning, all that homework apparently was done and he gave his blessing to the department for its past activities. Among other things, in the answer given to me by the Minister yesterday, he suggested that an investigation was still continuing in relation to the roadwork needs in the region. Today, I find that that part of his answer clearly is untrue and that, in fact, the department has already carried out its investigation, albeit in isolation from ministerial support or consultation with the Minister (and I accept his word on that point), and not only has the department prepared the plans for the roadwork upgrading in the area, but also it submitted them prior to the last meeting of the Noarlunga City Council. The plans were perused and approved at that meeting. As I say, the plans that, according to the Minister yesterday, are still subject to investigation by his department have been completed and submitted to the Noarlunga council. They have been considered and supported by that council and it is all over bar proceeding with the work.

In accordance with the Minister's own Commissioner's letter dated 15 October 1986, not only is the work due to commence, but it is to be concluded by May 1987, so within the next six months that work, which clearly has been approved at this point, is to be commenced and concluded. So much for the Minister's appreciation of what is going on in his department!

The nub of the question, the bottom line, is why on 15 October 1986 was the Commissioner able to write to the parties concerned and say, 'We don't want your $10 000 that we sought from you previously for upgrading works at the junction of Gates Road and Main South Road. We have changed our mind about the design of the works at that point, and we propose to give back your money that we confirmed was required on 24 June 1986. We propose to give back that money and proceed with these works entirely at public expense.' There may be nothing untoward about that, but it seems curious to me that within a period of four months the department should change its mind from, on the one hand, demanding the full cost of works that are required to service a particular development venture and, on the other hand, saying, 'No, we will do a bit more work on that site than was envisaged earlier, and we don't need your money. You can have it back.'

When departments, clearly in isolation from the Government or the Minister, make such decisions and take such action, or change course so dramatically, they should explain to the Minister or to the Parliament when called to do so by a member. The location to which I have referred is not within the boundaries of the District of Alexandra but is immediately to the north, on the city side. However, it is on a main road route that services a very large number of people who reside in the Fleurieu Peninsula region of my district. This is a very important road link with metropolitan Adelaide and the services provided there and, indeed, to some extent the employment that is provided for my constituents. It is a very important access road to that region of the State.

I am concerned, and I will continue to be concerned, about any suggestion for upgrading that road in isolation of proper consultation and consideration by those who will use the road. Hence the concern that I expressed when explaining the question that I asked yesterday about the proposal to install traffic lights on that section of the road. The Noarlunga District Council assures me that lights are not proposed for the Gates Road and Main South Road junction, and I am pleased to be abreast of that information, because there is nothing worse, nothing more encumbering to the traffic flow on South Road, than lights at main intersections.

I realise that there was little alternative to having lights at some of the major intersections on South Road; this was necessary for the protection of motorists and others who might use the motorway. However, there are cases where lights should not have been installed, because there were alternatives to egress from and access to South Road which, in my view, were not properly considered and therefore not adopted. The classic example is Old Reynella. It is alleged that, as the result of pressure by the local member and the local community, the department bowed to their demands rather than to common sense, and thus the underpass of the old southern railway was not used to provide access to Main South Road for those residents. Instead, a light intersection complex was installed on a very difficult part of the motorway, indeed near the crest of a steep hill, making it

difficult for motorists and virtually impossible for heavy transport drivers who use that freeway.

The SPEAKER: Order! The honourable member's time has expired.

Motion carried.

At 5.25 p.m. the House adjourned until Tuesday 2 December at 2 p.m.