HOUSE OF ASSEMBLY

Thursday 18 February 1988

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

HOSPITAL SERVICES

Mr MEIER: (Goyder) I move:

That this House expresses alarm at moves to slash hospital services in South Australia including suggestions to close hospitals to save on asset replacement costs and to axe up to 100 beds in the Mid-North Area and possibly other areas of the State as part of a rationalisation of assets program and calls on the Government to stop scaling down and progressively decreasing hospital facilities.

The motion before us today and before this Parliament for the next few weeks is probably one of the most important motions that will be before us in this session of Parliament. It is criminal that it has to be before us first, from the point of view that the Government should never consider the plans which it is considering and, secondly, given the events that have occurred already and, it would appear, will continue to occur in this State.

At the outset, I will refer to the 1982 Labor Party health policy entitled 'A new deal for South Australians'; the then shadow Minister of Health, (the present Minister, Dr Cornwall) identified quite a few areas relating to the health of South Australians. In that policy, he said:

We will offer a new health deal for all South Australians.

That is absolutely laughable, especially in the light of the things that are going on right at this moment in country areas. The Minister of Health, and certainly the Government, should be taken to task for making false statements like that. He starts off early in the policy by stating:

The real burden of health insurance costs can only be removed by a Federal Labor Government.

Again, the Minister is a jester; he is a joker. He should not be in Parliament—perhaps he should be on stage because we all know—

Mr Lewis: We could pelt him with eggs—

Mr MEIER: We could pelt him with eggs then, and we would perhaps be able to get some satisfaction from it.

Mr Lewis: It would be a waste of eggs, even if they were rotten.

Mr MEIER: It would be a waste of eggs, I must admit. The suggestion that the Federal Labor Government has supposedly brought in a cheaper health scheme is just ridiculous. We well know that many people on low incomes must have private insurance. They have doubled their health contributions because, if they require a hip replacement or a cataract operation, they do not want to be put on the scrap heap; they do not want to be put on the waiting list of 6 000 people or so. However, I will not diverge onto Federal issues. I want to refer to the fact the Minister of Health also said in that statement:

We will not tolerate further funding cuts in our great public hospitals.

Did you all hear it over there? He said:

We will not tolerate further funding cuts in our great public hospitals.

The SPEAKER: Order! The honourable member must direct his remarks through the Chair.

Members interjecting:

The SPEAKER: Order! I call the honourable member for Gilles to order for disrupting the proceedings.

Mr MEIER: Mr Speaker, I accept your ruling, and I shall refer to 'honourable members opposite'. I hope they did hear what I said. Unfortunately, the situation has been reached where this year funding cuts of at least 1 per cent will apply in many areas of the State. So much for the earlier statements made by the then shadow Minister of Health; he could not care less what he said in earlier days. In fact, his earlier comments can be seen only as a sick joke, because this financial year country hospitals will receive hundreds of thousands of dollars less than they received last year. So much for looking after the health of people in the country—and I must not refer only to country hospitals but to metroplitan hospitals, too, many of which will be subjected to cuts of hundreds of thousands of dollars. It is a disgrace to this Government that it is slashing health funds in the way that it is. Certainly, I can understand the people of South Australia becoming very irate. One notes the reactions of various people on this matter. I was very interested to read an article by 'Consensus' in the *Farmer and Stockowner* magazine.

Mr Duigan: Who is it?

Mr MEIER: Yes, I wonder who 'Consensus' is. The article began:

State Health Minister, John Cornwall, must think country folk are stupid; either that or he is not quite with it himself.

Well said, 'Consensus', whoever you might be, because I think you speak for the majority of South Australians and certainly for all country people! It is quite clear that the Minister of Health is trying to cover up the biggest slashing operation that this State has seen, but he is not succeeding. The Minister of Health also has the gall to attack volunteer organisations in this State. Of course, we have heard other examples of volunteer organisations being attacked in this State, and one remembers the debate last year when a Labor Party member attacked the Royal Volunteer Coastal Patrol. The Minister of Health too, has had unkind words to say about the Country Women's Association. That is a group that we must salute for having taken up, on behalf of country people (and not forgetting city people as well) the issue of cuts in hospital services. Members would recall that the Country Women's Association presented a petition with some 40 000 signatures outside this Parliament some weeks ago, protesting and calling for halts to any cuts in hospital services and any closures of hospitals in this State.

It is important to remember that country people face many disadvantages, that they are in a different situation than the ordinary city person. The secretary of the Private Hospital Association of South Australia, Mr John Bailey, in fact, referred to the possible closure or the change of the role of a hospital as an act of vandalism. I guess that aptly describes what is happening. It is essential to remember that country people are many miles distant from their nearest hospital. This was well brought out in relation to the Laura issue which was raised before Christmas and which has been going on since then. The Laura Hospital has been singled out to be closed, or certainly in all respects its role is to be changed completely: it will possibly be just a nursing home, if that. Those people involved made the following points at a meeting on 2 December:

No direct transport to and from Port Pirie to towns east of the ranges.

Previous separation statistics indicate that there have been no previous instances whereby other people in this area use Port Pirie Hospital for hospital services.

There appears to be no statistical logic for the allocation of so many acute beds to Port Pirie Hospital.

It is obvious from the reaction of members opposite that they could not care less about hospitals. They laugh about this matter; they talk about it amongst themselves. I am

disgusted with their attitude to this whole situation. Continuing with the Laura resolutions, another resolution is that, as staff at the other six hospitals appear to be as capable of looking after major post-operative patients, these procedures are to be undertaken in those hospitals. Further, Laura will not financially support the introduction of new unwanted services in its region, and there is no justification that these country hospitals are expensive to run. Hospitals in this area, compared to Adelaide hospitals and the South Australian Health Commission, are inexpensive to run. So, many points are made—points that have a bearing on the whole of South Australia and the country region in particular.

In relation to the last couple of points about the expense of operating hospitals, I think we all know in this House and in this State that country hospital costs are much less on a per bed basis than those in city hospitals. So, any argument that our country hospitals are costing too much is a facetious one. On a per bed basis it would be much better to get the metropolitan hospitals out in the country, although I am certainly not advocating that.

I refer to a letter that I received from a person who suffered a heart attack and who, thankfully, because of the proximity of the hospital, was saved and is still alive today. If his country hospital had been closed or turned into a nursing home, he would not be with us today. I wonder how many other people are in that category. The letter is from Mr Reg Cowdery of Maitland, who states:

> Fourteen months ago, after about four months of prewarning angina pains, an emergency occurred. At midday, chest pains became more severe and tablets did not bring relief. At five minutes to two my wife took me to the Maitland Hospital, which is 500 metres distant. We arrived at 2 p.m. and I was taken to the intensive care ward and suffered a major heart attack at 2.20 p.m. I had to be resuscitated and the equipment and expertise were on hand. Had this not been so I would have been dead. I was held at Maitland in intensive care for two days before being transferred to the Royal Adelaide Hospital for further treatment. Following the attack I was unconscious for three days.
>
> Now, country people are proud of their hospitals. Over a great many years, together with the efforts of service clubs, country people have contributed greatly, financially and otherwise, in supporting and upgrading their hospitals. They have been proud to do so.
>
> Mr John Cornwall, as Minister, and the Health Commission have a predetermined plan. You as country people are invited to play Simple Simon and quietly accept what they have in mind. I earnestly suggest that you demonstrate otherwise by letter or approach to the Minister of Health or your local hospital board. Show them that country people have backbone, strength of will and a determination that there will be no changes to your hospital unless it is to improve facilities.

And so be it. I must agree with Mr Cowdery on every count. It is also interesting to note the comment made by the South Australian Branch President of the Australian Medical Association, Dr L.L. Hoare. He feared that some aspects of South Australian medical services would deteriorate into third world standards with nurse practitioners or barefoot doctors providing gynaecological services in some rural areas.

Has not this Government learnt from the Hawke Government, from Treasurer Keating—that Treasurer who said that we have become a banana republic—that we have deteriorated to an Argentinian status? Has not this Labor Government in South Australia learnt that we do not want third world hospitals? We want proper health services and proper hospital care.

I refer again to the Labor policy of 1982. I wish that I did not have to say this in a jestful fashion, but obviously the Minister of Health, or the then shadow Minister, said it in a jestful manner. He said: 'A Labor Government will give a new health deal to women.' What a laugh! Do members know what the Labor Government has done? They have started to take away obstetric services; they have taken them away from some country hospitals. Some deal for women! They are threatening to take away more services from women. They are threatening to close hospitals that have obstetric services and to convert them to nursing homes. Some deal! I do not know how the two women opposite can sit there and still be members of the Government. It is a pity, Mr Speaker, that they do not exercise their right to vote against it.

Members interjecting:

The SPEAKER: Order! The honourable members for Mawson and Newland will have their opportunity to contribute to the debate in due course.

Mr MEIER: As I said, it is a pity that they do not exercise their right to vote against the Government on these sorts of issues but, of course, we know that they are tied to the Labor pledge that they have had to sign. I would like to continue this debate for at least another three-quarters of an hour but I realise that instructions are given in private members' time and that I have already gone over the time allocated to me.

I will therefore conclude my remarks at this stage by stating that it is imperative that country and metropolitan communities—because so many members of the metropolitan community use the country area for their holidays; they go out there regularly; they use the services; they look for the facilities—resist all attempts by the Government to bulldoze their health needs and requirements. I hope that people will get behind organisations such as the Country Women's Association, the country hospitals and the service clubs that have been helping their hospitals for years and years, and say quite clearly to the Minister of Health that we, in South Australia, will not put up with more broken promises—promises which he said would lead to better health facilities but which, in fact, are leading to worse facilities. Certainly, the Minister of Health should stop making promises such as those that he made a few weeks ago when he said that some $22 million would be allocated to country hospitals in the near future.

We all realise that of that $22 million program a substantial amount can be traced back to promises which were made in 1982 and which have been repeated in 1983, 1984, 1985, 1986 and 1987. Indeed, the Minister still keeps repeating them but nothing happens. The $22 million is pie in the sky nonsense; it has not happened. Hopefully it will happen, but why does the Minister make promises which were made years ago but which have not been honoured. I urge all members of this House to support this motion.

Ms LENEHAN secured the adjournment of the debate.

ADELAIDE GAOL

Mr DUIGAN (Adelaide): I move:

> That this House commends the Government and the Minister of Correctional Services for finally closing the notoriously inadequate Adelaide Gaol and for ensuring that South Australians convicted of offences are sentenced to serve their terms of imprisonment in modern correctional institutions.

Before addressing my remarks specifically to the motion, I would like to place on record my appreciation for the opportunity that was provided by this House through the Commonwealth Parliamentary Association to meet earlier this week with the delegation of fellow Parliamentarians from Nauru. I had the opportunity of meeting the four members of the delegation who came to my office on Tuesday morning. They were led by the leader of the delegation, the Speaker of the Nauruan Parliament, the Hon. Derog Giouran, who was accompanied by three other members of the Nauruan Parliament, the Hon. Ruby Dediya, the Hon. Bobby Eoe and Maein Deireragea.

The opportunity presented to me was valuable for me and, I hope, the members of that delegation, and I understand that they have had the opportunity of discussing the procedures of the South Australian Parliament with a number of other members of the Parliament, including yourself, Sir, and that they have availed themselves of the opportunity of seeing this Parliament in action during Question Time and private members' time. I hope that delegation members will be able to take back to their own Parliament some of the valuable lessons they have learnt from an observation of the South Australian Parliament, and I wish them well in reporting back to their colleagues.

I believe that my motion is an important one. Outside Adelaide Gaol there now stands a plaque of which we can all be proud. It reads:

Construction of Her Majesty's Gaol Adelaide was commenced in 1840 and prisoners first were received in 1841. After 147 years of continuous use the gaol was officially closed in the year of the Australian Bicentenary by the Minister of Correctional Services, the Hon. Frank Blevins, MP, on 4 February 1988.

On that day we saw the closure of one of South Australia's and indeed one of Australia's most notoriously inadequate prisons. South Australia has now been freed from the ignominious privilege of having one of the worst gaols in Australia. That privilege, if that is what it is, has now been taken by prisons in other States. Adelaide Gaol has been part of the colonial history of South Australia since soon after settlement.

South Australia itself was not settled as a penal colony: it was settled as a colony of free settlers on a very different basis from the way in which other States were settled. Nonetheless, that institution was built very soon after our settlement and, unfortunately, it has been with us for those 147 years. The prison that was closed some two weeks ago is pretty well the same prison that was built 147 years ago. That in itself is an indictment on the way in which successive Governments and the community over generations have treated the whole issue of corrections.

With the closing of Adelaide Gaol, I believe that we have now moved into a new modern, sophisticated, contemporary and civilised phase of dealing with prisoners and with corrections, and I believe the closure is something of which we as a Parliament can be justly proud. Certainly, it is a major event in South Australia's history that should not go unremarked by this Parliament, for it is this Parliament which determines the penalties that apply across the board to people who transgress the law made in this place.

Therefore, to the extent that we have a responsibility to make the law set penalties for breaches of that law, so too should we have a responsibility to ensure that people convicted of offending against that law and sentenced to terms of imprisonment should be able to serve their terms of imprisonment in humane and civilised surroundings.

In the short time that is available to me I wish to go quickly over the past history of the Adelaide Gaol to have a look at the current circumstances and to make some observations about the future of corrections in South Australia and, indeed, the future of the Adelaide Gaol itself. At the beginning of South Australia's history, prisoners were first shackled in irons and put in the *Buffalo* for short periods of imprisonment as a result of their wayward behaviour. That obviously did not last very long, as the *Buffalo* had to return to Great Britain.

A tent compound was then established at Glenelg and similarly used not so much to house prisoners but keep them congregated in a small, confined area. It was notoriously inadequate and there were many escapes from what was effectively a roped off compound area guarded by one or two soldiers who had come out on the *Buffalo*. There was then a move from Glenelg to a stockade which was built up on what were then the banks of the Torrens, in an area behind the South Australian Museum which has been recently renovated. There was a wooden stockade there, but that, too, was notoriously inadequate as a safe place of keeping prisoners, and there were as many prisoners outside the compound on any one night as there were inside.

It was not until March of 1841, still only some five or six years after the arrival of the *Buffalo*, that the stone structure we now know as the Adelaide Gaol (down in the Keswick area), was commissioned. It was a very expensive structure, one of the first major stone structures built in Adelaide. All of the prisoners from the wooden stockade on the Torrens banks were transferred there. It was built from limestone quarried from what is now the Adelaide railway station site. It was a very expensive operation then, as gaols are now very expensive operations.

The original 1841 design and structure was supplemented over the next few years, but basically the last of the structures that were built there were built in 1849. In fact, the building that was known as the new building was the building which was erected in 1849. Over the 147-year history of the Adelaide Gaol some 300 000 prisoners have been sentenced to varying terms of imprisonment in that gaol. Forty of them never left the gaol: they paid the ultimate price of capital punishment for their crimes against the State. Thankfully, that is no longer a penalty practised in South Australia, as we live, gratefully, in more enlightened times.

Other inhumane punishments were handed out, including whippings and beatings, and it was not until 1969, less than 20 years ago, that whippings and beatings of prisoners were completely banned. History has seen the tradition of its being both a segregated and a non-segregated prison; there have been periods during which there have been only male prisoners but there have also been periods during which there have been both male and female prisoners. The gaol also has a mixed history of having a combination of prisoners, from those people who have committed the most minor offences to those who have committed the most serious offence of taking other people's lives. The most minor offence to which I refer is the offence—if that is what it is—of being poor; the offence of being a debtor and being unable to meet one's commitments.

Adelaide Gaol has had a large number of these people within its walls for many years. Members might be interested to know that the Adelaide Gaol is older than the notorious Port Arthur Gaol in Tasmania and has been in use as a prison longer than that gaol. Conditions at Adelaide Gaol have been no more civilised, however, as one would expect of a building constructed in 1841, with severe overcrowding, and non-existent treatment programs.

Let me go from the past and some of the criticisms that have been made about the gaol to the present time and the decision that was made by the current Minister of Correctional Services and the Government some four years ago to close Adelaide Gaol. The decision to close the gaol was based on the view (which I am sure is shared by many members) that it was a gaol in which the conditions were not only archaic but also disgusting, and that fact has been commented upon by many people in the newspaper and on television. That comment would be made by anyone who has gone to the gaol. The decision to close the gaol was a relatively easy one, but it had many implications in terms of cost: relocating inmates; establishing modern correctional programs for the inmates to ensure that they could be better assimilated back into the community; and ensuring that

correctional officers became involved in programs aimed at returning prisoners to the community.

The cost of implementing all those decisions was in excess of $70 million. In order to achieve those physical and human upgrading objectives, for both the correctional officers and the prisoners, it was necessary to redevelop the cottages at Northfield; to build the Adelaide Remand Centre; to build the new prison at Mobilong; to increase expenditure on the existing country centres at Mount Gambier, Port Lincoln, Port Augusta and Cadell; to build and extensively upgrade the new security hospital at Hillcrest; and to become involved in the establishment of a number of community based correctional programs, including a number of the community service order programs enabling people to be kept out of gaol as well as preventing overcrowding in those gaols. We have had to cope not just with the manner of relocating people from the Adelaide Gaol but also with an increasing number—

Mr S.J. Baker: You're breaking the rules.

Mr DUIGAN: No, I know how much time I have.

Mr Oswald: You've had a fair go.

The ACTING SPEAKER (Mr Tyler): The honourable member for Morphett will come to order. The honourable member for Adelaide.

Mr DUIGAN: It was also necessary to deal with the increasing number of prisoners resulting from the courts responding to the concerns of Parliament and the community about the need for longer terms of imprisonment. In addition, the Government has looked at new programs such as the electronic surveillance program, which again is a non-custodial form of treatment and considered to be a more effective one in ensuring that people, while still being kept under surveillance, pay their debt to the community.

There has been a doubling of the staff and an increase in the training of correctional officers so that they are better able to deal with prisoners. The system in South Australia keeps prisoners active, alert, fit and healthy and provides them with education, training and work opportunities. It is designed to ensure that prisoners can be streamed in terms of their security risk and their preparedness to participate in rehabilitation programs. The way in which the system is managed now ensures that the operation of penalties and rewards is not dissimilar to that existing in the wider community. There is a system of incentives and rewards, because it must be remembered that everyone who enters prison will be released and will become a member of society. We want them to be able to operate as a member of society as quickly as possible after their return.

I conclude by making a few observations about the future of Adelaide Gaol, which is being examined by a variety of Government departments. A number of suggestions have been made about possible uses of the gaol, and there is no question in my mind or in that of the Government about the need to ensure that the gaol remains as a reminder of our history. The various historical uses to which Adelaide Gaol could be put are under active consideration. I commend the motion to the House. The notorious Adelaide Gaol is now closed, and a phase of our history has ended. We should be proud that, in our bicentennial year, we have been able to close a notoriously inadequate gaol. We should also be proud of the commitment that has been made to correctional and prison reform and of the treatment programs that are available to prisoners in the South Australian prison system.

Mr OSWALD secured the adjournment of the debate.

FRUIT AND PLANT PROTECTION ACT AMENDMENT BILL

The Hon. D.C. WOTTON (Heysen) obtained leave and introduced a Bill for an Act to amend the Fruit and Plant Protection Act 1986. Read a first time.

The Hon. D.C. WOTTON: I move:

That this Bill be now read a second time.

It is now five years since the residents of the Stirling area in the Adelaide Hills made representation to the Government, through their district council, to have the authorities take some action in an attempt to control the spread of the European wasp (*Vespula germanica*). Regrettably, while recognising that some financial assistance has been forthcoming, there has been little evidence to suggest that the Government has taken the matter of the control of the European wasp seriously.

There has been an alarming increase in the number of wasp nests located and destroyed within the Stirling council area and I have been advised that there were 165 in 1984-85, 206 in 1985-86 and 245 in 1986-87. In January of this year alone, some 32 nests were located and destroyed, which is twice as many as for January last year. From 1 to 16 February this year 36 nests were destroyed; nine of these were found on one day earlier this week. Unfortunately, I have been unable to obtain accurate details concerning the number of nests located or cases where wasps have been found outside the Stirling council area. I am aware, however, that in more recent times nests have been located in different parts of the metropolitan area.

I wish to place on record the support of the Stirling District Council in attempting to control European wasp in its own area. I am informed, however, that some landowners have made it very difficult for council officers to enter their properties for inspection and in some cases for the purposes of destroying nests. This Bill will provide officers with the authority to enable them to overcome this problem.

I am hopeful that the Government will support this Bill. It is only one step, but a very necessary one, in attempting to control the European wasp. I am, however, concerned that funding previously made available, for example, to the Stirling council, will cease in June of this year—just four months away. We are told that, after June, the seeking out and eradication of nests will revert to being the responsibility of individual property owners. This being the case, I suggest that the Government is totally abdicating its responsibility in this important issue.

The general public, without Government support, will not take up the challenge and the wasp will be free to spread uncontrolled. What will happen regarding the huge expanses of parks and reserves in the Hills? National Parks and Wildlife staff have more to do than they can handle now without giving them this responsibility.

The Adelaide Hills is an important fruit-growing region. The European wasp is known to be attracted to pears and grapes, for example, both of which are grown in the Hills area. Concern has already been expressed by grape growers about the presence of the European wasp in the vicinity of vineyards and wineries. Pear growers support the need for the control of the wasp and have advised the Minister of Agriculture of their concern. I quote from a letter from the General Manager of the Apple and Pear Growers Association of South Australia, as follows:

Dear Mr Minister, I have recently read with interest that the member for Heysen, Mr David Wotton, plans to seek amendments to the Fruit and Plant Protection Act to include (European) wasps. As an organisation representing pear growers, we would support such a move as our inquiries suggest that the wasp does

not confine its attacks to ripe fruit fallen from the tree—it will attack pears prior to harvest. Additionally, its potential threat to bees, which are of course important for cross-pollination of apple and pear trees, causes us further concern.

In view of our fears it would be appreciated if you could provide some historic details of where nests have been found, how many and the eradication responsibilities to date. Your support for the protection of our industry would be most welcome.

Yours sincerely,

The letter was signed by the General Manager of that organisation and addressed to Mr Kym Mayes, the Minister of Agriculture. I am also able to refer to situations where, in the United Kingdom, for example, the European wasp has become a major concern to fruit growers. In the United Kingdom the harsh winters are in themselves a natural control that we do not have in South Australia.

In recent times, I have been informed that the control of the European wasp in this State is not of a high priority because the sting of the wasp can be lethal only should the wasp sting the throat while being swallowed. While this has not yet occurred in South Australia, it has occurred in other places and undoubtedly will occur in this State in the future if the spread of the wasp is allowed to go uncontrolled. The European wasp, unlike the common bee, has the capacity to sting a person repeatedly, as has been experienced by a number of my own constituents. Its potential threat to bees, important for cross-pollination, is of further concern.

In conclusion, I believe that it is imperative that the Minister of Agriculture should have the responsibility of the further control of the European wasp rather than the Minister of Local Government, as is now the case. Currently, when an application for reimbursement is made, for example, from a council, it first goes to the Department of Local Government, which then refers it to the Department of Agriculture for approval. The Department of Local Government is then advised whether or not the payment should be made, in turn, to the council. This process is cumbersome and inefficient and should be rectified as a matter of urgency. The clauses of the Bill are formal. I ask for the support of the House in this important issue.

Mr De LAINE secured the adjournment of the debate.

FEDERAL GOVERNMENT ECONOMIC RECORD

Mr MEIER (Goyder): I move:

That this House congratulates the former Labor Prime Minister, Gough Whitlam, for condemning the present Hawke Government for its abysmal economic record and thanks Mr Whitlam for pointing out that Treasurer Keating has got it wrong and should stop making his scathing criticisms.

Members will recall that when I initially gave notice of this motion that instead of 'scathing criticisms' I referred to 'smart-arse comments'. In the interests of parliamentary decorum and dignity, it was felt that it would be better for the wording to be changed, and I was happy to accommodate that. However, we should keep in mind that Mr Whitlam made those comments in regard to remarks that were made by the Federal Treasurer, Paul Keating. The *Age* of 7 December 1987 states:

In a speech to the Victorian Fabian Society, Mr Keating had attacked critics of the Hawke Government's policy directions and scathingly criticised those who still clung to the spirit of the Whitlam Government.

It is strange that Mr Keating should be getting a little toey about people attacking his Government, and it is interesting that the criticisms should be coming from Labor people. The article further states:

. . . Mr Whitlam, fired an unprecedented angry salvo at the Federal Treasurer, Mr Keating, yesterday for making 'smart-arse' comments about his Labor Government's economic record. In a staunch defence of the Whitlam Government's reformist and economic record, Mr Whitlam told a Sydney meeting of Labor Party historians that the country's economic position was worse now than it had been at the end of 1975 when the Whitlam Government was dismissed.

We would not for a second have thought that that was possible but, as we all know, it is true—it is now a lot worse than it was at the end of the Whitlam era. Members will recall Whitlam for his 'I believe', and he believed a lot of things but did not get too much done. He certainly took this country to the brink of economic ruin. We now find that the Hawke Government, after the stable years of the Fraser Government when that Government tackled massive inflation and debt and had to bring things back to some sort of normality, has allowed the situation to skyrocket. The latest figures indicate that Australia's overseas borrowing currently stands at about $115 billion and that it is growing at about $200 million a week. Our foreign debt is getting out of all proportion.

Later I will refer to other statistics and further analyse and detail the difference between the Whitlam and the Hawke years. It is blatantly obvious that this Hawke Government is off the rails and does not know where it is going. The Adelaide by-election clearly showed this. We had Mr Hawke saying that he was in favour of timed telephone charges. There was some uncomfortable scurrying around by other Labor members saying, 'Don't say that,' and the next day Keating said, 'No, no, the Prime Minister does not mean that; there won't be timed charges.' But a day or two later the Prime Minister said, 'I do mean it. There will be timed charges.' Then came the by-election, with a massive defeat for Labor, and so it should have been—the electors are waking up. We then found Hawke on television and in the papers saying, 'Look, timed charges are dead and finished forever. No way will they be introduced. Finished.'

About two or three days later Senator Button came out and said, 'I wouldn't say that timed charges are finished. We are still going to look at them and see whether there is a system under which we can bring them in.' Then the next day Hawke and Keating said, 'Of course, when we said that timed charges were finished, dead forever, we did not mean for business. They probably will still be introduced. We were talking about private people.'

The Hon. E.R. Goldsworthy: The wheels are falling off.

Mr MEIER: Yes, they are very close to falling off. Before seeking leave to continue my remarks later (because I want to say a lot more when next this motion is debated), I refer to good old foot and mouth Unsworth—what a man! He is going to an election. Yesterday Mr Unsworth said that he wants the Prime Minister to lay off taxing superannuation. Until then, we had heard nothing about this rumour, nothing at all—not a mention anywhere. It was a dead issue as far as we were concerned. In fact, we did not think that the Prime Minister would stoop to such a depth. Unsworth said, 'Lay off it and don't tax it.' At that point we all pricked up our ears and realised that the Federal Government was thinking about doing this. Hawke said, 'I cannot give such a commitment; I may have to tax it.' At the same time, Keating is running around saying that the Government is looking at the situation. Our Premier came out and said, in a meagre little voice, 'Perhaps you should think twice before you do it.'

Whitlam is 100 per cent correct: the economic record of the Hawke Labor Government—and you could throw in the Bannon Government, too—is miles worse than the record for the Whitlam era, which we know was an absolute

disaster. Because I have considerably more to say on this, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MITCHAM MOTOR REGISTRATION DIVISION

Mr S.J. BAKER (Mitcham): I move:

That this House condemns the decision by the Minister of Transport to close the motor vehicle registration office at Mitcham shopping centre.

For the sake of brevity I will read a letter that I have written to the Minister of Transport on this subject, as follows:

I am hereby protesting in the strongest possible terms against the proposed closure of the Motor Vehicle Registration Office at Mitcham. Your decision taken on the grounds of so-called economic efficiency is impossible to defend. Further, the way in which the announcement was made just prior to Christmas suggests that you were in a less than honest fashion attempting to minimise any public outcry. Can I assure you that this strategy has had quite the opposite effect (particularly amongst older constituents who rely on the service), and the fight has just begun.

To date, in excess of 5 000 signatures have been collected on a petition protesting against the proposal. Whilst you may believe that the impact of this decision will remain localised, and not of great consequence given the Liberal orientation of my electorate, it will be seen by the wider community, including those in marginal seats, as another example of Government mismanagement and myopic decision-making. The facts are as follows:

The office is annually patronised by in excess of 125 000 people.

Over 6 000 driving licence tests are conducted annually.

The catchment area is particularly wide, and extends well into the Hills.

Motor vehicle traders from many kilometres away prefer to use this office in preference to either Marion or Adelaide because of ease of access and superior service.

There is a high dependency factor associated with this office in that my electorate comprises a large contingent of people in the 60-plus age category. They depend on the office for driving tests, licences, registration, pensioner travel concessions and ticket purchases. Also, many local schoolchildren obtain their bus passes here. Such people will be disadvantaged if the office is closed and they are forced to use the chaotic Marion shopping centre or city facilities.

You were advised by departmental officers that, because of logistic problems, it would be quite unwise to close Mitcham, and that Tranmere was the preferred option. I note that Tranmere has survived, seemingly because of the political agitation by local members Groom and Cashmore. The presence of the office at Mitcham attracts customers to the centre, and is of positive benefit to small local traders. Without making too fine a point, your decision could be perceived as pushing business to the Westfield giant at the expense of the battlers.

The registration office complements a wide range of other services within close proximity including the Department for Social Security, Department for Community Welfare, post office, Mitcham council and the Mitcham library.

On purely economic grounds—

which is what the Minister has been talking about—

Mitcham must be one of the cheapest to operate in the Adelaide area, given the low rental charge. There is scope for office reorganisation and procedural changes in Mitcham which would, I perceive, result in the delivery of the most cost effective service in South Australia. This, coupled with the pleasant attitude of staff, would further enhance the solid reputation of the office.

In contrast, the Marion office (the nearest available alternative) is part of the 'high rent' district and, according to my information, will require resiting and refurbishing at considerable cost.

Accessibility to the Marion shopping centre and your Adelaide office is poor in comparison to Mitcham. Your Marion office is unable to cope with its current demand, let alone a further increase in patronage. After considering all the above factors, it is my considered opinion that you have taken a decision which smacks of expediency, which lacks economic credibility and which will disadvantage a very large number of people (including those in the motor trade).

I hereby request that the whole proposition be re-evaluated as a matter of urgency.

The Minister talks about economic efficiency and then says, 'We will forget about service altogether and have one office in Adelaide.' One office only! In terms of economic efficiency, when talking about services provided to the community, the Mitcham office is efficient and it can be made more efficient. It can be the most effective office in the State, and the Minister wants to take it away. I believe that the Minister must really rethink his position and get a level of competence in his department.

Mr ROBERTSON secured the adjournment of the debate.

RETIREMENT VILLAGES

Notice of Motion, Other Business, No. 9: Mr Becker to move:

That this House supports relief from land tax being accorded residents of retirement villages in 1987-88.

Mr BECKER (Hanson): As the Government has acceded to my request, I move:

That this notice of motion be read and discharged.

Notice of motion read and discharged.

TRADE MEASUREMENTS ACT AMENDMENT BILL

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Trade Measurements Act 1971. Read a first time.

The Hon. E.R. GOLDSWORTHY: I move:

That this Bill be now read a second time.

I have not prepared a formal second reading explanation because I think the Bill is readily understandable, and I will explain it in a few minutes. It is designed to free up the excessive restrictions on the sale of firewood. An amending Bill was passed recently in relation to the sale of firewood and coal, and has caused a situation which I believe is untenable and certainly undesirable. It is not now possible for people to go into the Hills, the Mallee or to any of the rural areas, for that matter, and reach agreement with a landholder as to the purchase of, generally, smallish quantities of firewood.

Mr OSWALD (Morphett): I move:

That Orders of the Day: Other Business be postponed until no later than 12.30 p.m.

Motion carried.

The Hon. E.R. GOLDSWORTHY: I see no reason why Parliament should interfere to the extent of intruding and saying that, in relation to the sale of a bit of firewood a willing seller and a willing buyer cannot undertake a simple transaction. I have differentiated this from coal; the Act refers to the sale of coal and firewood. If coal is to be sold by mass there is no problem, as coal is not widely distributed throughout the community, while firewood is. The fact is that many people find it convenient to buy firewood from contacts that they have made in the country.

I have introduced this Bill because of an approach made by a retired person who lives in my locality and who has firewood on his property that he wants to get rid of. He knows of people who are prepared to come up with a trailer for the wood or put it in the boot. They would strike a fair bargain, both parties would be perfectly happy and away they would go. To fulfil the terms of the Act as it now stands, a person would have to go away somewhere and weigh the wood. It is just not worth the trouble; the expense of doing that would make a complete farce of the thing. This type of deal has gone on for years in the member for

Murray-Mallee's district and the buyers and sellers are perfectly happy; there is no argument and there is no fraud.

This Bill—and I hope it has been distributed to members—makes a very minor amendment to the Act to allow for this sort of transaction to take place. I am stipulating that there should be agreement in writing; that provision was in the original Act, so that if there is an argument there is a record of the transaction. I am stipulating that there should be an agreement in writing on each occasion that the parties are happy with the deal. For the life of me, I cannot understand why Parliament would want to interfere in such a situation—unless there is some particular reason for wanting to force all sales to go through woodyards in metropolitan Adelaide. This inconveniences, and, I believe, places an unjustified restriction on, the public.

If the Government is not happy with this amendment and wants to add some further safeguards (although I do not think that is necessary) I would be quite happy with that. All I seek to do is to allow the public to go into the country and to perform a simple transaction—which in many cases involves friends and acquaintances—in relation to buying a bit of firewood, and without the humbug of having to go and weigh it. The fact is that it is more than humbug; it makes it impossible and people will just not do it. I think the amending Act of last year went too far. I seek to restore the position. I have excluded coal, as I think that is another question altogether, but in the case of firewood this would be doing the community a service. It would assist in getting rid of excess wood, which can be a fire hazard in areas such as that where I live. It would satisfy a need, and I do not necessarily believe that woodyards would be undercut. Anyway, I do not believe that they should have a monopoly on this business.

Ms Lenehan: You support free market forces do you?

The Hon. E.R. GOLDSWORTHY: I support restriction, where that is obviously necessary to cut out malpractice, and I support the concept of orderly marketing, but I also support the concept of allowing the public the freedom to carry on these sorts of simple transactions where there is no possibility of fraud occurring. What are we protecting the public against by this restriction which stops people from going out and proceeding with this sort of simple transaction between willing seller and willing buyer? If there is an agreement in writing, everyone is happy. This simple amendment restores the ability for that to occur in the case of the sale of firewood, and I commend it to the House. I hope that I can have discussions with the relevant Government Minister and that he will see the sense of what I am proposing. I know that my colleagues heartily endorse this proposal because they live in the electorates where the firewood is generally sold, and I hope that it commends itself to members opposite because they live in the electorates where people are happy—

Mr Duigan interjecting:

The Hon. E.R. GOLDSWORTHY: Yes, it might even get the member for Adelaide a vote or two. I am sorry about that, but, if that is the consequence of this Act, in the interests of justice so be it. No doubt constituents of members opposite drive into the country and are perfectly happy to buy a bootful of wood at an agreed price. Everyone is happy; why should it not happen? I commend the Bill to the House.

Mr DUIGAN secured the adjournment of the debate.

ABORIGINAL AND EUROPEAN HERITAGE

Mr LEWIS (Murray-Mallee): I move:

That this House deplores the lamentable attempts by certain left-wing historians to re-write the history of Aboriginal and European occupation of the Australian continent in this our bi-centennial year and calls on the Government, the History Trust, the Education Department and all other State funded agencies to publicly dissociate themselves from untruthful and/or misleading versions of events, circumstances and records.

It has become necessary for me to move this motion because of the consequences of the already unfortunate influence of these people—I am referring to the left-wing historians and those who have been instructed by them—on the behaviour of children in schools in the communities that I represent. At present, as a result of the remarks of and information provided by teachers, who have been imbued with a sense of self-righteous advocacy of contempt for European occupation of Australia, the students who are fourth, fifth or sixth generation descendants of original European settlers and who are affected by those teachers' stated views are now being victimised by other pupils in the same schools. The tragedy is that the children to whom I am referring, the descendants of original European settlers, are being accused of having literally been involved in the perpetration of alleged injustices upon the so-called Aboriginal inhabitants of the land which those European settlers' forebears occupied at the time. So, it is not a question of ill-conceived, untruthful and inaccurate statements and opinions being made by teachers in these schools causing racial tension between black and white children (or grey, black and white children); its consequences go further than that.

It is causing tension and, indeed, violence between white children. Because white children in the school have been made to feel that they are guilty of some act allegedly committed by their ancestors—it may simply be a matter of dispossessing the dark skinned people who were here prior to European settlement—they turn to find among their ranks, in their simple naive way, an individual, or individuals, upon whom they can vent their spleen and at whose feet they can lay the blame. Instead of accepting some measure of responsibility, if they want to feel that someone is responsible—which I am sure is the motive of these ill-advised teachers involved in this process—they focus attention on people—descendants of the early settlers in those districts—who are their school mates.

I think that is appalling. There are two reasons why it is appalling, the first being that it is not based on fact in many instances. It is generally not a question of people today needing to feel guilty about something that may or may not have been caused by their ancestors: it is a question of pursuing behaviour which will ensure justice, equal opportunity and fairness today.

By making people—children in particular—feel guilty, these ill-advised teachers who are pursuing the current policy of the Australian Teachers Federation which was enunciated at the January conference in Perth, are doing more harm than good. They are not producing a truly multicultural society in which individuals tolerate the right to different views among members of the community—views, coming from diverse cultural backgrounds, about values and religions, for example. But it is not about that at all, and that is a pity: it is about increasing tensions, not reducing them, and destroying what we in Australia had as an emerging example to the rest of humanity, of a democratic, compassionate, caring multicultural society.

The seeds for such a society were sown perhaps first in the province of South Australia, with the presence of victimised people of German origin who came to settle in this country through their temporary home (for a generation or so) in the Netherlands. They were also seen as a legitimate part of the total community at the time they first arrived here, in spite of the fact that they were different from people who were sent here under the aegis of the Act establishing

the province—the South Australian Act of Westminster, in the 1820s; the people to whom I refer came here on the *Buffalo* and other vessels that arrived in 1836 from the United Kingdom. They were not of German extraction but, in fact, they formed the initial administration in law because this was a province protected by the British. It was actually never a colony, it was never administered by military rule; and there were never any convicts or felons transported here from the other side of the world.

An honourable member interjecting:

Mr LEWIS: Yes, we are reminded of what the member for Adelaide had to say about gaols earlier. There were so few felons, criminals or people guilty of criminal behaviour in the early days of settlement of South Australia that it was not really necessary to have places in which to imprison them.

In any case, as to the substance of my motion, I regret very much that the Australian Teachers Federation has chosen to take a view not based in truth or on historical record and not valid at all, thereby causing the problems to which I have adverted. Indeed, I have another specific example of where certain public monuments to past events, achievements or significant contributions made by individuals in the community since European settlement have been desecrated by having blood poured over them and being draped by the so-called flag of the Aboriginal nation.

It is appalling enough to have blood poured over those monuments, but for the so-called flag of the Aboriginal nation to be then draped over them on Australia Day is sick in the extreme. It seems to me that the people responsible were so motivated only because of the misinformation, which they had been fed by ill-informed people, stating that their views were historically accurate and valid when in fact they were not. Any attempt being made by these so-called historians, and sponsored by the Australian Teachers Federation, to suggest that there is one Aboriginal nation dating from antiquity, back some 45 000 years ago, is utter piffle, total nonsense and ignores the reality of evidence obtained by archaeologists and the anthropologists involved in analysing the Aboriginal culture.

Members may not know that those dark skinned people who live or have lived in Australia are not racially homogeneous: they result from the six waves (at least) of migration of the past 45 000 years, clearly, the most recent of which was about 10 000 to 12 000 years ago at the conclusion of the last ice age. It is notable that at that time land management practices changed as well as the climate, and a number of species became rapidly extinct. Carbon dating evidence of skeletal remains and other material collected clearly indicates that those changes in the diversity and nature of the ecosystem on this continent were influenced by the rapid change not only in climate but also in land management undertaken by the new occupants of the land.

Those so-called Aboriginal people were not disturbed until European technology enabled white skinned people from the northern hemisphere, on the other side of the earth, to circumnavigate the globe and discover that the earth was not flat but round, and to discover the existence of this continent, along with a number of other archipelagos throughout the Pacific. Neither the people who occupied those lands at that time nor the people from Europe who came to either trade with them or occupy the land knew of each other's existence. They lived in ignorance of the facts.

To try now to rewrite history in a way which suggests that people living today are somehow guilty of an offence against others living today, because of what happened in history, is a nonsense. I seek leave to continue my remarks later in some greater detail, thereby enabling the House to see from the facts I will put before members that what I assert is the truth.

Leave granted; debate adjourned.

MINISTER FOR ENVIRONMENT AND PLANNING

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

That in the opinion of this House the Minister for Environment and Planning has flagrantly misled this House and should resign forthwith.

(Continued from 3 December. Page 2486.)

Ms GAYLER (Newland): The member for Davenport on the last sitting day before Christmas moved a motion which, in my view, is a ridiculous, absurd one. The member for Davenport seeks a vote of no confidence in the Minister for Environment and Planning. He seeks his resignation and seeks to establish that the Minister has been in contempt of Parliament. He claims that the Minister can no longer be trusted. The motion contains serious allegations of flagrantly misleading this House. The subject of the motion was the Upper Sturt Road planning study and roadworks and the associated boundaries of Belair Recreation Park.

The member for Davenport talked at great length about who said what to whom about this matter over a lengthy period, going back to 1986. In particular, he made allegations about statements made by the Minister of Transport and the Minister for Environment and Planning, and discussions that may or may not have taken place between them and between officers of their respective departments. The member for Davenport set out a sequence of events which I do not propose to repeat. In alleging flagrant misleading of the House, the honourable member seems to expect Ministers to have instant recall, during debate of the Committee stage of a particular Bill, on a detailed matter which, obviously, is of enormous moment to the member for Davenport.

One understands that he has a great interest in the question of Upper Sturt Road and in the Belair Recreation Park and that he has been pressing for action on that matter. It is quite another matter, though, to go right over the top in calling a lack of instant recall on the part of the Minister a flagrant misleading of the House. It is also, in my view, right over the top on that basis to call for the Minister's resignation. The member for Davenport, in support of his motion, proceeded to breach the Standing Orders of the Parliament by going on to say:

It is a rather serious matter when a Minister has lied.

Mr S.G. EVANS: On a point of order, Mr Acting Speaker, that breach was pointed out to me at the time by the Speaker. I apologised at the time and I believe that I corrected that situation and called it an untruth. I would ask that the House take note of that.

The ACTING SPEAKER (Mr Tyler): The Chair notes the point of order taken by the member for Davenport and also notes that he withdrew that comment at the time. Would the member for Newland also like to note that.

Ms GAYLER: I was quoting from the *Hansard*. The withdrawal point that the member makes is correct. Nevertheless, the record of *Hansard* shows the claim that the member for Davenport made.

Mr Lewis: It was withdrawn, you silly little twit.

The ACTING SPEAKER: I ask the member for Murray-Mallee to withdraw that remark. The Chair found it offensive and I ask him to withdraw it.

Mr S.J. BAKER: On a point of order, which particular remark were you talking about?

The ACTING SPEAKER: The member for Mitcham will be seated for a moment.

Mr Lewis: You'll get into real strife now!

The ACTING SPEAKER: I have asked the member for Murray-Mallee to withdraw that offensive remark.

Mr LEWIS: Under what Standing Order?

The ACTING SPEAKER: The Chair took exception to the remark and I ask the member for Murray-Mallee to withdraw it.

Mr LEWIS: Is it unparliamentary?

The ACTING SPEAKER: That is not what the Chair is saying.

Mr LEWIS: I do not withdraw it then.

The ACTING SPEAKER: Thank you. The member for Mitcham has a point of order.

Mr S.J. BAKER: Sir—

The ACTING SPEAKER: On a point of clarification, the member for Murray-Mallee did say that he was withdrawing the remark?

Mr LEWIS: No.

Mr S.J. BAKER: A point of clarification—

The ACTING SPEAKER: The member for Mitcham will resume his seat. The Chair found the remark made by the member for Murray-Mallee to be out of order and offensive to the Chair. I would ask him to show a bit of courtesy to the Chair and to withdraw the remark.

Mr LEWIS: Would you please tell me under what Standing Order I am compelled to comply with that request, unless the remark is considered to be unparliamentary.

The ACTING SPEAKER: I found the remark to be offensive. I do not have to refer to a Standing Order. The honourable member made a statement which the Chair did find offensive.

Mr LEWIS: Unless I am mistaken, you are requiring me to withdraw a remark which I made and which described the member for Newland as a 'silly little twit'.

The ACTING SPEAKER: That is correct.

Mr LEWIS: To enable the House to proceed with the matter, and for the sake of members' sensitivities, I will withdraw it, although I will seek to discuss the circumstances with you.

The ACTING SPEAKER: I thank the honourable member for his cooperation. Does the member for Mitcham have a point of order?

Mr S.J. BAKER: I believe that the episode is now over, but I would like—

The ACTING SPEAKER: Well, there is no point of order. The member for Newland.

Mr S.J. BAKER: There is a point of order.

Members interjecting:

The ACTING SPEAKER: Order! The House will come to order.

Mr S.J. BAKER: The point of order is: where does it say in the Standing Orders that a remark such as 'silly little twit' is out of order? If we are going to be pulled up on this—

The ACTING SPEAKER: The member for Mitcham will resume his seat. There is no point of order. The member for Newland.

Ms GAYLER: I would have taken a point of order if I had heard the remark made by the member for Murray-Mallee but, frankly, I would not give him the time of day. The member for Davenport knew at the time that he called for the resignation of the Minister for Environment and Planning that the proposals for alterations of Upper Sturt Road were contingent upon the amendments to the National Parks and Wildlife Act in relation to the boundary of the Belair Recreation Park. I believe that, when he moved that absurd motion, he knew that the amendments were proceeding. At that time the Bill was being debated.

The member for Davenport knows that the matter has since proceeded, that draft plans have been on display at the Belair Recreation Park national parks' office and that work on the matter of legitimate concern to him is proceeding. What the honourable member seeks to achieve is being achieved. However, the motion by the member for Davenport is quite over the top and it is redundant. The Minister for Environment and Planning is a Minister of enormous integrity, competence and credibility. I oppose the motion.

Mr OSWALD (Morphett): I support the motion. The speech made by the member for Davenport, which is recorded in *Hansard* of 3 December, made interesting reading. I will not go through it in detail, but a serious allegation has been made on the floor of the Parliament, namely, the allegation of misleading Parliament. I do not believe that a motion such as this should come before the House without the presence of the Premier or the Deputy Premier. All the Government has done on a motion of this magnitude, which is a vote of no confidence in a Minister and a call for his resignation, is put up the most junior member of the back bench as its speaker, and that just shows the arrogance of this Government. The House is debating a charge of misleading the Parliament, not about what has gone on in departmental offices. I would have thought that all members in this House have an interest in the resolution of this issue.

Ms Lenehan interjecting:

Mr OSWALD: The member for Mawson interjects madly, saying that this is private members' time. As private members, I would have thought that we would make some effort to try to stick to the parliamentary principle of not misleading the House. The Minister should be here.

Ms Gayler: He is.

Mr OSWALD: He is not in his place; he just stuck his head in the door, but I am pleased to see him. Perhaps he will come into the Chamber. If the Minister did not mislead the House, as was implied by the member for Newland, he has had ample opportunity to say, 'Look, it was a mistake. In the heat of debate in the Committee stage of the Bill, it was a mistake. I forgot that I spoke to the Minister of Transport about it. I forgot that my departmental officers spoke to the departmental officers of the Minister of Transport.' Without going through two pages of that debate and the contribution by the member for Davenport, it is clear that conversations took place between the two Ministers and that departmental officers also had communication. The House expects some sort of answer. I can accept that, in the heat of the debate, the Minister could not recall, as was implied by the member for Newland, but he has had ample opportunity since December of last year to come out and say so. He has not done so, and that reflects the arrogance of this Government.

That arrogance is clearly shown when a charge of misleading the Parliament is laid against the Deputy Premier by an honourable member who sets out the evidence showing that the two Ministers and their departments had conversations and the Minister has the temerity not to come into this Chamber to say, even by way of personal explanation, that, in the heat of the debate, he overlooked that matter. He did not say, 'Yes, our departmental officers had conversations on that matter many months ago—12 months ago.' I submit to the House that perhaps he did not want to come into the Chamber and say that. It is an important occasion when a Deputy Premier is accused of misleading the House and neither the Premier nor the Deputy Premier thinks enough of the incident to be present.

Parliamentary practice, which all members aim to uphold in this place, states that the Minister should resign. The fall back position before that stage is reached is that the Minister can come in and make some sort of explanation, but he has chosen not to do so. We, the members of this House, in private members' time, when we are not constrained by the divisions within the Party system, have a responsibility to try to maintain this longstanding Westminster tradition which says that, if a Minister misleads the Parliament, he should resign. That is what the Westminster system is all about. It could have been short circuited before Christmas by the Minister giving some form of explanation. This arrogant Minister has not done so and he deserves to be condemned for it.

It is up to every member of this House to uphold that tradition, to say that these facts have been set before us and we expect and demand that, if the Minister is not prepared to answer those accusations on the floor of the Parliament, it is not proper for him to hold office. That is what this debate is about. It is about the principle of running an orderly Government in the Westminster system and members cannot condone at any stage Ministers making arrangements with each other and then one Minister coming into the House and saying, 'I know nothing of the ambitions of my colleague the Minister of Transport about this road,' when he did know.

That is what it is about. We as members have a responsibility to uphold that tradition, even though it may be uncomfortable for some members to vote against their colleague. We cannot in the Westminster system allow that type of thing to go on. I support the motion before the House and hope that all members, when it comes to a vote, will do what they would do if placed in my position. They have no option. It is a principle of parliamentary democracy as to what happens when a Minister misleads the House that we are judging today. The facts have been set out before the Parliament, and they have not been answered by the Minister.

Mr Robertson interjecting:

Mr OSWALD: I am not being sanctimonious, for the benefit of the member for Bright. I am stating the facts. The member for Davenport has set them out clearly. The Deputy Premier has not thought enough of them at any time since December to give some form of explanation to this House. We as members of this place are left no option but to judge the Minister accordingly. I ask members to support the member for Davenport.

The Hon. G.F. KENEALLY (Minister of Transport): Before the member for Davenport seeks to close the debate, it is appropriate that one of the two Government Ministers mentioned in this motion should respond. This Parliament needs to consider what the member for Davenport was seeking to do in legislation which has passed through both Houses by the action of the Deputy Premier, the Minister for Environment and Planning. Whether or not this little process the honourable member went through last year was to try to establish that there was some conflict between the Minister for Environment and Planning and the Minister of Transport on amendments to the National Parks and Wildlife Act relating to the Upper Sturt Road was important, or whether it was to set a little trap so that he could continue with this course of action, one wonders as to the real motives.

If the honourable member, representing his electorate, wants something done about a road which he has said for years has some safety problems which could not be addressed until legislation passed both Houses of Parliament to allow the Minister for Environment and Planning and the Minister of Transport to have the capacity to put roadworks on the forward program, it has been achieved. The honourable member has been successful in achieving that.

That is not what he is on about: he is trying to set a little trap for two busy Ministers, asking whether one Minister can recall a discussion that took place some 18 months ago during a busy program and asking another Minister at a completely different time under different circumstances whether he can recall it. I can recall it because I have direct responsibility for managing the roads system and seeking to have legislation passed in the appropriate way to allow that action to take place. I do recall it. So, the little trap is set. The fact that the Deputy Premier brought into this House legislation that provided for the very measure that the honourable member is pursuing seems to be very clear evidence indeed that the Deputy Premier has acted in a most proper fashion right through this matter.

The point that the honourable member is making is petty in the extreme. The fact that this matter has been dealt with in private members' time is another issue we should consider. If this matter was of such major importance and the Opposition felt so committed to it, it would have moved a vote of no confidence in the Deputy Premier in the appropriate way. We know that this is merely a petty—

Mr Lewis: He is not a member of the Opposition.

The Hon. G.F. KENEALLY: No, but he soon will be. The member for Davenport has been in this House longer than anyone else in this Chamber and he knows how important his motion is. He knew his motives when he moved it. I believe that we should be condemning him for his action and not supporting a motion against the Deputy Premier when the Deputy Premier has done the very things that the honourable member for so long has been seeking. I ask the House to completely reject the motion.

Mr S.G. EVANS (Davenport): I am disappointed that the Minister of Transport has spoken because he has gone further in misleading the House. He absolutely amazed me. At no time in correspondence, question or debate, did I seek to have the law changed to avoid changes to park boundaries being brought before Parliament for debate where that could be done by proclamation, by Government. The Minister said that I was seeking to change the law. I did not do that.

The Hon. G.F. Keneally interjecting:

Mr S.G. EVANS: If the Minister will listen I will tell him. I am not going to attack him any further over his misleading. He made an error when trying to do this, from memory. If you do not have a good memory and are in this place you had better go back to correspondence or to what is written in debate. On 27 June 1986 I wrote to the Minister asking when the report would be available and what was going to happen about the Upper Sturt Road. He replied on 11 August 1986 and said:

> Athough I have discussed this matter with my colleague the Minister for Environment and Planning and the Commissioner of Highways, the proposal is not awaiting my approval: the preferred road option for the upgrading of Upper Sturt Road necessitates clarification and rationalisation of the boundary of the Belair Recreation Park. Officers of the Highways Department are discussing this aspect with officers of the Department of Environment and Planning. Any such alteration would require a solution to be presented to both Houses of Parliament.

That was the law then, and I have never sought to change it.

The Hon. G.F. Keneally interjecting:

Mr S.G. EVANS: I ask the Minister to be quiet and listen. The legislation was not changed until 1987. I am

talking about 1986. I wrote to the Minister again on 27 April 1987 asking when it would be available, and said:

Therefore I seek to know from you when the report will be made public, and when it is anticipated that work will begin . . .

To show how big a shambles it is, I point out that the member for Newland today said that the confounded plans are on display in the Belair Recreation Park. Today I asked the Mitcham council to check with the Highways Department. I had read in the *Hills Gazette* that the plans were on display somewhere, but they were not at the library when I went to look. I was informed by the council that the report will not be available for display in the Belair Recreation Park until the end of February or maybe the end of March. However, the honourable member who replied on behalf of the Government said that it was on display in the park now. I will check that again tomorrow.

Someone has said that I have gone over the top. The Minister of Transport said that I raised the matter after the law had been changed. Well, it had not been changed. The measure was going through the Upper House and was in this Chamber. I wanted to know where the report was. The Minister of Transport informed me by way of letter dated 13 May 1987 that they had changed their minds and that it would not have to come before Parliament by resolution. The member for Newland said that it was just a minor matter and that both Ministers had too much on their minds. Ignoring the preamble explaining the report, I was told:

Amending legislation will need to be made to the National Parks and Wildlife Act which would permit minor variations to the boundaries of conservation, national or recreation parks where such is required for public works. Any further action with regard to the Upper Sturt Road Planning Study is being kept in abeyance until amending legislation has been passed by Parliament and has received Vice-Regal assent. Such an amendment is part of a package of amendments to the Act which at this stage the Government intends to introduce into Parliament during the next Session

That was in May 1987. The Minister told me that the Government had discussed it. It was not just a minor issue: it was major enough to include it in a Bill and bring it before Parliament to amend the Act. The member for Newland tells me that Parliament should forget about it because it is not an important issue. The Minister of Transport said that it was not an important issue and that we have not been misled.

The Hon. G.F. Keneally: Read the paragraph again.

Mr S.G. EVANS: I do not need to read it again—it has been recorded three times already. I then decided to try to sort out the problem in Parliament so, when the Minister for Environment and Planning introduced a Bill to change the area of activity for the National Parks and Wildlife Service, I asked the Minister about the true position and whether he had some knowledge of it. I will not go through all the detail because time is now of the essence in this place, so I am told. The Minister for Environment and Planning said:

I know nothing of my colleague the Minister of Transport's ambitions for that road—absolutely nothing. I suppose I could talk to my colleague—as no doubt I will do if he has a serious proposition that he wants to put . . .

So one Minister told me that the Government was changing the law to accommodate it and it was to include an agreement by the Minister for Environment and Planning, yet it was supposed to be a minor matter which I should ignore, and the Minister had not misled Parliament.

It is not just the issue of the road—it is the principle. If this matter is not settled appropriately, it will be quite obvious that members will be able to tell an untruth in this Parliament whenever they like. If we accept that you can tell an untruth—that this is just a minor matter—we will never be able to believe a Minister again. However, I will return to that just before I conclude on another aspect. The Minister went on to say (and this was said on 3 November):

I can certainly assure the honourable member that Machiavelli is not at work here, because I have been given no details whatsoever by the Minister of Transport about those roadworks, and no submissions have been made to me at all.

That worried me, because it meant that the Minister of Transport had told me a pack of untruths. I blamed the Minister of Transport for telling the untruth. One of them had told an untruth. As honourable members would know, as an independent member I do not get the opportunity to ask many questions—about six a year. On 26 November I asked the Minister for Environment and Planning:

Has the Minister of Transport had any further discussions with the Minister for Environment and Planning regarding the Upper Sturt Road planning study since their discussions in 1986 and, if so, what was the result and what action is contemplated now regarding that study?

The Minister of Transport said that my question was a trap, but I point out that it was not a trap: I had to find out whether a Minister had made a mistake and whether I could trust either Minister. In reply the Minister went on with a lot of preamble about nothing, so I asked:

Have you had any discussions since 1986?

The Minister replied:

I have had discussions with the Minister but I cannot say for certain whether they were prior to or since 1986. I had discussions with the Minister some time ago and more particularly there were discussions between our officers, with the knowledge of my colleague and me.

The Minister of Transport said that that was correct; and the member for Newland said that I should have raised the matter earlier. The Minister for Environment and Planning was in and out of this place in November like a yoyo. From 3 November, when the matter came up in relation to the Act being changed, until 2 December, the Minister was in this place on five days out of 11. He was away more than 50 per cent of the time, so what chance did I have to raise the issue? It was nil, in my position, unless I wanted to move a substantive motion.

I will tell the House why I did it in the way that I did with a notice of motion. I know that the Minister of Transport knew what I was on about, but I will not tell the House why. I gave the notice of motion to give the Minister for Environment and Planning—the Deputy Premier, the second most senior position in this place—the opportunity, by way of ministerial statement, to say that he had forgotten, if he had forgotten, that he made an error, and to apologise. I would have accepted that. There would be no complaint from me, because I know the pressures. However, the Minister refused even to come into the House when the matter came up for debate, and when it came up for adjournment he did not take the adjournment—he would not front up. He did not have the intestinal fortitude to do it. That is as good as saying, 'I know I have misled the House. I know I am in the hot seat, but I do not have the courage.'

The Government decided, because it wanted it to be a minor issue, that it would give it to a backbench member so it could say that it was of little consequence. The Minister cannot come in now and apologise, because it will go to a vote. However, we have now set the precedent. If this motion is not carried, in the future any member—including Ministers—will be able to tell untruths in this place and get away with it. I am not worried about the member for Newland's error—if it is an error—about the Belair Park and the plans. I am not seeking to move a motion against her. I am just saying that she needs to be cautious.

I am not moving a motion against the Minister of Transpsort for the little mislead that he gave earlier about my seeking to change the law. I did not do so; I would have preferred that the regulations came before Parliament to change park boundaries, because Parliament could then have debated the matter. When the Government decided to do it by the method that it has now used, by changing the Act to avoid a parliamentary debate, I accepted it also. However, it was never at my initiation and anybody who says that was is telling an untruth. I moved the motion with all the sincerity I could, because a Minister did not have the respect for Parliament, the respect for the truth, or the respect for the rights of individuals to front up and say what happened. I ask the House to support the motion.

The House divided on the motion:

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

Noes (25)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler (teller), Messrs Gregory, Groom, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Majority of 8 for the Noes.

Motion thus negatived.

EXOTIC FISH

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

That the regulations under the Fisheries Act 1982 relating to exotic fish, made on 2 April and laid on the table of this House on 7 April 1987, be disallowed.

(Continued from 3 December. Page 2488.)

Ms GAYLER (Newland): I oppose the motion for disallowance of the regulations under the Fisheries Act regarding exotic fish, fish farming and fish diseases, made on 7 April 1987. The Fisheries Act aims to provide protection of the fish stock in this State, to protect the aquatic habitat and to control exotic fish and diseases in fish. Without adequate subordinate legislation based on biologically and environmentally sound principles and accredited scientific information, those responsibilities given by this Parliament under the Fisheries Act cannot be adequately achieved. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

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

SUPPLY BILL (No. 1) (1988)

His Excellency the Governor, by message, recommended that the House of Assembly make provision by Bill for defraying the salaries and other expenses of the Government of South Australia during the year ending 30 June 1989.

PETITIONS: SHOP TRADING HOURS

Petitions signed by 2 334 residents of South Australia praying that the House reject any proposal to extend retail trading hours were presented by Mrs Appleby and Ms Lenehan.

Petitions received.

QUESTION TIME

SUPERANNUATION TAXES

Mr OLSEN: Because this matter affects the investment policies of the South Australian Superannuation Fund Investment Trust, and in view of the rebuff received by the Premier yesterday from the Prime Minister, does he agree that uncertainty has continued for too long over the Federal Government's policy on taxing superannuation and will he therefore press Mr Hawke at tomorrow's meeting of EPAC to rule out any changes?

In Federal Parliament yesterday, and again this afternoon, the Prime Minister has refused to rule out new taxes on superannuation—an attitude which will cause great uncertainty and distress throughout the community and discourage people from providing for themselves in retirement. One proposal which the Federal Government has said it will consider is taxing returns on the investments by superannuation funds—a possibility with serious implications for the South Australian Superannuation Fund which has current investments of just over $500 million which returned a net income of $67.2 million last financial year. A tax on the fund's investments would reduce returns and could jeopardise future superannuation benefits to public servants. It would force the fund to review its investment strategy and projects. It would also force the Government once again to review—

The SPEAKER: Order! I call the Leader of the Opposition to order for debating the matter. The honourable Leader.

Mr OLSEN: It would force the Government to review superannuation arrangements for public servants which are already being fundamentally altered in current legislation after an exhaustive four year review. The Superannuation Fund Investment Trust has already commented publicly about the difficulties it faces while there is uncertainty about Federal tax treatment of superannuation. I refer to the trust's annual report for 1985-86 which stated as follows:

It is now over a year since the Australian Government foreshadowed tax legislation which it appeared would have a significant effect on the relative merits of the various investment avenues open to the trust. As indicated in last year's report, the trust intends to carry out a major review of its investment strategy as soon as full details of such legislation are available. Unfortunately, details have only emerged gradually and some are still awaited.

The uncertainty about the Federal Government's policy on taxing superannuation has continued for more than three years and is just one reason why the Premier should join Mr Unsworth tomorrow in pressing—

Members interjecting:

The SPEAKER: Order! I draw the attention of the honourable Leader of the Opposition to Standing Order No. 124 which is as follows:

In putting any such question no argument or opinion shall be offered nor shall any facts be stated except by leave of the House and so far only as may be necessary to explain such question.

The honourable Premier.

The Hon. J.C. BANNON: My colleague the Premier of New South Wales, Mr Unsworth, has already indicated that he will be raising the matter at the Economic Planning Advisory Council meeting tomorrow. Naturally, if discussion ensues on that topic, I will take part in it; so, that answers one aspect of the Leader's question. I would certainly like the matter resolved and I agree with the Leader of the Opposition that the sooner these complex issues are resolved the better for long-term planning in this country. As far as the position I will take is concerned, that was very fully covered by me yesterday and I refer members to my

answer which is reported in yesterday's *Hansard* in Question Time.

WATER FOWL

Mr ROBERTSON: Is the Minister for Environment and Planning aware of a report in this morning's *Advertiser* in which the Water Fowl Association of South Australia has suggested that exotic and hybrid water fowl from the Torrens River Valley should be given to hobby farmers and water fowl fanciers throughout the Adelaide Hills? I have been advised that this move may lead to the further hybridisation of native water fowl with exotic and, indeed, in competition with native water fowl species, and, in fact, it may lead to an increasing likelihood of feral populations of exotic species becoming established throughout the Adelaide Hills.

The Hon. D.J. HOPGOOD: Yes, I am aware of concern about this matter. The whole problem of hybridisation of native species has exercised people's minds for some time. I seem to recall that the member for Coles, a year or so ago, raised the matter of hybridisation of water fowl in the Torrens Valley. I think my recollection is correct in that regard.

Various comments have been made on this subject, including a call from the Lord Mayor to do something about the further hybridisation of various native species on the Torrens Lake. A meeting is to be held next week which will be attended by representatives of the City of Adelaide, the zoo, the botanic gardens, the National Parks and Wildlife Service, the Animal Welfare League and several other bodies, to determine what steps should be taken to resolve this problem.

I think it would probably be wise for me to wait until I get advice from that meeting, which will no doubt be heavily attended by the variety of organisations to which I have referred, before determining, to the extent that it is up to me to determine, how much further we should go. However, I must agree with the implicit suggestion in the honourable member's question that probably what is put as a means of resolving this problem only involves changing it from point A to point B and perhaps broadening and exacerbating it in certain ways.

SUPERANNUATION TAXES

The Hon. E.R. GOLDSWORTHY: Does the Premier agree with Mr Unsworth that the introduction of new taxes on superannuation should be killed off now or does he agree with the Prime Minister that it should be considered as part of a general review of Federal taxation? In his answer to the Leader the Premier suggested that he had made his position clear yesterday, but perusal of what he said yesterday indicates that his attitude is far from clear. He says:

> I have a great deal of sympathy with those statements but let us put it in perspective.

He then gave us a lecture about taxation policy and wound up—

The SPEAKER: Order! The honourable member is aware that he is not allowed to introduce comment.

The Hon. E.R. GOLDSWORTHY: Thank you, Mr Speaker. I indicate to the House that I for one—and I think this applies to all members of this House—am far from clear about the position.

Members interjecting:

The SPEAKER: Order! The honourable member is clearly debating.

The Hon. J.C. BANNON: I know that consistency is not an overriding mark of political debate in this country and that it is often difficult for all of us to be consistent at all times. Circumstances change and so on, but I would reckon that we could hold consistency for about 24 hours, and about 24 hours ago I answered the identical question. I have not changed my answer to it.

ANSTEY HILL DEVELOPMENT

Ms GAYLER: Can the Minister for Environment and Planning advise my Tea Tree Gully residents how he intends to deal with the Anstey Hill fun park proposal put to the National Parks and Wildlife Service by a private developer? What requirements will he be insisting on if the project is to be considered further? Last week I called for an EIS on the proposal, which involves hills face zone land and an area of high bushfire risk. The proposal involves a massive fun park with up to 10 000 visitors a day. A spokesman for the developer rejected an EIS as being unnecessary. Residents, local conservation groups and I are concerned with the developers' position and with noise, traffic and other effects on the native flora and fauna, and particularly bird life.

The Hon. D.J. HOPGOOD: Under the Planning Act it is up to any individual to put forward any sort of proposition to try his or her luck but, of course, it is the responsibility of the various bodies designated in that legislation to look at it fairly and, in effect, to outline those areas of environmental concern that would have to be addressed before any final approval could be given. I have a fair knowledge of the area and, indeed, of most of the details of the proposition. It seems to me that there are some environmental concerns upon which the authorities will have to be convinced before any development like this could proceed.

As the honourable member has indicated, it is a development of considerable size, located adjacent to a burgeoning suburban area and separated from it by a fairly busy arterial road. There is the potential for a good deal of noise and conflict between traffic going into and emerging from the suggested development and the traffic moving up and down that main road. In addition, there is the whole question of the relationship between the developed and the undeveloped part of the park, that area where I understand the proponent would undertake to do a considerable tree planting project. In all these circumstances, I have determined that an environmental impact statement will have to be prepared, should the proponent be desirous of receiving consideration, and a letter is ready for my signature to be sent to the proponent to that effect.

SUPERANNUATION TAXES

Mr OSWALD: Will the Premier support Mr Unsworth tomorrow at EPAC to kill off any further tax on superannuation?

The SPEAKER: Order! The question is ruled out of order under the practices of the House. Members should—

Members interjecting:

The SPEAKER: Order! Members should be aware that questions are out of order if they are repeating in substance questions already answered or to which an answer has been refused, or questions multiplied with slight variations on the same point. The honourable member for Price.

The Hon. E.R. GOLDSWORTHY: I rise on a point of order, Mr Speaker. The honourable member asked for a

specific undertaking to support Mr Unsworth, which is a more specific question than the question I asked, which was, 'Does the Premier agree with him?' This question asks for specific action tomorrow at EPAC. The Premier suggested—

The SPEAKER: Order! The Chair does not uphold the point of order. The honourable member for Price.

LEVEL CROSSING ACCIDENT

Mr De LAINE: Will the Minister of Transport call for an urgent survey of the railway level crossing in Newcastle Street, Rosewater, and others on that line to determine what measures can be implemented to provide adequate protection for crossing users? The tragic deaths of two elderly people yesterday at this crossing have sparked comments from nearby residents that the crossing is not safe. They refer to it as a disaster crossing and want boom gates or some other form of adequate protection installed to prevent a repeat of yesterday's tragedy. Two other crossings on the same line are potentially even more dangerous because of restricted vision. The most dangerous aspect of these crossings is that they are on the Port Adelaide to Dry Creek line which does not carry much train traffic; therefore, people rarely encounter trains at these crossings.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. All members on both sides of this House would like me as Minister of Transport to express our concern at yesterday's tragedy and to pass on our sympathies to the family of the deceased, as we also pass on our concern to the driver of the train involved in the accident. As the local member, the member for Price might wish to do that on behalf of the Parliament.

I will speak to Australian National or to my colleague the Federal Minister of Transport about the level crossings on that section of railway line, the responsibility for which has recently been handed to AN. The Government has a policy of installing boom gates on all dual track level crossings in Adelaide, and approximately 68 have boom gates or barrier protection. There are 13 crossings on single lines which have only bell protection, no barriers. While I will have to wait for the results of the investigation into the tragic circumstances mentioned by the honourable member, it seems, from evidence given by people who were near the accident, that the bells and flashing lights were operating.

It is difficult to determine where road safety resources should be directed. From a pure road safety viewpoint, it could well be argued that scarce resources should go into a very difficult road intersection rather than a level crossing, if that sort of choice must be made. Conflict between the two types of transport at level crossings is much more serious but, thankfully, of rare occurrence. Nevertheless, two accidents have occurred in the past 10 days. I have already asked the Highways Department and the Department of Transport to give me a report as soon as possible on this particular accident and on all level crossings in the metropolitan area over which STA traffic travels.

A committee comprising representatives from Australian National, the STA and the Highways Department considers level crossings and determines a priority program for the Government. It is always appropriate to state that it is difficult to determine how far the Government can go to protect people on our roads, whether by legislation, by grade separation or boom gates. Considerable cost is involved. All level crossings throughout South Australia should be protected by a stop sign, a flashing light or a boom gate, if they are not already.

Motorists should be continually aware of the danger in not adhering to the signs that apply thereto. Nevertheless, the tragic circumstances of those two recent crashes are ones that the Government and I, as the Minister of Transport, should take into account, and I have done so. I have asked for a full report on those accidents from the appropriate departments within my area of responsibility. Then I can talk to either my Federal colleagues or other responsible authorities—AN, for instance—in South Australia so that we may be able to develop programs that will reduce even more the incidence of such accidents.

LINEAR PARK

The Hon. JENNIFER CASHMORE: My question is directed to the Minister for Environment and Planning. Will the Minister repeat to the House his guarantee, given in a letter dated January 1987, that the Government will complete the Torrens linear park and flood mitigation scheme by December 1991 and that adequate funds will be provided in this year's budget for planned land acquisition and development to proceed?

The Torrens linear park and flood mitigation scheme was initiated by the Tonkin Liberal Government, which intended that the scheme should be completed by 1986 and should be the State's major sesquicentennial project. In 1986 the Bannon Government cut the annual budget and deferred project completion time until 1991. The Chairman of the River Torrens Improvement Standing Committee has publicly voiced the committee's concern that funds will be cut in this year's budget to the point where the project team will be disbanded and land acquisition and flood mitigation work will cease.

There are still major sections of the park to be completed, including land acquisition and park development at Athelstone and Campbelltown and sections at Thebarton and Underdale. If completion is halted, the work already finished will be ruined because of the infiltration of exotic vegetation in the undeveloped areas close to the mouth of the Gorge. A major risk also exists in the Athelstone stretch where growth is prolific and the seeding of mountain ash is well known for fouling water courses and impeding the flow of flood waters.

The Hon. D.J. HOPGOOD: As I recall the question, the only answer I can give is 'Yes', but I should add that, consistent with that, the Government would certainly not be disbanding the project.

AMENITY HORTICULTURAL CERTIFICATE COURSE

Ms LENEHAN: I direct my question to the Minister of Employment and Further Education. Will the Minister tell the House whether there has been a successful resolution of the issues relating to the eligibility criteria for entering into the amenity horticultural certificate course that is offered by TAFE colleges? Following representations from a number of constituents and from a lecturer at the Noarlunga TAFE college I wrote to the Minister at the end of January. My constituents' complaints concerned the refusal of their admittance to the amenity horticultural certificate course at the Noarlunga TAFE College which resulted from a ruling by the Industrial and Commercial Training Commission that only people apprenticed in the industry could be accepted into the course.

In 1987 approximately 100 people were enrolled in the course at Noarlunga TAFE and of those 60 per cent were

already employed in the industry, although many were not apprenticed. The remaining 40 per cent were undertaking the training with the view to gaining employment in the field. My constituents have expressed their deep concern that the decision to restrict access to the course to those people currently apprenticed will result in cutting off a chosen avenue of training and subsequent employment to a significant number of young unemployed people who are already disadvantaged. I understand that the Minister has initiated discussions with TAFE representatives and with representatives from the ICTC—

The SPEAKER: Order! I point out, as I did in the case of the Leader of the Opposition, that Standing Orders require only sufficient facts as may be necessary to explain the question. Although it is not actually written down as the practice of the House, the guidelines that were given to all members state that the purpose of a question is to obtain information, not to supply it. Would the honourable member conclude her explanation as concisely as possible?

Ms LENEHAN: I was about to finish by saying that I understand that there have been discussions. Could the Minister share with the House the result of those discussions?

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: I thank the honourable member for her question. Two categories of students are presently under consideration with respect to the horticultural courses. The first category involves those who in the first instance are continuing students; in other words, those who have already been enrolled in horticultural courses and are looking to see whether they can continue their participation in those courses. With respect to those students, I have been advised that all existing students will be able to complete their courses. The more significant issue raised by the honourable member is in terms of those who wish to gain entry to courses but are not yet enrolled in any level of the course work. This is a complex situation which was partly dealt with by the honourable member in the explanation of her question. I wish to share with members some of the complexities that are still being resolved.

Mention was made by the honourable member of the Industrial and Commercial Training Commission. It is certainly true that that tripartite body is of the view that all training should be related to indenture contracts, when these are dealing with declared vocations. Indeed, they cite the Act of Parliament which is the Act under which they are required to operate, and that Act, which was introduced by the former Government, provides in clause 21:

> An employer shall not undertake to train a person, whether as an apprentice or otherwise, in a declared vocation except in pursuance of a contract of training.

The point that they argue very strongly is that of course the certificate in amenity horticulture does deal with a declared vocation, and they say that the Act therefore requires that people be in a contract of training. The question then arises as to what happens with respect to those who are self-employed or those who are not employed but are seeking better skills so that they could become employed. Should they not also have access to the course? A legal point needs to be determined as to whether or not TAFE is perhaps a *de facto* employer when a student is doing the course. I am not persuaded by that argument, but I have to say that we are pursuing the legal matter further to determine whether or not the Act of Parliament introduced by the former Government would preclude other people doing these courses.

The more general point is with respect to what should be happening in this situation. We have a number of declared vocations where this situation applies, including the electronics area and the cookery area, as well as the horticulture area. In electronics, we have a situation a little different from the horticulture field, where there are both indentured and non-indentured students within the certificate of amenity horticulture. In electronics we have, on the one hand, an apprenticeship course, which is the certificate in electronics basic trade as opposed to a non-indentured course of similar content that contains some other areas, called the advanced certificate of electronic servicing, which is a two year full-time course. In the area of cookery, again there is an alternative. Students can do either the apprenticeship basic trade course or a full-time certificate in commercial cookery.

A few points need to be determined. One is the legal situation. Another is the situation with respect to employers who may be bowing out of the necessary contribution that they should be making to training within this country. There has been a situation where industry in some sections has acknowledged quite willingly the role it has to play in providing for training, but others where people are trying to bow out of it. What happens where a declared vocation is available, an apprenticeship situation is available to provide support for somebody getting training, yet an employer says, 'I will not employ you and give you an indenture. What I require is that you go out and get your own training, and I will employ you at the same time'? That would clearly be in breach of the legislation and should in fact be pursued. What happens if an employer is holding over the head of the person to be trained the situation that 'I will not give you what should be your entitlement—and instead I require you to do something else'?

That is the legitimate concern of the ICTC, a tripartite body. On the other hand, the concern of others, including the honourable member (and I appreciate that), is maximising the training opportunities for students, be they those in employment at present, be they those in self-employment, or be they those who would like to be in employment. I have communicated both to the ICTC and to the Department of TAFE that we have to have further meetings on these matters once some of those technical details are answered in order to give a satisfactory resolution. Concerning the final point, I am advised that the continuing students in horticultural courses have been able to obtain enrolment to complete their courses.

FIRST FLEET RE-ENACTMENT COMPANY

The Hon. B.C. EASTICK: In view of the financial position of the First Fleet Re-enactment Company, what assurances can the Premier give that the *One and All* syndicate will be able to repay all loans which the South Australian Government has guaranteed? A further loan guarantee of $350 000 announced last month by the Premier brought to just over $1 million the South Australian Government's support for the *One and All* in grants and guarantees. The ability of the One and All Sailing Ship Association to meet its financial commitments depends to some extent on whether the First Fleet Re-enactment Company can meet all its contractual commitments to the ships, including the *One and All*, which participated in the re-enactment voyage. In this respect, I have in my possession a copy of a report by the Town Clerk of Port Adelaide (Mr Beamish) given to the council on Wednesday, 10 February. As a result of this report, the council agreed to forgo $20 000 in interest on the bridging finance that it has provided to the project. The report of the Town Clerk refers in some detail to the financial position of the First Fleet Re-enactment Company.

It reveals, for example, that late in January the council and a representative of the Premier's Department were advised that the company could not meet the debt when due on the *One and All* nor would it be able to meet a further amount due on 1 February. The report also refers to further negotiations with the company and an agreement for the council to be paid from the proceeds of port visits by the re-enactment ships. However, I have been informed that, following this report, members of the Port Adelaide council remain concerned about the ability of the First Fleet Re-enactment Company to meet its financial obligations to the council totalling $145 000, which in turn raises the question whether the State Government's loan guarantees will have to be called upon or converted, at least in part, to further grants.

The Hon. J.C. BANNON: I do not think that it is any secret that the First Fleet Re-enactment Company has had major financial difficulties. However, it is pleasing to say that at this stage, despite a major crisis immediately prior to the celebrations on Australia Day, there have since been extensive negotiations and financial restructuring, as well as a strong response from the public in relation to the latest sailings of the fleet. This suggests that the company may be able to overcome some of its financial problems in that those involved with the *One and All* have been taking a leading role in ensuring that all the shipowners involved in the first fleet re-enactment are united in their approach to the company.

It is also certainly true that the *One and All* has had to have as I announced, further assistance in the form of loan guarantees in order to ensure that it continues to be able to operate. I judge that to be the wish of our community. The honourable member should know that there is enormously strong community support for the *One and All*. Rightly or wrongly, it is considered that ever since its participation, especially in the First Fleet, it has been seen as a sort of symbol of South Australia and many community volunteers and others have been actively and enthusiastically involved with it. However, in case the honourable member is concerned about the ultimate exposure of the Government if financial restructuring and other actions are not successful, then, as I said last year, the vessel will have to be sold.

A valuation made some time last year put its value at around $2 million. I think that value has probably increased since its participation in the First Fleet Re-enactment, because it has become celebrated and has done a massive international voyage. So, I think the honourable member would see from that that there is security in the form of the vessel against the loans that have been offered.

Having said that, I do not wish to lower the morale of all those people who are trying to keep the *One and All* financially afloat. I do not wish them to believe that the situation is hopeless. The Government, the Port Adelaide council, and a number of private companies and benefactors remain strongly committed to keeping the vessel in operation and, provided the figures continue to stack up, that will be done. However, I must say in response to the question of the honourable member—who, I take it, is not very supportive of Government support in this area—that there is security. That security would be the sale of the vessel and, although it would be very much a last resort, nonetheless it is one that would have to be undertaken.

There would be a huge community outcry if the Government had to do that and a lot of people would be very upset and concerned about it because of the time, energy and effort that they have put into it. I hope that, if we have to resort to that measure, we will not have the Opposition—as it usually does in these cases—suddenly and opportunistically jumping on the band wagon and saying what a scandal and a tragedy it is that the Government has been forced to take that step. So, I very clearly lay it out on the record for the second time: that is the position with the *One and All* and that is how we are safeguarding our interest in it.

RATIONALISATION OF SECONDARY EDUCATION

Mr M.J. EVANS: Will the Minister of Education give an assurance that the sole purpose of the proposed rationalisation of secondary education in the Elizabeth and Munno Para area is to improve the educational opportunities available to students in this area and is not simply a budget cutting exercise, and will he therefore give an undertaking that any funds saved, capital and recurrent, as a result of the proposed rationalisation, will be retained for use in the same area so that they may be used to improve education outcomes in Elizabeth and Munno Para? Will the Minister give a further assurance that, if overall savings are required as part of a general rationalisation exercise, the opportunity will be taken to relocate the regional education office to surplus school based accommodation in preference to cutting funds available to students?

As the House will be aware, as a result of declining student numbers, a report into the possible rationalisation of secondary schools in the Elizabeth and Munno Para area has recently been prepared for consideration by the Government. During the course of the public consultation which preceded publication of the report, assurances were given to the community that this was not to be seen as a cost cutting exercise by Government but rather an opportunity to improve the educational opportunities available to students. While there is general agreement that some change is inevitable due to the massive changes in student numbers over the past decade, the way in which this can best be achieved remains controversial. However, there is full agreement that, if any cuts in budget allocations are to be made, the high rent regional office should be rationalised first while schoolchildren should receive the highest priority.

The SPEAKER: Order! Before calling upon the Minister I will again remind the House that, as spelt out in the guidelines that are based on the traditions and practices both of our House and the House of Commons (and I quote):

> The purpose of the question is to obtain information not to supply it.

It goes on further to say:

> Questions therefore should be brief and ask directly for the information sought.

The honourable Minister.

The Hon. G.J. CRAFTER: I thank the honourable member for his question and, indeed, the interest that he shows in education in his district, and in particular the need to reorganise schools in the Elizabeth and Munno Para area. Quite rightly, the honourable member has drawn the attention of the House to the massive changes in the number of students attending State schools, not just in the Elizabeth and Munno Para area but also across the whole of the State. As I have said many times, there are more than 42 000 fewer students than there were in our schools a decade ago. As the Minister of Labour mentioned earlier this week, the number of students in schools dropped by a further 2 300 students this year as compared with last year.

The report of the Elizabeth-Munno Para Secondary Schools Consultative Committee, known as the Joel committee, was presented to the Director-General of Education at the end of January and he released it for public comment on 12

February. The Joel committee found that the enrolment decline will become even more marked in the next few years. The six schools in the Elizabeth-Munno Para communities are designed to accommodate over 5 000 students, but by 1992 only about 3 000 are expected to enrol.

I can reassure the House that any restructuring will be to ensure that the declining enrolment does not affect the quality of education and in fact enhances the Education Department's ability to provide quality education in those areas most affected by the decline. I stress that the report and its recommendations are now in the public arena for discussion and comment and that no decision has been made to implement any of the recommendations. Such a decision will not be made until interested parties have had a chance to consider the proposals and respond to them.

The Education Department will take into account community comment before a final decision is made on the restructuring of schools in the Elizabeth-Munno Para area. I am pleased to inform the honourable member, and indeed all members, that funds that might be generated by the proposed reorganisation of school properties will be retained in the education portfolio. Naturally a good proportion of any such funds that become available because of the restructuring will be expended in the Elizabeth-Munno Para area. In fact, it may well be that funds have to be extended well in advance of any receipts that might be obtained, as I said, because of the reorganisation of school properties.

The final matter that the honourable member raised is with respect to the accommodation of the regional office and, although that does not come within the ambit of the Joel committee's brief, it certainly is a matter that I will have further pursued.

PUBLIC LAND

The Hon. P.B. ARNOLD: Will the Minister for Environment and Planning advise the House whether the Government intends to make available public land for the proposed Kingston Bay marina at Marion and the proposed Sellicks Beach marina, both of which are opposed by significant numbers of local residents? If so, under what terms and conditions will the land be made available? Will the Government agree to the use of hills face zone land required for the proposed Kingston Bay development and to the use of E&WS land in the case of the Sellicks development?

The Hon. D.J. HOPGOOD: The honourable member can be forgiven for perhaps not having an intimate knowledge of the local geography. Although a portion of the area is in the city of Marion, I think he meant to say 'Marino', because that is the area about which we are talking. I am afraid that I missed the import of what he had to say about the Sellicks proposal. All I can say at this point is as follows: so far as the Sellicks proposal is concerned, there is nothing before Government at this stage: nothing whatsoever. At some stage I understand that the Willunga council will be putting some sort of formal proposition before Government which will have to be considered, obviously, by my officers, possibly by the Planning Commission, or under section 50, or something like that, but which will also have to be closely considered by the Minister of Local Government, because I understand that the council intends to be the proponent—the developer—if the thing is put together. Of course, that would mean borrowing funds which it can do only with the express permission of the Minister of Local Government.

So, all of these things have yet to be formally placed before Government and I really can say no more than that. As to the Marino/Kingston Park development, the honourable member would know that an approach was made to Government last year and that I issued a set of conditions that would have to be discussed before the Government could consider whether it would be prepared to make available Crown land, which is the precondition of anything further happening. That matter is still under consideration.

CHILD RESTRAINTS

Mrs APPLEBY: Can the Minister of Transport outline to the House what provisions have been made in the regulations to exempt specific categories of children from the child restraint legislation? There have been some expressions of confusion about exemptions and doubt as to whether provisions have been made for children who have had orthopaedic surgery and are unable to be restrained in the normal way. One example of this confusion has been discussed with me by a constituent whose young daughter has recently had surgery and is in plaster from the waist down with her legs in an extended position. She is to be released from hospital in the next week or so and will be in plaster for a further eight to 10 weeks. In making inquiries, my constituent has not been able to obtain any clear indication of the position and does not wish to contravene the Act.

The Hon. G.F. KENEALLY: The honourable member has asked an important question and, for those people in the community who may be confused as to what the legislation does and does not allow, her question is timely. I am surprised that the honourable member's constituent was not able to get more accurate information when she made her inquiries, and I will speak to my department to ensure that appropriate information is readily available. Regulation 708 permits the Minister or any medical practitioner to issue a certificate that will allow any person to travel unrestrained in a passenger car. That is an important provision. The Minister would need to be appropriately advised by either medical or safety experts before such a certificate would be issued. Nevertheless, that provision exists.

Another alternative is available in the case of infants who would usually be required to be restrained in an approved capsule. This is the question that the honourable member has asked. Regulation 1008 provides that the Director of the Road Safety Division or the Manager of the Vehicle Engineering Branch has authority to allow a non-approved restraint to be used. That power has been delegated to them by me as Minister of Transport. One type of non-approved restraint is particularly useful in the case of children suffering from hip displacements because they are partially encased in a plaster cast and cannot fit into the approved capsules.

Staff of the Adelaide Children's Hospital who usually treat these children are well aware of the exemption and how to gain it and the procedure has been developed in consultation with the staff at that hospital. Children travelling in passenger cars should always be restrained and the onus to ensure that that happens, in accordance with the Act, lies with the driver. However, as the honourable member mentioned, on some occasions children cannot be restrained in the required manner and it is because of those circumstances that regulations 708 and 1008 have been provided.

COUNTRY HOSPITALS

Mr BLACKER: Can the Minister of Transport, representing the Minister of Health, assure this House that the Government has no intention of closing any hospital on

Eyre Peninsula and has no intention of changing the role of any hospital on Eyre Peninsula? Over the past few months there has been considerable press comment about the pending closure of several country hospitals. Many of my constituents are concerned that this conjecture is undermining the confidence of hospital boards and could threaten the future effectiveness of hospital committees. This uncertainty is causing distress in many communities, and I seek an assurance on the Government's intentions in this matter.

The Hon. G.F. KENEALLY: I am sure that all my colleagues are aware of the representation that the member for Flinders provides for his electorate. One is not surprised that he is concerned by such rumours that circulate from time to time. In the general mischief-making that seems to be the wont of some members of the Opposition, the leading member of the Opposition in another place has been running around making allegations that the Government intends to close and change the status of hospitals in the honourable member's electorate. Not so long ago the Premier went across to Eyre Peninsula to see for himself the problems and concerns of the people. Like the Minister of Agriculture and other Ministers, we are very much aware of the needs of the people on the peninsula.

My colleague in another place, the Minister of Health, has made it as clear as one possibly can that in the life of this Government—and that is clearly the extent of any undertaking that this Government can give, and this Government has a little over two years to go before an election is required—there are no plans whatsoever to close any hospital in South Australia. My colleague has provided this categoric assurance, and there are no plans whatsoever to change the status of any hospital on the West Coast or Eyre Peninsula.

In the light of those assurances, members opposite and others with vested interests do themselves no justice, and certainly do not do justice to people in the country, in running around trying to create concerns in the minds of people who live in the country. I happen to have a country electorate and I am aware of some of the rumours that circulate. I am happy to give—

Members interjecting:

The SPEAKER: Order!

The Hon. G.F. KENEALLY: —that assurance to the member for Flinders, who quite appropriately seeks it in this place.

MONARTO ZOO

Mr RANN: Does the Minister for Environment and Planning believe that the Royal Zoological Society's breeding ground at Monarto still has potential for development into a commercially viable open-range zoo? If so, will the Government consider a joint venture involvement with the private sector? Last year I visited the Western Plains open-range zoo at Dubbo which attracts about 220 000 visitors each year, despite its distance from Sydney, Melbourne and Brisbane. I understand that the zoo has had a major impact on Dubbo in terms of tourism and motel development. However, I have been informed that after 11 years of operation the zoo has only just reached break-even point.

The Hon. D.J. HOPGOOD: The Monarto Zoo shares with biological species this concept of evolution, and its evolution to date has been from a concept where I think it was probably seen as appropriate as being part of the administration of the Royal Zoological Society, and a largely public funded show, to an arrangement whereby some agistment was available to the society (and a very valuable arrangement that has been), to the suggestion, as the honourable member has reminded me, that occurred not long ago that maybe some sort of joint venture or private sector involvement would be appropriate.

In the light of that, I asked a departmental officer to prepare a report on options and possibilities. That report is now available and will be distributed to interested members of Parliament and to other interested bodies. I should take the opportunity to quote very briefly from the report to give members some idea of the flavour of it. The main conclusion is that, nothwithstanding some private sector involvement, any open range zoo in the Monarto area would require some form of Government subsidy. Members would be aware that it is unlikely that finance for such a subsidy will be available in the immediate future. The report states:

> Zoo patronage around the world has either fallen or ceased to grow in recent years as the population has become more mobile and the number of competing facilities and activities has proliferated. Provincial zoos are almost invariably subsidised by taxpayers to maintain year-by-year operation and in many cases for new capital works as well. This situation does not bode well for private sector participation as a major shareholder or sole developer of a new open range zoo at Monarto.

I conclude by sharing with members information about the levels of Government subsidy provided to some zoos. The zoo on the western plains of Dubbo receives something like 18 per cent Government subsidy; Melbourne Healesville receives 34 per cent Government subsidy; Perth 58 per cent; and our own Adelaide Zoo receives 32 per cent Government subsidy. I will be releasing the report and people who are interested in perhaps taking it up as an entrepreneurial venture are invited to study it in some detail, but those rather unfortunate fiscal realities will have to be overcome.

LAND TAX

Mr INGERSON: Will the Premier correct the misleading impression he tried to give last Wednesday that the Norwood Football Club's land tax bill has increased in three years because the club has significantly extended its property holdings? The Premier last week accused the Norwood Football Club of making misleading criticism about its soaring land tax bills by stating:

> In order to correct the record, it would be useful if that club pointed out what property changes it has had during the period it is describing.

In fact, in 1985-86, the Norwood Football Club paid land tax of $4 180 levied on four properties. During the following financial year, it purchased a house in Stanley Street, Norwood, which it demolished in order to increase car parking. The bill went up to $7 716. This financial year, on the same number of properties, the bill will be $14 003, a further rise of more than 80 per cent, or 11 times the inflation rate.

The Hon. J.C. BANNON: Some of that information does not tally with what I understand. It might be an idea if I seek Norwood Football Club's permission to put on the public record just what changes have taken place. I repeat what I said last time, that land tax can be influenced, first, by the number of properties which are owned and which are aggregated and therefore take one into a higher bracket and, secondly, by changes of land value. The statement as reported by the Norwood Football Club about its increase referred to none of those factors. It referred just to an increase that had taken place. So, I do not really think it serves the interests of the Norwood Football Club to have the Opposition dragging it into a political debate.

Mr Olsen interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: I remind the Leader of the Opposition that what I said—

Mr Olsen interjecting:

The Hon. J.C. BANNON: I made no misrepresentation at all. On the contrary, I said in this House—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —that I did not think it would be proper for me to put on the record information held in our tax offices about the number of properties involved. I did not think it was proper.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It may be that in fact Norwood Football Club would like to put that on the record.

Members interjecting:

The Hon. J.C. BANNON: Well, they have approached the honourable member, he assumes, or he has approached them. Indeed, I suspect that as part of the politicisation that is involved here he approached them. Be that as it may, I am happy to get that information if they are interested in it.

Members interjecting:

The SPEAKER: Order! I call the House to order.

The Hon. J.C. BANNON: I remind members, as I did last week, that they are on very dangerous ground if they try to involve a football club which has supporters. In my own case, I am publicly and actively identified with a certain football club, but so are many other people including those who have served as Liberal members in this place or at the Federal level.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: We mix together, because of our interest in football, at the club, but we do not try to score points at each other's expense over that. I feel a bit sorry for Norwood Football Club on its having been dragged as it has been into this arena. It is par for the course for the honourable member who asked the question. He has a pretty bad reputation in sporting circles for the way in which he is prepared to do these things. However, I suggest that, in the interests of the sport of football in which all South Australians have a stake irrespective of their political support, and in the interests of that mighty club which has contributed to the game and which also has supporters from all sides of politics, they should not be thanking the honourable member for trying to politicise this matter.

ADELAIDE RAILWAY STATION

Mr DUIGAN: Will the Minister of Transport initiate discussions with Australian National with a view to providing that rail passengers to Adelaide have the option of two Adelaide embarkation points? The Adelaide Railway Station is nearing the end of a remarkable process of renovation and rejuvenation. The Minister has already told the House, in response to other questions that I asked, that the railway station ramp and hall will be completed later this year. It has been put to me by constituents who have an interest in tourism and heritage, as well as in the image of the City of Adelaide, that the Adelaide Railway Station would make one of the most attractive entry points to the city and that AN should be urged to give passengers the option of disembarking at the currently designated Adelaide station in the railway yards at Keswick or of continuing to the Adelaide Railway Station to a platform that could be designated 'Adelaide City'. This would then enable interstate and other visitors to be received into a modern, attractive and totally enclosed terminal in a central city location.

The Hon. G.F. KENEALLY: I shall be happy to take up with Australian National the matter raised by the honourable member, although I think that I would be fairly certain as to its initial response. It would certainly require some persuasion by me or by people with an interest in having a dual destination for passengers coming both from the Eastern States and from the West. As I recall, when Australian National decided where its major rail facility should be constructed, it looked at the Adelaide Railway Station and that would have been appropriate for the passenger trains coming from the Eastern States, but there were some severe constraints on bringing in the broad gauge from the northern and western cities. There would have been logistic problems and environmental probems because it would have required some grade separation, etc. As the honourable member points out, we are dealing here with different gauges.

The Adelaide Railway Station was constructed to cater for suburban metropolitan traffic, so our platforms are now only long enough to accommodate such traffic. However, everyone would agree that the Adelaide Railway Station has been improved to such a standard that it could well be more freely used, and Australian National would need to contribute to that. I will take up the matter with Australian National and I will also point out to the Federal Minister all the benefits that would accrue to passengers, and I believe to rail passenger transport generally, from such an action. I wanted to say that, because of the difficulties that Australian National faced when it originally had this concept, I am not all that hopeful of succeeding, but if one does not try one does not succeed.

PERSONAL EXPLANATIONS: ROAD PLANS

Ms GAYLER (Newland): I seek leave to make a personal explanation.

Leave granted.

Ms GAYLER: In private members' time this morning, the member for Davenport claimed that I had misled the House when I said that draft plans for Upper Sturt Road were on display at the National Parks and Wildlife Service office at the Belair Recreation Park. The member for Davenport should withdraw his allegation, because I can confirm that 8ft plans are in fact on display at the District Ranger's office at Belair National Park and that the Minister for Environment and Planning has invited the Hills Roads Committee to view those preliminary plans at that office.

The SPEAKER: Order! Before calling on the honourable member for Davenport, I point out that in the course of personal explanations, as I reminded the House yesterday, members cannot call for action on the part of other members, make allegations about other members, or reflect on other members. Members can merely say how they have been misrepresented and supply sufficient facts to explain what they believe to be the true situation in their own defence—nothing more. The honourable member for Davenport.

Mr S.G. EVANS (Davenport): I seek leave to make a personal explanation.

Leave granted.

Mr S.G. EVANS: I said in debate earlier today, to which the member for Newland has referred, that I phoned the Mitcham council to check whether the plan was in the library at Blackwood, because a report in the Messenger

Press had said that it would be available at the library and at the Belair Recreation Park. I said that the member for Newland had said that it was available at the Belair Recreatoin Park. I phoned the Mitcham council to ask whether the report and plan were available and the council telephoned me back and told me that today it had telephoned the Highways Department which had said that the report would not be available until the end of February or the end of March. Further, the Minister of Transport promised me that, when the report and plan were available to the public, they would be made available to me.

Members interjecting:

Mr S.G. EVANS: I am not debating the question: I am just explaining.

The SPEAKER: Order! Can the honourable member for Davenport just clarify exactly and concisely how he has been misrepresented and then proceed briefly to put forward the facts of the situation as he perceives them to be?

Mr S.G. EVANS: Sir, you correct me if I am wrong; I have not claimed that I have been misrepresented.

The SPEAKER: Order! If the honourable member does not claim to have been misrepresented, on what basis is he making his personal explanation?

Mr S.G. EVANS: Are you ruling, Sir, that a member cannot seek to make a personal explanation unless that member has been misrepresented either inside or outside Parliament?

The SPEAKER: To the best of my recollection it certainly has been the case that almost all personal explanations are based on a member's perception of himself or herself having been misrepresented, although the Standing Order does refer to matters of a personal nature. However, the personal explanation given by a member should definitely, whether or not it centres on misrepresentation—which is what appears to make up the overwhelming majority of cases—involve a personal explanation of personal matters or circumstances and should not be a debate of any matter.

Mr S.G. EVANS: I will not go any further, other than to say that it was my understanding that the information requested by me about a plan and report was not made available. The member for Newland now says that the plan of Belair Recreation Park is available. I want to do what others have not done. I admit my error and apologise to the honourable member, and I hope that her ministerial colleague will do the same.

SUPPLY BILL (No. 1) (1988)

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act for the appropriation of money from the Consolidated Account for the financial year ending 30 June 1989. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Its purpose is to grant supply for the early months of next financial year.

Present indications are that appropriation authority already granted by Parliament in respect of 1987-88 will be adequate to meet the financial requirements of the Government through to the end of the financial year. The Government will, of course, continue to monitor the situation very closely, but it is unlikely that Supplementary Estimates will prove to be necessary.

The 1987-88 budget provided for a net financing requirement of $354.8 million. While it would not be prudent to make precise forecasts at this stage, I can advise the House of some of the factors which will influence actual outcomes this financial year as compared with the budget estimates.

Recurrent Budget:

On the receipts side there are indications that receipts may come in ahead of budget. While subject to uncertainty, it is likely that the contribution from the Lotteries Commission will exceed the budget estimate due to higher than expected turnover for X-Lotto. The higher turnover results from the response to higher than normal jackpots during the first half of the year.

Commonwealth general purpose revenue is also expected to exceed the budget estimates by $3.2 million due to a reassessment of the population estimates for South Australia based on the results from the 1986 Census which revealed that the State's population has been underestimated by the Australian Bureau of Statistics. This increase in Commonwealth funding is of course relatively minor in the context of the total real decline in Commonwealth funding experienced by the State.

The most significant variation on the receipts side is likely to occur in stamp duties. Once-off sale of a number of shopping centres together with a general improvement in the property market is likely to improve stamp duty receipts. The increase in the rate of share transactions may also have a beneficial impact in the shortterm at least.

Offsetting these improvements however, receipts from duty on registration and transfer of motor vehicles are likely to be somewhat less than expected.

There are also some areas in which there may be an overall deterioration in receipts. Royalty income may be somewhat less then expected due to adverse weather conditions impeding transport of crude oil from outlying fields. The reduction in grants for technical and further education announced in the Commonwealth budget will also reduce expected receipts by $2.2 million.

Overall, the expectation is that receipts may be above the budget estimate.

On the expenditure side, the Government is maintaining its policy of tight control. As I stressed in my speech last year, the budget for 1987-88 is one of restraint and agencies were given the task of achieving major economies in order to live within their allocations. In general it is expected that these economies will be achieved.

A reduced pumping program by the Engineering and Water Supply Department has reduced electricity costs for the Department. It is also likely that some workers compensation costs originally expected to be borne by the Health Commission this year may not be incurred until 1988-89.

It is too early to estimate the likely impact of second tier wage determinations. Committees established as a result of settlements for departmental employees and hospital workers are currently at work identifying offsets and productivity improvements. At this stage there is some indication that not all the offsets are achievable in this financial year.

The work undertaken by these committees will affect the overall budget result. A number of claims for second tier increases also remain to be settled and until decisions are made it will not be possible to estimate the likely budget impact with any precision. All agencies, however, have been instructed to keep within the budget and to make further savings and efficiencies. Members will recall that no specific provision was made in the budget on the basis that increased productivity would offset increased costs.

Capital Budget:

At this stage it is anticipated that there may be some overall improvement in the budget in relation to capital works. This is expected to result from an increase in transport funding received from the Commonwealth of the order of $6 million. This funding has been provided for STA buses. The size of the STA works program was determined on the basis of needs and will not need to be changed as a consequence.

Overall Budget Result:

At this stage of the year, it is expected that the overall outcome on Consolidated Account may show some deterioration in relation to the estimate. However it is too early to estimate how significant any discrepancy might be.

In relation to next year, while it is far too early to make predictions, there is nothing to indicate that the Government will be able to relax its policy of maintaining firm control over expenditures.

Supply Provisions:

Turning to the legislation now before us, the Bill provides for the appropriation of $700 million to enable the Government to continue to provide public services during the early months of 1988-89.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. It is customary for the Government to present two Supply Bills each year, the first covering estimated expenditure during July and August and the second covering the remainder of the period prior to the Appropriation Bill becoming law. That practice will be followed again this year.

Members will note that the authority sought this year of $700 million is approximately 8.5 per cent more than the $645 million sought for the first two months of 1987-88. Care should be taken not to attach too much significance to the precise rate of increase. Each 1 per cent represents only $6.5 million. Therefore, the difference between an adequate figure and one which might leave the Government short of appropriation authority can appear quite significant in percentage terms.

Clause 1 is formal.

Clause 2 provides for the appropriation of up to $700 million and imposes limitations on the issue and application of this amount.

Mr OLSEN secured the adjournment of the debate.

GAS BILL

The Hon. D.J. HOPGOOD (Deputy Premier) obtained leave and introduced a Bill for an Act to regulate the supply of gas; to repeal the Gas Act 1924 and the South Australian Gas Act 1861; and for other purposes. Read a first time.

The Hon. D.J. HOPGOOD: On behalf of my colleague, I move:

That this Bill be now read a second time.

In moving it I indicate to members that I have been asked by my colleague to inform the House that he intends to refer this Bill to a select committee at the appropriate stage in the debate. I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

On 14 April 1987 the Premier announced the proposed merger of Sagasco and SAOG which is aimed at strengthening the role both companies have in the State's energy area. This Bill seeks to implement the merger of these two organisations to form a new company Sagasco Holdings. This new company will have two subsidiaries to fulfil the existing functions of Sagasco and SAOG.

On 18 December the South Australian Gas Company shareholders voted in favour of the merger.

To achieve the merger it is necessary to repeal both the South Australian Gas Company Act 1861 and the Gas Act 1924.

The repeal of the South Australian Gas Company Act is to allow for the removal of a number of restrictions on Sagasco in its commercial operations. These particularly relate to controls on dividends and share issue and limitations on the scope of its activities.

The new Bill removes these restrictions but still retains significant controls to allow the Minister to ensure that the interests of the consumer are adequately protected, both through ministerial control of tariff setting, restrictions on profit and through the direct appointment of a director of the utility company.

The utility company, which shall hold the gas distribution assets of Sagasco, shall be required to maintain appropriate 'arms length' relationships with the holding company. The activities of the utility will continue to be regulated in the interests of both domestic and industrial consumers.

The second essential feature of repealing the South Australian Gas Act 1861 is to remove a number of limitations on the shareholdings in the new publicly listed company, Sagasco Holdings.

Members will be aware that the existing Act limits shareholding in Sagasco to 5 per cent. This was done to protect the company from an unfriendly takeover. Since Sagasco enjoys a monopoly position, the Government has regarded this protection as appropriate and necessary.

The merger arrangements which have been announced now make these restrictions unnecessary as the Government will hold a majority of shares in the new company, Sagasco Holdings Ltd. Such an arrangement removes the need for legislative limitations on ownership of shares.

SAOG will continue to be a significant partner in the Cooper Basin and will have potential to expand its exploration activities into other areas.

As noted above, the Bill also proposes the repeal of the Gas Act which controls the quality and inspection of gas distribution. The important elements of these regulatory powers are now modernised and incorporated in the Gas Bill.

The new company, which will be created by this merger and which is facilitated by this Bill, will be an important addition to the business community. It will unlock the potential of both organisations.

The new company will be entirely free to act commercially and as such will be subject to, and governed by, the Companies Code and the Stock Exchange regulations.

Clauses 1 and 2 are formal.

Clause 3 repeals the Gas Act 1924 and the South Australian Gas Company Act 1861.

Clause 4 contains the definitions required for the purposes of the new Act.

Clause 5 imposes on a gas supplier an obligation to be licensed.

Clause 6 deals with applications for licences.

Clause 7 deals with the assessment and payment of licence fees.

Clause 8 empowers the Minister to obtain information from a licensed gas supplier.

Clause 9 empowers the Minister to appoint an investigator to inquire into and report on the affairs of a licensed gas supplier or any matter affecting the supply or price of gas in the State.

Clause 10 deals with the acquisition of land by a licensed gas supplier.

Clause 11 empowers a licensed gas supplier to install pipes and apparatus in public streets and roads.

Clauses 12 and 13 confer powers of entry and inspection necessary for the maintenance of a gas reticulation system.

Clause 14 protects the property of a licensed gas supplier in pipes and apparatus installed by the supplier.

Clause 15 restricts dealings with a gas reticulation system which might endanger the interests of consumers.

Clause 16 provides a price-fixing mechanism for reticulated gas.

Clause 17 deals with the cutting off of a gas supply for non-payment of an account for the gas.

Clause 18 deals with the testing of metering equipment.

Clause 19 deals with temporary rationing of gas where the gas supply is restricted for any reason.

Clause 20 converts the South Australian Gas Co. into Sagasco (Holding) Ltd.

Clause 21 abolishes the share classes in the holding company and provides for the issue of new shares to SAFA.

Clause 22 provides for the transfer of the Government's SAOG shares to the holding company and for the transfer of the gas reticulation system to the utility company.

Clause 23 deals with consequential changes in employment.

Clause 24 provides that the holding company can only deal with its shares in the utility company in pursuance of a special resolution of share holders.

Clause 25 provides for the transfer of a certain proportion of the utility company's profit to a reserve which must then be applied as the Minister directs.

Clause 26 prevents transactions which might result in the utility company subsidising the holding company.

Clause 27 provides that the Minister will have the right to nominate one director of the utility company.

Clause 28 provides for the Gas Fitters Examining Board and the granting of certificates of competency by the board.

Clauses 29 to 30 create a number of offences related to misuse of a gas reticulation system and unlawful diversion of gas.

Clause 31 protects a licensed gas supplier from civil liability arising from failure of a gas supply.

Clause 32 deals with service of notices.

Clause 33 provides for summary proceedings.

Clause 34 is a regulation making power.

The schedule contains a number of transitional provisions.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

FRUSTRATED CONTRACTS BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This relatively short Bill seeks to implement important law reform measures in relation to contracts that have been frustrated by a supervening event for which none of the parties is legally responsible.

The first legislation on this topic was the English Law Reform (Frustrated Contracts) Act 1943 which provided the model for subsequent statutes enacted in Victoria in 1959, New Zealand in 1944 and Canada in 1948. The topic was also the subject of two reports (the 37th and 71st) of the Law Reform Committee of South Australia.

In other jurisdictions (for example British Columbia in 1974 and New South Wales in 1978) there have been new legislative initiatives representing departures from the English model.

The law stems from the theory of absolute obligation whereby a person is absolutely bound to perform any obligation which he has undertaken. It was explained by an English court in the leading case of *Paradine v. Jane* (1647) Aleyn 26 at 27:

> When the party by his own contract creates a duty or charge upon himself, he is bound to make it good, if he may, notwithstanding any accident by inevitable necessity because he might have provided against it his contract. And therefore if the lessee covenant to repair a house, though it be burnt by lightning, or thrown down by enemies, yet he ought to repair it.

This attitude developed from the hesitancy with which the judiciary approached any plea for interference by them in circumstances where parties have committed to writing the obligations and duties each has chosen to undertake. *Taylor v. Caldwell* (1863) 122 E.R. 309 served to mitigate the harshness of the rule as to absolute contracts by launching the doctrine of frustration. It was held that if the contract is brought to a halt by some unavoidable, extraneous cause, for which neither party is responsible, the contract terminates forthwith and the parties are discharged from further performance of their obligations. The court based the doctrine on an implied condition in the contract.

The most renowned instances of the application of this doctrine were contained in the so-called Coronation cases arising out of the illness of King Edward VII (see for example: *Krell v. Henry* (1903) 2 K.B. 740). However, in *Chandler v. Webster* [1904] 1 K.B. 493 the rule that 'the loss lies where it falls' was established and the apparent injustice of this rule has resulted in the need for legislation defining the rights of the parties. Briefly, the facts were that the defendant agreed to let to the plaintiff a room for £14.15s.0d. for the purpose of viewing the Coronation procession. The plaintiff paid a deposit of £100. Owing to the sudden illness of the King, the procession was cancelled and the plaintiff claimed the return of his deposit from the defendant. The Court of Appeal held that the plaintiff was not entitled to recover this deposit and the defendant was entitled to payment of the balance as his right to the payment had accrued prior to the cancellation of the procession.

In summary, the doctrine of frustration is applicable where a number of requirements are met:

(1) a supervening event, the occurrence of which is not expressly provided for in the contract;

(2) the supervening event must not have been caused by the fault of either party to the contract;

(3) the supervening event must have resulted in a radical alteration in the obligations of the parties; and

(4) there must be more than just hardship, inconvenience, or material loss to the party seeking relief.

In general terms, the consequences resulting from the application are:

- the contract is discharged from the moment the frustrating event occurs;
- the parties are released from performing any obligations that accrued after the time of discharge; but any obligations that accrued prior to the frustrating event remain in force. Therefore the contract is valid and binding for the period before the frustration;
- where money is due under a contract but unpaid at the time of discharge by frustration and there has been a total failure of consideration for that payment, the failure of consideration is a defence to a demand for payment;
- under the principle of unjust enrichment, where a party has paid money to another party for the performance of an obligation under a contract but no part of the performance has taken place and the contract is discharged, the party is entitled to reimbursement of his money as the consideration for his payment has wholly failed.

The common law itself is inadequate to deal with the problems arising because:

- there is no redress or reimbursement where there has been only a partial failure of consideration;
- there is no redress or reimbursement for a party who has incurred costs for the purpose of performing the contract; and
- contractual rights accrued before frustration remain enforceable.

As already mentioned, the result is 'the loss lies where it falls'. The doctrine can produce grave injustice to a party who has either paid money or done work for which he has received no answering benefit or recompense. Such a solution is unthinkable in civil law systems where the doctrine of unjust enrichment ensures a degree of justice is done.

It is, I think, helpful to honourable members to give some more examples of frustration. In its 25th Report the New South Wales Law Reform Commission has this to say:

> If the main object of a contract, as distinct from some subsidiary provision, cannot be carried out because it becomes illegal further to perform the contract at all, or to perform some promise essential to the main purpose of the contract, the contract is frustrated. Again, if the main purpose of the contract, as distinct from some subsidiary purpose, is defeated because the subject matter of the contract is destroyed or so seriously damaged as to be fundamentally different, the contract is frustrated. Again, where a contract is a personal contract, such as a contract of service, frustration occurs if the servant dies or becomes permanently incapacitated. Again, where the contract makes a particular method of performance fundamental to its objects, the contract is frustrated if that method becomes impossible. Again, a contract is frustrated where, beyond the control of the parties, an event occurs which would indefinitely delay performance, so that the fulfilment of the contract would involve the parties in something commercially quite different from what the contract contemplated. As Lord Wright put it: 'If there is a reasonable probability from the nature of the interruption that it will be of indefinite duration, they ought to be free to turn their assets, their plant and equipment and their business operations into activities which are open to them, and to be free from commitments which are struck with sterility for an uncertain future period.

The elements of the scheme which this Bill seeks to effect are, in summary—

(a) provision for repayment of any payment made before frustration;

(b) provision for payment for any benefit which a party has obtained or received from what another party has done under the contract; and

(c) provision for reimbursement of costs which a party has incurred for the purpose of performing the contract.

Clause 7 of the Bill is the hub of the scheme. It provides for a process of 'global' accounting between the parties, in consequence of their contract being frustrated, by which none is to be unfairly advantaged or disadvantaged. The approach of clause 7 (2) is integrated, that is, it produces a return for each party after a single calculation, rather than the many needed in relation to each type of performance or each party. It is in this respect that the Bill departs from the British, British Columbian and New South Wales precedents. The overall effect of the Bill will be to achieve restitution of benefits received before the frustrating event plus an apportionment of new losses suffered.

In his commentary on the draft Bill, Mr Stewart, Lecturer in Contract Law, University of Adelaide, observed:

> . . . the Bill is to be applauded as a fresh and valuable attempt to deal with an appallingly difficult subject . . . the Bill compares very favourably with its UK, British Columbia and New South Wales counterparts. The relative failure of those enactments to provide an intelligible, coherent and comprehensive scheme of adjustment fully justifies the adoption of a new approach.

Finally, it should be noted that the effect of clause 4 (1) *(b)* will be to ensure the parties to a contract are free to determine between or among themselves what precisely will be the consequences, for them, of frustration. Moreover, the Act will bind the Crown.

Clause 1 is formal.

Clause 2 provides the commencement of the measure.

Clause 3 sets out the various definitions required for the purposes of this Bill. Significant definitions include 'contractual benefit', 'contractual performance' and 'contractual return'. The Bill also provides for a determination of the value of contractual performance.

Clause 4 provides for the application of the Bill. The Bill will apply to a frustrated contract even if there is, in consequence of the frustration, a total failure of consideration, but will also apply subject to any provision made in the contract itself as to the consequences of frustration. The new Act will not apply to a contract made before the commencement of the Act, or certain contracts that are unsuitable to the application of the rules prescribed by this measure.

Clause 5 provides for the severance of parts of a contract that have been frustrated.

Clause 6 provides that the frustration of a contract discharges the parties from all contractual obligations. However, the frustration does not affect an obligation intended to survive frustration or a right of action for damages that arose before frustration.

Clause 7 sets out the rules of adjustment that are to apply on the frustration of a contract. The initial principle is that an adjustment must occur between the parties so that no party is unfairly advantaged or disadvantaged in consequence of the frustration. For the purposes of that adjustment, the value of contractual benefits received by each party must be calculated and aggregated and then the value of contractual performance must be calculated and aggregated. The aggregate of the values of contractual performance must then be deducted from the aggregate of the values of contractual benefit, and the remainder notionally divided equally between the parties. An adjustment must then be made so that there is an equalisation of contractual return between the parties. In addition, subclause (4) provides that if, in the circumstances of a particular case, the court considers that there is a more equitable basis for making an adjustment, the court may proceed to make the adjustment on that basis. The court can also make various orders consequential on a determination under this clause.

Clause 8 provides that an action for an adjustment under this Act may be commenced before a court as if it were an action under the contract that arose at the time of the frustration of the contract.

Mr S.J. BAKER secured the adjournment of the debate.

CORONERS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 10 February. Page 2643.)

Mr OSWALD (Morphett): The Opposition supports this Bill, which seeks to include in the Coroners Act a mandatory requirement to conduct an inquest into the cause and circumstances of a death which occurs while a person is in lawful custody. Lawful custody applies in two areas: first, a person in police custody and, secondly, a prisoner under the control of the Department of Correctional Services. During my remarks I will be referring to both areas mentioned, because I think it is important that we do so. There was a time under the old Prisons Act 1936 when an inquest was mandatory. In 1982, when the Correctional Services Act came into existence, it did not contain this mandatory requirement, and the purpose of this Bill is to reinsert that mandatory requirement in the Coroners Act.

It is fair to say that the Government and the Coroner, as a matter of course, carry out an inquest on each occasion, but there has not been this mandatory requirement. It is a little unfair of the Government—in fact, it is incorrect—to put in the second reading explanation the implication tht the Tonkin Government had the opportunity of bringing in this mandatory requirement, because, in fact, the Correctional Services Act was not proclaimed until well after the Tonkin Government went out of office. The incoming Bannon Government had the opportunity then—and on two other occasions—of bringing in this requirement. In fact, the Bannon Government has had five years to bring in this piece of legislation. Nevertheless, it is now being brought in and the Government supports it.

The Opposition believes that an inquest into death in custody should always be mandatory for the following reasons: first, the relevant affairs of the Police and Correctional Services Departments should be seen to be open—we have no argument with that; secondly, the conduct of an independent inquiry provides protection for staff and peace of mind for the deceased detainee's family. I think that is very important because when there is a death in custody, without a thorough and concise investigation by an independent body, such as the Coroner, there is always that chance of innuendo and the chance that the police or correctional services officers might have been involved. By bringing the matter out into the open—into a proper public coronial inquiry—that odium cannot be directed in the wrong direction.

The third reason is that the result of an inquest is public and available to all concerned, including the Parliament and the Government. There have been reports in the press recently of deaths in custody and it is quite clear that, if we had not had the coronial inquiry system, this innuendo could have run wild, to the extent that insinuations would have been made and accusations levelled at individuals that in many cases could have been quite unfounded.

A recent inquiry was held at Wilcannia, New South Wales. The Coroner reserved his decision into the death of an Aborigine in custody, but rejected the suggestion that the possibility of murder was not investigated. In that case the accusation was made that the Aborigine had been murdered in custody and at the end of the inquiry the Coroner declared that this was not the case. Clearly, if a coronial inquiry had not been held on that occasion that innuendo would have gone on into history.

I refer to a death in custody at Port Lincoln where once again it was necessary to hold a coronial inquiry that the benefit of all parties, and the cause of death had to be determined. The matter to which I referred occurred not that long ago and members are probably familiar with it. I refer also to the recent case in the Adelaide Gaol—before its closure—where the reason for death had to be determined. One of the main reasons for determining the cause of these deaths is to ensure that they do not happen again. It is interesting to look at the reasons for mandatory inquiries, which are to clear police and correctional services officers, to ensure that the peace of mind of the deceased's family is satisfied and to ensure that the public knows that the inquiry is independent.

The other reason, which I think is terribly important, is to learn lessons from the types of deaths that are detected. We already have obtained a considerable amount of information on deaths, unfortunately mainly deaths of Aborigines, in Australian prisons. This material was commissioned by the Conference of Correctional Administrators in 1984, because the number of deaths seemed to be on the increase.

The aim of that inquiry was to come up with feasible preventive programs before the problem of deaths in custody got out of control. The House will be interested in some of the material provided by the Australian Institute of Criminology published in 1986, because it involves a six-year study from 1980 to 1985 inclusive of prison deaths: 155 deaths in all were considered by the institute. Half of those deaths were suicide and the other half were mostly natural deaths, with some murders and some accidents.

One notable statistic was that the suicide rate was five times higher than in comparison with non-prison groups. As a matter of interest, comparisons overseas in the United States, Britain and Canada showed that deaths in custody from suicide ranged from three to 10 times greater than in the outside community. I now refer to Professor Richard Harding, professor of law, specialising in criminal justice at the University of Western Australia who, with particular reference to Aborigines, said:

> Aborigines were not over-represented; they committed suicide with no greater relative frequency than non-Aboriginal prisoners. The profile constructed of the at-risk prisoner transcended racial factors. He (for it is predominantly a male phenomenon) was unconvicted, young, unmarried or lacking other forms of family support, previously unemployed, charged with either a major offence of violence or a trivial public order offence and with a history of self-inflicted injury. The time of greatest vulnerability was during the very early stages of incarceration, in particular the first two weeks.

That position applies with equal importance to both white and Aboriginal people in custody. This highlights the importance of the results of coronial inquiries into the management practices within prisons. Reforms in induction procedures, crises services to prisoners and their families and the establishment of emergency services are important, and these were recommended in particular by Professor Harding in his paper. Referring to Aboriginal suicides in custody, which is now the subject of a judicial inquiry, Professor Harding went on to state:

> Even so, the prison component of Aboriginal suicides in custody has not run out of control. Rather, it is the police lock-up component which has become an epidemic. The key factor in this, surely, is found in that very profile of the at-risk prisoner. This is the archetype of recent Aboriginal suicides in police lock-ups. Moreover, because time spent in lock-ups is relatively short,

these cases conform with the observation that the early stages are the most vulnerable.

Coming back to the Bill, the Government's reason for the mandatory inquests is sound. The overriding objective, however, should be to always prevent deaths happening if we can do anything at all to improve the prison's administration. There are always many lessons to be learnt from every coronial inquiry, lessons which I would hope all gaol administrators heed because, if we take on board the message of that Western Australia professor, if we read the papers, we see that the induction procedures are terribly important. We must have crisis procedures set up for prisoners and their families during the first couple of weeks; we must establish emergency services.

If we can do that and learn from the results of coronial inquiries, then such inquiries will do some good. The Bill is sound and the Opposition supports it. As I said initially, coronial inquiries have been proceeding as a matter of course and I am sure that there has not been a death in custody that has not been thoroughly investigated. The point I wish to make is that we must learn by every coronial inquiry. Every administrator of a correctional services institution and people in charge of the policy relating to police custody must learn from the results brought forward by the coroner so that the number of deaths in custody are reduced.

There has been an increase in the number of deaths of Aborigines in prisons. There can be no doubt about that, and there has been some concern about it. We found that the number of Aboriginal deaths in custody since 1980 had skyrocketed: in Queensland, 11; Northern Territory, 6; Western Australia, 19; South Australia, 6; Victoria, 1; Tasmania, 2; and New South Wales 8. We can add to that list the death in Port Lincoln.

I was pleased to see in the Federal arena the meeting of the Minister for Aboriginal Affairs, State and Federal police and Correctional Services Ministers to consider a draft code of practice aimed at ending the growing number of Aboriginal deaths. The experts have acknowledged that it is usually in the first 14 days that the trouble occurs. If we can implement the recommendations of these experts, perhaps we can go a long way towards solving the problem.

This whole matter has been considered by a Royal Commission. I will be interested in what the Royal Commission comes up with. Part of the code of practice that has been recommended is worthy of consideration. The four main aims of the draft code of practice are as follows:

A reduction in the number of Aborigines in custody.

The provision of safe surroundings for Aborigines in custody.

Adequate risk assessment of Aborigines taken into custody, so that prior medical conditions, for instance, are properly taken into account.

Proper supervision and care of Aborigines in custody.

That all gets back to the reception of the detainees and their treatment during that first 14 days and their subsequent treatment. As I said in my opening remarks, their initial treatment in police custody and then in the care of the Department of Correctional Services is important. It is a wide field and there is much to be considered about the care of these people. Much compassion is required. I know there is a hard line, but much compassion and understanding of incarcerated people is required.

The reception of those men and sometimes women when they go in for the first time is worthy of great consideration by the relevant Ministers. I conclude by saying that we support the Bill. The overriding fact is that we learn from the inquiries and the Coroner's final conclusions; if a death can be prevented by taking slightly different action in the administration of these people, we should ensure that.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure, albeit a minor amendment, but it is of considerable importance, as has been shown from the unfortunate circumstances that have arisen in this country whereby it has been necessary to conduct a Royal Commission into the deaths of Aborigines in custody. Indeed, it is important having regard to the overall community. The detailed explanation given by the honourable member clearly indicates the error of the decision taken to eliminate the mandatory requirement for these inquests to be held. However, it appears that over time it has been shown very clearly that this is a necessary amendment to ensure that in every instance where a person dies in lawful custody in this State, an inquest into the cause or circumstances of the death will have to be held on each occasion. I understand that that has been the practice invoked by the Coroner in this State, but it is important that this be put beyond a matter of discretion.

I understand that this matter was the subject of a recommendation of the Royal Commission which was held in this State, and which led to various changes in the legislation in the early 1980s. However, the then Government chose not to include this as a provision in the amending legislation at the time. As I have said, circumstances have now shown, as a result of a review over a number of years, that it is necessary to amend the legislation in this way. For the reasons that have been clearly outlined in the second reading explanation and, indeed, following the comments made by the member for Morphett, I commend this measure to the House.

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

ADJOURNMENT

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

That the House do now adjourn.

Mr S.J. BAKER (Mitcham): Last week I raised in this House a question relating to the appointment of a particular individual as deputy chairperson of the Occupational Health and Safety Commission.

An honourable member interjecting:

Mr S.J. BAKER: Well, the member opposite says that that was scurrilous. When I raised this matter I was subject to an extraordinary level of virulent abuse, with members saying that it was scurrilous and scummy; indeed, a whole range of other adjectives were dreamt up by Government members. Members opposite should realise that, if I raise any issue in this House it will be supportable. In this case, I would like the House to consider the following facts. If members opposite had looked at the composition of the selection panel for Ms Powning they, too, would perhaps be a little distressed if they believed that selection panels should be impartial. The Minister stood in this House and said that Ms Powning had been selected through all the due and proper processes. However, let me assure the House that that is far from the truth.

Members interjecting:

Mr S.J. BAKER: Yes, far from the truth, because, for reasons unknown, the original selection panel was changed. Let me tell members about the composition of the panel that selected Ms Powning. Heading the list was the Secretary of the UTLC, Mr Lesses; there was Mr Meikle, ex unionist and Chairman; there was Mr Williams, part of the UTLC working party on occupational safety; there was a Mr Jack-

son from the Department of Labour; and, of course, there was an employer representative by the name of Ms Key on that selection panel. I am of the belief that for an impartial decision one must have an impartial panel, and we can say quite clearly in this House that there was no impartiality on that panel—none whatsoever.

Members interjecting:

Mr S.J. BAKER: I am saying in this House that there was no impartiality on the committee which comprised a member of the UTLC working party on occupational safety, the Secretary of the UTLC and, of course, the ex unionist and Chairman of the Occupational Health and Safety Commission. When I raised this question members opposite sort of cried and catcalled, and said that I was being unfair. The Minister said, 'Aha! He has been bandying it around the press.' I can assure members that I was not bandying it around the press. However, I wonder how the story was not really told in the first place. I will leave that issue aside, because it is important that if occupational safety is to work in this State there must be a proper partnership between the employees and the employers. If members in this place believe that people can be appointed under the old boy or old girl system, then occupational safety will not work in this town. You will set up divisions.

Ms Gayler interjecting:

Mr S.J. BAKER: Well, the member for Newland, who wants to put her foot into it all the time, should know that with the original selection panel Ms Powning finished well down the list. However, for some strange reason, due to the composition of the new panel, she finished on the top of the list. Tell me that that is merit!

Mr D.S. Baker: It has gone quiet.

Mr S.J. BAKER: Awfully quiet. If you want to check the facts go and talk to your mates in the UTLC.

The SPEAKER: Order! The member for Mitcham must direct his remarks through the Chair, as must any other member, and he must refer to members opposite not as 'you' but as 'members opposite'.

Mr S.J. BAKER: Thank you, Sir. I raise this matter because I want occupational safety to work in this town, but it will not work if the Government continues to make decisions like this. We believed that, despite a unionist being appointed as Chairman of the Occupational Health and Safety Commission, it was probably appropriate in a compromise situation. However, as soon as one starts feathering the nest with trade unionists to show exactly where the power is going to lie, one will lose the employers in this town. The power must be evenly divided. There has to be trust in this town, and that is never achieved by putting one of your mates, girlfriends or wives into a position. There is no doubt that, unless some balance is put back into the commission, it will break apart. I will not say any more about that question. I have outlined the details of what I believe is a travesty. I believe that the position was set up and that, indeed, a person who did not deserve to get the position got it, and I believe that that is a great shame.

The second issue that I want to address today relates to the actions taken by this Government to ensure that all contractual work that is undertaken on behalf of Government departments goes to those firms that have unionised labour forces. I will again point out some of the problems facing this city and State of ours, particularly in the building industry, at which this measure is being aimed. I have on a number of previous occasions in this House expressed some grave reservations about the conduct of building unions in this town, particularly the BWIU and the BLF. Time and time again we have seen building projects held up and disrupted because of the mindless actions of members of those two unions. We see here in today's paper the heading 'Builders ban sub site work'. I have already referred in this place to the fact that with the submarine project we have a marvellous opportunity to show what we can do. However, it has not even started and we are already having disputes about who is going to do the work.

So much for cooperation! This really is a tin-pot town. We cannot even do simple things, let alone do them well. Since I have been shadow Minister of Labour, I have informed the House on problems facing the building industry. I have talked about the corruption, the threats, the intimidation, the abuse and the thuggery that goes on in the building industry, but I have been abused by members opposite on the occasions that I have raised this issue. I have done so because, unless the industry is cleaned up, this State has a limited future.

Workers in the building industry managed to close down the ASER site to march on Parliament House because of some of the remarks that I made, and I have been threatened with writs because I raised these issues in this House. That is nothing to what building employees and subcontractors face from the unions. If a person cannot raise those issues in a free and democratic society and action cannot be taken, this State has reached a low ebb. The principle that I am expounding today is: why would one want to endorse the corruption, threats, intimidation and thuggery in the building industry, because that is exactly what the Minister of Labour has done, by saying to the employers of this town, 'If you don't have these thugs on board, you can't get a job.' What has this State come to? There is silence on the other side because Government members know that these unions are uncontrolled. According to today's *News*, for his good efforts, Mr Carslake has managed to get himself a position on the UTLC executive.

The Hon. H. Allison interjecting:

Mr S.J. BAKER: That is correct; it is undermining the submarine contract. We need reforms in this town. We do not need a Minister of Labour and a Premier who endorse the thuggery, violence and corruption that exist in the building industry today.

Mr FERGUSON (Henley Beach): It is unfortunate having to follow the member for Mitcham in any debate. What he has just said is a misuse of parliamentary privilege. No wonder the general public is absolutely sick and tired of politicians and has very little regard for them, especially when they hear a proposition like the one put to the House today. The member for Mitcham should have the courage to go outside and repeat what he just said in this Chamber. His objections would not stand up to examination in any court, and I challenge him to repeat on the steps of Parliament House what he has just said. It is wrong that parliamentary privilege should be used in that way.

I turn now to the subject of my grievance debate. I do not have time to waste on refuting the drivel that has been put forward by the member for Mitcham; I will take it up at another time. In a recent edition of *Conservation News*, the newsheet of the Conservation Council of South Australia, I was very interested in an article which referred to a recent forum in Adelaide on gene manipulation, which had apparently been arranged by the Australian New Zealand Association for the Advancement of Science. The intention of the forum was to allay community fears about biotechnology. The author of the article stated that, rather than allay community fears, some participants came away more concerned than ever.

In recent years we have seen an explosion of the advancement of biotechnology, particularly with the process of

genetic engineering. The article suggested that questions from the audience about legislative controls of such activities were met with comments that because the process was so complex it was difficult for lawyers and politicians to know how to legislate. The argument was that only scientists could understand, so only scientists could regulate their own activities. This in itself is disturbing because there is a reluctance among scientists to agree to any restrictions on self-determination.

On a recent visit to the Adelaide branch of CSIRO, I had the opportunity to look at some forms of biotechnology, particularly as it relates to plant propagation. I found it very interesting and was there long enough to learn that the advances in biotechnology are of great benefit to South Australia, Australia and the world generally. I am aware of the amount of money that is being spent on a world-wide basis on this particular form of science and of the huge investment that Australia has made in this field of scientific endeavour. I am also aware of the benefits that it is bringing and is likely to bring.

The University of Adelaide is actively promoting the results of its research discoveries in this area through the formation of companies joined with private capital. I understand that university personnel look forward to quite an industrial complex gradually developing under the university's wing. As a responsible politician, I have been concerned that there has been very little public debate about the release or possible release of engineering organisms into the environment. In Australia, particularly Adelaide, research is under way to develop viable recombinant DNA products, yet no comparable concerns are being expressed in this State.

In an article in the *Australian Journal of Biotechnology* of 24 June 1987, Sue Meek suggests that there appear to be two major reasons for this. First, unlike the United States, there is not the same fear of litigation in the event of adverse effects. Secondly, there is a general lack of public awareness about the positive and negative potential of biotechnology. Recently I asked the Parliamentary Library to provide me with some research on this subject. In the research paper from Mr Elbert Brooks, the then senior research officer, this statement on jurisdiction appears:

> It is certainly within the jurisdiction of the State to introduce and implement legislative means for the control of recombinant DNA procedures and their application. In fact this appears to be an area within the exclusive jurisdiction of the State.

In her article on this subject, Sue Meek reported on the potential dangers of deliberate release, and she made three valid points. First, the effect of genetically engineered organisms getting in the wrong place must be considered when deciding whether they should be released. For example, strains of micro-organisms capable of breaking down petrochemicals could be very useful in cleaning up oil spills on polluted beaches. Yet, the activities of these organisms, if accidentally introduced into a tank at an oil refinery, are unlikely to be welcome.

Secondly, micro-organisms are well known to spontaneously exchange genetic material by both conjugation and plasmid transfer. The latter process is the mechanism by which antibiotic resistance is transferred between bacteria. Exchange can occur both within and between species. The possibility exists, therefore, that newly introduced genetic material could be transferred from one species of micro-organism with a quite different environmental range and dispersal pattern. In the case of higher organisms, the transfer of introduced herbicide resistance from a wheat crop to a weed species would clearly be highly undesirable.

Thirdly, the effect of introducing new bacteria into a particular environmental niche must also be carefully evaluated. Survival is a competitive process. If the introduced organism has been designed with a specific selective advantage, then existing species may be forced out, perhaps with long-term negative consequences for the ecosystem. Very little is known about interaction within natural populations, particularly where the systems are complex and diverse. Since we are unable accurately to monitor and evaluate what is there normally, the task of following the introduction and impact of a newly introduced organism is difficult indeed.

In the United States, proposals to deliberately release viable genetically engineered organisms into the environment has evoked a storm of protest in the media, and a flurry of activity in the law courts. In Australia, and South Australia in particular, the media have left this subject alone and our legal system does not lend itself to the sort of litigation that is currently under way in the United States. The net result has been the formation of a number of lobby groups in the United States, strongly opposing deliberate release. The most vocal of these is Jeremy Rifkin's Foundation on Economic Trends. Furthermore, regulatory authorities are exercising extreme caution in granting approval.

I am not sure that the same is true in Australia. Companies that are not financed by Government funding authorities and, hence, not subject to their regulations are choosing to conform to legislation to which they are not bound. In combination, these factors have prevented the release of any viable recombinant DNA products in the United States until earlier this year. The releasing of genetically engineered micro-organisms in the environment to control plant production has already spread to Australia and, as far as I know, not one word has been said. The *New Scientist* of 18 June 1987 stated that it was the first experiment here and only the third of its kind in the world, and took place on a small plot at the Waite Agricultural Research Institute in Adelaide.

It is time that the Parliament of South Australia looked seriously at this question but, above everything else, I believe that research on this subject should be available to members of this House. It is, indeed, a very complex question: it is something that should not be hidden from politicians; and to date I have had great difficulty in gaining an appropriate research paper on this particular subject.

Mr D.S. BAKER (Victoria): There were three matters I wanted to bring up today, all concerned with the National Parks and Wildlife Act. First, I think that it is quite obvious, when one goes through that Act and looks at that department, that there is a severe lack of management by the Minister in administering the regulations under that Act and by officers in that department in their administration of that Act. Those matters are costing the taxpayers of South Australia many thousands of dollars.

The second point is the irresponsible attitude of a prosecuting officer within that department who seems to have a very cushy job travelling all around this State, attending court cases that there is absolutely no reason to attend, when expiation fees could have been issued. The third matter is to highlight the trivial offences which are prosecuted under the National Parks and Wildlife Act, in particular, by some of the officers in the southern areas of this State who seem to put the Act under the microscope, find the most trivial offence and take someone to court for committing that offence.

The member for Eyre has highlighted many times in this place that if you give someone a badge or an office to hold, to administer regulations under some of these Acts, it seems

to go straight to some people's heads and they go far beyond the realms of sensibility. This has happened in many cases under the National Parks and Wildlife Act.

The first case I want to refer to is a case of a Brian Ashley Brooks, who is a law abiding citizen from the township of Millicent who was driving along the Coorong beach looking for a place to camp after a day's fishing. He saw a track leading off into the reserve and, thinking it to be an official track, proceeded along it for 45 metres. He then realised that it was not the official track on which he was allowed to drive so he backed out of that track, only to be confronted by a certain officer who eventually issued a summons. That meant that Mr Brooks had to go to court and be prosecuted.

The summons on complaint was for the Murray Bridge court but, by arrangements with Mr Brooks' solicitor, it was transferred to Millicent. That entailed the prosecuting officer and the ranger travelling all the way to Millicent. Mr Brooks was fined $20 plus $22 costs for the trivial offence of driving 45 metres up a road and then backing out after realising his mistake. It is rather interesting to see what the magistrate said. The magistrate told Mr Brooks that he did not know why the Coorong ranger had not taken the option of issuing an expiation fee. The magistrate agreed that, in the triviality of the offence, it was quite ridiculous that the ranger had not issued an expiation fee. The defendant had not been doing any damage in that park and had not intended to do any damage. In fact, on realising his mistake he immediately backed out and got out of that area.

The other case is that of Ian Thomas McArthur. After this first case was brought to my attention I said that we should really go further and ask that expiation fees be given instead of proceeding to court cases. Mr McArthur received a summons which stated that, without written permission of the Director of National Parks and Wildlife, he drove a vehicle within a reserve, namely the Coorong Game Reserve, against regulation 8 (1) and 64 of the National Parks regulations 1972. The case was to be heard in Murray Bridge and, on representations from Mr McArthur's solicitors, the case was requested to be heard in Millicent. That was agreed to. A second letter was sent and it stated:

> Thank you for your letter of 6 July advising that this matter has been transferred to the Millicent court . . . Please advise if you are prepared to withdraw this prosecution and, instead, issue our client with an expiation notice pursuant to regulation 63. It seems to us that such a course would save both our client and the department—

note 'and the department'—

unnecessary expense.

The department said that it would not accede to the request. The case duly went to court and the defendant was fined $20 with $20 costs. Regulation 63 of the National Parks and Wildlife Act clearly provides that the Minister may serve a notice on a person or may give authority for an expiation notice to be served by the relevant officer. The Minister is derelict in his duty in not ensuring expiation notices are issued for such trivial offences, especially when there is considerable cost to the defendant and the prosecuting officer—that is, cost to the department—in travelling all over South Australia for a case that takes 10 mintues and brings $20 into the funds of the National Parks and Wildlife Service.

During the Estimates Committees I asked what offences could be but were not dealt with under expiation notices. It seems that 54 offences during the past 12 months were prosecuted instead of having expiation notices issued. When one goes through the regulations one finds that court cases were held for 54 offences when the fine in each case was a maximum of $30. That is ridiculous and ludicrous. I think the prosecuting officer has a lot to answer for in going ahead with these prosecutions instead of taking the option of issuing notices. The offences are trivial, such as fines for driving off a track (as I just intimated), and fines for bringing an animal into a reserve (and I heard of one case where a person was fined when the animal strayed into a reserve). That is complete nonsense.

What it costs for prosecuting officers to take these matters to court is ridiculous. During the past eight months meals and accommodation have cost nearly $300, and air fares have cost $735. Someone flies all that way to prosecute a court case when the maximum fine is $20 to $30! The vehicle operating expenses are neatly rounded off to $1 500—not $1 501. At the next Estimates Committee we will ask for more details on that. Large amounts of taxpayers' money—some $2 500 in relation to these cases—have been spent around South Australia to prosecute 54 cases, all offences having a maximum fine of $20. Not only do officers tour the country to do this but they cause offenders—and in nearly every case they have pleaded guilty—to drive (in some cases) 300 kilometres to attend the court, plead guilty and be fined $20. That is a scandalous waste of taxpayers' money. It all falls back on the Minister. It is a lack of management of the National Parks and Wildlife Act by the Minister, and I urge him to do something about it.

Motion carried.

At 4.3 p.m. the House adjourned until Tuesday 23 February at 2 p.m.