

LEGISLATIVE COUNCIL

QUESTIONS

Tuesday, March 29, 1977

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, intimated his assent to the following Bills:

Adelaide Festival Centre Trust Act Amendment,
Alcohol and Drug Addicts (Treatment) Act Amendment,
Appropriation (No. 4),
Architects Act Amendment,
Beverage Container Act Amendment,
Builders Licensing Act Amendment,
City of Adelaide Development Control,
Community Welfare Act Amendment,
Country Fires,
Credit Unions,
Defective Premises,
Education Act Amendment,
Electoral Act Amendment,
Emu Wine Companies (Transfer of Incorporation),
Mining Act Amendment,
Narcotic and Psychotropic Drugs Act Amendment,
Pastoral Act Amendment,
Police Offences Act Amendment,
Poultry Processing Act Amendment,
Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh) Act Amendment,
Racial Discrimination,
Racing,
Regional Cultural Centres,
Road Traffic Act Amendment,
South Australian Meat Corporation Act Amendment,
Stamp Duties Act Amendment,
Statutes Amendment (Capital Punishment Abolition),
Trade Measurements Act Amendment,
Valuation of Land Act Amendment,
Water Resources Act Amendment.

PETITION: PUBLIC TRANSPORT

The Hon. R. C. DeGARIS presented a petition signed by 62 electors in South Australia alleging that public transport from the Glenelg area to the Flinders Medical Centre was inadequate and praying that the Legislative Council advocate that a public transport service be established directly connecting Glenelg with the Flinders Medical Centre.

Petition received and read.

PETITION: PASKEVILLE PRIMARY SCHOOL

The Hon. M. B. DAWKINS presented a petition signed by members, parents and friends of the Paskeville Primary School pointing out that the school toilets were completely outmoded, inefficient, and inadequate, are a public health hazard and that their replacement is both necessary and urgent, but has been deferred. The petitioners prayed that the Education Department replace these antiquated facilities as soon as possible.

Petition received and read.

INSURANCE

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to directing a question to the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: On Sunday night the Premier appeared on a commercial television station (I have been told that he appeared on all commercial television stations) in a five-minute spot in a film produced by the South Australian Film Corporation. In that film the Premier engaged in an attack upon the mutual assurance societies, and that attack can be interpreted only as a blatant example of Party politics. Therefore, my questions are as follows: how many five-minute spots does the Government intend using in this manner; how long ago were the programmes planned; when were the programmes produced by the corporation; what department is paying for the showing and making of the films; and, as the programmes are obviously of a political nature, will the Government consider the same amount of taxpayers' funds being made available to the Opposition to present its case on the questions canvassed?

The Hon. D. H. L. BANFIELD: First, I do not agree that the films are politically biased in any way whatever. The public is entitled to know how taxes are spent, and the public has received these five-minute segments rather favourably. However, in direct reply to the Leader, I will approach my colleague and obtain further information for him.

The Hon. C. M. HILL: I seek leave to make a short statement before asking two questions of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. C. M. HILL: My questions refer to section 17 of the State Government Insurance Commission Act, 1970. It is essential that I read that section so that my questions are understood. Section 17 provides:

(1) Whilst any Act relating to income tax shall not apply to the Commission, the Commission shall from time to time pay to the Treasurer such sums as the Treasurer deems to be the equivalent of the amounts which would be payable by the Commission if the Commission in respect of its insurance business were liable as an insurance company for payment of income tax and other taxes under the provisions of any Act or Commonwealth Act.

(2) The Commission shall take out an annual licence in accordance with the provisions of subsection (1) of section 33 of the Stamp Duties Act, 1923, as amended, and shall pay the duty thereon in the same manner as other persons engaged in the business of insurance in the State and the Commission shall pay the duty applicable to all other instruments and transactions in accordance with the provisions of that Act in the same manner as other persons engaged in the business of insurance in the State.

(3) The provisions of the Fire Brigades Act, 1936, as amended, the Bush Fires Act, 1960, as amended, the Volunteer Fire Fighters Fund Act, 1949, as amended, the Hospitals Act, 1934, as amended, and the Hire-Purchase Agreements Act, 1960, as amended, shall apply to and in relation to the Commission in the same manner and to the same extent as they apply to and in relation to other other persons engaged in the business of insurance in the State.

Have any contributions at all been paid to the Treasurer in accordance with section 17 (1)? Further, is the commission adhering strictly to the provisions and the spirit

of subsections (2) and (3), in that no competitive advantage is being enjoyed by the commission over its competitors?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's questions to my colleague. For the information of honourable members opposite, I note that their "toeyness" is showing.

The Hon. J. C. BURDETT: I seek leave to make a short statement before asking a question of the Minister of Health, representing the Minister of Prices and Consumer Affairs.

Leave granted.

The Hon. J. C. BURDETT: A report in the *Advertiser* of March 16 states that the Commonwealth Minister for Business and Consumer Affairs (Mr. John Howard) has stated that, in principle, the Federal Government accepted the proposition that when it entered the commercial field it should be bound by consumer protection legislation. He did say that perhaps some exceptions might have to be made. At present, when either the Federal Government or the State Government enters the commercial field it is not bound by State or Federal consumer protection legislation. Free enterprise is bound to comply with consumer protection legislation, but Government enterprise is not so bound. Consumers are entitled to protection against free enterprise, but not against Government enterprise. For example, in the insurance field, when a person borrows money from a free enterprise organisation, such as a bank or a finance company, and when he provides security, if that organisation requires (and, of course, it always does) that the security be insured, the borrower (the consumer) is entitled to take out the insurance with any organisation that he pleases to employ. The bank or the finance company is not allowed to say, "You shall take it out with such and such a company." This is provided for in the Federal Trade Practices Act. The State Government Insurance Commission has used this in its advertising by pointing out that, when a person borrows money, that person may insure with whomsoever he pleases, and the commission has sought the business for itself. However, when a person borrows money from the Savings Bank of South Australia it is the practice to insist that the security be insured with the State Government Insurance Commission, a practice which is, of course, in direct conflict with the Federal Trade Practices Act. The Savings Bank of South Australia is not bound by the provisions of that Act.

The Hon. D. H. L. Banfield: This was carried on for years by those who are now in Opposition.

The Hon. J. C. BURDETT: Will the Minister follow the example given by the Federal Minister and say that, when the State Government or any of its instrumentalities enters into the commercial field, it will agree to be bound by the consumer protection laws?

The Hon. D. H. L. BANFIELD: I should like first to add to the interjection that I just made, and say that this practice was not a new one in relation to Savings Bank of South Australia competitors, who were doing this sort of thing for years.

The Hon. R. C. DeGaris: In what way?

The Hon. D. H. L. BANFIELD: By insisting that one insure with a certain insurance company.

The Hon. C. M. Hill: You were given the right to choose your insurance company.

The Hon. D. H. L. BANFIELD: One was given that right provided that one insured with the company that was nominated.

The Hon. C. M. Hill: No, you're wrong.

The Hon. D. H. L. BANFIELD: That is the position, and honourable members opposite know it.

The Hon. J. C. Burdett: But it is contrary to the Trade Practices Act.

The Hon. D. H. L. BANFIELD: Of course it is, but that Act has not been in operation for all that long, and competitors with the State Bank and Savings Bank of South Australia have done exactly that sort of thing in the past. So, let us not say, "Thank God we are pure." It is as simple as that.

The Hon. C. M. Hill: The Minister is wrong.

The Hon. D. H. L. BANFIELD: In any event, I will refer the honourable member's question to my colleague and bring down a reply.

The Hon. J. E. DUNFORD: I ask my question of the Chief Secretary. I should like to give a short statement that appeared in the press in the last couple of days, both here and in other States, that it has been tipped that there could be in South Australia a double dissolution of Parliament. This has not only appeared in the press but been discussed by people of all political persuasions. If this is true, it has a bearing on the legal questions asked by the Leader, the Deputy Leader, and their shadow Attorney-General. The article appeared in defence of the multi-national companies of this State, and the public should be aware of it, and members on this side of the Council should prepare for the debate that will take place later in this Chamber. That is why I direct my question, which is in three parts, to the Chief Secretary. First, is he aware that the Australian Labor Party members of Parliament have been swamped with congratulations on the State Government's taking a stand to legislate for the State Government Insurance Commission's entering the life assurance coverage of the South Australian public?

The Hon. J. C. Burdett: Oh!

The Hon. J. E. DUNFORD: I know the attitude of Liberal Party members of Parliament. I have referred a few Liberal Party supporters to their own Liberal Party members. I would not be surprised if one of them rang the Hon. Martin Cameron.

The Hon. M. B. Cameron: That is not true.

The PRESIDENT: Order! I ask the honourable member to ask his question without further comment.

The Hon. J. E. DUNFORD: The next part of the question—

Members interjecting:

The Hon. J. E. DUNFORD: Is the Minister also aware that about two years ago in Western Australia much press coverage was associated with allegations by Senator Wheeldon (a Labor Senator) about insurance companies giving financial support to the Liberal Party in Western Australia, and will the Minister ascertain what truth is in those allegations? Finally, is the Minister aware of allegations that employees of insurance companies in Adelaide were given time off, their wages were paid and they were told by their superintendents to attend a Liberal Party rally addressed by Mr. Fraser in Victoria Square in December, 1975?

The Hon. C. M. Hill: That was against nationalisation.

The Hon. N. K. Foster: It was not.

Members interjecting:

The Hon. C. M. Hill: Who's "toey" now?

The Hon. D. H. L. BANFIELD: Members opposite are "toey" because, contrary to their interjections, this question is not a Dorothy Dixier and the honourable member is spot on with his question. Indeed, support

has come not only from Australian Labor Party supporters but also from numerous supporters of the Liberal Party who do not believe that the State Government Insurance Commission should be denied the right to issue life policies. This matter goes beyond drawing support only from A.L.P. supporters, because I have also received congratulatory support from members of the Liberal Party who regret the way their Party is going.

The Hon. M. B. Cameron: How many?

The Hon. D. H. L. BANFIELD: Mr. Chipp is one, and he made a public demonstration about it. The second question was whether I could ascertain how much financial support had been given to the Liberal Party by insurance companies. Unfortunately, I cannot do that. There have been several attempts by the Labor Party to make political Parties declare the source of their funds. However, the Liberals are ever frightened of this and are not willing to allow legislation to go through on this aspect. Therefore, I am unable to obtain that information, but that is only because of the action taken by the Liberal Party. Regarding the third question, employees were given time off and encouraged by their employers to attend a meeting, and they were told that, even if they did not come back before 5 o'clock, their wages would still be paid.

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to directing a question to the Leader of the Government in this Chamber.

Leave granted.

The Hon. N. K. FOSTER: Many questions on insurance matters have been asked during the course of the afternoon and I wonder whether the Leader of the Opposition is willing, before he enters into serious debate on this matter, to furnish his colleagues and Government members with the information necessary to debate this question properly when it comes on by providing members with a complete list not only of boards of directors of insurance companies but also their associations with all of the other industries within and without this State. Is the Minister aware that Mr. Justice Sangster in a recent press report drew attention to the inability of the present insurance structure in South Australia to meet modern-day requirements of the public and the common interest of the community generally?

The Hon. D. H. L. BANFIELD: I am aware of the press report.

The Hon. R. C. DeGaris: He was referring only to third party insurance.

The Hon. N. K. Foster: It doesn't matter—that's insurance. All the other companies bailed out of that.

The PRESIDENT: Order!

The Hon. D. H. L. BANFIELD: Not only have all the other insurance companies bailed out of that area but it is also interesting to recall that, when the Government sought to establish the State Government Insurance Commission in South Australia, members opposite did all in their power to amend the Bill so that the office could deal only with third party insurance and workmen's compensation, because those were the two areas in which there was not much profit. Members opposite were willing for the S.G.I.C. to be established provided it dealt only with the unprofitable insurance areas.

The Hon. N. K. Foster: They would not do that with trustee companies.

The Hon. D. H. L. BANFIELD: There was no mention of that, so I cannot commit them on that because that

aspect was not under debate, but I knew of their attitude when the Government first introduced a Bill to establish the S.G.I.C.

HOSPITAL CHARGES

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement before asking the Minister of Health a question.

Leave granted.

The Hon. D. H. LAIDLAW: I refer to the fees being charged by the Royal Adelaide and Queen Elizabeth Hospitals. I have been told by a person associated with the Hospitals Department that a patient in a public ward being cared for by a hospital doctor is normally charged \$60 a day but that, if that same person is covered by workmen's compensation insurance, the charge for the same service increases from \$60 to \$115 a day. Is that information correct and, if it is, why must employers subsidise hospital charges in South Australia by being forced to pay, through their insurance companies, 92½ per cent above the normal rate for such hospital services provided for their employees, especially when the Premier and the Minister of Labour and Industry have expressed concern about the high cost of workmen's compensation premiums?

The Hon. D. H. L. BANFIELD: I am not sure about the figures referred to by the honourable member, although as a matter of principle I think that they are correct, except that a person who has an accident at work and who is receiving workmen's compensation payments is entitled to go to whichever hospital he chooses: he can go to a private hospital or to a public hospital. I point out that, if he goes to a private hospital, the insurance company that is charging the workmen's compensation premium assesses the rate of compensation to be paid on the amount for which it may be liable if the patient goes to a private hospital. Why should the Government have to subsidise the insurance companies, which have already charged the employer the amount for which he may be liable if the patient involved goes to a private hospital? If the patient goes to a public hospital, why should the insurance company be let off in relation to that sum? This makes no difference to the premium paid by companies. The only charge met by the patient when he goes to the Royal Adelaide Hospital is that for the hospital itself. In the case of an insured patient, there must be payment for back-up services for which he would have to pay, in addition, if he went to a private hospital. Therefore, because the premium is set for workmen's compensation on the basis of what it would cost in a private hospital, to which a patient is entitled to go if he so desires, the Government can see no reason why the insurance companies should be subsidised if the patient goes to a public hospital.

The Hon. R. C. DeGARIS: I ask the Minister whether he can tell me the amount of revenue lost to the hospitals because of the 20 per cent discount given to the State Government Insurance Commission on third party accounts.

The Hon. D. H. L. BANFIELD: We do not except that there are any losses. Because of the number of years that it seems to take to settle accounts as a result of litigation in the courts (we understand that accounts have been outstanding for years in some cases), we believe that we are ahead of the position that we would have been in if we had to wait for several years before some of the cases were finalised.

The Hon. R. C. DeGARIS: Further to that question, I ask the Minister why a discount is given on only third party insurance. Is it not true that the waiting time on payments for workmen's compensation is much longer than that for third party insurance, and would it not be advisable to give a 20 per cent discount across the board at Government hospitals for all insurance organisations, whether Government or not?

The Hon. D. H. L. BANFIELD: We have found that the third party accounts are the ones that have been outstanding for the longest time, and we believe that we have done the right thing in this area.

VERMIN-PROOF FENCE

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Lands.

Leave granted.

The Hon. A. M. WHYTE: The Minister would know the amount of pressure that has been brought to bear on the Government over the past two years to allocate money to reroute portion of the vermin-proof fence in the Fowler Bay area. Recently, the Government has allotted the necessary money for that project. I ask the Minister how far negotiations have advanced and whether tenders have been called at present for reconstruction of that portion of fence, which has been responsible for letting dingoes into the grazing country.

The Hon. T. M. CASEY: I am pleased to tell the honourable member that this morning I signed a minute calling tenders for work to be done on this stretch of dog-proof fencing in that area. The matter will be gazetted in the *Government Gazette* and I hope that work will commence immediately details are finalised in the department.

The Hon. R. C. DeGARIS: I hope I shall get an answer to my question. If the 20 per cent discount which is given by the Hospitals Department to the State Government Insurance Commission was not given, how much extra would the Hospitals Department collect from the State Government Insurance Commission? The Minister should know this figure.

The PRESIDENT: The Minister would have to get that information.

The Hon. D. H. L. BANFIELD: Not only that, Mr. President, but we do not know whether cases will ever be finalised in the courts. It would be impossible. We do know that, if they were finalised on a day-to-day basis, in fact we would get 20 per cent more than we get.

The Hon. R. C. DeGARIS: How much?

The Hon. D. H. L. BANFIELD: We cannot tell what it would be from year to year, because there is no way whereby we would know on what date a court would finalise cases.

CONTAMINATION FROM METALS

The Hon. ANNE LEVY: I seek leave to make a short statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. ANNE LEVY: A report in the March issue of *Search*, the journal of the Australian and New Zealand Association for the Advancement of Science, deals with contamination of soil and vegetables by cadmium, lead,

and zinc. The authors of this report, Dr. Tiller and Dr. de Vries, have sampled the cadmium, lead and zinc concentrations in about 5 per cent of the home gardens at Port Pirie in a random way to get an idea of the concentration throughout the area and they have determined the concentrations of these three heavy metals in both the soil and the vegetable products produced from these home gardens. The authors quote the levels of different metals, particularly zinc and cadmium, found in the soils and in vegetables produced in these gardens. They also indicate that quite a large part of the zinc content in the leaves of the vegetables grown in the home gardens is from surface contamination, arising presumably from the fumes from the smelter rather than from the soil. They indicate that the weekly tolerable intake recommended by the Food and Agriculture Organisation in 1973 is 3 000 microgrammes of lead and between 400 and 500 microgrammes of cadmium for adults. They indicate that the possible cadmium intake for the vegetables grown in at least one home garden was five times greater than the Food and Agriculture Organisation limit, assuming a daily consumption of 300 grammes of these vegetables, which is not a very large intake. They conclude their article by saying:

It is clear, however, that some householders relying on home-grown produce may exceed recommended intakes of cadmium and, to a lesser extent, lead.

Can the Minister indicate what action his department is taking in this matter? I imagine that no heavy metal poisoning has been detected, as it takes a long time for these heavy metals to produce any symptoms. Are any warnings being given to the people of Port Pirie not to consume large quantities of home-grown vegetables or are any statements being made to concentrate on growing certain of the vegetables which have low lead, zinc or cadmium concentration, such as tomatoes and capsicums? These are fruits and therefore do not accumulate heavy metals in the same way as root and shoot vegetables do.

The Hon. D. H. L. BANFIELD: The Public Health Department has been aware of the possibility of lead poisoning in Port Pirie for many years and it has worked in conjunction with the Commonwealth Scientific and Industrial Research Organisation in investigating the possible concentration of heavy metals in Port Pirie foodstuffs; but there is no scientific evidence of any effect on the population of Port Pirie from eating those vegetables grown in the town. General practitioners in the town are aware of the possibility of excessive lead absorption but have not found any signs of it in the Port Pirie area. The Public Health Department is sure that there are no hazards from normal intakes of vegetables grown in that area. The Broken Hill Associated Smelters has been there for more than 80 years. Following a Royal Commission in 1925, set up to study plumbism (lead poisoning) progressive controls were established, which have been greatly increased over the past 10 years. At present, under the clean air regulations the B.H.A.S. is installing a \$20 000 000 chimney in Port Pirie, mainly to control sulphur dioxide. Extensive action has also been taken to control lead emissions. A few more steps in this programme and the levels will be reduced to a minimum.

One man in Port Pirie said to me, "I wish these people would not stick their noses out because I think I will live to be 100." The department believes there is no problem with the intake of food grown there, and there is no evidence to lead to any signs of lead absorption being found. However, the department will continue to check in this area but at present there is no evidence of any poisoning there.

The Hon. ANNE LEVY: I seek leave to make a short statement before asking a question of the Minister of Health.

Leave granted.

The Hon. ANNE LEVY: I refer to another article in the March issue of *Search*, headed "The cadmium content of drinking water in Western Australia".

The Hon. R. C. DeGaris: Didn't you ask a similar question a moment ago?

The Hon. ANNE LEVY: My earlier question related to the cadmium content in Port Pirie soils and vegetables.

The Hon. D. H. L. Banfield: Who is asking this question?

The PRESIDENT: Order! The Hon. Miss Levy is asking the question.

The Hon. ANNE LEVY: Three authors from the Western Australian Institute of Technology have studied the cadmium content of water in metropolitan reservoirs around Perth. They compared the cadmium content, which is very low, with the World Health Organisation maximum advisable concentration for cadmium in drinking water of 10 parts per billion. However, they comment on the increased concentration of cadmium which occurs where water is heated in certain types of vessel where the solders used in making the vessel contain a certain amount of cadmium. The cadmium leaches out from the vessel into the hot water. I now refer to the following portion of the report:

The 16th FAO/WHO Report (WHO, 1972) gives a provisional tolerable weekly intake of cadmium for a 60 kg adult of 0.4 to 0.5 mg. An adult may drink six cups of tea or coffee per day, giving an approximate intake of 8.4 litres of water from this source per week. If this water contained cadmium at the higher concentrations measured in this study, then an adult might well ingest in this way up to 0.1 mg per week. This is a significant fraction of the proposed provisional weekly intake, and would of course be supplemented by cadmium ingested from food or inhaled from the atmosphere.

The Hon. C. M. Hill: Question!

Members interjecting:

The Hon. ANNE LEVY: The conclusion of the report is as follows:

It is therefore recommended that drinking water should not contain more than 1 ppb of cadmium. This study indicates that this could be achieved by avoiding the boiling of water (or cooking of food) in vessels which incorporate materials with high cadmium concentrations, and by abandoning the practice of using continuously heated hot water systems as a source of drinking water.

Will the Minister say whether studies have been conducted regarding the cadmium content of water in Adelaide's metropolitan supply and, more important, whether the Health Department is considering issuing warnings to people that it is inadvisable, when heating water for drinking purposes, to take that water from a hot water system, and that cold water taps should be used instead to prevent the intrusion into the water of heavy metals like cadmium, which could be ingested in tea and coffee?

The Hon. D. H. L. BANFIELD: I have not seen the report to which the honourable member has referred. However, tests are continually being conducted into the quality of South Australia's water supply to ascertain whether warnings should be issued. Although I have received no requests from the department in this respect, I shall seek advice from it.

RACE BROADCASTS

The Hon. J. R. CORNWALL: I seek leave to make a statement before asking a question of the Minister of Tourism, Recreation and Sport.

Leave granted.

The Hon. J. R. CORNWALL: Honourable members will be well aware that it is normal practice to publish and broadcast what are known as pre-post prices for horse-racing, trotting and dog-racing in South Australia. On a recent trip to Sydney, I found it was normal practice there for race broadcasters to give actual prices from the betting ring immediately prior to the running of each race. In South Australia until very recently, however, course broadcasters have apparently been forced to use such odd phrases as "toss of the coin odds", "half each way odds", "yours and mine", and so on. In fact, any reasonable punter hardly needs a computer to work out what they are talking about, and it seems a strange situation. Recently, South Australian race broadcasters have actually started to nominate prices in the immediate pre-race comments; this seems completely sensible. Has the Minister issued any instructions in this regard and, if so, has he set any limitations?

The Hon. T. M. CASEY: The situation in the Eastern States is that Victoria does not broadcast any pre-race odds for races; in New South Wales, if we listen to the races on a Saturday afternoon, we note there is a very limited time from the time they switch over to a Sydney race for a broadcaster to give even one betting price; but that could be the rule in New South Wales where they broadcast direct to the public some time before the race actually starts. I have known about the problem in South Australia for some time, and the Betting Control Board has approached me about the stupidity of the system adopted by race broadcasters. It was not their fault that they were doing it: they were told they could not spell out the odds in the proper way, so they used this jargon to give the odds. It was only proper that, after the Betting Control Board came to me about it, we decided to allow it to broadcast in proper verbiage the price on the favourite and the second favourite prior to each race. I think this has met with the approval of all concerned.

ADELAIDE FESTIVAL CENTRE

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. J. A. CARNIE: On August 4, 1976, I asked why it had taken the Adelaide Festival Centre 13 months to present to Parliament its annual report for the 1974-75 year. About five weeks later (on September 7) I had still not received a reply to my question, and I pointed this out to the Chief Secretary. Finally, on September 14, six weeks after I first asked the question, I received a reply, which consisted mainly of excuses rather than reasons for the delay in presenting the report. The Minister's reply concluded with the statement that the annual report for the year just ended (1975-76) would not be unduly delayed. However, I have searched through the file of papers presented to Parliament and, as far as I can see, we have still not received this report, although we are now nine months into the next financial year. When can we expect this report to be presented so that Parliament and the people of South Australia will know

what further losses have been incurred by the Festival Centre? Does the Minister agree that this delay in presenting the report could be further evidence of maladministration, which could account for some of the losses experienced by the centre?

The Hon. D. H. L. BANFIELD: The answer to the second question is "No". In reply to the first question, I will seek a report for the honourable member.

ART DEVELOPMENT

The Hon. C. M. HILL: I seek leave to make a short statement before directing a question to the Leader of the Council, representing the Premier.

Leave granted.

The Hon. C. M. HILL: There is much disquiet among citizens generally, and those involved in the arts in particular, about the wilful lack of opportunity provided by this Government and by those in authority to people to involve themselves and participate in the decision-making processes to choose art forms and cultural facilities in Adelaide. Two recent examples highlight this groundswell of public criticism, and I refer to the choice of Herbert Hajek's designs and sculpture for the Festival Centre's southern plaza and the choice of the \$350 000 Festival Centre organ to commemorate Her Majesty's recent visit to this State. What action did the Premier take to allow public discussion and to seek public comment on alternative designs and proposals in the plaza area before the Government commissioned the Hajek work? Did the Premier seek the people's views or invite any public discussion before the final choice was made to commemorate the Royal visit by the acquisition of an organ for the Festival Theatre? Will the Premier undertake to initiate public discussion in the future when similar circumstances arise, so that all people interested in the arts can contribute to the cultural and democratic processes of discussion, participation, involvement and debate before final decisions are reached?

The Hon. D. H. L. BANFIELD: I take this opportunity to thank the honourable member for his interest in the arts in this State, and I thank him for the confidence which the Liberal Party has placed in the Labor Party's policy in relation to the arts. The announcement made in relation to the Liberal Party's policy concerning the arts in South Australia was, of course, based on what is already happening in this State. I congratulate the honourable member on that, and I thank him for the confidence which the Liberal Party has placed in what the State Government is doing in this regard. As requested, I will refer the honourable member's question to the Premier.

FLINDERS HIGHWAY

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. M. B. DAWKINS: I recently travelled over part of the Flinders Highway, which is unsealed for a number of kilometres immediately south-east of Streaky Bay. Honourable members may know that the portion of the road which is under construction has caused some problems. The unconstructed portion, which has to be used for many kilometres, is complimented by the title of "highway". It is quite the worst highway on which

I have ever travelled, and I point out that I travelled on the Eyre Highway before it was reconstructed and on the unconstructed portion of the Stuart Highway. Will the Minister ascertain what steps can be taken to maintain this portion of unsealed highway, which is in a dangerous state, particularly in view of the fact that it must be many months before the reconstructed highway will be available to traffic?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply.

WORKING HOURS

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking a question of the Chief Secretary, representing the Minister of Labour and Industry.

Leave granted.

The Hon. J. A. CARNIE: An article in this morning's *Advertiser*, headed "Fewer hours—for unionists only", states:

Shorter working hours began at Telecom yesterday—for everybody except conscientious objectors and other non-unionists.

Mr. R. J. Randell, a member of a union that will receive those benefits, has had the courage to speak out against this change. The article gives the following explanation of how this came about:

The Assistant State Secretary of the A.P.T.U.-Telecom section (Mr. R. R. Roe) said a Deputy President of the Arbitration Commission, Mr. Justice Isaac, had ordered that the shorter hours apply only to members of the applicant unions. "The unions signed a productivity agreement, that is, to do the same amount of work in 36½ hours as they did in 40," Mr. Roe said. "Those people who are non-members did not sign the agreement, so they are not entitled to the benefits."

Will an opportunity be given for non-unionists to sign a similar productivity agreement, or is it intended that this blatant form of discrimination will continue?

Members interjecting:

The Hon. D. H. L. BANFIELD: Non-unionists evidently did not want this change; it is obvious that they are not willing to pay into the union. It should also be obvious to the honourable member that, because the union involved is a Federal union, the matter has nothing to do with the State Government. One of the honourable member's own boys in Canberra has obviously agreed to this working arrangement. I therefore suggest that the honourable member should direct his question there.

JUSTICES OF THE PEACE

The Hon. A. M. WHYTE: Some months ago I asked the Chief Secretary to confer with the Attorney-General with a view to appointing Aboriginal justices of the peace, who could then be instructed in court procedures and thereby assist their own people. Has the Chief Secretary a reply?

The Hon. D. H. L. BANFIELD: Because Parliament has been in recess, this is the first opportunity I have had to bring down a reply. During recent months an effort has been made to recruit Aboriginal people for appointment as justices. Several nominations have been received from the Port Augusta area, and some appointments will be made shortly.

NORTH MALAYSIA INDUSTRY

The Hon. C. M. HILL: I address my question to the Chief Secretary, as Leader of the Government in the Council. Following North Malaysia week activities and the keen interest expressed by visiting Malaysians regarding South Australia's establishing factories in North Malaysia, will the Minister say whether any plans are known by the Government of industry's investigating the opportunities of establishing factories in North Malaysia, and whether the Government is encouraging such planning and activity?

The Hon. D. H. L. BANFIELD: I know that keen interest has been shown regarding the possibility of our establishing factories in North Malaysia, although I do not know how far such inquiries have proceeded. However, I shall try to obtain a report for the honourable member, whom I again thank for expressing confidence in the action taken by the Government in promoting this State.

The Hon. C. M. Hill: I didn't express confidence in the Government.

The Hon. D. H. L. Banfield: A ring of confidence flowed from you, Murray, and I received the vibrations over here.

The PRESIDENT: Order! No Christian names will be used in this Council from now on. There is a proper form of address that should be used while the Council is sitting.

The Hon. F. T. BLEVINS: On a point of order, Sir, you said that no Christian names shall be used in future. Not being a Christian, I have no objection to anyone's calling me "Frank", as I am sure they can do under Standing Orders.

The PRESIDENT: That can be done outside this Chamber, and when the Council is not sitting.

MODBURY HOSPITAL

The Hon. C. M. HILL: I refer to an announcement made in the press about eight months ago concerning plans to develop further the Modbury Hospital. It was stated in that announcement that \$5 600 000 would be spent on the construction of three new buildings, that Cabinet approval had been given, and that tenders would soon be called. The work included the completion of the second floor of the main building at a cost of \$1 650 000, a new psychiatric unit costing \$1 800 000, and an education block costing \$2 150 000. Will the Minister of Health say what is the present position regarding those plans and the calling of tenders, and will he give the Council any construction dates that may now be available? Will he also say whether the Government has any other forward plans for further updating and improving the Modbury Hospital?

The Hon. D. H. L. BANFIELD: I cannot recall the exact position regarding the calling of tenders. However, I shall ascertain that information for the honourable member.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Glenside Hospital Administration Building Upgrading—
Stages II—IV.,

Government Office Building, (Cathedral Precinct),
Kidman Park Junior Primary School,
Morphett Vale South Primary School,
Port Augusta East Sewerage Scheme,
Renmark Theatre Complex.

OVERSEA TOUR

The PRESIDENT laid on the table the report on the overseas study tour in 1976 of Mr. J. W. Slater, M.P., member for Gilles in the House of Assembly, relating to sporting and recreational facilities.

LAND SETTLEMENT COMMITTEE REPORT

The PRESIDENT laid on the table the report of the Parliamentary Committee on Land Settlement on the investigation into the financial problems of war service land settlement lessees on Kangaroo Island.

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 2661.)

The Hon. J. A. CARNIE: This Bill is short, there being really only one item of any major significance in it. The other matters are relatively minor, although the Minister did make an error in his second reading explanation regarding clause 3, which he said inserted in the definition of "waters" a reference to bays and gulfs. The reference to bays and gulfs already is in the principal Act, and this Bill amends the definition of "waters" to include straits and passages. I believe that that was a drafting mistake or a typing mistake made by the Minister's staff, not a deliberate attempt to mislead the Council. However, I believe that later there was an attempt to mislead the Council.

I will deal first with the clauses that I consider relatively minor. Clause 4 clarifies that it shall be an offence for any Inspector of Fisheries to have an interest in any commercial fishery and it provides a penalty that was not provided previously. I ask the Minister to explain whether this clause also covers an interest in the processing of fish and whether the clause could go a little further and provide that no inspector shall have such an interest, as well as that he shall not have an interest in commercial fishing, but it could be that what I have referred to is covered.

Clause 6 provides for regulations regarding hygiene and cleanliness in fish dealers' premises, and that is desirable. It also allows regulations to be made whereby the Director can request statistics from persons engaged in the purchasing of fish. I am sure that members know that most industries are being bogged down by more and more paper work, but, if there is to be proper management of fisheries, it is necessary for the department to have all the statistics available.

As the Minister states in his explanation, clause 7 contains an evidentiary provision to the effect that fish in the possession of a person will give rise to a presumption that those fish were taken by that person. I am sure that most reasonable people foresee the difficulties which could arise and which obviously have arisen in the past because

of the absence of such a provision, and that people would agree that such a provision is necessary. I come now to what I consider to be the major clause, namely, clause 5, which deals with the granting of fishing licences or the refusal to grant them. I believe that here the Minister misled the Council, and I say in passing that it is not the first time I have believed that Ministers have misled the Parliament. In his explanation, the Minister states:

Essentially, section 34 at the moment provides, as it were, an obligation on the Director to grant a fishing licence to any applicant who satisfies the conditions laid down in the principal Act.

Anyone reading that would assume that any person who applied to the department for a fishing licence, provided he was willing to comply with the provisions of the Act and that he was a fit and proper person, would be granted a licence. However, this is not so. The department already has the power to refuse to grant a licence. I refer to section 34 (2) (b), which provides that the Director may refuse an application for a licence if the refusal is necessary for the purpose of giving effect to any administrative policy approved by the Minister for the conservation of any species of fish or the proper management of any fishery. Far from there being an obligation on the Director to grant a licence virtually to anyone who applies, there is already strong provision that the Director may refuse, under Ministerial direction or policy, to grant one. This has been done already.

I stand to be corrected, but I understand that few licences have been issued in the past two or three years. I have been told that only about five or six have been issued, and I understand that they were issued to people who had held licences previously but for some reason went out of the industry for a time and then applied to re-enter it. I believe that licences were re-issued in these cases, but that no new licences as such have been issued for a long time, yet the Minister has tried to give the Council the impression that anyone who applies for a licence must be given one by the Director.

I am sure that no-one would deny that it is necessary to control fisheries in this State and that they should be managed properly. Prawns and rock lobsters are the only two that are controlled, in that a permit, in addition to a licence, is needed to fish these species. However, it is easy to control any fishery by granting or not granting fishing licences, and this is being done under the present Act. I repeat that the Act provides, in essence, that the Director can refuse an application if the refusal is necessary for the proper management of any fishery. Where I disagree with the Minister is that I believe that, if the Director refuses a licence on these grounds, the Minister should take responsibility. It is Ministerial or Government policy that directs that the Director or the department should not issue a licence and, this being so, the Minister should take responsibility. The Bill has thrown the responsibility on the Director. Clause 5 (2) provides:

The Director shall not grant an applicant a fishing licence unless he is satisfied that the granting of that licence will not prejudice the proper management of the fishery in relation to which the licence is applied for.

This has the same effect as the provision already in the Fisheries Act. As I have said, the only difference I see is that it transfers the onus of responsibility from the

Minister to the Director, and I believe that this is a plain case of the Minister's desiring to shirk his obligation. Despite the fact, as I cannot stress too often, that the Minister has deliberately tried to mislead the Council, provision is already in the Act for proper management of fisheries to take place. The only difference is that the responsibility becomes the Director's, not the Minister's. I am sure all members agree that in most cases the Director will merely be administering policy laid down by the Minister of the Government and, this being so, the Minister should answer.

I believe that fishing in South Australia has been mismanaged for many years. I mean that there has been mismanagement not departmentally but at Ministerial level, going back over the term of several Ministers. One of the greatest mistakes in recent years was made by this Government, and that was to bring the Fisheries Department back under the control of the Agriculture Department. With all respect, I say that the Agriculture Department does not understand the problems peculiar to the fishing industry, which is comparatively new in South Australia. It has become a major industry for South Australia and is still growing. It is essential that we, as a Parliament, see that it grows in the right way.

In this respect, I have little quarrel, on the whole, with Government policy in regard to the management of the industry. If the Government makes policies, the Government, in the person of the Minister, must take the responsibility and not pass it to the Director, as this Bill seeks to do in clause 5. As I have said, I agree with all the other clauses. I will support the second reading but indicate that I will oppose clause 5 in the Committee stage.

The Hon. A. M. WHYTE secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Lands) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and ordered to be printed.

In Committee.

Clauses 1 to 12 passed.

Clause 13—"Public inspection of rules and accounts."

The Hon. T. M. CASEY (Minister of Lands): I move:

In line 25 to strike out "he considers" and insert "are".

This is something the Select Committee looked at and we considered that the word "are" was more beneficial to the reading of the clause and the Bill than the words "he considers".

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 3.35 p.m. the Council adjourned until Wednesday, March 30, at 2.15 p.m.