LEGISLATIVE COUNCIL

Tuesday 26 February 1980

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Community Welfare (the Hon. J. C. Burdett):

Pursuant to Statute—

Agricultural Chemicals Act, 1955-1975—

Variation of Regulations.

Botanic Gardens Act, 1978—

Revocation of Regulation 17 of the Botanic Gardens Regulations, 1978.

City of Adelaide Development Control Act, 1976-1978—

Variation of Regulations.

Planning and Development Act, 1966-1978—

Interim Development Control—Corporation of the City of Whyalla.

By the Minister of Consumer Affairs (the Hon. J. C. Burdett):

Pursuant to Statute—

Building Societies Act, 1975-1976—

Variations of Regulations.

Report on Conduct of the Business of the Credit Union Stablization Board, year ended 30 June, 1979.

By the Minister of Local Government (the Hon. C. M. Hill):

Pursuant to Statute—

South Australian Teacher Housing Authority—Report, 1979.

District Council of Eudunda—By-law No. 25—Keeping of Poultry.

QUESTIONS

LEGAL SERVICES COMMISSION

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to directing a question to the Attorney-General on the matter of the Legal Services Commission.

Leave granted.

The Hon. C. J. SUMNER: With respect to the Legal Services Commission the previous Government had a policy of eventual development of regional offices of the commission in the Adelaide suburbs and in country areas. When in Government we approached the Commonwealth for matching funds, under the terms of the agreement establishing the funding for the commission, to enable regional offices to be established. At the time of the recent election the Commonwealth Government had not made funds available, although I believe that the question was still under consideration.

First, does the present Government believe that regional offices should be established by the commission? If it does, is it prepared to provide funding for this purpose? Secondly, what was the result of the submission made to the Commonwealth Government for funding? Is the Commonwealth now prepared to provide funds for the establishment of regional offices, provided that matching funds are forthcoming from the State Government? Thirdly, if the Commonwealth is prepared to provide such funds, is the South Australian Government prepared to match those funds to enable the establishment of regional offices and, if not, why not?

The Hon. K. T. GRIFFIN: The previous Government had a policy of allowing such instrumentalities as the Legal Services Commission to expand its empire without any regard to the need that had to be met. This Government does not have the policy of allowing instrumentalities or Government departments to expand unnecessarily unless there is an established need for the services that may be provided.

With respect to the commission, the previous Government had before it some proposals from the commission to approve an application to the Commonwealth Government and the State Treasury for the establishment of about six to eight regional offices in the metropolitan area and country areas. On coming to office, I took the view that it was not proper for the commission to expand without some consideration of the need that may be evident in those areas. Therefore, I took the view that, if the commission established by proper evidence that a regional office was necessary, I would then sympathetically consider consultations with the Commonwealth Government with respect to joint funding.

The other condition that I had was that there should be full and adequate discussion with the legal profession, both with private practitioners in the area in which the commission sought to establish a regional office, and with the Law Society. Obviously, in some areas a service could be provided by local practitioners practising in those areas without the need to establish an office, involving about $150 000 to $200 000 in establishment costs and a recurring annual cost, in the initial stages at least, of a minimum of $150 000. If we were looking at establishing six to eight offices in regional areas, we would have been looking at a joint Commonwealth and State funding programme in excess of $1 000 000 for establishment costs, and in excess of a minimum of $500 000 to keep it running, at least in the first year.

I took the view that all avenues should be explored to ensure that we were not establishing a bureaucracy in local areas which was not justified or which provided a service that could be better provided by local legal practitioners. About 10 days ago the commission presented to me a detailed analysis of its submission for regional offices with what it suggested was evidence to substantiate a need. My officers and I are currently examining that proposal. I understand that there has not been, as I had sought, the fullest degree of consultation between the commission and the Law Society with respect to the establishment of these offices.

At this stage, I do not intend to make any recommendations to Canberra until that consultation has taken place. The other aspect that members should consider is that, if regional offices are established, a State contribution will be required in addition to the Commonwealth contribution and that, in view of the budgetary constraints upon the Government, these matters must be seriously and deeply considered before a decision is made.

The Hon. J. R. Cornwall: Are Commonwealth funds available?

The Hon. K. T. GRIFFIN: The Commonwealth has not indicated that funds are available for this purpose.

ENERGY POND

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Mines and Energy, a question about generating power from salt water ponds, which is known as pond energy.

Leave granted.

The Hon. D. H. LAIDLAW: My attention has been drawn to successful experiments carried out by Israeli scientists in generating electric power from salt water ponds heated by natural sunlight. South Australia may be the driest State in the driest continent but we are certainly not short of sunlight and salt. Therefore, these experiments could be of interest to our own power authorities. Unlike some other solar energy schemes, these ponds operate year round, on cloudy days as well as sunny days, and even at night.

The operating principle for these ponds is very simple. When sunlight strikes a fresh water pond, it heats the water and stirs up convexion currents. The cooler water then sinks to the bottom whilst the warmer water rises to the surface, where its heat dissipates into the atmosphere.

In a solar pond these currents are suppressed by dissolving salt near the bottom of the pond, which creates a layer of denser, heavier water that resists rising to the top even when it is heated by solar rays. The lighter layer of water at the surface helps to contain the heat and acts as an insulator. The heavier water, which heats up to about 80° centigrade, is then pumped out of the bottom of the pond into a heat exchange or evaporator, which is surrounded by low boiling point liquid similar to that in a refrigerator. The water's heat turns the liquid into a vapour which drives the blades of a turbine, and an attached alternator then produces an electric current.

To date, the Israelis have been carrying out experiments in ponds that are about two metres deep with a surface area of about three-quarters of a hectare. Those ponds produce 150 kilowatts of power. However, the scientists plan shortly to construct a pond to generate five megawatts, and I am informed that that will satisfy the needs of a town with about 1 500 houses and a population of about 4 000 to 5 000 people. Above all, the scheme is cheap to construct and apparently does no harm to the environment.

Has the Electricity Trust or the Energy Research Advisory Committee studied the concept of pond energy? If not, will they please examine the scheme, because it could provide a simple solution to some of this State's future power requirements, especially in remote areas?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Minister of Mines and Energy and bring down a reply.

SOUTHERN VALES CO-OPERATIVE WINERY

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Attorney-General, representing the Premier and Treasurer, a question about the Southern Vales Co-operative Winery.

Leave granted.

The Hon. B. A. CHATTERTON: First, I congratulate the Government on making $340 000 available to the Southern Vales Co-operative Winery, which will enable it to continue to take in grapes and assist wine-grape growers in that region, also enabling 35 jobs at the winery to be saved. However, when I read this morning's *Advertiser* I was surprised to see, at the beginning of the story on the winery, that the Government was going to direct the State Bank to make this loan. Reading on a bit further, I saw that on a number of occasions that the Government was going to direct the State Bank. It disturbs me to think that if the Government intends to direct the State Bank to make a loan that it would not normally make, depositors with the bank could suffer.

Has the Government changed the normal procedure, which is to provide a Treasury guarantee to the State Bank to enable it to make this loan without in any way affecting its normal lending procedures, or has the Government in fact directed the State Bank, as reported in this morning's *Advertiser*?

The Hon. K. T. GRIFFIN: The headline of this morning's newspaper report was incorrect. The Government has not directed the State Bank to make funds available to the Southern Vales Co-operative Winery. Rather, it has requested the State Bank to approve a seasonal loan to the winery under the terms and conditions of the Loans to Producers Act, which contains a provision for loans to be made available for certain purposes by the State Bank on Government request to, among others, a co-operative.

The Government has asked the State Bank to make the loan. It has not directed the bank, which is currently examining the position of Southern Vales Co-operative Winery in the light of that request. As the matter is therefore under review, I am not able to take further the details of any possible funding programme. The honourable member also asked whether the Government had changed the normal procedure, and referred to a Treasury guarantee for any loans made by the State Bank. The answer to that is that the Government has not changed its normal procedures.

CABINET RESHUFFLE

The Hon. J. R. CORNWALL: I seek leave to make a statement before asking the Attorney-General, as Leader of the Government in the Council, a question regarding a possible Cabinet reshuffle.

Leave granted.

The Hon. J. R. CORNWALL: Over the weekend, it was widely reported on radio, and by Mr. Peter Ward in the *Sunday Mail* , that the Premier was about to reshuffle the Cabinet and reorganise several departments. The principal moves suggested were, first, that the Minister of Education (Mr. Allison) was to be transferred and his position taken by Mrs. Adamson and, secondly, that the Department of Urban and Regional Affairs and the Department for the Environment were to be disbanded and absorbed elsewhere, and that the present Minister (Mr. Wotton) was to be sacked or transferred.

In normal circumstances, these suggestions would be so outrageous for a Cabinet less than six months old that they would be discarded as baseless rumours. However, there are some very good reasons why they must be taken seriously.

The stories first surfaced almost three weeks ago. Since then, they have been a major talking point amongst public servants all over the city. They are well sourced, well informed and persistent.

The Hon. M. B. Cameron: Whom do they come from—you?

The Hon. J. R. CORNWALL: No, they do not. Well sourced stories regarding planning and environment are particularly disturbing. Very reliable sources say that these departments are to be disbanded and redistributed throughout other departments and that the Minister is to be sacked or transferred. The principal architects of this move are said to be the developer, the miner and the national park salesman, namely, Messrs. Hill, Goldsworthy and Chapman.

According to my sources, the Department of Urban and Regional Affairs, already decimated by resignations and transfers, is to become a division within the Department of Local Government.

The Hon. C. M. Hill: What is your source?

The Hon. J. R. CORNWALL: It came from a source similar to that of my predecessor. He had a Watergate plumbing operation into those two departments over a lengthy period. The National Parks and Wildlife Service, demoralised and rudderless, is to be transferred to the Department of Lands. The Co-ordination and Policy Division is to be disbanded to meet a long-standing Liberal promise. The Aboriginal and Historic Relics Units is to go to the Museum, and the Director (Mr. Bob Ellis) has already resigned. The Ecological Survey Unit is to go to the Department of Lands. Air quality control is to revert to the Department of Health, and the Noise Control Unit is to go to the Department of Industrial Affairs. Projects and assessment officers are to be transferred as environment officers to other departments, including Mines, Water Resources and Lands.

These stories are in widespread circulation throughout the Public Service and are being viewed with great alarm. Will the Attorney-General therefore tell the Council whether the Department of Urban and Regional Affairs and the Department for the Environment are about to be dismantled and absorbed into other departments, and whether the Minister of Environment and Minister of Planning (Mr. Wotton) is about to be dumped or transferred by the Premier?

If the answer to these questions is "No", can he give an unequivocal assurance that the stories are baseless, in order to restore the shattered morale in the departments involved?

The Hon. K. T. GRIFFIN: The honourable member's question demonstrates how little he has to do in Opposition because, if he had something constructive to do, he would not have had time to develop this concept, which I suggest to the House is mischievous in the extreme. There is no doubt—

The Hon. N. K. Foster: You lied last week, and that was mischievous.

The Hon. K. T. GRIFFIN: I ask the honourable member to withdraw that remark.

The Hon. N. K. FOSTER: I will withdraw it, for reasons that will become obvious to the Council in a moment.

The Hon. K. T. GRIFFIN: The honourable member's preamble to his question is mischievous in the extreme. It is obvious that it is a beat-up of massive proportions. I am able to say unequivocally and without reservation of any kind that there is no intention by the Premier to reshuffle his Ministry. There is no threat to the Department of Urban and Regional Affairs, the National Parks and Wildlife Service or any other department. No Minister, particularly the Minister of Planning, is under threat of suspension or removal. The allegations of the honourable member are baseless in the extreme.

BUILDING SOCIETIES

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about building societies.

Leave granted.

The Hon. L. H. DAVIS: The Federal Treasurer (Mr. Howard) recently announced Federal Government endorsement for an industry-based scheme to insure deposits placed with permanent building societies. This will involve the building societies establishing a private national insurance corporation and contributing all the capital to it. This corporation will insure deposits of building societies. The Federal Government would be assisting in the establishment of the scheme, which provides for both insurance and liquidity facilities, and would have a representative on the managing board.

Mr. Howard indicated that the scheme would be voluntary but State Governments could decide, if they so wished, to make it mandatory in their own State. If the State approved this scheme, it would no doubt have the opportunity of representation on the managing board. In the last decade, the permanent building societies especially have made a valuable contribution to the community by providing facilities for personal savings and housing loans. Members would be aware that there have been instances in Australia where building societies have been the subject of rumour, causing a run on funds, the latest being last year when a wellknown Sydney disc jockey tried his best to take the word "permanent" out of the St. George Permanent Building Society.

Therefore, the announcement of a private industry-based scheme to insure deposits with building societies, which has the support of the Commonwealth Government, should be welcome. Can the Minister indicate whether the State Government supports this scheme and will make the scheme mandatory on building societies in South Australia?

The Hon. J. C. BURDETT: First, I support what the honourable member said when he referred to the place that building societies have established for themselves in the economic community of South Australia. Having been in existence for a long time, they are now certainly a force to be reckoned with and have considerable assets and a real part to play in our financial community. I attended a meeting on this subject late last year with the Commonwealth Treasurer, who outlined the scheme of establishing an insurance fund for building society deposits.

I told him that I supported the scheme in principle, that it appeared to be sound, but that I could not commit the South Australian Government until details of the scheme were to hand and could be considered by the Government. The situation still is that the Government has not been able to consider the details of the scheme. However, as soon as it is possible to do so, that will be done. I personally indicated my support for the scheme.

HILLS FIRE

The Hon. N. K. FOSTER: I ask the Attorney-General a question, without leave at this moment. Is he conversant with the Coroners Act of 1975?

The Hon. K. T. GRIFFIN: Yes.

The Hon. N. K. FOSTER: I seek leave of the Council to make an explanation before asking a supplementary question.

Leave granted.

The Hon. N. K. FOSTER: I stood in this Council last Thursday obeying the rules until pressure was brought upon me, when I did otherwise. I have no complaint about what happened, nor have I any qualms about expulsion from this place for such a short period. However, I regard the treatment accorded to this Council and to me by the Attorney as being nothing short of amazing.

Members interjecting:

The Hon. N. K. FOSTER: I do not want any more of what you or Burdett heaped on me last week, with Cameron then coming over and apologising for your behaviour.

Members interjecting:

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I suggest that I am not the only offender in this place, and later I will deal with

Burdett's shocking language last Thursday. I asked a question of the Attorney-General directly last week about, first, whether he would, through the Premier, put before Cabinet the matter of a Royal Commission. He replied in rough verbiage that he was opposed to it himself and indicated, therefore, that he would not put that proposal before his master as his master's servant. I then asked him whether he would appoint a coronial inquiry. He blatantly lied to this Council and said, "I have not the power."

The Hon. K. T. Griffin interjecting:

The Hon. N. K. FOSTER: You did say that. Don't compound your problem of lying by using further deceit.

The Hon. K. T. GRIFFIN: I ask that the honourable member be made to withdraw that accusation.

The PRESIDENT: The honourable member has been asked to withdraw.

The Hon. N. K. FOSTER: I withdraw and confirm it by reading a Library Research Service document on the Act, as follows:

> Section 12 of the Coroners Act, 1975, provides than an inquest may be held into the "cause or circumstances of . . . *(f)* a fire or accident that causes injury to person or property".

Last week the Attorney-General, until he was dragged to his feet by my question, did not have the decency, in the interests of people who had suffered in the Adelaide Hills, to make a report to this Council, yet one of his Ministers accused me of attempting to get political credit by asking such questions. Section 14 of the Coroners Act provides:

> (1) The State Coroner shall hold an inquest or direct another coroner to hold an inquest if he considers it necessary or desirable that an inquest be held or if the Attorney-General directs him to do so.

Therein lies the fact that Mr. Griffin, as Attorney-General (he says he is a member of the profession and claims to have sufficient background to enable him to put his sticker on the door), has the right to consider a matter of such importance. The Act also provides:

> (2) A coroner other than the State Coroner shall not hold an inquest unless the State Coroner or the Attorney-General directs him to do so.

The conclusion to be drawn from all that is that the Attorney has power to direct that a coronial inquiry be held into the fire that occurred in the Adelaide Hills last week. There was great fear among members of the Opposition last week. If I may take advantage of the leniency you have admirably extended to me this afternoon, Mr. President, I mention that early on Thursday morning I attended a meeting of the Subordinate Legislation Committee and Evans was not there. In answer to a question from a Liberal member who had come late to the meeting (one Davis), I said that he was up looking into the scorched earth policy in his district, and he left the meeting and told his friends what I had said. When I rose last Thursday in this place, I said I was going to deal with the matter, and I will deal with it briefly now. Evans has lied directly to the House of Assembly. He has a direct interest in that dump through his wife, to whom in 1971 he transferred a number of shares in it.

The PRESIDENT: Order! The honourable member is getting a long way from explaining his question. He must not debate the question.

The Hon. N. K. FOSTER: I thank you, Mr. President. Inherent in what was in my mind was the fact that, regarding this particular dump, the Stirling council, through the Evans family, had neglected its responsibility, not only in Evans's district but also within the shire, because over the hill is the Meadows-Echunga dump, and the local council will not issue a permit to burn at that dump even on a mild day. Evans stands over the council in his own district to do otherwise. I am not saying that he committed arson in his own district, but he was getting towards it.

I have the previous *Hansard* reference to the inquiry into the Stirling council on this and other matters and I intend later to deal more closely, if necessary, by way of suspension of Standing Orders or other forms of this Council, with this shocking state of affairs. There are public meetings to be called. People have been hoodwinked regarding the whole matter. I have extracts from the local newspapers. One report is headed "No Panic at Heathfield Dump Fires".

The PRESIDENT: I remind the honourable member that on this occasion he rose to ask a question.

The Hon. N. K. FOSTER: It is inherent in this. I will be asking the Minister whether he is aware of it. I have a report (and I can give the details to *Hansard*) referring to a Mr. Malcolm Allen, a member of the Country Fire Service and a person who is also associated, I believe, with what goes on at that dump. Before finally asking the question of the Minister, I ask whether anyone here can imagine last Wednesday, when there was a hot north wind and the temperature was more than 100 degrees F (as hot as going to hell and back), with that council taking an unfair advantage of the 1976 Act by allowing a permit to burn in one of the most highly flammable areas of the State.

I could quote from the coronial inquiry directed by Des Corcoran regarding the fire in the South-East conservation park. Why have you not read what was said to the coroner on that occasion? You have not done so. Has the Attorney power to order a coronial inquiry, and will he, because of the belated attempts to call for an inquiry after I had raised the matter here last week, consider appointing a Select Committee from both Houses, so that no member of the public is denied, by a Cabinet decision, the opportunity to give evidence on this matter? Will he appoint a Select Committee of this Council or of the Parliament so that the woman who was made to look like a fool can show that she was correct in what she said? Checks should be made with Telecom to see whether she made telephone calls at that time, instead of statements being made that she was mistaken. It is a great cover-up, and what has happened is unfair to people in the Hills. I have asked the question, and the Attorney-General should reply in the manner that his intelligence allows. The salary you draw from the public—

The PRESIDENT: Order! The honourable member has asked the question.

The Hon. K. T. GRIFFIN: I will answer in the way I think appropriate. I draw the honourable member's attention to the fact that the Coroners Act of 1975 establishes procedures by which inquiries may be held into events such as fires. Section 12 of the Act provides:

> Subject to this Act, an inquest may be held in order to ascertain the cause or circumstances of the following events:

The Act then details a number of events, and paragraph *(f)* provides:

> A fire or accident that causes injury to person or property.

Section 14 (1) provides:

> The State Coroner shall hold an inquest or direct another coroner to hold an inquest, if he considers it necessary or desirable that an inquest be held or if the Attorney-General directs him to do so.

Section 21 provides:

> (1) Any person who in the opinion of a coroner holding an inquest has a sufficient interest in the subject or result of the inquest shall be entitled to appear personally or by counsel in the inquest.
>
> (2) A person appearing in an inquest pursuant to subsection (1) of this section may, subject to this Act,

examine and cross-examine any witness testifying in the inquest.

The ordinary practice, either with deaths or in relation to fire or other accidents that come within the jurisdiction of the Coroner, is for the Coroner to make the decision whether or not there should be a coronial inquiry. He makes that decision only after he has before him the facts of the event or other occurrence into which he is requested to inquire.

Last week the position was that on the day after the fire I was asked whether the Government would hold a Royal Commission. Quite properly, I suggest, I indicated that I could see no benefit in such an inquiry. I indicated in *Hansard* that a coronial inquiry was possible but it was not within my province to order one.

The Hon. N. K. Foster: You said that you did not have the power.

The Hon. K. T. GRIFFIN: I will quote the *Hansard* report of my answer to a question asked by the Hon. Mr. Milne. I was dealing with the question of a Royal Commission, a Select Committee, or a coronial inquiry, and the *Hansard* report is as follows:

> I am curious to know what members on the other side, including the Hon. Mr. Milne, believe will be achieved by a Royal Commission. It cannot establish any facts that we do not know now. It cannot provide any answers that we cannot find out by other means. There is provision under the Coroner's Act for inquests and coronial inquiries.
>
> **The Hon. N. K. Foster:** You haven't ordered one.
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> **The Hon. K. T. GRIFFIN:** It is not in my province to order one.

There were then discussions across the Chamber in respect to that matter. It is not proper for a Minister of the Crown to give directions in this instance to the Coroner, where the Coroner has not had a reasonable opportunity to make a decision whether or not he will hold a coronial inquiry. It is not appropriate for the purpose of the Government to interfere with the proper responsibilities of officials. It becomes appropriate only if there is either an abuse of power or an unwillingness to exercise power that the Government of the day believes should be exercised.

It would have been grossly irresponsible of me to have said to the Coroner, before he had any detailed reports from police officers or others making inquiries, on Thursday of last week, "You shall hold an inquiry." It is his responsibility to make an assessment of the situation and to make his own decision. He made that decision subsequently, and it was announced later in the week that he would conduct an inquiry after certain facts had come to his knowledge. I believe that that is a proper way in which to proceed. I believe it is a responsible exercise of his power for him to act in that way. It would have been grossly improper of me to have ordered him to have an inquiry without giving him the opportunity to consider any of the matters that obviously were to come to him through the police, fire officers and others.

The Coroner's inquest will be held at a time that he thinks will be appropriate: he will hold it when he is sure that he has all the statements before him. The matter can then proceed expeditiously. There is provision in the Act, as I have already indicated by reading from it, for anyone who is deemed to have sufficient interest to appear or be present before the coronial inquiry.

Contrary to the Hon. Mr. Foster's allegation, no-one will be in a position where they will not be entitled, providing they have sufficient interest, to appear before the inquiry. No-one will be guilty of any cover-up. In fact, that is the furthest thing from anyone's mind. The Hon. Mr. Foster has made very grave allegations against a member of another place, and he has made them without having at least given the Coroner the opportunity to consider the facts. In fact, he has prejudged the inquiry, and his basis is largely newspaper reports. I think that is unreasonable, unfair and improper. That sort of assertion is contrary to the ordinary principles upon which we ought to be operating the affairs of this Council.

The Hon. N. K. FOSTER: I rise on a point of order, Mr. President. I saw none of the electronic media on this matter last night. I made up my mind through representations made by people who suffered from the fire. I point this out for the Minister's information.

The PRESIDENT: Order! There is no point of order.

MINORS' CONSENT

The Hon. ANNE LEVY: I seek leave to make a statement before directing to the Minister of Community Welfare, representing the Minister of Health, a question concerning operations on minors.

Leave granted.

The Hon. ANNE LEVY: Honourable members may recall that about 18 months ago I introduced a private member's Bill to allow minors from the age of 16 years to give consent for operations on themselves. Although that Bill was passed unanimously by this Council it was defeated in another place. One of the members who voted against it in another place was Mrs. Adamson, who is now the Minister of Health. The case was brought to my attention a couple of days ago of a girl aged 17 years who found that she had a lump in her breast. This girl does not live at home, does not get on with her parents and, apparently, there are very bad relations between her and her parents. She is independent, employed, maintains herself, lives with other people in a flat, and is, to all intents and purposes, quite independent.

On finding that she had a lump in her breast, she took medical advice and was told that the lump should be removed as soon as possible. A biopsy revealed that it was not a malignant tumour but a benign tumour. Nevertheless, the medical opinion was that it should be removed as soon as possible, especially as it was growing rapidly. The specialist she consulted told her that she had to have parental approval before she could have the operation, as she was aged only 17 years.

She contacted her parents, who said that they would not give her permission: they were unwilling to sign any form at all. She returned to her doctor, who then contacted the Australian Medical Association and, I am told, was advised by the A.M.A. that he should not operate in these circumstances, that if she could not get her parents to sign a form she would have to continue with this lump in her breast, which was growing rapidly, and could not have it removed by a medical practitioner.

She sought help from various people, and I am glad to say that eventually she was able to talk her mother into signing the appropriate approval form, and has now had the operation. However, as a result, it seems that this is an important matter of principle, and that similar situations could arise where parental approval was refused, not just for a fortnight, but for a much longer time. Therefore, will the Minister take up this matter with the Minister of Health and ask her whether she will discuss this situation with the A.M.A. to ensure that similar situations do not occur and that the A.M.A. does not advise medical practitioners not to operate in such circumstances?

Will the Minister also advise public hospitals that should a case like this arise (when somebody approaches a public hospital and requires an operation in such circumstances) the public hospitals will provide an operation and will not

leave a young girl in circumstances where she will suffer from intense anxiety and distress simply because she is not able to get parental consent for what has been described as urgent medical attention?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague in another place and bring down a reply.

UNEMPLOYMENT

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question about the unemployed.

Leave granted.

The Hon. J. E. DUNFORD: The latest figures supplied by the Bureau of Statistics show that there was an increase of 2 500 unemployed persons in South Australia during January. That figure is a big increase in the number of unemployed and is of concern to my constituents, and should be of concern to anybody concerned about young people. The other day I said that the Liberal Government had carried out most of its election promises, but its most important promise, which was supported by the retailers, was that it would stop the job rot. The retail traders said that, if electors voted for a Labor Government in the last election, they would lose their jobs. The scare was on, and it impressed the voters.

At present I am not concerned about the Government's losing favour with the public. I am not concerned that there is an imminent reversal in the Government's unity, or that it is going to sack some of its Ministers, notwithstanding what the Attorney-General said today. I am concerned about the job rot. I have received replies from the Minister of Community Welfare about this problem. I have also heard what the Hon. Mr. Hill—and I am pleased to see him back in this Council—had to say when he used to sit where the Hon. Mr. Chatterton is now sitting. The Hon. Mr. Hill used to get up and ask, "What are you socialists doing about the 6 per cent unemployed?" He was backed up by his legal adviser, Mr. Burdett, and they both said that the Labor Government was wrecking the country. The Hon. Mr. Hill and the Hon. Mr. Burdett now have their chance in Government, along with the responsibility; they have been elected to stop the job rot. An increase of 2 500 in the number of unemployed in January is a serious situation.

The Hon. D. H. Laidlaw: How many were school leavers?

The Hon. N. K. Foster: Only school leavers, he said.

The Hon. D. H. Laidlaw: I did not.

The Hon. J. E. DUNFORD: Mr. Laidlaw said, "How many were school leavers?" I am pleased he mentioned school leavers, because of course we are concerned about them. Businesses are closing down. How many times has the Hon. Mr. Hill said, "Look, everybody is leaving the State." Well, they are still leaving the State. When will Cabinet, which is comprised of the senior men in the Government, do something about this situation? When the same members were in Opposition they often asked us when we were going to do something about it. As the Opposition, we have a responsibility to do something about unemployment, but what action is the Liberal Government taking to relieve the situation? Will the Minister give a detailed reply, and treat my question as a matter of urgency? I stress the word "urgency", because some replies have taken up to five months. I want a detailed reply, and not a lawyer's reply.

The PRESIDENT: Order! Just ask your question, and we will see what type of reply you receive.

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague in another place and bring down a reply.

REPLIES TO QUESTIONS

The Hon. C. M. HILL: I seek leave to have inserted in *Hansard*, without my reading them, the answers to 18 questions without notice directed to me or generally to Ministers whom I represent in this Chamber. The replies have been supplied by letter to the members in question.

Leave granted.

FESTIVAL OF ARTS

In reply to the **Hon. L. H. DAVIS** (7 November).

The Hon. C. M. HILL: To 19 November 1979 the festival box office has taken well in excess of $300 000 in advance ticket sales for the 1980 programme. This is about one third of the total amount sought to break even on the full programme for next March. It is virtually impossible to compare this figure with sales for the previous two festivals because bookings have this time opened two to three months earlier. They are an enormous improvement on bookings for the 1976 festival which opened during the pre-Christmas week and were very slow to gather momentum.

WATER RESOURCES

In reply to the **Hon. N. K. FOSTER** (11 October).

The Hon. C. M. HILL: The Engineering and Water Supply Department is continuing to co-operate with New South Wales, Victorian and Commonwealth Government authorities to ensure that the Maunsell and Partners report on Murray Valley Salinity and Drainage is consistent with the salinity reduction objectives of the South Australian Government. The final report, to be entitled "Murray Valley Salinity and Drainage—Development of a Co-ordinated Plan of Action" will be tabled in both Houses of Parliament when it is available.

RURAL LAND BANKS

In reply to the **Hon. J. R. CORNWALL** (1 November).

The Hon. C. M. HILL: The replies are as follows:

1. There is insufficient information available at this time upon which to base an opinion on the question asked.
2. While some information is available to the Government, it is considered to be insufficient at this stage to justify consideration of the introduction of a Rural Land Bank scheme.
3. See (2) above.

WATER RESOURCES

In reply to the **Hon. N. K. FOSTER** (23 October).

The Hon. C. M. HILL: The Victorian Premier has stated that his Government does not intend to proceed with proposals to establish a Ministerial Council and will co-operate with the Commonwealth, New South Wales and South Australian Governments in drawing up amendments to the River Murray Waters Agreement.

This will enable the River Murray Commission to have authority to take account of water quality in its operations. In view of this development, it is not considered necessary to bring pressure to bear on Victorian Senators.

PUBLIC LIBRARIES

In reply to the **Hon. FRANK BLEVINS** (6 November, Appropriation Bill).

The Hon. C. M. HILL: The schedule below sets out the details. The amounts in the schedule will be met by—

1. The appropriation for 1979/80 of $2 507 000; and

2. An amount carried forward from 1978-79 in the Libraries Board's deposit account of some $976 000. This carry-over resulted largely from councils failing to complete capital projects and claiming subsidy before the end of the financial year. These projects are included in the schedule I.

Maintenance Programme	$
Andamooka C/S	3 900
Barmera	18 400
Barossa Valley (3)	26 040
Berri	16 775
Brighton	71 300
Burnside	144 362
Burra C/S	2 325
Campbelltown	52 215
Cleve C/S	1 935
Coober Pedy C/S	6 440
East Murray C/S	1 035
Elizabeth (3)	131 785
Enfield (3)	86 125
Henley & Grange	50 022
Hindmarsh	36 220
Kingscote	18 175
Le Hunte (Wudinna) C/S	1 940
Leigh Creek C/S	4 324
Lucindale C/S	1 525
Marion (2)	80 695
Meadows	22 980
Millicent	45 545
Mitcham (2)	124 720
Moonta C/S	1 746
Mount Gambier	37 555
Munno Para (2)	72 620
Murray Bridge	29 575
Naracoorte	25 465
Noarlunga	47 620
Pinnaroo C/S	2 405
Port Adelaide (3)	107 515
Port Augusta	33 305
Port Lincoln	38 694
Port Pirie	38 550
Salisbury (6)	306 750
Tea Tree Gully	110 290
Thebarton	50 022
Unley	74 350
Walkerville	36 295
West Torrens (2)	93 430
Whyalla (3)	84 865
Willunga	21 180
Woodville	143 698
Woomera	13 045
	2 317 758
Plus administration grant to country libraries	132 315
	$2 450 073

Development Programme (Including previously approved projects carried forward)	$
Burnside/East Torrens	73 370
Campbelltown/Athelstone	72 200
Enfield	5 750
Hindmarsh	125 500
Marion Central	136 673
Payneham	84 150
Port Augusta	31 000
Port Pirie	27 500
Prospect	107 800
Stirling	192 800
Unley	130 000
Victor Harbor	46 500
Waikerie	135 250
Walkerville	73 993
Whyalla	46 352
	1 288 838
Plus four school-community libraries	62 165
	1 351 003
GRAND TOTAL: Maintenance plus development programme	$3 801 076

ABORIGINAL AFFAIRS

In reply to the **Hon. FRANK BLEVINS** (8 November, Appropriation Bill).

The Hon. C. M. HILL: The cutbacks in savings taken into account were Community Councils for social development which are now under the Local Government Department—$44 000, and purchase of equipment for computerisation of trust maintenance accounts—$90 000. No new directive has been given by the present Government in respect of motor vehicle purchases. 76 vehicles will be changed from six-cylinder to four-cylinder operation. Essential requirements for the purchase of plant and equipment for child welfare treatment centres in 1979-80 are estimated to cost $2 000 only. It is agreed that, for a treatment programme to be successful, reasonable equipment must be provided, and this will be done. Amounts allocated and paid in 1978-79 were as follows:

	Allocated ($)	Paid ($)
Operating grants	660 000	726 327
Maintenance of children	200 000	215 543
Maintenance of children under the Intensive neighbourhood care progamme	150 000	12 938

The department is no longer directly responsible for the administration and operation of any Aboriginal reserves. The Commonwealth Government is providing funds for Aboriginal communities on reserves and former reserves to manage their own affairs. The only amount allocated for Aboriginal affairs under "Residential Care Centres" for 1979-80 are $8 000 for Klemzig Home and $600 for Largs Bay Family Home. The amount of $425 000 was transferred to the Minister of Local Government line and can be found on page 65 under "Grants—Grants and Provisions for Community Development".

Allocations under Aboriginal housing are to meet deficits occurring on the operation of the Aboriginal housing programme. The procedure has been changed so that the deficit incurred in one financial year will be recouped in the following financial year. The amount of $5 000 provided is to recoup the balance of the deficit for 1978-79. The 1979-80 deficit will be recouped from monies provided in next year's Budget.

POLICE FIREARMS

In reply to the **Hon. C. J. SUMNER** (16 October).

The Hon. C. M. HILL: The replies are as follows:

1. Yes.
2. Both the present and former Chief Secretaries.
3. Yes.
4. Yes.
5. The basis for the decision was the advice of the Commissioner relating to actual and potential hazards associated with the equipment currently in use and the results indicated during extensive operational testing carried out over the last two years.
6. and 7. Comparisons with the United Kingdom did not play a significant part in the investigation as there is little similarity between that situation and the one which obtains in South Australia. However, advice received by the Government indicates that exposed handguns are worn by some police personnel in the United Kingdom in the course of their duties.
8. This matter is entirely within the capacity and competence of the Commissioner of Police. Section 21 of the Police Regulation Act, 1952-1975, states:

> Subject to this Act and the directions of the Governor, the Commissioner shall have the control and management of the Police Force.

9. Stringent instructions are embodied in Police General Orders governing the use of firearms by police officers.
10. No.
11. As no statistical records of "life endangered" situations are maintained, an accurate statement as to the number of police officers whose lives have been at risk in the last 12 months cannot be given.
12. There are 12 positive instances in which police personnel have been fired on during the last 12 months. The following six instances may be cited as examples:

Salisbury—Police officer shot by juvenile on apprehension for shop stealing.

Fullarton—Drug squad personnel fired upon when attempting to effect arrest.

Virginia—Homicide suspect fired shots at police in course of pursuit.

Elizabeth Downs—Offender responsible for disturbance at shopping complex fired shot on arrival of police patrol.

Marleston—Shots fired by offender on approach of police to investigate report—person brandishing weapon.

Thebarton—Police patrol attending report of person threatening human life with rifle. Threatened to shoot police before taking his own life.

Some of the other cases are still proceeding and are therefore *sub judice*.

13. No.

RESEARCH CENTRES

In reply to the **Hon. B. A. CHATTERTON** (25 October).

The Hon. C. M. HILL: Work is proceeding on the detailed planning of a marine research centre at West Beach and investigations are continuing into selecting suitable sites in the South-East and West Coast for two regional centres. No detailed costing of the projects will be available until site and building plans have been finalised. Planning is proceeding on the basis that biological research staff will occupy the marine research centre with a small number of support staff while regional centres will accommodate research, licensing and extension personnel. Most of the positions will be provided from within existing staff numbers, although it is anticipated that some additional positions could be required to staff all new buildings. Building will commence as soon as Government building priorities permit, although no allocation of funds has been provided for in the 1979-80 financial year.

JAM FACTORY

In reply to the **Hon. L. H. DAVIS** (25 October).

The Hon. C. M. HILL: The replies are as follows:

1. The allegations made by Mr. Andrews are being dealt with by the Department of Local Government which is co-ordinating the South Australian inquiry concerning the Jam Factory Workshops Incorporated.
2. *(a)* The previous Board of the South Australian Craft Authority entered into an employment agreement with Mr. Samuel J. Herman, master glass-blower, to manage the glass workshop at the Jam Factory for a period of five years commencing on 1 July 1975. When the new board assumed control of the Jam Factory Workshops Incorporated, it was decided that long-term employment contracts with master craftsmanship would not be entered into in the future. Mr. Herman is permitted to retain as his personal property the few items he makes in the workshop in the demonstration process.

(b) Because of a need to reorganise the glass work on more efficient lines, negotiations commenced with Mr. Herman to terminate his contract. The result of these negotiations was that Mr. Herman agreed to surrender his contract, on 30 June 1978, in exchange for a termination payment of $15 000 and a retainer for three years as a consultant to the Jam Factory Workshops Incorporated. A requirement of the consultancy is that Mr. Herman visits the glass workshop three times a year for a duration of one week at each visit for a consultancy fee of $7 000 per annum. Apparently, this arrangement was sanctioned by the previous Government. The new State Government is endeavouring to have the Board terminate this arrangement. These arrangements provide a more appropriate application of Mr. Herman's skills to the requirements of the workshop at less financial cost than would have been incurred had his original contract been continued.

3. There is no evidence or knowledge by the Jam Factory Workshops Incorporated management of any goods produced in the workshops having been sold from the back door. Goods are sold and charged direct from the workshops to wholesale customers and are sold at retail price through the retail craftshop.
4. *(a)* No equipment has been installed in any workshop without being used or intended for immediate use.

(b) Equipment was sold from the textile design workshop which closed on 31 December 1978. The details are as follows:

	Original Cost	Written Value	Sale Price
	$	$	$
1 Swedish Loom	1 368	680	800
4 Looms	2 127	931	1 550
1 Japanese Loom and Reeds	177	103	150
4 Shuttles	16	7	10
2 Electric Spinning Wheels	260	112	140
2 Skein Winders	22	11	35
1 Warp Mill	146	73	30
1 Singer Sewing Machine	101	61	15
2 Bernina Sewing Machines	955	604	900
1 Bernina Babylock	178	105	150
	$5 350	$2 687	$3 780

Profit from the sale of these assets amounted to $1 093.

(c) Over the past two years it was not possible to locate four items of equipment which had a total value of $1 025, of which $829 was recovered through insurance. Since this incident, the security of the building and its contents are protected by an alarm system.

5. It is proposed that a member of the Crafts Council of South Australia become a board member of the Jam Factory Workshops Incorporated, thus encouraging a closer liaison between the two bodies. This would also foster a mutually beneficial relationship with the craftsmen the Crafts Council represents. It is not envisaged at present to have any involvement with the Workers' Educational Association as the Jam Factory Workshops Incorporated is orientated around the improvement of craft at a professional level whereas the Workers' Educational Association, in general, provides a service for hobbyists.

LIBRARIES

In reply to the **Hon. J. E. DUNFORD** (1 November, Appropriation Bill).

The Hon. C. M. HILL: Whilst there appears to be a reduction in the funds being made available to the State Library for 1979-80, there is approximately $1 000 000 being held in a trust fund at the Treasury to supplement the proposed total allocation of $3 307 000 for the Libraries Division under "Contingencies", as shown on the 1979-80 Estimates of Expenditure. Therefore, total funds available for library purposes in 1979-80 (excluding pay-roll tax and terminal leave payments) will be approximately $8 288 000, an increase of 13·3 per cent on expenditure incurred in 1978-79.

BEVERAGE CONTAINER DEPOSITS

In reply to the **Hon. C. W. CREEDON** (17 October).

The Hon. C. M. HILL: A report was requested from the Director-General, Department for the Environment, concerning the operations of the Act and has recently been completed and presented to the Minister of Environment. The report, which includes assessments of the legislation's effect on the incidence of litter, bottle deposit systems, non-returnable and no deposit drink sales, is currently being evaluated to enable decisions to be made on future policy relating to beverage containers.

HOSPITAL LEVY

In reply to the **Hon. C. W. CREEDON** (18 October).

The Hon. C. M. HILL: All local government bodies pay the hospital levy. The last payment made by each council is detailed on the following list. It is not known what directions if any the Local Government Association has given to its members. Treasury has given an assurance that the reduction in the levy for the current year can be sustained without jeopardising the hospital building programme. Although the Government's undertaking to relieve local government of the levy was unconditional, my colleague the Minister of Health is confident that local government will choose to make funds available for the expanding needs of local health services, particularly in regard to health promotion and preventive health.

Schedule showing last payment of compulsory contributions by the various local government bodies.

Local government body	Last payment $
Metropolitan councils	
City of—	
Adelaide	246 516
Brighton	30 099
Burnside	84 626
Campbelltown	65 864
Enfield	125 746
Glenelg	33 530
Henley & Grange	23 798
Kensington & Norwood	24 561
Marion	110 315
Mitcham	83 518
Noarlunga	92 045
Payneham	28 837
Port Adelaide	68 488
Prospect	34 050
Tea Tree Gully	112 478
Unley	66 689
West Torrens	50 833
Woodville	143 745
Town of—	
Hindmarsh	22 640
St. Peters	14 894
Thebarton	16 982
Walkerville	16 826
District Council of—	
East Torrens	9 745
Stirling	22 627
Total metropolitan contributions	1 529 452
Country councils	
City of—	
Elizabeth	63 358
Salisbury	132 448
Mt. Gambier	30 779
Pt. Augusta	19 130
Pt. Lincoln	17 016
Pt. Pirie	22 489
Whyalla	47 037
Town of—	
Gawler	17 559
Jamestown	1 540
Moonta	4 132
Naracoorte	5 842
Peterborough	2 750
Renmark	10 968
Wallaroo	4 636
District Council of—	
Angaston	9 716
Balaklava	4 610
Barmera	6 904
Barossa	8 434
Beachport	7 856
Berri	10 123
Blyth	3 440
Brown's Well	786
Burra Burra	5 280
Bute	3 852
Carrieton	544
Central Yorke Pen.	8 192
Clare	6 169
Cleve	6 852
Clinton	2 878
Coonalpyn Downs	8 248
Crystal Brook	2 525

Dudley	1 340
East Murray	1 732
Elliston	4 004
Eudunda	2 427
Franklin Harbour	3 778
Georgetown	2 505
Gladstone	2 225
Gumeracha	8 018
Hallett	2 138
Hawker	744
Jamestown	3 459
Kadina	8 589
Kanyaka-Quorn	2 944
Kapunda	4 747
Karoonda	3 009
Kimba	4 166
Kingscote	8 166
Lacepede	9 167
Lameroo	5 020
Laura	1 308
Le Hunte	5 393
Light	7 910
Lincoln	12 315
Loxton	10 255
Lucindale	5 735
Mallala	6 097
Mannum	6 849
Meadows	38 230
Meningie	7 597
Millicent	14 903
Minlaton	5 945
Morgan	2 130
Mt. Barker	12 829
Mt. Gambier	9 962
Mt. Pleasant	5 226
Munno Para	38 410
Murat Bay	6 941
Murray Bridge	21 246
Naracoorte	5 738
Onkaparinga	7 242
Orroroo	2 265
Owen	4 251
Paringa	2 236
Peake	2 280
Penola	8 675
Peterborough	940
Pinnaroo	4 149
Pirie	5 423
Pt. Broughton	2 156
Pt. Elliot & Goolwa	13 800
Pt. Germein	3 977
Pt. MacDonnell	6 073
Pt. Wakefield	2 225
Redhill	1 991
Ridley	5 180
Riverton	2 820
Robe	4 422
Robertstown	1 466
Saddleworth & Auburn	3 551
Snowtown	4 256
Spalding	2 157
Strathalbyn	8 446
Streaky Bay	5 818
Tanunda	5 617
Tatiara	15 821
Truro	2 181
Tumby Bay	7 516
Victor Harbor	18 362
Waikerie	7 486
Warooka	3 141
Willunga	14 732
Wilmington	1 687
Yankalilla	7 071
Yorketown	6 427
Total country contributions	975 130
Grand total	2 504 582

LAND RESOURCE MANAGEMENT

In reply to the **Hon. FRANK BLEVINS** (7 November).

The Hon. C. M. HILL: It is the Government's intention that the Land Resource Management Division will continue to provide the essential services required by the South Australian community with regard to Crown lands. In this respect, Cabinet has recently approved the continuation of the work of the Inter-Departmental Land Resource Management Standing Committee established by the former Government. The amendments to the Crown Lands Act proposed by the previous Minister are currently being considered. The Government has no present intention to abolish or reconstitute the Land, Pastoral and Dog Fence Boards as announced by the previous Government nor is it proposed to appoint a Land Management Council or a Senior Policy Officer.

PRIVATE SCHOOL

In reply to the **Hon. ANNE LEVY** (31 November).

The Hon. C. M. HILL: Since the honourable member asked her original question, Cabinet has agreed that the regulations not be proceeded with for the time being and that action should, in lieu, be taken to amend the Education Act to provide for a registration of Non-Government Schools Board.

RURAL LAND

In reply to the **Hon. J. R. CORNWALL** (6 November).

The Hon. C. M. HILL: It is the Government's policy to allow freeholding of agricultural and rural land. However, it is currently being studied and developed, and it is expected that a public announcement will be made shortly.

FISHERIES CONTROL

In reply to the **Hon. B. A. CHATTERTON** (7 November).

The Hon. C. M. HILL: Although some preliminary talks on the subject of allocation of fisheries have occurred between Commonwealth and State fisheries officers, discussions between Ministers have not yet advanced beyond the draft legislation which will provide for the management of fisheries occurring within the 200-mile fishing zone.

JOSEPH VERCO

In reply to the **Hon. J. A. CARNIE** (7 November).

The Hon. C. M. HILL: Tenders have been received and approval has been given for work to commence on the improvement of accommodation, unacceptable noise levels and the fitting of new electronic navigation equipment to the *Joseph Verco*. These modifications have been included into the normal maintenance refit. Other modifications which include the installation of a

desalinator have been deferred. The main improvements to the accommodation are an increase in the sleeping capacity and the fitting of air-conditioning which is necessary for extended periods at sea especially during hot weather.

FISHING

In reply to the **Hon. FRANK BLEVINS** (1 November).

The Hon. C. M. HILL: There are 27 foreign vessels about to commence feasibility studies of the squid fishing industry off the South Australian coast in the 200-miles zone. The Polish group Dalmor is using two 88-metre stern trawlers in a two year study of the extent and distribution of mid water and deep fishing resources in this zone. Both the squid study and the Dalmor work are joint ventures with Australian partners. These ventures were announced early in October and the activities signal considerable interest in our fishing resources. The aim of all feasibility studies undertaken by overseas groups in partnership with Australians is to bring up the resources available and the data collected will be available for Australians to study. Until such time as these studies are completed and assessed, it is not possible to estimate the number of new jobs that would be created or the number of South Australian fishermen who would be assured of entry into any new fishery.

ADOPTION

The Hon. BARBARA WIESE: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about adoption.

Leave granted.

The Hon. BARBARA WIESE: I refer to an article that appeared in Saturday's *Advertiser* concerning the status of a natural parent whose children are adopted by a new spouse. This matter was raised by a Mrs. Ursula Scheer who claims that when she remarried and her new husband adopted her daughters her name as well as his was recorded as an adoptive parent on the document issued by the Registrar of Births, Deaths and Marriages.

In other words, she lost her status as the natural mother of her children. This matter was again raised in yesterday's *Advertiser*, and I understand that other people with similar complaints are planning to form a lobby group to change the existing procedures. Will the Minister state his attitude on this matter? Secondly, will the Minister take prompt action to see that natural parents are not denied that status on paper when their children are adopted by a new spouse?

The Hon. J. C. BURDETT: Such a natural parent is not denied any status applying to other natural parents, because there is no status on a birth certificate relating to a natural parent. There is no way of telling from a birth certificate whether a parent is a natural parent or not. One of the matters raised by the person referred to by the honourable member was the question relating to brothers and sisters, but I can assure her that all that appears on a birth certificate is the same surname. While people usually assume that where children are registered in the same surname they are brothers and sisters, that does not necessarily follow.

The position is rather more complicated than as suggested by the honourable member because, as I have said, there is no status recognised on any birth certificate relating to a natural parent. I do not know whether the honourable member read this morning's *Advertiser*, which contained an editorial and a press release from me on this subject.

The Hon. Frank Blevins: There was a good editorial on Salisbury; did you read that?

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I am not concerned about the editorial on Salisbury. I am concerned about the editorial on adoption, which supported the honourable member. My press statement said that the Adoptions Act was being reviewed. There is no legal difference between an adoption in the situation referred to by the honourable member and other situations, including situations involving divorce, or a plain case where parents adopt a child that has no natural relationship to either spouse whatever. The point that seems to have been forgotten in this debate is that no birth certificate of any kind indicates whether a parent is the natural parent. No distinction is made between natural parents and adoptive parents.

I understand and sympathise with the position raised by the person referred to by the honourable member, and other people referred to in the press. I am considering the matter, but it is not as easy as the *Advertiser's* editorial suggests, and it cannot be rectified simply and promptly. A separate position of adoption will have to be set up, or perhaps it will have to be called something other than adoption. My department has been referring, non-technically, to these adoptions as non-secret adoptions, but there is no provision in any Act for that term, nor is there any official recognition of it. I agree that in the family situation, involving step-children, there is some merit in such situations being dealt with in a different way.

However, it would have to be called something different from an adoption, or be distinguished as a certain kind of adoption and a separate procedure set up. In any event, that would require an amendment of the Births, Deaths and Marriages Registration Act, which also comes under my jurisdiction as Minister of Consumer Affairs. Also, it would require an amendment of the Adoption of Children Act, or it could be done on a Federal basis under the Family Law Act; I am not sure whether that is not where it ought to be done.

For the sake of speed, I am considering doing something. Indeed, I have my officers considering doing something in the realm of the Adoption of Children Act and the Births, Deaths and Marriages Registration Act. Clearly, it is proper that, if this is done in South Australia, it should be uniform. Therefore, there should first be the possibility of discussions. I have told my officers that, because some people are considerably concerned about the matter, I should like to investigate the possibility of doing something quickly and thereafter considering the question of uniformity. Therefore, if the other States wanted to treat the matter in a slightly different way, we could then repeal or amend our legislation.

Finally, I repeat that there is no recognition on any birth certificate of whether the parent is a natural parent or an adoptive parent. It is not as simple as that. For a natural mother (whose child was adopted by herself and her new spouse after a death or divorce) to be recognised on the birth certificate as the natural parent, it would be necessary to set up a different kind of procedure from that which exists at present. It would also be necessary to call it something other than an adoption, or for us to set up a certain kind of adoption. I assure the honourable member that I am looking at the matter as a matter of urgency.

ABORTION

The Hon. R. C. DeGARIS: Following the presentation of petitions to the Council, will the Attorney-General say whether the Government intends to make any changes to the existing abortion law in South Australia?

The Hon. K. T. GRIFFIN: The Government does not intend at this stage to make any alterations to the law. From time to time, a number of people make representations to the Government for changes, but at this stage no decision has been taken to make any move to change.

WORKERS' COMPENSATION

The Hon. G. L. BRUCE: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question regarding workers' compensation.

Leave granted.

The Hon. G. L. BRUCE: Is the Minister aware that some insurance companies require, through employers, an injured worker to fill out a complex and informative claim form, consisting of possibly two pages, often seeking details which are not relevant to the accident and which are in no way connected to the form 16 required to be completed under the Workers Compensation Act?

On receipt of this form, the companies just sit on it and do not pay the workers' compensation. When the matter is pursued further by the worker or his representative, he is advised that a form 16, as required under the Workers Compensation Act, has not been filled out and that, until this has been done, there is no obligation on the company to do anything in relation to the injury.

Will the Minister assure the Council that the form 16 claim, required by the insurance company and the Act, is the only form that the injured worker is required to complete? Will he also give an assurance that this form will be made readily available to the worker through the employer or insurance company as soon as an accident has been reported, as in many cases it is virtually impossible for the worker to obtain a form 16 so that he can fill it in as required by the Act?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague in another place and bring back a reply.

SELECT COMMITTEE ON URANIUM RESOURCES

The Hon. K. T. GRIFFIN (Attorney-General): I move:

> That Standing Order 159 be so far suspended as to enable me to move for the rescission of the resolution passed by this Council on 20 February 1980 concerning the Select Committee on Uranium Resources.

It is common knowledge among honourable members that, when the Leader of the Opposition was replying to the debate on the motion moved on 20 February, he requested leave to withdraw his motion, accepting, as I recollect, the undertakings given by the Minister of Community Welfare that certain initiatives had been taken by the Select Committee and that the spirit of those undertakings would be honoured. Leave was denied, and the motion was then put to the Council.

There was some misunderstanding regarding the matter being put to the Council and, in saying that, I am not reflecting on you, Sir. It was a misunderstanding by at least one member of the Council regarding what the division was called for. Several honourable members believed that the division was on the question whether or not leave should have been granted to the Leader to withdraw his motion. Others understood that the division was on the substantive motion itself.

As a result, the motion was carried, but subsequently the Hon. Mr. DeGaris indicated to the Council his misunderstanding on the reason for the vote. I will leave it to the honourable member to make such comments as he believes appropriate on that point.

However, I believe that, in the light of that misunderstanding, it is important that the majority view of the Council should be expressed. That view should be expressed without any misunderstanding of the motion being put to the Council. I have therefore moved this motion which will enable the Council to rescind the motion that was carried on 20 February.

The Hon. C. J. Sumner interjecting:

The Hon. K. T. GRIFFIN: The Leader of the Opposition is asking questions about procedure. I have indicated to him that, if Standing Orders are suspended, I will move a motion for the rescission of the motion, which motion honourable members will have an opportunity to debate at length.

The PRESIDENT: It would be better if the Hon. Mr. Sumner was to ask questions of the Chair, as the Attorney-General's time will expire in a moment.

The Hon. K. T. GRIFFIN: I realise that, Sir. If Standing Orders are suspended for this purpose and the motion for rescission is put to the Council, that rescission will be approved by a majority of the Council and will then reflect the true majority opinion of the Council.

The PRESIDENT: Is the motion seconded?

The Hon. M. B. CAMERON: Yes, Sir.

The Hon. C. J. SUMNER (Leader of the Opposition): I do not intend to oppose the motion to suspend Standing Orders at this stage, although I wish to make some observations. The Hon. Mr. DeGaris, in a personal explanation following the division to which the Attorney-General has referred, explained the position regarding the matter. It is clear that he was mistaken about what the Council was dividing on. I accept that explanation and, for that reason, am pleased on this occasion to support the motion to suspend Standing Orders.

It is particularly important because the Hon. Mr. DeGaris, in voting on that matter, was, in a sense, supporting my claim to have leave to withdraw the original motion. He thought that I should have such leave and thought that that was the question upon which we were dividing. I appreciate the Hon. Mr. DeGaris's thoughts on that matter. However, I believe that the matter could have been disposed of last week. I suggested to the Attorney-General on Wednesday after this incident occurred that he did not have the numbers to suspend Standing Orders without notice and I suggested that he put the matter on notice. If he had taken my advice the matter could have been disposed of on Thursday. I wanted an opportunity to consider the issue, rather than have it debated immediately after the suspension had been moved. I also believe, although I am supporting this motion, that the procedure which the Attorney-General has adopted is a curious one, to say the least. It was interesting to note, in a debate on the substantive motion regarding the opening of the Select Committee to the public and the press, that the Hon. Mr. Burdett made much of the need to adhere, where possible, to our Standing Orders. In that debate he said:

> Whilst Standing Orders are not sacrosanct, they are not to be taken lightly. This Council has in the joint wisdom of all honourable members since its inception adopted and progressively refined Standing Orders, such that the present set of Standing Orders copes more than adequately with most situations and certainly with the move which the Hon. Mr. Sumner is attempting today.

They are interesting sentiments, but now we find that the Leader of the Government is seeking to suspend Standing Orders when he does not have to. I find that surprising. In fact, Standing Order 159, which he is seeking to suspend, does not need to be suspended. The honourable member could have moved that the resolution come up for rescission on only one day's notice. The Standing Order says that in normal circumstances a rescission requires seven days notice but, if there has been a mistake or irregularity, one day's notice is sufficient.

So, the Hon. Mr. DeGaris admitted that he had made a mistake in voting. The Attorney-General could then have moved that that resolution be rescinded and we could have disposed of the matter last Thursday. I expect that the Leader of the Government did not know what he was doing and he is now pursuing this question of Standing Orders to save face rather than follow what I believe to be the correct procedure, which was to have used Standing Order 159 on the basis that Mr. DeGaris had admitted that he had made a mistake in his ballot. That is yet another reason why this Government and its Ministers are getting a reputation for bumbling.

The Hon. L. H. Davis: Take the smile off your face.

The Hon. C. J. SUMNER: I have not got one. I am happy to support the suspension, although I believe that the Leader of the Government should have gone another way about it and the matter should have been resolved last week, had he gone about it in another way. However, he has chosen this way and we should support it, primarily because the Hon. Mr. DeGaris has indicated that he was mistaken as to the division that took place. On those grounds I will support moves which would allow that position to be corrected.

The Hon. G. L. BRUCE: Last week the Hon. Mr. Burdett advised the Council that he had made it quite clear to the press that the hearing would be open to the public. That was entirely wrong. The motion moved by the Hon. Mr. Sumner was that it should be done through the Council. It should come as information from the Council. I am concerned that this Parliament has been asked to accept the situation, and in *Hansard* last week—

The PRESIDENT: Order! I remind the honourable member that we are debating only the suspension of Standing Orders at this stage.

The Hon. G. L. BRUCE: I support the rescission at this stage. What is happening now need not have happened and should not have happened. If the proper procedure had been carried out, the information should have come from Parliament. We should not have had to rely on information from the *Advertiser* as to what was happening.

Motion carried.

The Hon. K. T. GRIFFIN: I move:

That the resolution passed by this Council on 20 February 1980 concerning the Select Committee on Uranium Resources be rescinded.

The Hon. M. B. Dawkins seconded the motion.

The Hon. K. T. GRIFFIN: I have already indicated the reason why the matter ought to be considered again by this Council. It arises from a clear misunderstanding of the motion which was put to the Council last week, as to whether it was a procedural motion or a substantive motion that was carried. I believe that the true reflection of the view of this Council is that the motion concerning the Select Committee should have failed to gain a majority. The Hon. Mr. DeGaris indicated that that was his view after the division had been called and taken. It is my view therefore that, in order to reflect the view of the Council on that motion, it is appropriate for the Council to support my motion.

The Hon. C. J. SUMNER: I oppose the rescission. I am perfectly happy that the motion I moved last Wednesday went to a vote, and I was perfectly happy that that motion was passed and became a resolution of this Council. Unfortunately, a mistake was made in the voting procedure and I have explained my attitude to that. The position now is that the issue comes up fairly and squarely for another vote. Those who vote in favour of the Attorney-General's motion will be, in effect, opposing the motion that I moved last Wednesday and vice versa. The rescission of the resolution (that is, the acceptance of the motion now moved by the Attorney-General) would have the same effect as if the Council had defeated the motion that I moved last Wednesday. Honourable members will recall that that motion expressed an opinion of this Council that the Select Committee on Uranium Resources should be open to the public and that proceedings should be published.

I was perfectly happy for that motion to go to a vote of the Council. I always have been happy for that to be done. I do not mind if the Government wants to wear the opprobrium of voting against open Select Committees in this place. Let that be on the Government's own head. I have explained to this Council two or three times what the Government has said is its policy on Select Committees. I refer particularly to what Mr. Goldsworthy, then Deputy Leader of the Opposition, said in October 1978.

It now seems that Government members are not prepared to vote in favour of a motion that would give the imprimatur of the Government to open Select Committees. If that is the Government's approach, I am perfectly happy, from this side of the Council. The Government can wear the opprobrium, and will have to do so if it does another about-turn regarding its pre-election policies.

I sought leave to withdraw the motion last Wednesday because, in effect, I was offering the olive branch to Government members. I said I was perfectly happy for the matter to go to a vote and for the Government members to vote against open Select Committees. However, in a spirit of compromise that I was prepared to adopt because of the assurances that the Hon. Mr. Burdett had given to the Council, I was willing to seek leave to withdraw my motion. As we know, I was not permitted by the Leader of the Government to do so. I feel that, had the Hon. Mr. DeGaris been Leader of the Government, there would not have been any question about it. He would have seen the spirit of compromise in the offer. As indicated by his actions over the division, he would have allowed withdrawal of the motion. I do not know why the new Leader, the Hon. Mr. Griffin, did not do that. I suppose that new Leaders must try to prove themselves, and it may be that he was a little inexperienced. He has not been in the Council for very long.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. J. SUMNER: He was catapulted into this position over his senior colleagues, including the Hon. Mr. DeGaris. I believe that, had the Hon. Mr. DeGaris been Leader of the Government, this incident would not have occurred. All I can say to the Hon. Mr. Griffin is that next time the olive branch is offered from this side and a compromise is suggested, he may care to accept it. I am perfectly happy for members opposite to vote against the opening up of Select Committees. Let it be on their heads in doing so. That is exactly what they will be doing by now proceeding for a rescission of the motion. I still believe that the motion that I moved last Wednesday was

necessary. It flushed the Hon. Mr. Burdett out in this Council by forcing him to give certain assurances in relation to the Select Committee and, as the Hon. Mr. Bruce has said, it seemed to us odd that no statement was made to us about the committee. The only statement was the one that the Hon. Mr. Burdett gave to the press the day before.

The Hon. M. B. Cameron: You were aware of it.

The Hon. C. J. SUMNER: I was aware of it. I made no secret about it. I saw the press release and the report of the Hon. Mr. Burdett's statement in the newspaper, but I certainly did not think it contained the sorts of assurance which the Hon. Mr. Burdett gave during the debate and on the basis of which I was prepared to withdraw the motion. Those undertakings were not in the press release that he had put out.

From time to time in the past members opposite have made quite a fuss about decisions of committees and conferences going to the press before they are reported to this Council. I recall that the Hon. Mr. DeGaris made a fuss about an incident of that kind recently. The Hon. Mr. Hill also has been upset about Chairmen or members of conferences reporting matters to the press before they are reported to the Council. I believe that the same thing applies in this case in relation to committees.

The proper procedure would have been for the Hon. Mr. Griffin, given that the matter was one of much publicity and that people knew through the press that the committee was considering opening its proceedings, in addition to his press release, to provide a statement to this Council during Question Time on the day before the decision was made, explaining the decision.

The Hon. Mr. Burdett now resorts to Standing Orders. What he says is that he could give a statement to the press but not to the Council about open hearings. I am sure you would not accept that line of reasoning, Mr. President. There is no doubt that the Hon. Mr. Burdett could have sought leave to make a statement to the Council. Indeed, the Government has now suspended Standing Orders so that a statement can be made. The Hon. Mr. Burdett's prime duty was to report the matter to the Council, and he was aware that I intended to move a motion asking the Select Committee to open its hearings.

The Minister did not report to the Council and for that reason I proceeded with the motion. I received assurances and sought leave to withdraw. The Attorney-General, perhaps through inexperience, refused to give me leave, but I am sure the Hon. Mr. DeGaris would have given leave. We then got into the mess that the Attorney-General is trying to resolve now. I repeat that this matter will now go to a vote. I was happy for it to go to a vote previously and I still am happy about that. It will be on the Government's own head if it votes against its policy that Select Committees should be open.

The Government maintains that the motion was not necessary. If it believed what was in it, it could have had that principle recorded here by voting for the motion. However, it seems that the Government is not going to do that. By voting for this motion, which is voting against open hearings of the Uranium Select Committee, it will be voting in a way that is contrary to its previously expressed position. I oppose the motion.

The Hon. J. C. BURDETT (Minister of Community Welfare): I support the motion. Regarding what the Leader has said, I quote Standing Order 190, which provides:

> No reference shall be made to any proceedings of a Committee of the whole Council or of a Select Committee, until such proceedings have been reported.

The Hon. C. J. Sumner: What did you give your statement to the press for?

The Hon. J. C. BURDETT: If the Leader will let me finish, I will explain that there was a very good reason why I could not make any report to the Council, because I was specifically prevented by Standing Orders from doing so.

The Hon. C. J. Sumner: Did you refer the press to the Council?

The Hon. J. C. BURDETT: I did not. Let me again read the provision, because I indicated before that I think that Standing Orders should normally be followed. Standing Order 190 provides:

> No reference shall be made to any proceedings of a Committee of the whole Council or of a Select Committee, until such proceedings have been reported.

In regard to the press, there is a prohibition in Standing Orders on disclosing evidence or deliberations of the committee but not in regard to disclosing the conclusions—something that is a *fait accompli*.

In my view (and it has not so far been contraverted by anyone) it was quite proper to inform the press of something that had actually happened, or something that had been done, because otherwise the decision made by the committee in accordance with the Hon. Mr. Sumner's motion in the first place, the motion that gave the committee that power, would have had no effect. To inform the press through a press statement was a perfectly proper procedure, but to refer in this Council to what had been done was in contravention of the Standing Orders, which is why I did not do it.

Referring to the original motion and the matters that have been raised in debate, I point this out. The Hon. Mr. Sumner moved a motion on the subject of this specific committee, he amended it, he then allowed it to be debated for over an hour, he replied to the debate and he then sought leave to withdraw his motion. When he spoke just now he referred to the Attorney-General's possible inexperience, or cast aspersions on why the Attorney-General refused leave to withdraw.

I suggest that while honourable members are entitled to have their own opinions on the matter, and the Hon. Mr. DeGaris had an opinion different from the Attorney's and mine, it is my view that, if a member goes to the trouble of moving a motion, amending it, allowing it to be debated for over an hour, thereby taking up the time of the Council, and then replying to the debate, it is a reasonable view that the motion should then go to a vote.

That was the view that the Attorney-General took, and it was my view, because I, too, called against the Leader. That is a matter that ought to be considered. It is my view now, as it was before, that the motion in its amended form was unnecessary and should have been opposed. The committee, as stated in the press, had decided to open its meetings to the public. The Hon. Mr. Sumner said that honourable members on this side voted against open committees. We did not do so. That was the matter to which the motion referred. The motion referred to this particular committee. It was not a matter of particular philosophy or any Select Committee in general: it pertained to this particular committee.

The reason why I and other honourable members opposed it was that it was unnecessary in regard to the committee. Now the matter at issue is not the original motion of the Hon. Mr. Sumner but the question of its rescission. I suggest it is proper for the Council to rescind the effect of the previous vote because a mistake was made; that is really the matter at issue. What happened has been said and what everyone knows is that the Hon. Mr. Sumner sought leave to withdraw his motion.

The Hon. M. B. Cameron: It's a pity that it's being debated.

The Hon. J. C. BURDETT: It is. You, Mr. President, put the question whether leave was granted, and there were calls of "No". Under Standing Orders, that means that leave is not granted. I do not think, with respect, that it was actually announced but you then quite properly put the motion. As I understand it, the Hon. Mr. DeGaris thought that the vote was about leave to withdraw the motion and thought that the vote was not on the motion itself. He acknowledged that and said so afterwards. That is recorded in *Hansard*. The honourable member made a mistake which all of us have done at one time or another and will probably do again in the future.

If a mistake has been made, surely we ought to do what the Attorney-General suggested when he spoke. Surely we should go back to the substantive motion itself and forget about the mistake. We should go back and decide the matter on its merits. We should forget about the subject about which a mistake was made.

The Hon. C. J. Sumner: Can we vote on the original motion?

The Hon. J. C. BURDETT: It is my view that what we ought to do, because a mistake was made, is to rescind the vote. Therefore, I support the motion.

The Hon. C. J. SUMNER: I rise on a point of order, Mr. President, in view of the comments of the Hon. Mr. Burdett. I accept to some extent the force of his argument that a mistake was made and that, therefore, the resolution should be rescinded. We would be happy to facilitate that situation by supporting the suspension of Standing Orders. However, I ask you, Mr. President, to rule on whether, if we supported the rescission of the resolution, would it then be possible for the motion to be moved again and voted on again as a substantive motion? If that option is available, then I agree that it would be the most preferable solution, because we would be overcoming the fact that a mistake was made. By rescinding the resolution we would then be putting the original motion for a revote. Unless we can do that we will have to proceed with a vote on a rescission. If this motion is rescinded in accordance with the Attorney-General's motion, can there be another vote on my substantive motion?

The Hon. K. T. Griffin: In effect, this is what it is.

The Hon. C. J. SUMNER: Will this allow a recommittal of the motion?

The PRESIDENT: Standing Order 124 provides:

> No question shall be proposed which is the same in substance as any question or amendment which during the same session has been resolved in the affirmative or negative, unless the resolution of the Council on such question or amendment shall have been first read and rescinded. This Standing Order shall not be suspended.

Once the resolution is rescinded, the same question can be put again.

The Hon. R. C. DeGARIS: Having been the cause of all this trouble, I have something to say about it. I regret the misunderstanding on my part regarding the vote last Thursday that has caused this situation. I remind the Council that, in speaking to the motion of the Hon. Mr. Sumner, I did speak strongly against it in part. I gave my reasons for opposing the motion in that speech. I also felt very strongly that because the Hon. Mr. Sumner had expressed a view that he would like to withdraw his motion (and one could hardly blame him for that) he should have the right to do so. When the vote was taken I thought I was voting regarding his right to withdraw his motion. I was surprised that, in having given my explanation as soon as possible after that vote was taken, the Labor Party did not allow a suspension of Standing Orders to correct the mistake that I had made. At this stage I find it rather interesting that, after having asked for permission to withdraw his motion—and with this vote we are rescinding a mistake that was made—the Hon. Mr. Sumner still wishes to proceed with a vote on that motion. That seems to be somewhat of an anomaly. Once again, I apologise for the confusion I caused.

The Hon. K. T. GRIFFIN (Attorney-General): I wish to reply briefly and indicate that, contrary to the assertions made by the Leader, the Government will not gain anything by voting for a motion which, I remind the Council, is to rescind the resolution of the Council passed on 20 February 1980. The reason for moving that rescission has been quite clearly expressed on 20 February and again today; it arises out of a mistake. We are now merely seeking to put the record straight. It seems to me that in endeavouring to do that there is no opprobrium for the Government to have to wear, as the Leader has asserted there is.

The Leader has suggested that this situation was caused because I was not prepared to accept an olive branch. I remind the Leader and the Council that, in the words of the Minister of Community Welfare, the Leader had given notice of his motion in one form, he had sought leave to amend it in an amended form, and he took up at least an hour of the Council's time in debating it at length. Therefore, in my view it was appropriate that the motion should be put to a vote to determine and express the views of this Council. My approach today is not an about-turn, but is consistent with the Government's view during the course of the debate on this motion. Therefore, I urge the Council to support the motion.

Motion carried.

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

> That Standing Orders be so far suspended as to enable me to move a motion without notice.

Motion carried.

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

> That in the opinion of this House—
>
> (1) The Select Committee on Uranium Resources should conduct its proceedings according to the following principles:
>
> (i) when it is examining witnesses, strangers shall be admitted, and
>
> (ii) publication of evidence taken and documents presented to the committee shall be permitted, except that—
>
> *(a)* in special circumstances (including the requirements of confidentiality, the committee may decide to sit in camera and in such case strangers shall be excluded and disclosure of such evidence or documents shall not be made or published to any other person without the permission of the Council until such evidence and documents have been presented to the Council; and
>
> *(b)* strangers shall always be excluded when the committee is deliberating.
>
> (2) The committee should release for publication all evidence given and documents presented up to and including the date and time of passage of this motion in accordance with the principles enunciated in paragraph (1) hereof.

I formally move this motion to enable the matter to be put before the Council again and for all members to have an opportunity to express their points of view on this substantive motion, which they all wished to do last Wednesday, but apparently were thwarted by the mistake that we have already heard about. I appreciate the position adopted by the Hon. Mr. DeGaris when I sought

leave to withdraw my motion, which I did as a peace offering. However, the Attorney-General was apparently not the least bit interested in a compromise. I am now perfectly happy for the motion to go to a vote.

The Hon. N. K. FOSTER: I second and support the motion. Had I been here last Wednesday afternoon, I would probably not have spoken on this motion, but I do so today, because I notice in *Hansard* that the Chairman of the Committee, the Hon. Mr. Burdett, has seen fit to give his version of what he considers to be the reason why the Select Committee made its decision to make the committee public. At page 1096 of *Hansard* the Hon. Mr. Burdett said:

> This is clearly impossible, because of the number of witnesses who have given evidence or are still giving it. It is for this very reason—time constraint and anxiety to report—that an obvious facilitating move in the hope of meeting the deadline was that the committee could be left to get on with its proper and responsible deliberations without interruptions to proceedings and delays caused by the presence of outsiders and, in some cases, disorderly groups and individuals. This obviously was possible. The former approach by the committee was a commonsense approach.
>
> The reason was to try to report on 4 March and, as has been stated, the whole report would have been made public. It was my view that, if we could have got on without public hearings, we could have made the evidence available to the public. This is one reason why Standing Order 190 exists.

The Hon. Mr. Sumner then said, "You're two weeks off time now," and the Hon. Mr. Burdett replied:

> That is why the change has come. Initially, it seemed likely to me that there would not be many witnesses and that we would be able to report on 4 March and be assisted in doing this by not having the disruption of public hearings.
>
> It was sensible, because all the evidence, apart from that which is off the record, as the honourable member knows, taken in a Select Committee becomes published when the report is tabled. If we report early, we get the matter before the public early. I said that that would happen. Now it is obvious that it will not, because many people are to be heard. Therefore, because we cannot report at an early date and because the committee will go on for months, it will not matter much if the hearings are delayed and disrupted.

I must dissociate myself with those remarks. I do not believe that people in the community who hear evidence before a Select Committee are a disruptive element. As the member of a Select Committee, I am not disrupted. I fly to the defence of groups of people and individuals, particularly on this very vexed question of uranium and the whole question of its processing, cycle, export, and so on. For the Chairman to make those comments when the vote was taken, and tied, is a disgrace. I believe that if the press are progressively reporting the comments of witnesses, people in the community are further inspired to give evidence.

Mr. Justice Fox, a most eminent man and a roving ambassador on this subject, gave evidence to the committee. On the very day that the committee took the decision to which the Hon. Mr. Burdett has referred, a decision was taken to contact Mr. Justice Fox. I think he was located early one morning in Bucharest so that his reaction to the committee's decision could be ascertained. The public ought not to be denied the right to read the evidence given by such a person. Indeed, some people have read both his reports and would be most interested to read the evidence that he gave to the committee. Mr. Justice Fox said—

The PRESIDENT: Order! The honourable member is beginning to refer to some of the committee's proceedings. I draw his attention to that fact.

The Hon. N. K. FOSTER: I realise that, Sir. However, I thought that it was rather stupid of the committee not to allow the evidence given by such an eminent person, who has such a wide knowledge of the subject, to be made public. Mr. Justice Fox had virtually to sneak in and out the back door of this building, which is just not good enough. The committee's hearings should be open. Some splendid evidence has been given to the committee already, and it should be made public. I totally agree with the anxiety expressed by certain people, and I totally disagree with the reasons given by the Hon. Mr. Burdett for placing an embargo on the committee's evidence.

The Hon. J. C. BURDETT (Minister of Community Welfare): I oppose the motion and reject the matters that have been raised by the Hon. Mr. Foster. The reasons that I gave previously were perfectly valid. I said that I had been opposed to the admission of the public to the Select Committee's hearings at an early stage because at that stage there had not been many witnesses, and it may therefore have been possible for the committee to report as planned on 4 March.

The Hon. N. K. Foster: You knew that wasn't on.

The Hon. J. C. BURDETT: I did not know that, because at that stage there did not seem to be many witnesses coming forward. It seemed to me to be the best way of getting the evidence before the public quickly. In the passage referred to by the Hon. Mr. Foster, I referred simply to the possibility of meetings being disrupted (I did not suggest that they necessarily would be), and I was entitled to do that because (and this did not happen within the Select Committee's meetings, so I can refer to it) on a day when a Select Committee meeting was taking place there was a protest on the steps of Parliament House regarding this matter. Members of the public and the press were there.

The Hon. N. K. Foster: They weren't violent. They stood out there calmly with their placards.

The Hon. J. C. BURDETT: They were in the corridors and immediately outside the committee room.

The Hon. N. K. Foster: That's not true.

The Hon. J. C. BURDETT: It is true.

The Hon. N. K. Foster: A woman came in because she thought she had the right to do so, but she left as soon as she was told to.

The Hon. J. C. BURDETT: I am not referring to that matter: I am referring to the occasion when members of the press and the public were in the corridor immediately outside the committee room. Indeed, they had television cameras shining on the committee room door and the lights could be seen from within.

The Hon. N. K. Foster: What's wrong with that? You're worse than Fraser. He's a security freak.

The Hon. J. C. BURDETT: I was justified when I expressed the view that, at a time when it did not appear there would be many witnesses, the best way of being able to report and getting the evidence before the public after the report (and therefore the evidence) had been tabled was to have meetings in the ordinary way, as they had been held under Standing Orders.

The Hon. N. K. FOSTER: I rise on a point of order. No vote was taken by the committee until Mr. Justice Fox came here, and we knew then that we had plenty of witnesses.

The PRESIDENT: Order! That is not a point of order.

The Hon. J. C. BURDETT: I correct the Hon. Mr. Foster, who is in error. I was not at that time aware of there being many witnesses. Many more witnesses have come forward since, and I was conscious of the possibility

of public hearings being disrupted. I hope that they will not be disrupted, but particularly at that time, when there was a protest on the steps of Parliament House and people were in the corridor outside the committee room, I did have some justification in supposing that there might be some kind of disruption of the hearings and, therefore, a wastage of time.

We have agreed to public hearings. So, as I said when I spoke to the identical motion last week, there is no need for this motion. In fact, now that meetings are being held in public, I think I can refer to them. Indeed, a public meeting has already been held. There is no point whatsoever in the motion, which seeks to direct the committee on a step that has already been taken. I therefore oppose the motion.

The Hon. N. K. FOSTER: I rise on a point of order. Will the Minister say whether or not any member of the committee raised the matter of disruption?

The PRESIDENT: Order! That is not a point of order.

The Hon. N. K. Foster: He knows it wasn't raised. Not a word was said about it.

The PRESIDENT: Order!

The Council divided on the motion:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 February. Page 1099.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition supports this Bill and will facilitate its passage through the Council. It amends the Police Offences Act to make it an offence to tattoo minors under the age of 18 years. This legislation raises the age-old problem of to what extent the State or community should legislate to make illegal actions which protect people against themselves when no tangible harm results to any other person or society in general from what is done. At one end of the scale, attempted suicide is a crime, although it could be argued that if successful it does no harm to anyone but the victim. That applies to adults and minors, and is no doubt justified by the fact that a suicide may have an effect on other people such as immediate family and more generally on society in reducing respect for human life.

Compulsory seat belt wearing, it has often been argued, is not justified, as it is legislation which protects people against themselves. However, that ignores the enormous social costs of injuries or deaths in road accidents, both for the immediate family of the victim and to society in general, because of increased medical and related costs. At the other end of the scale, we do not legislate against excessive smoking or the consumption of alcohol, although both probably have detrimental effects on a person's health. In these cases society does not intervene by legislation to provide protection against a person's folly by making the action illegal.

Tattooing may be something that a person in later life will come to regret, but to date it has not been felt necessary to protect people from it by legislation. It is assumed that, although tattooing may have an adverse effect on a person in the future (such as feelings of regret and embarrassment in having a tattoo), there is no general harm to society or to other members of it which warrants society intervening to protect the person against his own actions. Despite the application of these general principles to adults, it is well recognised that, even where the State does not intervene in their case, it is justified in the case of minors. The consumption of liquor in licensed premises is the most obvious example. Minors are also prohibited from viewing certain films. In some cases the law in society clearly recognises that minors do require protection from their own actions, even though what they do may have no effects on society generally or other members in it.

Accordingly, while it is probably not justifiable to legislate against the tattooing of adults, because they are assumed to be able to take responsibility for their own actions and no harm is done to anyone else, in the case of minors a prohibition is justifiable, as they have been recognised as requiring protection from their own actions in certain cases, and those of people who would wish to profit from a minor's failure to realise the consequences of his actions. This legislation, then, fits into well established principles for the State or community legislating in relation to minors because it feels that minors are considered not as fully responsible for their own actions as are adults, and in this particular case may have considerable regrets in later life because of a tattoo which was done when they were minors.

Perhaps at that time they did not fully consider the consequences of their actions. The protection of minors by this legislation is accepted, and the Opposition believes that it is desirable that this practice be prohibited and that it should be an offence for anyone to carry out a tattoo on a minor. Accordingly, I support the Bill.

The Hon. R. J. RITSON: I support this Bill, and as it is unopposed I will be brief. However, I would underline one matter referred to by the previous speaker and enlarge upon it. I refer to the quantity of harm that comes to these people. It has not necessarily been made clear, either to this Council or to the public, that tattoos can cause a very grave degree of harm to people.

I will start with some of the lesser problems, namely, the transfer of infection and disease. A tattoo can become infected with any non-specific organism in the same way as any other puncture of the skin, and medical practitioners see frequent pustular skin infections in tattoos, just as they see them in pierced ears and in other forms of minor operations. One disease has increased alarmingly (hepatitis B), with significant mortality rates. There is every reason to suggest that this disease is transmitted by tattoo needles. There is also every reason to suggest that the most frequently tattooed people are part of the drug culture scene, and the personalities and culture of these people are identified very much with the phenomenon of the multi-tattooed teenager. That is the small side of the issue, the infection issue, because infections will pass.

The matter of the permanency of the tattoo needs to be underlined. Once the pigment is embedded within the substance of the cells of the skin, the only effective way to remove it is by removing the skin itself, and one simply cannot remove the pigmented skin alone, because if a person has a tattoo that spells out "Mum and Dad" and one cuts out only the pigmented skin, the person is left with a scar that spells out "Mum and Dad". The only way to remove it, despite reports about Laser surgery and that sort of thing, is by entirely removing skin that bears the tattoo.

This cannot be done without leaving a large area of scarring, and I want to talk about scars to the skin and to the personality, because a tattoo is essentially a mutilation. It is embarked on more frequently by people with intrinsic personality problems than by people with stable personalities. These people with personality problems perhaps do not initially see the tattoo as a mutilation but, when they start to realise and feel that the tattoo has mutilated them, the only option is to change it for another mutilation, namely, a permanent scar.

One consequence of this is that the personality of people is damaged, and a number of people recognise that multiple-tattooed people have abnormal personalities. A number of Police Forces in North America will not accept multiple-tattooed people because they have discovered that recruits of this nature have a higher incidence of the use of excessive violence in carrying out their duties. Therefore, we see that a person who is tattooed and then scarred by the removal is still stamped with a sign of having been multiple-tattooed. Any examining medical officer can recognise this. These people are stigmatised for life in the eyes of recruiting services such as the Police Forces and, I may say, the armed services.

The Hon. Anne Levy: Do you want violence? Do you want them to get into the Police Force?

The Hon. R. J. RITSON: You were not listening.

The Hon. Anne Levy: You're saying that tattooed people make violent policemen.

The Hon. R. J. RITSON: Yes.

The Hon. Anne Levy: This is a Bill to prevent tattooing, so the potentially violent person will be able to get into the Police Force?

The Hon. R. J. RITSON: No. Would the honourable member like me to say it again?

The Hon. Frank Blevins: No, we'd just like you to think it through.

The Hon. R. J. RITSON: I will try to lead the honourable members through the reasoning. It is generally true that multiple-tattooed people, whether or not they have the tattoos removed, are stigmatised. Thus, a prejudice factor arises for a minor who has a tattoo and is one of the generally normal people but must be stigmatised for life, whether or not the tattoos are removed. If members opposite are supporting the Bill, I suggest that they listen to this and try to grasp it, instead of interjecting in one ear and out the other. I do not mind speaking to a Council that is not listening, as long as members do not interject. May I continue, Mr. President?

The PRESIDENT: Yes. They were trying to be helpful in the first place. As they have not been successful, I call the Hon. Mr. Ritson.

The Hon. R. J. RITSON: I will summarise this quickly and then cease speaking, because I seem to have awakened people on the opposite benches. The tattoo must not be regarded solely as something that later in life a person may regret having. It has profound psychological consequences that will stigmatise a person for life, and that damage can never be undone, even by removal.

I would like to see instances of the removal of tattoos by surgeons made a reportable or notifiable condition, so that over the years we can get statistics on it. I regularly assist a surgeon in the removal of tattoos. A number of the referrals come from welfare agencies, and I would like these quantified so that, if after a number of years the problem still seems significant, we can have the Act back before us to consider increased penalties.

The Hon. ANNE LEVY: I support the Bill and endorse many of the remarks made by the Leader of the Opposition. Perhaps one small aspect of this matter is worthy of comment and serious consideration by the Council. Once this Bill becomes law, we will have a situation where no minor can obtain a tattoo, even though the minor may wish to have one and regardless of whether the parents are in agreement that the minor should have a tattoo. This is more or less the reverse of the situation whereby a minor is not able to obtain medical treatment unless parents are in agreement that such medical treatment should be obtained.

The Bill makes no provision for parental agreement being sufficient to enable a minor to have a tattoo, and I feel that this obviously has implications for authority within a family and for parental responsibility for children. We generally accept that parents do have responsibilities for their children, except in certain circumstances where the law overrides parental responsibility.

In this respect one thinks of R films, drinking in public places, and so on, where, regardless of parental approval or otherwise, the law does not permit minors to undertake these activities. This Bill will put responsibility for tattooing in the same category as other matters. The State removes parental responsibility and lays down principles on the behaviour of minors.

This obviously has implications for parental authority, and I recall the statement by the Minister of Community Welfare that he believed that any legislation that would have any impact on a family should be considered by his department, that we should have a system of family impact statements whenever legislation has such implications and I understand he has people in his department working on the provision of such family impact statements.

When the Attorney-General replies to the debate I hope he can give the Council information on whether such impact statements have been considered in regard to this Bill, either by the Minister of Community Welfare or by the committee from his department which undertakes family impact statement considerations. My raising this point in no way implies that I disagree with the Bill, but I do believe that this matter has many implications that should be considered in respect of its impact on the family. A report should be made before a Bill is introduced. I support the Bill.

The Hon. R. C. DeGARIS: There is not much more that I can add in support of the Bill. Most of the points have already been covered by previous speakers. I was impressed with the contribution of the Hon. Dr. Ritson regarding the permanency of tattoos. Although they can be removed, that does not totally solve the problem because, in most cases, the scarring tissue remains as the tattoo. There is also a significant cost to the community in the removal of tattoos.

I have tried to get some figures in relation to this matter to see how many people tattooed as minors later seek medical treatment for removal of tattoos. Honourable members would appreciate that the cost of removal is extremely high, but most of that cost is recouped through either the public purse or from health benefit associations. There is a high community cost as well in relation to this question: even though the tattoo is removed it is not fully removed, and the cost to the community of tattoo removal is another factor to be considered.

I do not know what figures there are, but perhaps the Hon. Dr. Ritson is correct, and some survey should be made of the number of people who seek removal of tatoos in later life. For that reason and because most people after they become adults probably will not use the facilities of tattooists, we may obtain some significant savings in the community as well as some assistance for those people with the personalities that seem to desire that sort of

treatment. Clause 3 inserts new section 21a, which provides:

> (1) Any person who tattoos a minor shall (except where the tattoo is performed for medical reasons by a legally qualified medical practitioner or a person working under his direction) . . .

I should like the Attorney to explain why there should be such tattoos. What medical reasons are there for a tattoo to be placed on a person? I support the Bill.

The Hon. FRANK BLEVINS: I have only one comment to make on the Bill, and that relates to the Hon. Dr. Ritson's comments on this matter. He implied quite strongly that people with multiple tattoos had abnormal personalities, were associated with the drug culture, and were associated with violence. They were rather sweeping statements. Certainly, I do not know what evidence the honourable member had to support his statements. The honourable member did not produce any evidence to support his assertions.

By implication, his statement slandered a fine body of men who traditionally, over hundreds of years, have been tattooed. I am sure that the Hon. Mr. Hill and the Hon. Mr. DeGaris will support my views. Although I cannot obtain a rescission by the Hon. Dr. Ritson, I do seek an acknowledgment that seamen, for hundreds of years, have been traditionally tattooed and are not necessarily violent, are not necessarily associated with the drug culture, and do not have abnormal personalities. I can assure the Hon. Dr. Ritson that I have known, and I am sure other honourable members who have been seamen have known, lots of multi-tattooed people who are absolutely the salt of the earth.

The Hon. G. L. BRUCE: I support the Bill, which is a step in the right direction. New subsection 21a(2) provides:

> It shall be a defence for a person charged with an offence under subsection (1) of this section to prove that at the time the tattoo was performed he had reasonable cause to believe, and did believe, that the person tattooed was of or over the age of eighteen years.

That provision can be used as a line of defence to explain why a tattooist tattooed a person. If the tattooist's defence is not good enough, he can be fined up to $1 000, but there is no provision in respect of the junior who can put a spiel over the tattooist to have the tattoo made, but the onus is all on the person giving the tattoo and not on the person being tattooed. That is my only objection, but I commend the Bill as a step in the right direction.

The Hon. K. T. GRIFFIN (Attorney-General): I thank members for the attention they have given the Bill and for their support. I should like to answer some of the matters raised and comment on other comments such as that of the Hon. Dr. Ritson, who has suggested the possibility of the legislation coming back to Parliament for review of penalties if, after several years of operation, it appears that the penalties are inadequate.

I see no reason why this Bill should be treated any differently from any other Bill. Generally, penalties are always under review. If in this instance the penalties are shown to be inadequate, there will be an opportunity, either for members of Parliament or for the Government, as the case may require, to bring the matter back to Parliament for review of the penalties.

The Hon. Anne Levy had several questions, especially involving the Department of Community Welfare. I am not aware of what steps the Minister of Community Welfare has taken to have this Bill assessed within his department. I have presumed that, as all Ministers have had access to the Bill for a reasonable period, he would, if he had been concerned about it, have referred it to his respective officers for comment.

Also, I want to respond to the Hon. Miss Levy's suggestion that there is an oversight because there is no involvement of parents in considering whether or not a minor should be tattooed. Regarding the two examples that the Leader raised, under-age drinking in hotels and the inability of minors to view certain films, in both those Acts there is no provision for parental consent to be taken into account by the hotel or theatre proprietor in determining whether the absolute classification with respect to the films and the absolute embargo regarding under-age drinking in hotels should be varied.

The Hon. Anne Levy: I admitted that.

The Hon. K. T. GRIFFIN: Yes, but I suggest that the tattooing of minors is as serious as, if not more serious than, the two areas referred to by the Opposition. Whilst a plausible argument can be presented for involving the parents in determining whether or not children should be tattooed, it is the Government's view that at present, and in view of the experiences in the United Kingdom in 1969, it is appropriate for an absolute embargo to be placed on the tattooing of minors, and that parental consent should not be involved. The question of tattooing is such that I believe it is a wise course to proceed with an absolute embargo.

The Hon. Mr. DeGaris referred to tattooing for medical reasons. That is a provision that is incorporated in corresponding legislation in the United Kingdom. As I understand it, that provision deals with the few instances where a person may suffer from a particular disability such as diabetes and may want some reference to that fact tattooed on to his wrist, or elsewhere, to draw attention to that disability in case of an emergency. There are already available medical alert bracelets that do the same thing, but I understand that there are some people in the community who prefer to draw attention to a special disability by tattooing that fact on to their wrist.

The Hon. Frank Blevins: Special blood groups, too.

The Hon. K. T. GRIFFIN: Yes, special blood groups fall into the same category. For those medical reasons it is appropriate to provide for the exception that the tattooing of minors will be allowed under the supervision of a medical practitioner. The Hon. Mr. Bruce referred to the fact that there was no provision relating to a minor who misrepresents his age to a tattooist, making the tattooist liable to prosecution for an offence against the Act. I accept that there is some merit in that comment, but it is difficult to establish proof relating to the main elements of the offence. We have reversed the onus in this legislation, because we believe there are difficulties in providing that a tattooist reasonably believed, and did believe, that a person was under the age of 18 years. If the tattooist can demonstrate that he had reasonable grounds to believe, and did believe, that a person was 18 years of age or over, then he has a proper defence. In those circumstances the tattooist can establish a good defence and therefore would not be convicted under subsection (1) of new section 21a. I believe that covers all the questions raised by honourable members. I thank honourable members for their interest in and support for this Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Tattooing of minors."

The Hon. R. J. RITSON: I rise to explain the concept that I was attempting to put forward earlier, which seems to have upset the Hon. Mr. Blevins, because he referred to

my alleged slander against seamen. For a number of years I served in the Royal Australian Navy, although I did not serve as long as some other members of this Council. I understand perfectly the culture described by the Hon. Mr. Blevins. Without any equivocation I say that seamen are not generally disturbed about and, for other cultural reasons, are quite proud of their tattoos. I hope that the Hon. Mr. Blevins will accept my explanation on that point. I was trying to say that, although 90 per cent of tattooed persons are quite stable, there is some association of disturbance amongst the remainder, which is more so than in non-tattooed people. That fact gives rise to prejudice amongst the community and employers.

The Hon. FRANK BLEVINS: Does new section 21a mean that a minor idly sitting at his school desk who injects or marks himself with ink is subject to this legislation? Does it also mean that a minor who injects a friend with ink and pen is also subject to this legislation?

The Hon. K. T. GRIFFIN: A child sitting at a school desk who tattoos himself is not caught by this clause. However, a minor who tattoos another minor is technically caught by this clause.

The Hon. R. C. DeGARIS: I thank the Attorney-General for his explanation in relation to clause 3. I anticipated that his reply would be that some people may wish to be tattooed with some medical information. What worries me is that there are some people who will approach a doctor or a specialist on psychological grounds and say that without a tattoo they feel inferior, and a certificate will be provided for that purpose. I am quite happy to see medical information tattooed on a person if he so desires it, but I believe there is a possible loophole in the situation I have described.

The Hon. K. T. GRIFFIN: The Hon. Mr. DeGaris displays a novel and ingenious approach to the interpretation of this section, and I do not deny that that is a possibility. However, I suggest that it is a fairly remote possibility. Whilst it is a possibility, I would be most surprised if any legally qualified medical practitioner accepted that as a legitimate reason for tattooing.

I suggest to the honourable member that if that is so evident certainly it would be an appropriate time to review it. However, I cannot see the need to clarify that description any further at this time.

The Hon. G. L. BRUCE: There seems to be a double standard in the Bill, to the extent that a minor can be a tattooist. He would be liable to a fine of up to $1 000, yet a minor being tattooed is not subject to the same sort of provision. Is there a double standard?

The Hon. K. T. GRIFFIN: I do not believe that there is a double standard. The question whether or not a tattooist is under or over the age of 18 years is irrelevant. What is relevant is that a tattooist can undertake tattooing on a minor in contravention of the section. We are looking to put the onus on the tattooist, and whether the tattooist is a minor or has attained the age of majority is really irrelevant for the purposes of this section.

Clause passed.

Title passed.

Bill read a third time and passed.

SUPREME COURT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 February. Page 1100.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition supports this Bill, which does two things. First, it clarifies the Supreme Court Act in relation to the retirement age of Supreme Court judges. Under the present formulation of section 13a, it could be said that only those Supreme Court judges who contribute to a pension fund must retire at 70 years of age. Clearly, that was not Parliament's intention when this provision was inserted in the Act. In other words, I believe it was intended that all Supreme Court judges should retire at 70 years of age. There is a potential ambiguity and anomaly in the present wording of section 13a, and the Bill clearly removes that ambiguity and makes quite clear that a judge must retire on reaching the age of 70 years.

The other matter with which the Bill deals concerns the completion of hearings by judges who have announced their intention to retire. There does not seem to be any doubt that at present a judge who retires at 70 years has the authority under the existing legislation to complete any hearings that he may have part heard at the time of his retirement at 70 years of age. However, there was some doubt whether a judge who retired before the age of 70 years could complete the hearing of any part-heard matters.

As the Attorney-General pointed out in his second reading explanation, the last three judges to retire have retired before the age of 70, and this has caused some concern to the court to try to ensure that, before the retirement date, the judge has completed all part-heard matters. The court is afraid that there may be matters part heard some years before which could have been adjourned to enable the parties to consult or for some other reason and which are still technically part-heard cases that might subsequently be revived. The difficulty is that, if a judge had retired and there was no clear authority for a judge who retired before 70 years of age to complete the hearings of these matters, the litigants might have to start afresh. That would clearly be undesirable.

So, the Bill clarifies the matter, and also makes clear that, when a judge retires at 70 years of age, which is the statutory limit, or elects to retire at some time before reaching the age of 70 years, he has in both cases the authority to complete any part-heard matters. I do not think it is intended that the court should use this to work a judge fully up to the age of 70 years and then to keep him on for another month or so to complete part-heard matters.

I am sure that the court does not see this amendment as giving it the authority to do that sort of thing. It merely involves an effort to overcome the potential problems that can occur on the odd occasion when there may be part-heard matters which the judge has overlooked or of which he is unaware, their having been heard so long ago. To overcome the problem that exists in these situations, a judge will be able, after he retires, to return and complete such matters.

The Opposition supports the Bill, but believes that, as the question of the retiring age for judges has now been raised for clarification by the Parliament, the Parliament should also look at the retiring age of justices of the peace. As the Council will know, many summary jurisdiction matters are now heard by justices of the peace, and there is no restriction on justices of the peace over the age of 70 years hearing matters in courts of summary jurisdiction.

True, during the term of office of the former Government (and before my time) the then Attorney-General (Mr. Duncan) gave an administrative direction to the effect that justices of the peace over the age of 70 years should not generally sit on the bench. However, it appears that as a matter of principle that should be enshrined in legislation. The principle is quite clear and well accepted. It was accepted in May 1977 by the Australian electorate when it agreed to pass an amendment to the Australian

Constitution to make it obligatory for justices of the High Court to retire at 70 years of age.

Before that, there had been no limit on the age to which High Court justices could continue in their appointments. So, the 70 age limit applies to justices of the High Court, the highest court in Australia. It also applies, as far as I know, to Supreme Court judges (and that will be clarified after this legislation passes), as well as to Local and District Criminal Court judges.

So, the principle seems to be established that, in the highest courts of the land, 70 is the age at which judicial officers should retire. The Opposition can see no reason why that principle should not be extended to the lowest courts of the land where justices of the peace sit. For that reason I shall move a contingent motion which will enable the Committee, if this Bill goes into Committee, to consider amendments to the Justices Act which would mean that any justice of the peace over the age of 70 could not sit on the bench. I believe that that principle is accepted generally throughout the legal system in Australia at the present time, and it ought to apply not only to the highest courts but also to the lowest courts in the land. I support the second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I thank the Leader of the Opposition for indicating his support to the Bill. However, I am disappointed that he will seek, in the Committee stage, to amend the Bill by adding to it provisions that justices of the peace should not sit after the age of 70. I am not able to accept that proposal. I believe that that is a different proposition from that which applies to Supreme Court and High Court judges.

At the Committee stage tomorrow, I shall deal in more detail with the reasons why I believe it is inappropriate for this Chamber to support the Leader's proposed amendment. There are good and compelling reasons why the Bill should not be amended, and if there is to be any consideration of the retiring age of justices, which includes magistrates, that ought to be dealt with in a separate proposal.

Bill read a second time.

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

> That it be an instruction to the Committee of the Whole Council on the Bill that it have power to consider amendments to the Bill relating to the age at which justices cease to be qualified to perform judicial work.

Motion carried.

In Committee.

Clause 1—"Short titles."

The Hon. K. T. Griffin (Attorney-General): At this stage I would seek to report progress.

Progress reported; Committee to sit again.

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 February. Page 1102.)

The Hon. B. A. CHATTERTON: I support this Bill, which amends the present Prices Act to prevent people from circumventing the requirement under the Act for the payment of minimum prices for wine grapes. I am particularly pleased to see this amendment being put forward as it has been a consistent stand by the previous Labor Government to withstand pressure from certain interests to abolish this very important safeguard for wine-grape growers in this State. While some members of the Liberal Party have made some misguided statements on this matter (and I refer for instance to the Liberal member for Mallee, who said last week that the measure should be abolished), I am relieved (as I am sure grapegrowers in and near Mallee will be) that wiser voices than his have prevailed in the Liberal Party backrooms, on this matter at least. I trust that the new Liberal Government will maintain its stand on this matter, and this amendment gives me some hope that it will.

While the second reading explanation given by the Minister refers only to winemakers' evasion of the provision of minimum prices, I believe that some grapegrowers have also been involved in this evasion —but, let me hasten to add, through no fault of their own. The nature of the surplus (exacerbated as it has been by mindless policies of the Liberal and Country Party Federal Government designed to wipe out the brandy industry) has been put to grapegrowers under great pressure, and I hae every sympathy with their attempts to quit their crop, even if it is at a lower price than the law allows. These growers are desperate with one or two years of completely unsold crop and heavy debt burdens. No wonder they resort to these subterfuges to sell their crop, and it would be hypocritical to condemn them. If I was in the same desperate position, I am sure I would do the same. To be asked to refrain "for the good of the industry" is obviously unjust when the hardship is being shared so inequitably. It is this inequity which needs careful thought and which the Government should give a high priority to solving.

After all, it has been a very rare occasion when the overall grape surplus in this State has amounted to more than 10 per cent of the total crop. If each grower had 10 per cent of his or her crop unsold, I would have no sympathy at all with those who discounted their grapes and undermined the stable price structure of the industry. But it has not worked out that way, and while the majority of growers have, in fact, sold most or all of their grapes, the burden of surpluses has fallen very heavily on a few growers—mostly newcomers to the industry who have not yet cemented strong links with a winemaker or co-operative, even though they have often taken over existing plantings. Naturally, winemakers are quick to point out that, if only the minimum price structure were abolished, they could write down the price and clear the surplus. Some grapegrowers would like to believe that this would be so, but even the newcomers to the industry do not really like their chances on a free market in view of past history in this matter.

In any case, the claim of unfettered prices being a means of clearing surpluses holds true only if the price for all grapes is reduced. There is no way that the present level of prices could be maintained for the majority of the crop if the regulations concerning prices were done away with. Let us look at the figures. If we had a hypothetical crop of 200 000 tonnes at a price of $100 per tonne, the value of the crop would be $20 000 000. If, however, only 180 000 tonnes could be sold, the return would be only $18 000 000. Now, let us assume that the price was dropped by 10 per cent in order to sell all the 200 000 tonnes. Growers would receive only $18 000 000 , but they would have to pick (and pay for costs on) 200 000 tonnes for this $18 000 000, instead of only paying picking costs for 180 000 tonnes.

We may say that this is a small price to pay and, if it was a real possibility, it may be worth considering. However, in practice the price of grapes would have to be dropped very much more than 10 per cent to increase demand by 10 per cent. The two principal problem areas in the demand for grapes have been in red wine and brandy. Winemakers and distillers have built up excessive stocks because they anticipated market growth in the case of red wine and

market stability in the case of brandy. Neither prediction was correct, so stocks have accumulated to a very high level.

Five years of red wine have been in stock instead of a desirable three years, and a similar situation applies for brandy. In these circumstances, reducing the price of grapes is going to have a very slight effect on the final retail price for wine and brandy and certainly will have a negligible effect on the demand for these products.

To be more realistic, any upsurge in demand for wine or brandy would probably be used by winemakers to clear stocks on hand, not to increase the uptake of wine grapes. I could see a situation where prices for wine grapes might have to be lowered 30 per cent to 40 per cent to clear the surplus, in which case it is not hard to see what a disaster it would be for the grapegrowers in the industry. To return to my earlier hypothesis, this would result in a mere $12 000 000 for 200 000 tonnes, not $18 000 000, a little reduced in profit terms for growers who paid an extra 20 000 tonnes worth of picking expenses in the deal. They would lose $6 000 000.

There is no doubt in my mind that minimum prices are important for the grapegrowers, but Government and the industry as a whole will have to do something to ensure that the burden of surpluses is shared more evenly among growers. Some people have suggested a marketing board which could institute some form of equalisation pool. This is also supported by some growers who see the marketing board as a source of funds for their grower organisation, in the same way as the Apple and Pear Corporation or the Citrus Organisation Committee functions.

However, there could be no real advantage from a marketing board unless New South Wales and Victoria agreed to a three States board and thus tightened up the present pricing arrangements. If such a three States agreement cannot be reached, I believe a marketing board would not be justified. It would become a large cost burden on the industry. It would remain as a burden even when it was no longer needed. After all, we hope that its main task (that of equalising surpluses) will disappear when sanity again rules in Canberra, stocks are cleared, and supply and demand regain some balance. There are also serious doubts about whether a marketing board for wine grapes would be able to equalise returns. The task of equalising returns from domestic and export sales of wheat and barley is an easy one, but the complexity of handling 30 or 40 varieties of grape in irrigated and unirrigated areas is mind boggling.

It is a problem that has overtaken the dairy industry, for instance. In fact, a number of people are predicting that the decline in the number of dairy farmers and the increase in the number of administrators to keep the marketing board going will soon mean that we have more people administering the industry than producing the product. I could see a similar situation arising if a wine-grape marketing board was established.

A much simpler solution would be to introduce a Commonwealth levy on all wine-grapes delivered to wineries. This would cost nothing to collect, as there is already a levy to support the Wine Board. The levy could be used to establish a compensation fund. This fund could make payment to growers on a simple acreage basis when markets failed to be balanced for some unavoidable reason, such as a major miscalculation by the Federal Government. This payment would be based on an estimated average cost per acre, and, while it would still place a burden on those with surpluses, it would go some way towards compensating the industry for disasters outside their control and to correct the present inequalities among those who carry this present burden.

It is in the context of these comments on the industry that I give my wholehearted support to the amendment contained in the Bill.

The Hon. D. H. LAIDLAW: The object of this Bill is to prevent private winemakers, other than co-operatives, from paying less than the minimum prices set each year for different varieties of grape.

As the Minister has explained, last year one winemaker devised a scheme under which he obtained grapes for processing into wine but so framed the transaction that it did not constitute a contract for the sale or supply of grapes for a price. The winemaker merely provided the service of processing the grapes into wine and selling the product on behalf of the growers. The Bill also stops a winemaker from avoiding the minimum price provisions by inserting a third party, who may not be said to be a winemaker, between the grower and the actual winemaker.

The scheme to process grapes on behalf of the growers is not novel, because I believe that each of the grower co-operatives, by its rules merely accepts grapes, then processes and sells them on behalf of its members.

Societies registered under the Industrial and Provident Societies Act (and these include the grower co-operatives) are exempted from the provisions of sections 22a to 22d of the Prices Act, which cover minimum price provisions for grapes. The Minister stated last week in answer to a question that an interdepartmental committee was inquiring whether to continue setting minimum prices or whether the creation of a grape marketing board with responsibility to control and promote the sale of grapes would be a more suitable alternative.

I welcome this inquiry and hope that the committee will consider also whether co-operatives should be exempted any longer from the sections of the Prices Act relating to minimum prices. The predicament of Southern Vales Co-operative, which was refused overdraft facilities by the State Bank on advice from the South Australian Development Corporation, is relevant to such an inquiry. Apparently, the co-operative has 960 000 gallons of wine in stock from past vintages, 90 per cent of which is red wine that it cannot sell. I do not know whether Southern Vales Co-operative does in practice pay the minimum prices to its members, but the fact that it is under no obligation to do so may affect the judgment of its board as to what quantities and types of grape to accept.

I believe that the system of minimum prices, which was established in South Australia in 1966 as a result of a recommendation of the Royal Commission on Grape-growing in South Australia, does provide some safeguards for the hundreds of small growers who depend wholly or mainly upon grapegrowing for their livelihood, and should be preserved. This Bill should be passed as quickly as possible to prevent these schemes of evasion from becoming widespread during the present harvest, which has been partly completed already.

Many observers think that the minimum prices set by the Commissioner are far too low. They vary considerably between area No. 1, which is the Murray River District where vines are irrigated, and area No. 2, which covers all the other grapegrowing areas of the State. In the latter, some vineyards depend wholly on rainfall, whilst the others supplement this with drip irrigation or undervine sprays. To give one example, the price set for cabernet sauvignon in 1980 is $180 per tonne on the Murray River and $280 per tonne elsewhere.

During the past three years the price for cabernet sauvignon in area No. 1 has been reduced from $235 to $180 per tonne. This is because 10 years or so ago

winemakers anticipated a great surge in the consumption of red table wines and encouraged growers to plant higher quality black grapes like cabernet sauvignon, malbec and shiraz.

The winemakers erred in their forecasts and instead there has been a huge increase in the consumption of white wines. The cabernet sauvignon and other black varietal wines are now full bearing and are over supplied. This drop in black grape prices has hurt growers because wages and fuel prices have escalated substantially during the period.

Growers receive a very small proportion of the sales value of a bottle of wine considering the risks that they carry but the same, of course, can be said of other sections of primary industry. If one assumes that one tonne of grapes will produce 150 gallons of wine, or 900 bottles, then a grower in the Murray River area who is paid $180 per tonne for cabernet sauvignon grapes will receive precisely 20c from a bottle of cabernet sauvignon wine which will be sold by a winemaker *ex* cellar door at prices ranging probably from $1·50 to $3 a bottle. The price in a restaurant would be increased by 100 per cent or more. If the price to the growers were raised by, say, 10 per cent from $180 to $200 per tonne it would be of significance to growers but would increase the cost of a bottle of wine by just 2c.

Whilst in California last year, I discussed grape prices with an acquaintance who owns a vineyard in the Napa Valley and whose grapes are irrigated by undervine sprays. Over the past three harvests he had received an average of $US580 per tonne for his cabernet sauvignon grapes, that is, about $A520. That is nearly three times the price paid to growers of cabernet sauvignon on the Murray River and yet the costs of production are similar.

Perhaps a greater problem is the inability of some growers to sell their black grapes at all. During this growing season outbreaks of downy mildew and oedium, or powdery mildew, have occurred in most districts. Experts claim that these diseases have spread from acreages of black grapevines which have been left unpruned or uncared for because of the inability of growers to find a market for them. The spores are blown by the wind to other vineyards sometimes miles away and growers have spent large sums of money, above their normal budget, spraying copper and other chemicals to restrict them. If these diseases spread, a crop can be ruined completely and vines can be retarded in future years.

Winemakers claim that, if grape prices are reduced, they can afford to buy more of the grape surplus. This argument sounds plausible but I doubt whether grape prices affect to any material extent the marketing policy of winemakers. It should be noted that, following the severe hailstorm in the Barossa Valley last November which destroyed much of the grape crop, some winemakers, who in the past have been protesting about the high price for grapes, were offering up to $100 per tonne above the minimum price set for selected varieties.

I suggest that, unless growers receive a price for grapes sufficient to allow them a modest profit, more acreages will be left untended and became a source of disease. Growers generally are in a weak bargaining position. Their product is a wasting one. Grapes ripen and must be picked before they shrivel and fall.

In other States, where a free market system has prevailed, many growers have been left lamenting when a winemaker, who is expected to accept grapes, changes his mind or agrees to take them only at a sacrificial price. The growers have little time or chance to find alternative outlets, especially in a buyer's market. Furthermore, the wine industry is falling more and more into the hands of large companies that have entered the industry in order to diversify and exercise considerable purchasing muscle. It should be noted that the Victorian Government has now introduced minimum prices for some varieties.

I support the second reading, because I think that the system of minimum grape pricing as recommended by the Royal Commission in 1966 has worked reasonably well in South Australia and should be maintained. The purpose of this Bill is to prevent evasion of the system.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contribution to this debate. The situation is obvious to the two honourable members who have spoken with a fair amount of feeling and a great deal of knowledge in the matter. The Hon. Mr. Chatterton by his speech today and from a question he asked last week is obviously afraid that the Government may be going to abandon the system of minimum price control of wine-grapes. As I assured him last week, I assure him now that the Government will not abandon this method of control unless a better method can be found.

Indeed, we have indicated our good faith and our intention to continue with the system by this Bill, the purpose of which is to prevent methods of evasion of the existing procedure. I have mentioned previously, and mention has been made in this debate, that the Government has established an interdepartmental committee to consider the question of minimum price control of wine-grapes and the possibility of a marketing board in lieu thereof.

The suggestion of a marketing board (and I make this clear now) came from the industry and not from the Government. We certainly would not depart from the present system unless we were satisfied that there is a better system available to both growers and winemakers. The purpose of this Bill has been simply to prevent certain methods of evasion of the minimum price control of wine-grapes which were practised last year.

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

DISTRICT COUNCIL OF BURRA BURRA (VESTING OF LAND) BILL

In Committee.

Clause 1—"Short title".

The Hon. C. M. HILL (Minister of Local Government): I take this opportunity to report to the Council that the Select Committee established by this Council sat on three occasions. The Select Committee visited the town of Burra and heard evidence from witnesses resident in that town. However, not many witnesses attended our meeting. The Chairman of the District Council of Burra Burra, Mr. R. B. Jennison, and Councillor A. J. Gebhardt, gave evidence on behalf of the district council. The same Mr. Gebhardt, as Chairman, and Mr. E. J. Baulderstone, as Treasurer, appeared on behalf of the Lewis Trust Incorporated. As a result of the Select Committee's deliberations, some amendments will be considered. I take this opportunity to thank the members of the Select Committee for the attention they gave to their work. All members of the committee found the task to be very informative and interesting. As a result of the Select Committee's deliberations, the original Bill has been approved.

Clause passed.

Clauses 2 to 5 passed.

New clause 5a—"Vesting of all other assets of the trust in the council."

The Hon. C. M. HILL: I move:

After clause 5 insert new clause as follows:

5a. (1) All other assets of the trust are vested in the council.

(2) The assets vested in the council under this section are discharged from any trust affecting those assets immediately before the commencement of this Act.

(3) The council shall use the proceeds from the assets vested in the council under this section for the purpose of restoring or furnishing the buildings existing on the land immediately before the commencement of this Act.

This new clause was recommended by the Select Committee, and deals with a question arising out of the evidence. The Bill previously vested the actual freehold of the cottages and the land in the District Council of Burra Burra. The evidence indicated that the Lewis Trust had further assets, including a bank account with a certain sum to its credit. It was the Lewis Trust Chairman's objective and the Treasurer's objective that all the assets of the trust should be transferred to the council. That position was not allowed for in the drafting of this Bill.

It was the Chairman's wish and the Treasurer's wish that, when the actual funds were finally transferred to the council, those funds should be used for the restoration and furnishing of the cottages existing on the land. I emphasise that the Chairman and the Treasurer were in complete agreement that this arrangement should be written into the Bill so that all the assets of the trust will pass to the local district council.

New clause inserted.

Clause 6—"Vesting of liability in the council."

The Hon. C. M. HILL: I move:

Page 2, line 1—Strike out "in relation to the land".

This amendment is consequential to the previous new clause.

Amendment carried; clause as amended passed.

New clause 7—"Dissolving of trust."

The Hon. C. M. HILL: I move:

After clause 6 insert new clause as follows:

7. The trust is dissolved.

This new clause simply dissolves the trust. As I have explained, that arrangement was made with the complete agreement of the Chairman and the Treasurer.

New clause inserted.

Title passed.

Bill read a third time and passed.

PITJANTJATJARA LAND RIGHTS BILL

Second reading.

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That this Bill be now read a second time.

This is the same Bill that was introduced in the House of Assembly by the then Premier, the Hon. D. A. Dunstan, on 22 November 1978, but with amendments suggested by a Select Committee of that House which reported on 24 May 1979. In general terms it provides for the Pitjantjatjara to not only own but also control their own lands.

The Opposition has felt constrained to introduce this Bill because the Government appears incapable of making a decision on the question of land rights for the Pitjantjatjara. We believe that the Government intends to renege on undertakings given by the previous Labor Government on behalf of the South Australian community to the Pitjantjatjara. We believe it to be essential for good community relations in South Australia that we keep faith with the Pitjantjatjara on this issue and proceed at the earliest opportunity with the enactment of this legislation.

The Government cannot complain that there has been inadequate public discussion or legislative consideration of the measure. The original Bill was introduced into the House of Assembly in November 1978 and after debate was referred to a Select Committee. The committee met 14 times over a period of four months and received representations from a large number of interested citizens and organisations. The Bill was formally before the Parliament from 22 November 1978 until its dissolution in August 1979, a period of some nine months. It is now 15 months since the Bill was first made public in Parliament. The Liberal indecision on this issue is all the more surprising given that the present Minister of Aboriginal Affairs, Mr. Allison, supported the Bill in its second reading, and both he and Mr. Gunn, M.P., were members of the Select Committee and supported its recommendations that the Bill proceed with certain amendments. That is what we now seek to do.

On this whole issue, the Government and the Minister in particular have failed to keep faith with the Pitjantjatjara. They have been hamfisted and insensitive in their handling of the issue. Last year, the Premier promised full consultation to a deputation from the Pitjantjatjara. This year, without discussion, part of Pitjantjatjara lands were opened up for mineral exploration. The Pitjantjatjara were not advised nor consulted, and a sacred sites committee was set up without Pitjantjatjara representation, without their consent and indeed without the consent of its proposed members. Consequently, one member refused to serve on it. It provoked an understandably hostile reaction from the Pitjantjatjara.

The haste with which this ill-considered decision was made during the Norwood by-election campaign can only mean that the Government was looking for some electoral kudos. It believes it won the September election by an appeal to mining development at all costs. It tried to do the same during the Norwood campaign and was prepared to ride roughshod over the interests of the Pitjantjatjara and the undertakings that had previously been given to them. For the purpose of short-term electoral advantage (as it saw it), the Government was prepared to place at risk relations between Aboriginals and the rest of the South Australian community. It also had unsavoury racist overtones, in that the Government expected the Norwood community to react favourably to its attempt to ignore the Aboriginal people of the North-West in pursuit of its mining interests. The tactic backfired. It is a tribute to the electors of Norwood that they reacted against the Government's attempted electoral ploy at the expense of the interests of the Pitjantjatjara and good community relations in South Australia.

This is an historic measure. Of the many considerations leading to the drafting of this Bill, the most important lies in the representations made by the Pitjantjatjara. In May 1977, members of the Pitjantjatjara Council requested freehold title to the lands described in this Bill. They specifically requested the formation of a Pitjantjatjara land holding entity. In response to these representations, the Bill seeks to establish such a land holding entity, to be designated "Anangu Pitjantjatjaraku", meaning simply "the Pitjantjatjara peoples". The Bill gives full legislative support to the clear aspirations of the Pitjantjatjara not only to own but also to control their own lands.

Honourable members may ask why such support cannot be given under existing legislative and administrative provision and what considerations justify the establishment of fresh legislation. In the first place, legislation is needed to encompass satisfactorily the diverse and sometimes novel considerations embodied in the reality of Pitjantjatjara ownership. Honourable members will be aware that the previous Labor Government established a working party in April 1977 to advise, *inter alia*, on the need, if any, for new legislation. The working party was at pains to integrate into its recommendations presented to that Government on 9 June 1978 not only the aspirations and the instructions of the Pitjantjatjara people but also their traditional view of ownership. The Pitjantjatjara say that the whole of Pitjantjatjara land belongs to all Pitjantjatjaras. Given the acceptance of this notion by the former Labor Government, it would not have been sufficient simply to issue title under the Real Property Act, as this would have left unresolved questions as to who was a Pitjantjatjara, and what, if any, special rights and responsibilities needed to be spelt out in order to render ownership as close as possible to the Pitjantjatjara notion and at the same time to take into account the context of a modern Western State.

In the second place, the Pitjantjatjara people specifically sought an alternative to the existing Aboriginal Lands Trust Act. The provisions of this act were explored by the working party as to their applicability to the Pitjantjatjara case. The Pitjantjatjara have made it clear, however, that ownership of the North-West land should rest solely in the hands of the traditional people actually living on North-West lands or who have traditional attachments to them. The present Bill recognises the principle advocated by Mr. Justice Woodward in his Aboriginal Land Rights Commission's second report, which asserts that such links with the land should be preserved and strengthened. Moreover, the very size of the North-West lands land, their function in supporting a scattered but culturally homogeneous group, their remoteness and separation from urban interests, aspirations, and cultures, all add credence to the need of creating a new landholding entity.

In the third place, the Bill seeks to perform what Justice Woodward has called, in the Northern Territory context, an act of simple justice. I am sure that all reasonable South Australians would agree that, after land alienation on the massive scale seen since first settlement, the restitution of the comparatively little land remaining to its original owners would seem the only principled course to adopt. Moreover, the present Bill may be seen as a means of rationalising the diverse forms of tenure attaching themselves to the lands schedule in this Bill, and at the same time providing a form of tenure consistent with that now being proposed in the Northern Territory as a result of Commonwealth initiatives.

In fact, honourable members may be assured that the provisions of the Bill are fully compatible with those applying under the Northern Territory Lands Act, although I am convinced that the provisions of this Bill are simpler, accord more fully with the traditional notion of ownership, and provide a better basis for the future. Furthermore, the provisions of this Bill will give South Australia an honourable place in international eyes with regard to the relation of Government to the treatment and status of ethnic minorities.

The policies implicit in the Bill contradict the widely held notion that the North-West lands are wasted. To those honourable members who may take the view that the Aboriginal people have failed to put to good use their traditional lands (specifically the North-West lands), I commend, for their attention, the eloquent and concise explanation of the relationship between the Pitjantjatjara and their lands, contained in pages 20 to 37 inclusive of the report of the Pitjantjatjara Land Rights Working Party. The Bill recognises, perhaps in all too modest degree, the fundamental and inalienable role that the Pitjantjatjara play in the heritage of this State. What is valuable and irreplaceable in our heritage must be strengthened and given all reasonable encouragement.

To turn more directly to the Bill itself, there are some six aspects which, before looking at the Bill in detail, I should like to draw to the attention of honourable members.

1. ACCESS

The Bill recognises that if the principle of ownership is to mean anything it implies that access must be restricted. In practice, three classes of people are involved:

(1) the Pitjantjatjaras for whom no restrictions apply;

(2) certain public officers in the course of execution of statutory duties, on whom the Bill confers automatic rights of entry; and

(3) other non-Pitjantjatjaras for whom entry is restricted to permit holders.

2. MINING

The Bill places special restrictions on the right of miners to enter upon the lands and to obtain mining tenements. The Bill seeks to give to the Pitjantjatjara the right to refuse consent to any miner to enter the land or to carry on any mining activities, except upon conditions imposed jointly by the State Government and the Pitjantjatjara. Any such mining activity would come under the control of the Mining Act, the Petroleum Act, and the Mines and Works Inspection Act. The Bill removes the necessity for the Pitjantjatjara to establish to the satisfaction of the Wardens Court what other private owners are obliged to do, namely, to show that "the conduct of mining operations upon the land would be likely to result in substantial hardship". The Bill, however, confers no greater rights of veto upon the Pitjantjatjara than that.

The Bill, while not removing the ownership of minerals from the Crown, provides for the payment of all royalties upon minerals extracted from the lands to the Pitjantjatjara. The Bill makes what the Government believes to be adequate and reasonable provisions regulating relationships between the Pitjantjatjara and mining interests in the event of major mineral or associated activities.

3. INDIVIDUAL RIGHTS

The Bill provides redress for individuals or groups of Pitjantjatjaras against decisions of the land holding entity which may be contrary to their interests. Such individuals or groups have rights of appeal to the Local and District Criminal Court in the event of a decision or action which infringes upon the rights conferred by the Bill.

4. ENVIRONMENTAL CONTROL

The Bill recognises that certain parts of the North-West land are pastoral or *quasi* pastoral lands. It also recognises that there may be from to time need for special environmental measures in accordance with wise conservation and land management considerations. Honourable members should note that existing instrumentalities concerned with such matters will continue to play their respective roles under the provisions of the Bill.

5. LAND CLAIMS

Provision is made in the Bill for establishment of a tribunal in the event of the Pitjantjatjara claiming non-nucleus lands, or lands outside those scheduled under the provisions of this Bill. The proposed constitution and responsibilities of the tribunal are fully set out in part III, Division V, of the Bill.

6. SCHEDULED LANDS

The terms of reference of the working party required it to consider nine separate areas of land, namely, the north-west reserve, Ernabella, Kenmore Park, Indulkana, Mimili, the unnamed conservation park, unallotted Crown land (formerly Maralinga prohibited area), defence reserve (Maralinga), and Yalata.

In scheduling the land, the Bill takes account of the recommendations of the working party dividing the lands into two categories, namely, nucleus and non-nucleus lands. The nucleus lands are those lands which form the basis of entitlement, under provisions of the Bill, to membership of Anangu Pitjantjatjaraku (the Pitjantjatjara peoples) the land holding entity proposed. Non-nucleus lands on the other hand are lands which, although comprising land to which the Pitjantjatjara have social, economic and spiritual affiliations and responsibilities, do not form the basis of membership of Anangu Pitjantjatjaraku under the Bill.

Whilst the Bill does not provide for the immediate transfer of non-nucleus lands to the Pitjantjatjara peoples, it is envisaged that some or possibly all would be the subject of claims provided for by the Bill. The decision as to whether any claims would be recognised and accepted by the Government would be the decision of the Minister having control of the legislation. The Minister in exercising his discretion would take into account any recommendations of the tribunal to be established under the provisions of the Bill. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

The Bill is divided into six parts of 33 clauses. Part I contains the preliminary description of the legislation and definition. I particularly draw the attention of honourable members to the definition of the following three terms, namely, "Aboriginal tradition", "interests", in relation to the land, and "Pitjantjatjara". The significance of those three definitions can be derived from an examination of clause 5 of the Bill, contained in Part II, which establishes the land holding entity. A Pitjantjatjara is defined as a person who has, in accordance with Aboriginal tradition (as defined in the legislation) an interest (as defined in the legislation) in the nucleus lands.

Clause 5 says that all Pitjantjatjara are members of Anangu Pitjantjatjaraku and therefore each has conferred upon himself all rights of land ownership created by the Bill. Thus, the Bill confers upon all of the Pitjantjatjara people, whether presently alive or yet to be born, and wherever living, corporate ownership of the land for the purposes of the general South Australian law. No person other than a person having traditional attachments to the nucleus lands is entitled to membership of Anangu Pitjantjatjaraku. Whilst this, of course, has the effect of conferring certain rights exclusively on a particular group of people, as I have said before it is of fundamental importance to the cultural support of the Pitjantjatjara that this be done.

Part II sets out the powers and functions of Anangu Pitjantjatjaraku and confers no inconsiderable burden upon it to protect its members and their rights of ownership.

Clause 7 contains a provision requiring consultation with specific Pitjantjatjaras having interests in specific areas of land within the Pitjantjatjara lands. All rights of ownership conferred by the Bill directly upon the land holding entity and indirectly upon its members are protected. Clauses 8 to 11 inclusive of the Bill provide a minimal structure sufficient to satisfy the requirements of the South Australian law in relation to the conferring and creating of rights, duties and obligations at South Australian law upon the owners of the lands. The working party, in making recommendations to this effect, sought to establish only the minimum structure, leaving the question of the long-term structure of Anangu Pitjantjatjaraku to the Pitjantjatjara themselves.

Part III of the Bill provides for the vesting of the lands in Anangu Pitjantjatjaraku.

Clause 12 confers upon the Governor the power by proclamation to vest the whole or any part of the nucleus lands in Anangu Pitjantjatjaraku for an estate in fee simple. Division II of Part III, comprising clauses 13 to 23 inclusive, provides for claims to the non-nucleus lands. Such claims are to be directed in the first instance by Anangu Pitjantjatjaraku to the Minister, who is required to refer such a claim to the tribunal established under Division V. The tribunal is required to consider any such claim, and in doing so to carry out hearings on or as near as possible to the lands themselves, and to make recommendations as to whether any such claim should succeed or not. As I have already explained, the ultimate decision as to the success or otherwise of any land claim under the Bill rests with the Minister.

Part IV relates to the control of entry to and use of the lands and contains clauses 24 and 28 inclusive.

Clause 25 provides that non-Pitjantjatjara, with the exception of police officers acting in the course of carrying out their official duties and other officers appointed pursuant to Statute acting in the course of carrying out their official duties, are required to obtain the permission of Anangu Pitjantjatjaraku before entering upon the lands. The power to issue permits may be delegated to community councils.

Clause 26 provides that no mining tenement is to be granted unless the Minister and Anangu Pitjantjatjaraku have consented to the registration or granting of that mining tenement. Subclause (2) provides that it shall be a condition of such consent that payment other than royalties and compensation for restoration of the lands be paid to Anangu Pitjantjatjaraku. Clause 27 provides for the payment of all royalties to Anangu Pitjantjatjaraku and clause 28 provides penalties for corrupt or unlawful practices of any mining company or executive of a mining company in obtaining such consent. The clause also provides power for the Minister of Mines to revoke any tenement so obtained.

Clause 29 provides that the Governor may by proclamation declare any part of the land to be a controlled area and may regulate, restrict or prohibit activities of the kind specified in the proclamation within that part of the land. The object of this clause is to introduce land use controls, at the instigation of Anangu Pitjantjatjaraku, over certain portions of the land. In particular, it is envisaged that controls over pastoral activities undertaken on the land will be substantially similar to controls which apply to all stock enterprises in the area. It is also expected that environmental controls, once again at the instigation of Anangu Pitjantjatjaraku, will be imposed on the land under this provision.

Part V provides for the resolution of disputes. Clause 30 gives to any Pitjantjatjara individual or group who is aggrieved by a decision of Anangu Pitjantjatjaraku the right to appeal to a Local Court of full jurisdiction against such decision. The clause provides for the matters to be considered by a court in determining any such matter.

Part VI is a miscellaneous Part, providing in clauses 31 and 32 for the disposal of offences under the Act in a court of summary jurisdiction and providing that land tax is not

payable. Clause 33 provides for the provision of moneys by Parliament for any of the purposes of the legislation. Clause 34 contains regulation-making powers which are designed, among other things, to operate in conjunction with clause 29. In particular, it is anticipated that powers similar to those contained in the Pastoral Act and the National Parks and Wildlife Act, relating respectively to the depasturing of stock and the protection of plant and animal life and the land forms of the area, are provided for.

The clause also provides for regulations relating to the consumption of liquor. This is included in response to representations from the Pitjantjatjara concerned at the effect of the removal of prohibitions in the Community Welfare Act when the provisions of that Act will be replaced by those of this Bill. Subclause (2) provides that no such regulation is to be made other than upon the recommendation of Anangu Pitjantjatjaraku.

The Hon. K. T. GRIFFIN secured the adjournment of the debate.

ADJOURNMENT

At 5.53 p.m. the Council adjourned until Wednesday 27 February at 2.15 p.m.