LEGISLATIVE COUNCIL

Wednesday 22 October 1980

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

QUESTIONS

KANGAROO ISLAND ABATTOIR

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Attorney-General a question about establishing an abattoir on Kangaroo Island.

Leave granted.

The Hon. B. A. CHATTERTON: I wrote to the Attorney-General on 7 July concerning a report that appeared in the *Islander* a few days earlier referring to a meeting held at the Kingscote Town Hall to discuss the establishment of an abattoir on Kangaroo Island. The report in the *Islander* quoted the Minister of Agriculture as strongly supporting the establishment of such an abattoir, as follows:

> Minister of Agriculture, Ted Chapman, who earlier had spoken persuasively in support of the project, urged the committee to "hang in there" for one further effort . . . My belief is that nowhere in Australia would there be an abattoir so free from competition and with such chance for success.

Abattoirs throughout Australia are suffering great financial difficulties, and it is hard to believe that a new abattoir project on Kangaroo Island would have such a great chance of success. My letter to the Attorney-General stated that, if any private individual were to make such statements and promote a company that was going to establish an abattoir, he would surely have to comply with the provisions of the Companies Act in promoting such a venture and asking people to invest in it. Will the Attorney-General say whether, in fact, the Minister of Agriculture has to comply with those provisions? It is unfortunate that that letter, which was sent to the Attorney-General on 7 July this year, has not yet been replied to. Does the law apply equally to the Minister of Agriculture, and is he responsible to potential investors, in a project such as this, for the statements he has made in support of that project?

The Hon. K. T. GRIFFIN: I apologise to the honourable member for not having replied to that letter. I understood that a letter had been sent to him. I will follow that up and ensure that the honourable member does receive a reply.

OVERLAND

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Attorney-General, representing the Minister of Transport, regarding the Overland.

Leave granted.

The Hon. M. B. DAWKINS: Members will be well aware that the Overland used to be regarded as one of our best trains and that lately it probably would be better named the Overdue, because it is frequently late. The time for arrival in Adelaide has been extended by half an hour, and the train is still late. I believe that much of the trouble is because of faulty track on the Victorian side of the border and, whilst some alterations and additions are being made, I ask whether the Minister of Transport will use his good offices with Australian National Railways and Victorian Railways to see what can be done to speed up improvement of the track, the train and its schedules. I also suggest that, with the modern transport methods that we now have, perhaps it is high time that railway engines should not have to be changed at Serviceton. Certainly, the train should be taken through the whole distance in a much shorter time than at present.

The Hon. K. T. GRIFFIN: I will refer the question to the Minister of Transport and bring back a reply.

I.M.V.S.

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing a question to the Minister of Community Welfare, representing the Minister of Health, concerning the Institute of Medical and Veterinary Science.

Leave granted.

The Hon. J. R. CORNWALL: Yesterday, the Minister of Health, in a Ministerial statement, apologised for any reflection that she may have made on the good name and professional ethics of a colleague of mine in the veterinary profession, Mr. Sheriff. The Minister's apology was becoming and gracious, albeit rather uncharacteristic. The Minister has also announced that Professor Bede Morris, of the Australian National University, would inquire into the use of laboratory and experimental animals at I.M.V.S. That is also a source of considerable satisfaction to me personally and to some of my Parliamentary colleagues who have raised this matter previously in another place.

However, no mention has been made of a judicial inquiry into many other unsatisfactory aspects of the conduct of I.M.V.S. Many controversial matters that are causing grave disquiet in the community remain unresolved. Some of these matters have been disclosed in replies to questions asked in the House of Assembly. There seem to be many instances, for example, where the wrong equipment has been purchased for the wrong reasons. There are examples of companies not being allowed to tender for the supply of equipment at all. In this respect, I have personal knowledge from a friend who works for Philips Industries and has the unusual job of detailing such things as electron microscopes. He spoke to me some months ago and asked why Philips Industries, for example, in many instances were not allowed to tender.

There also have been allegations, which are well known to all members of the Council, of private companies being able to suppress results of research work. I do not intend to comment on Dr. Coulter, because I understand that would be subject to the *sub judice* rule. However, there is no doubt that Dr. Coulter brought the I.M.V.S. into the spotlight. The cost of overseas trips also has been the subject of questions in the House of Assembly, and figures supplied suggest that senior staff have been subsidised by private firms to the point of compromise. It has been suggested that senior staff at I.M.V.S. should write a book entitled "How to Travel Overseas on $5 a Day". I am sure that would have the potential to be a best seller.

Some sort of defence has been cobbled together by senior staff members under apparent stress. However, to most people that has been less than credible. I understand that the current Director of the institute is due to retire in June next year. In those circumstances, it is essential that an inquiry be held before then. Members would be well aware that I, for one, have never believed in trial by Parliament.

However, it is completely legitimate to raise these matters in the public interest and, furthermore, as

Parliamentarians we have a duty to do so. Questions will continue to be raised, allegations will continue to be made, and the situation will continue to deteriorate unless a full judicial inquiry into all aspects of the I.M.V.S. is set up immediately. Is the Government considering a full judicial inquiry into the affairs and conduct of the I.M.V.S. and, if not, why not?

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

KEEVES COMMITTEE

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a question about the Keeves Committee.

Leave granted.

The Hon. ANNE LEVY: In May of this year the Government set up a Committee of Inquiry into education in South Australia chaired by Dr. Keeves and known commonly as the Keeves Committee. It is a very important committee with extensive terms of reference. It is to make recommendations to the Minister of Education on the educational system of South Australia, excluding the universities and colleges of advanced education, with particular reference to a number of different points, including organisational matters, the resource allocation and effective use of resources, means by which curricula can be changed to meet new technologies, and so on.

The specific reference is to the educational system of South Australia, excluding universities and colleges of advanced education, which I take to mean that the committee is to look at pre-schools, all primary and secondary education and the whole of the technical and further education areas. It is obviously a very important committee with implications for the future of education in this State.

In South Australia, we have a situation whereby, in the primary and secondary schools, about 85 per cent of children are in Government-run schools and about 15 per cent are in non-Government schools. The Government obviously has responsibilities to all children in the State and not only those at Government schools. This is obviously recognised by the fact that the Government gives financial grants to non-Government schools and has promised for quite some time, although it has not yet introduced legislation, a registration board for non-Government schools.

Is the Keeves Committee considering non-Government as well as Government schools under its broad terms of reference? If not, will the Minister specifically request it to consider education in non-Government schools as well as Government schools under its terms of reference?

The Hon. C. M. HILL: I will refer the question to the Minister of Education and bring down a reply.

HEROIN

The Hon. J. E. DUNFORD: I seek leave to ask the Attorney-General, representing the Chief Secretary, a question about heroin pushers.

Leave granted.

The Hon. J. E. DUNFORD: Members may recall that prior to Parliament giving me leave to attend the World Parliament for Peace in Bulgaria I asked a question about tuinal. I stated at the time that I did not expect to get an answer within a short time even though people were dying in the State and no action was being taken. It is over a month since I asked the Minister of Health, Mrs. Adamson, to take action to stop tuinal being legally prescribed in South Australia. I did not expect to get a prompt answer from Mrs. Adamson, as I said at that time. However, late Monday afternoon (I am never usually home at that time, but I was having a light day), I saw a television segment.

The Hon. M. B. Dawkins interjecting:

The Hon. J. E. DUNFORD: What is Dorothy Dawkins saying? I do not need the honourable member's pair any more, so I do not have to be nice to him now.

The Hon. M. B. Dawkins: Yes, you do.

The Hon. J. E. DUNFORD: I am trying to do a job, but the Hon. Mr. Dawkins, who is a heavy in the Parliamentary system, always interrupts me. I try to ignore him, Sir, but he is very difficult to ignore.

The PRESIDENT: Well, I ask the honourable member to get on with his question now.

The Hon. J. E. DUNFORD: I saw on the television programme *State Affair* on Monday afternoon a young couple in their late twenties who were trying to kick the heroin habit. These people, who were being interviewed rather strongly by the interviewer, said that they had been on heroin and had obtained plenty of supplies in Adelaide. The interviewer then said, "But it would not be as bad here as it is in Melbourne," in reply to which one of the people said, "No, it is a lot worse." I do not know whether this person had been to New York, but he said that heroin was more readily available in South Australia than it was in New York and that many doctors, not just one or two, here willingly give drug prescriptions. He then mentioned peoople who bandy about the names of doctors who freely prescribe barbiturates such as tuinal. However, he did not say that heroin was being provided.

Since then, I have seen a programme relating to the Commonwealth police, who are disunited and have different uniforms and different jobs, etc. They consider that people are checked going out of Adelaide but not coming into Adelaide. It was stated that South Australia was the place into which drugs could easily be emptied. I am concerned about this problem, as the Government should be concerned about it. I have gone past Mrs. Adamson, and do not expect to receive a reply from her. I therefore ask the Chief Secretary to do something. My questions are as follows.

First, will the Attorney-General, representing the Chief Secretary, ask the Chief Secretary what positive action he intends to take regarding the alleged explosion of heroin and other drugs being pushed in South Australia? Secondly, will he ask the Chief Secretary how many heroin pushers have been apprehended since the advent of the Liberal Government on 15 September last year? Finally, will the Attorney-General also ascertain from the Chief Secretary how many convictions have been recorded against heroin pushers and, if convictions have been recorded, what length of sentences or penalty the court imposed against such offenders?

The Hon. K. T. GRIFFIN: I will refer those questions to the Chief Secretary, who is represented in this Council by the Minister of Local Government, and bring back a reply.

ADELAIDE SYMPHONY ORCHESTRA

The Hon. M. B. DAWKINS: Yesterday, I asked the Minister of Arts a question about funding of the Adelaide Symphony Orchestra. Has he a reply to that question?

The Hon. C. M. HILL: As I suggested yesterday, I have been able to bring down a more formal reply for the honourable member. At a meeting that was held at

Parliament House on 31 July 1980 between the A.B.C., the Hon. Mr. Dawkins, the Acting permament head, Department for the Arts, and me, Mr. Christiansen of the Australian Broadcasting Commission assured me that his organisation would be in a position to fill all of the outstanding string vacancies by the end of this year by means of permanent recruitment from interstate and overseas, and that, if they had extra funds, the orchestra would be able to realise its permanent strength by the opening of the 1981 concert season at the very latest.

The Government is prepared to support the Adelaide Symphony Orchestra in an effort to achieve this goal. We have been concerned with unfair criticism of the orchestra over the past few years, and acknowledge that, unless funding is adequate, the overall standards of performance cannot reach the heights expected by visiting conductors and others.

An increase in funding of $35 000 has been allocated, taking the total subsidy by the Government for 1980-81 to $185 000. The A.B.C. will now be able to recruit two additional players in the wind section. These positions will be in addition to an existing six orchestral vacancies in the string sections which will be filled by the end of this year.

INSTANT MONEY

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Chief Secretary, a question about instant lottery tickets.

Leave granted.

The Hon. N. K. FOSTER: My question is in regard to the Lotteries Commission's instant money, or numbers game, and I am reminded by the Hon. Mr. Dunford's question that the numbers game heralded the commencement of the Mafia activity in the United States and other countries.

The Hon. J. C. Burdett: Should that question be directed to the Chief Secretary?

The Hon. N. K. FOSTER: As far as I know it should. According to the list provided, the Minister of Local Government represents the Chief Secretary.

The PRESIDENT: We will sort out the Ministry when the honourable member asks his question.

The Hon. N. K. FOSTER: I hope someone will sort out the Government, and I am on your side in that respect, Mr. President. I have in my hand two lottery tickets purchased recently at Blackwood, which by sheer coincidence happens to be in the district of Stan Evans. On the back of the two tickets is the same number, 1843092. The purchaser of those tickets is in a no-win situation because on the front of the tickets under the name of the Lotteries Commission is set out in the smallest print that I have seen—I have had great difficulty in reading this print—what the matches are and what they represent. The number on the front of both these tickets is identical—10216211. I point out that four major prizes of $10 000 have been available to people who have scratched the covering from those numbers but who have not had made clear to them the fact that they were winners of a sum totalling about $40 000 in major prizes, excluding any reference here to lesser prizes. Under the zero of the number (10216211) on both tickets in question is the smallest "L" (it is almost indiscernible), which I understand indicates a loss. I understand from telephone calls that I have made that the printing of a small "P" indicates a pay-out, but I am damned if I can see the "P" which indicates a pay-out.

Members interjecting:

The Hon. N. K. FOSTER: This is serious, and I point out to the Hon. Mr. Hill that if he lost $10 000 he would be upset—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Foster.

The Hon. N. K. FOSTER: The number on the bottom of the front of these tickets is 44665903. Again, the numbers are absolutely identical on both tickets. I have had written out in larger print what is written in the small print on the tickets, namely, "Lottery and Promotional Games P/L,OPAX—Australia", and I believe that the tickets could be printed anywhere, without any check or control by the Lotteries Commission.

In Rundle Mall one can see hundreds of people scratching furiously at these cards with fingernails or coins to find out whether they have won anything. I wonder how many of those people realise the skullduggery that may be involved in the printing of these tickets. The person who purchased the tickets I have here today has made every endeavour to get some satisfaction from the Lotteries Commission, but he has been dealt with in the most short-handed and abrupt manner. I therefore lay these tickets upon my table, not yours, Mr. President, for anybody who wishes to peruse them in connection with this matter, provided they are returned to me so that I can give them back to the person who gave them to me. My questions to either the Attorney-General or the Minister of Local Government are, first, where are such instant lottery tickets printed? Secondly, is the company OPAX a foreign company with only a skeleton or sales and promotional staff in Australia? Thirdly, if printing is undertaken overseas, in what country or countries is it done so, and at what cost? Fourthly, is it a fact that some four or more major prizes of $10 000 have been won but are unclaimed? Finally, if so, will the Minister ensure that a prominent colour code is introduced to ensure that winners can readily and instantly observe at a glance whether or not the number on a ticket is a winning number?

The Hon. K. T. GRIFFIN: The Premier and Treasurer is responsible for the Lotteries Commission. I will refer those questions to him and bring back a reply.

RAILWAY CARRIAGES

The Hon. C. W. CREEDON: I seek leave to make a brief explanation prior to asking a question of the Attorney-General, representing the Minister of Transport, about railway carriages.

Leave granted.

The Hon. C. W. CREEDON: I noticed in a newspaper report recently that the State Transport Authority is making a move to ascertain whether South Australian companies are interested in supplying replacement buses for the S.T.A. fleet. I am pleased to see, for the sake of the bus travelling public, that they are going to be able to travel in modern buses and that the trend of supplying new buses is being kept up.

I am also interested, however, in the railway travelling public. The S.T.A. has probably taken delivery of about 12 new carriages ordered under the previous Labor Government, but the addition of those carriages will make but a very small dent in the need. The present carriages are uncomfortable, to say the least, hot in the summer and cold in the winter, and this move has come none too soon, as we need to encourage people to travel on our transport system. I hope that the State Government will make the replacement of carriages a continuing programme until all the decrepit carriages are replaced. Will the Minister say how many rail carriages are needed to service the

metropolitan system each day? Does the Government intend to order more of the new carriages, and, if so, how many and when?

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

GAS COMPANY SHARES

The Hon. K. L. MILNE: I seek leave to make a brief statement before asking the Attorney-General a question about South Australian Gas Company shares issued to S.G.I.C.

Leave granted.

The Hon. K. L. MILNE: During the debate on the question of the issue of 20 000 shares at $7 each to the S.G.I.C., I criticised the Government for the arrangement which it was making, and a number of members interjected and asked me what I would have done instead. At the time I did not have a specific answer, but I believe that I have one now. The trouble has arisen with the South Australian Gas Company shares because of their 51 per cent ownership of South Australian Oil and Gas. Originally, the South Australian Gas Company was allotted 51 per cent of S.A.O.G. for $25 000, but since then the investment in S.A.O.G. has increased enormously and those shares are worth a great deal more than par. Some say that the value of the S.A.O.G. assets puts the open market value of South Australian Gas Co. shares at $60 or even more. Until the company raiders and speculators realised this hidden value of South Australian Gas Company shares, they remained somewhere around 80 cents to $1. Once the added value was realised, of course, large purchases began to be made from interstate, and the shares went up to about $7, in spite of Government warnings that speculation in South Australian Gas Company shares would not be tolerated.

The Government was concentrating entirely on not losing control of the Gas Company and, with its advisers, designed a most peculiar scheme whereby the S.G.I.C. would purchase 20 000 shares at $7 each, which was the market value at the time, and each share would have the voting power of 100. This effectively gave the S.G.I.C., and thus, of course, the Government of the day, control of the Gas Company in a crisis. I said during the debate on this matter, and I reiterate, that this is a most extraordinary distortion of the correct use of limited liability, and in my view it has complicated the position still further. Looking back, I believe it would have been better for the South Australian Gas Company to sell its S.A.O.G. shares to the S.G.I.C., thus getting the value of S.A.O.G. assets out of the South Australian Gas Company shares, leaving those shares where they were in the first place, and giving the S.G.I.C. a 51 per cent control of S.A.O.G.

The Hon. R. C. DeGaris: Could you not just transfer 2 per cent?

The Hon. K. L. MILNE: I do not think so.

The PRESIDENT: Order! We must not allow this question to become a debate.

The Hon. K. L. MILNE: Even now, the shares have gone back to about $2, and I believe that they would have settled down at their old value of $1 or less once S.A.O.G. was out of the way. In my view this would have done two things: first, it would have stopped speculation in the South Australian Gas Company shares because there would be no way of forcing them or talking them up in value (and they were talked up); and, secondly, the S.G.I.C. would have an investment which in fact was increasing and would be much more in line with their investment policy of investing for the benefit of the State. The investment in South Australian Gas Company did not really help the S.G.I.C. in any financial sense; all it did was protect the control of the Gas Company up to a certain point. Furthermore, within a few days the value of the investment had reduced from $140 000 to about $40 000, and it is unlikely to increase again.

That is not the type of investment that S.G.I.C. should make. Will the Government investigate the possibility or advantage of asking the South Australian Gas Company to sell its interest in S.A.O.G. to the S.G.I.C. at some agreed price and somehow cancel the new issue of 20 000 specially privileged shares, giving the South Australian Gas Company a small profit and allowing S.G.I.C. investment to steadily increase?

The Hon. K. T. GRIFFIN: There is no way that the issue of B class shares in the South Australian Gas Company to S.G.I.C. can be cancelled, and there would be no wisdom or merit in pursuing that course, even if legally it was achievable. I think the member loses sight of the fact that, if the South Australian Gas Company had sought to dispose of its interests in S.A.O.G., there would undoubtedly have been a considerable controversy about that, because the value was so difficult to establish. Whatever value could have been fixed for that would never have met with the satisfaction of all the shareholders of the South Australian Gas Company.

It is incorrect, I suggest, to say that the investment of S.G.I.C. in the South Australian Gas Company did not help S.G.I.C. The fact is that S.G.I.C. had a substantial loan investment with the South Australian Gas Company. I think it was something like $8 000 000, and there was a lot at stake for S.G.I.C in the way in which the South Australian Gas Company undertook its involvement in South Australian Oil and Gas Corporation. In effect, the allotment of shares to S.G.I.C., which already was a substantial lender to the South Australian Gas Company, did assist S.G.I.C. in its security if that security were ever needed.

I do not support the problem that the Hon. Mr. Milne alludes to, namely, a legal distortion of the concept of limited liability. The whole concept of limited liability is related not to the voting rights of the shares but to the liability that shareholders incur as a result of deficiences in the assets of a limited company. I suggest that the concept of limited liability in this context is a red herring. I can say that there is no wisdom or merit in the Government's investigating the possibility of the South Australian Gas Company divesting its interest in S.A.O.G. to S.G.I.C. It would not achieve any advantage to the South Australian Gas Company, S.G.I.C., or the people of South Australia.

The Hon. K. L. MILNE: I wish to ask a supplementary question. Will the Attorney-General ask the Government to investigate? He disagrees with many things that I have said and I disagree with some of his replies. I think that, if the matter were looked at carefully, we might avoid a great deal of trouble in future. Will the Attorney be kind enough to refer the matter to the Government and Cabinet to get a report to see how feasible what I have mentioned may be?

The Hon. K. T. GRIFFIN: We are certainly prepared to look at it but I can tell the member now that I do not believe that it has any merit.

CITRUS INDUSTRY

The Hon. B. A. CHATTERTON: I seek leave to make an explanation before asking a question of the Minister of

Community Welfare, representing the Minister of Agriculture, on the matter of the Citrus Organisation Committee.

Leave granted.

The Hon. B. A. CHATTERTON: A letter in the *Murray Pioneer* of 18 September was very critical of the operations of C.O.C. The letter was written by Mr. Andrew Weigall, a well respected packer in Renmark. The heading of the letter in a sense sets the tone. That heading is, "C.O.C. is corrupt and incompetent, claims packer". I will not read the whole letter but, regarding C.O.C., Mr. Weigall states:

> When an industry body such as C.O.C. builds such a solid base of ineptitude and hypocrisy it becomes an ugly and onerous monster often powerful enough by reputation alone to resist the attacks of a well meaning minority.

He goes on to explain how an application by a well-established Greek packer was rejected because of pressure from vested interests within the industry. A lot of other material in the letter is very critical of the operations of C.O.C. Criticism of the committee is not new: it has been going on for some years, and a poll of growers showed that about one-third of the citrus growers in this State were dissatisfied with the operations of that marketing organisation.

The previous Labor Government set up a special inquiry under the Chairmanship of Professor McAskill from Flinders University to look at the matter. While the Liberal Party was in Opposition it was pressing continually for the implementation of the recommendations of the McAskill Report but, since it has been in Government, the replies to questions have been that there is no legislation planned to implement the recommendations of the McAskill Report. In fact, the latest reply that we received from the Minister of Agriculture was that he was looking at reform of marketing on a stage-by-stage basis. In view of the continued serious criticism of the operations of the Citrus Organisation Committee, will the Minister say what stage he has reached in the reform of that organisation, and when does he expect that legislation will be introduced into Parliament to improve the operations of the citrus marketing in this State?

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

BALCANOONA STATION

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Dr. Cornwall's question of 31 July on Balcanoona Station?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Environment that the vendors undertook no acts of vandalism on the homestead. The historic door bell was removed from the back door and bought by Mr. McLachlan at the clearing sale. The overhead shearing plant and driving motor are intact and remain within the shearing shed at Balcanoona. Only the hand pieces were removed.

A 32-volt lighting plant was removed from the historic Grindel's Hut and sold at the clearing sale. Discussions are taking place between the Department for the Environment and the lessee on the matter of damage to the rear wall of the hut. The Aboriginal community from Nepabunna have been removing significant numbers of goats from Balcanoona for approximately two years, and the Department for the Environment has encouraged this practice. Furthermore, in conjunction with the Vertebrate Pests Control Authority, the department is investigating the possibility of establishing a contract for the trapping and removal of goats from Balcanoona. A decision is expected shortly concerning dedication of Balcanoona as a national park.

"DIMORA"

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare an answer to the Hon. Dr. Cornwall's question of 13 August about "Dimora"?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Environment that the National Trust Act, 1955-1975, was committed to the Minister of Environment on 5 June 1980. A meeting is to take place shortly between the Minister and representatives of the National Trust. Matters raised in your question will be among the subjects to be discussed.

UNEMPLOYED WORKERS

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Mr. Dunford's question of 20 August about unemployed workers?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Industrial Affairs that a great deal of consideration was given to financially disadvantaged groups such as unemployed persons and pensioners in the recent public transport fares increase. For this reason, the 10c increase in concession fares was ameliorated by the introduction of a free off-peak period. Over a period of time, the cost of public transport to unemployed people will be considerably lower because of the free off-peak allowance. This is perhaps best highlighted by the fact that community welfare officers have estimated that it will cost the Government an additional $280 000, making a total subsidy to the unemployed of $880 000 per annum overall. As one may know, any registered unemployed person who attends a job interview arranged by the Commonwealth Employment Service is given a free ticket to travel to and from that interview, and this situation applies in all States regardless of the time of travel.

Apart from this, South Australia has the most generous public transport concession fare for the unemployed in Australia. Our flat fare of 20c plus free travel between 9 a.m. and 3 p.m. (Monday to Friday) compares with no concessions (full adult fares for all rides) in Western Australia, New South Wales and Queensland; 10 pre-bought tickets for $3, usable in a one-month period in Victoria; and a flat 20c fare in Tasmania with no free off-peak travel. The Unemployed Workers' Union wrote to the Minister of Transport on 12 August 1980 concerning this matter, and the Minister has advised the union in these terms.

WOOD CHIP INDUSTRY

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Mr. Chatterton's question of 21 August on the wood chip industry?

The Hon. J. C. BURDETT: I am advised by my colleague the Acting Minister of Forests that there were no delays to the project involving Punalur Paper Mills Limited in the South-East which were caused by the South Australian Government. In February-March of 1980, Punalur Paper Mills sought a major change in the project, which had been a 10-year chip export project. Details of the change were adequately covered by the press.

On departing early in March, the Chairman and Managing Director of Punalur Paper Mills Limited, Mr. L. N. Dalmia, was happy with the time schedule which he had proposed for the project. Punalur was to have an executive representing the company in South Australia "within a week or so". Quite correctly no person was authorised to commit expenditure on behalf of Punalur Paper Mills Limited in the interim. Nevertheless, several prospective sites were identified by officers of the Woods and Forests Department for the assistance of Punalur, and a local real estate agent was asked by Mr. Dalmia to make inquiries.

The Punalur representative did not reach Adelaide until 5 May. Assistance was provided for him henceforth. The choice of a proposed site was made, and no delay to the project was caused by land purchase factors. Mr. Dalmia would have liked to lease forest reserve rather than purchase but the suitable forest reserve land carried a 16-year-old plantation, and I am sure the Hon. Mr. Chatterton would be the first to realise that it would not be wise to destroy a plantation when a more adequate alternative was available. I repeat that land purchase has not delayed the project—settlement for the land has still not taken place. The other factor of the Foreign Investment Review Board also has not delayed the project. Punalur made approaches to a number of companies in Australia and elsewhere to form a joint venture before F.I.R.B. handed down a decision on 16 July. The Punalur representative was assisted in making that application to F.I.R.B. as soon as he was ready to do so.

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Mr. Chatterton's question of 27 August on wood chips?

The Hon. J. C. BURDETT: The Minister of Forests has informed me that the reason for cancellation of the agreement in question concerning establishment of a pulp mill in the South-East of the State has already been given in the Minister of Forests' statements of 27 and 28 August. At this time it was made clear that the submission prepared by Punalur Paper Mills Limited of India on behalf of Punwood Proprietary Limited did not satisfy the conditions of the March agreement. In particular there was a lack of evidence that Punwood Proprietary Limited could finance the pulp mill project.

Discussions with Punalur Paper Mills Limited and H. C. Sleigh immediately prior to the Minister of Forests' statements on 27 and 28 August provided no justifiable reason why the conditions agreed upon in March this year between the parties involved should be ignored. There was no requirement for provision of $50 000 000 to be available at the time of termination, only that finance of that order was available as required over the constructing period of approximately three years to ensure the project would proceed. This assurance was not available. No negotiations regarding this South-East resource have taken place up to the end of August this year with Japanese or any other potential purchasers, despite numerous inquiries on the subject.

APHIDS

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Mr. Chatterton's question of 26 August on aphids?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Agriculture that very little information is currently available on the resistance of our pasture plants to the biotype of the pea aphid present in South Australia. The department is currently testing a range of plants. Preliminary results indicate that the biotype here is capable of colonising Jemalong barrel medic but is less successful on snail medic cv. Sava. It is colonising and reproducing on peas and Vicia fava, but is not increasing its numbers on several species of lupins. This testing is still in the early stages and will be expanded as aphid populations are built up in the insectary.

SALISBURY REZONING

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Dr. Cornwall's question of 28 August on Salisbury rezoning?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Planning that Myer has approached the Minister of Planning in the past to discuss its interest in future investment not only in the Salisbury area but in metropolitan Adelaide generally. The Minister of Planning has always been willing to listen to and encourage prospective developers, but has at all times stressed that the statutory planning procedures must be observed.

With regard to Government-owned land on the site covered by the current rezoning proposal, the Government has decided that any disposal to facilitate any future development would only be by public tender. However, the Government has also decided that it would only proceed with such disposal if and when the matter of rezoning has been satisfactorily resolved. The Government is not in a position to consider and decide on any development proposal in the Salisbury town centre until such time as a recommendation for rezoning of land to accommodate such a development is forwarded by the Salisbury Council to the Minister of Planning.

The statutory process for handling a rezoning proposal is that council exhibits the proposed rezoning for a two-month period. Following consideration of any objections, council forwards its recommendations, accompanied by a summary of objections received and related actions taken, to the Minister of Planning. The Minister of Planning then refers the matter to the State Planning Authority for report. Following receipt of the report from the State Planning Authority, the Government is then in a position to decide on the recommendation. The Minister of Planning advises that it would be inappropriate for him to speculate on the outcome of this statutory process as applying to the Salisbury rezoning proposal.

PLANNING AND DEVELOPMENT

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Mr. Creedon's question of 28 August on planning and development?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Planning that the principal use of the land in the area referred to in the newspaper article is for rural purposes, and it is not intended at any stage for this land to be developed for intensive residential use. Following the preparation of noise exposure forecasts by the Department of Defence, the State Planning Authority has used the forecasts to identify and rezone land suitable for future residential development. This action will prevent further subdivision and intensive dwelling construction on land which is subject to unacceptable levels of noise exposure.

On those titles existing prior to the exhibition of the rezoning proposals in February 1978, control over the

siting of structures in the most intensive noise nuisance areas does not as yet exist. However, officers of the Department of Urban and Regional Affairs have been working with council to amend the regulations for control of development of rural land in the vicinity of the air base. Council is now preparing guidelines on the siting of structures within the noise nuisance areas, and it is expected that subsequent amendment to council regulations will avoid reoccurrence of the situation which has arisen in this instance.

TUINAL

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Mr. Dunford's question of 17 September on tuinal?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Health that no action will be taken immediately to withdraw tuinal from sale, since it is already available only on doctor's prescription. The South Australian Health Commission is monitoring prescribing patterns and abuse of the drug with a view to assessing whether more stringent controls are necessary to curb prescribing and abuse. The answer to the abuse of tuinal and similar depressant drugs by young people lies not in prohibition of the drug (which encourages a "black market") but in encouraging more judicious prescribing habits in some medical practitioners.

ABATTOIRS

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Mr. Creedon's question of 17 September on abattoirs?

The Hon. J. C. BURDETT: The Minister of Agriculture informs me that section 22 (1)(c) of the Meat Hygiene Act, 1980, requires that the authority, in determining whether a licence should be granted to an abattoir, shall have regard to its location. While the Minister cannot assure town councils involved or people whose houses are close to country abattoirs that such abattoirs will be required to resite their activities, he can assure them that their views will be taken into account by the authority before a licence is granted to an abattoir. Local government has one-third of the membership of the authority to ensure adequate consultation in such matters.

RANGERS

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Dr. Cornwall's question of 18 September on rangers?

The Hon. J. C. BURDETT: My colleague the Minister of Environment has supplied the following reply:

1. No. There have not been any training courses for volunteer rangers introduced at this stage.

2. Discussions are at present taking place with interested parties relative to their respective policies on volunteer involvement. Following satisfactory conclusions of those discussions, the Government will be in a better position to advise when action will occur on this matter.

3. I am unaware of any International Labour Organisation Conventions which would be contravened by the appointment of volunteer rangers.

UNEMPLOYMENT

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Mr. Foster's question of 18 September on unemployment?

The Hon. J. C. BURDETT: The replies are as follows:

1. The objective of the voluntary early retirement scheme is to reduce the current surplus of personnel in the Engineering and Water Supply Department and the Public Buildings Department. Accordingly, it would defeat the whole purpose of the scheme if workers who accept the offer were to be replaced.

2. As stated above, the objective of the scheme is to reduce surplus personnel, not to reduce unemployment.

3. No.

WARNER THEATRE

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Dr. Cornwall's question of 23 September on the Warner Theatre?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Environment that the person who prepared the Warner Theatre report was employed on contract and was not a section 108 appointment under the Public Service Act.

MARINE RESEARCH

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to the Hon. Dr. Cornwall's question of 23 September on marine research?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Environment that the research projects that were listed in answer to the original question are not routine departmental work but constitute specific initiatives sponsored by the Government. This includes the coastal vegetation study being undertaken by the Ecological Survey Unit of the Department for the Environment which is a one-off trial to test the capability of LANDSAT to detect changes in coastal wetlands environment. However, in response to the supplementary question concerning Upper Spencer Gulf, money has been allocated for specific research, to which item 2 of my previous answer refers.

ABORTION

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question on computer analysis of abortion statistics.

Leave granted.

The Hon. ANNE LEVY: In 1977 the Mallin Committee reported to Parliament on abortions performed in South Australia and mentioned that it was undertaking a computer analysis of statistics relating to abortions from information collected on the notification sheets which must be sent to the Director-General in the Health Commission notifying him of each termination of pregnancy. I understand that this computer analysis of the data was carried out.

I first asked the question on 25 October last year, which is on page 410 of *Hansard*. I asked when this statistical analysis would be released. I received a reply on 7 December 1979 which was not printed in *Hansard* until 19 February 1980 and which stated *inter alia* that the committee had met and discussed the results of the

computer analysis and a report was received; a submission would shortly be made to the Minister. That was in December last year. On 1 April this year I asked a question of the Minister as to when the statistical report would be available for release. That was more than four months later. On 15 May I received a reply which, amongst other things, stated:

> With respect to computer analysis this has recently been returned to the Mallen Committee to arrange correction of one or two points prior to resubmission to me for approval to publish.

That was over five months ago. In the Mallin Committee Report for 1979, which was tabled about a month ago in Parliament, the following paragraph appears:

> The Committee received a copy of the Statistical Report on Termination of Pregnancies performed in South Australia during years 1970-77, prepared by Mrs. Barbara Godfrey, whose work in compiling this report is to be commended.

On 2 October this year there were comments made by a member of the Minister's own Party in another place to the effect that he wished that there were more statistics available on terminations of pregnancy in this State and he intended asking the Minister to make these available. These statistics obviously are available, although they have not yet been released. When will the statistical report be released? It is becoming increasingly out of date, as it refers to the years 1970 to 1977. It is 12 months since I first started asking about the release of this report. Can the Minister say when this report will be released and, when it is, may I have a copy of it?

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

URANIUM

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a question on uranium information in schools.

Leave granted.

The Hon. BARBARA WIESE: On Monday afternoon I heard on a radio news report that the Chamber of Mines was co-operating with the uranium producers organisation to distribute information concerning uranium in South Australian schools. Will the Minister confirm whether this report is true and, if so, did he agree to the proposition? If he has agreed, could he give Parliament some information about the nature of the material to be distributed? Can he say whether organisations in the community which are opposed to the mining and export of uranium will also be permitted to distribute literature in our schools?

The Hon. C. M. HILL: I will refer those questions to the Minister of Education and bring back the information that the honourable member seeks.

ROCK LOBSTER FISHING

The Hon. B. A. CHATTERTON: Has the Minister of Local Government a reply to my question of 14 August on rock lobster fishing?

The Hon. C. M. HILL: I refer to the reply given to the honourable member on 18 September 1980, regarding rock lobster fishing. I indicated in that reply that I would provide further information when it came to hand. The Minister of Fisheries has advised that conditions for licences held by rock lobster fishermen in the Northern Zone have now been finalised, and rock lobster fishermen will be permitted access to the scale fishery under the following broad guidelines:

> That in the Northern Rock Lobster Zone the Director of Fisheries is authorised to endorse the licences of some rock lobster authority holders to use nets less than 15 cm mesh and not exceeding 600 metres long to take scale fish for sale under the following general provisions—
>
> *(a)* During the closed season for rock lobster
>
> (i) Northern Zone outside Spencer Gulf and Gulf St. Vincent. All authority holders.
>
> (ii) Inside Spencer Gulf and Gulf St. Vincent. Authority holders must meet the "Criteria for Endorsement" set out below.
>
> *(b)* During the open season for rock lobster
>
> (i) Northern Zone outside Spencer Gulf and Gulf St. Vincent. Authority holders must meet the criteria set out below.
>
> (ii) Inside Spencer Gulf and Gulf St. Vincent. No authority holder will be allowed to register a net longer than 150 metres.
>
> Criteria for endorsement
>
> To be considered for endorsements under *(a)* (ii) and *(b)* (i) above, applicants must be able to show that they have lodged returns which show regular and significant catches for scale fish in the appropriate area and season since 30 June 1977.

UNSOLICITED MATERIAL

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, who is responsible for censorship matters, a question regarding unsolicited material.

Leave granted.

The Hon. ANNE LEVY: On 12 August this year, I asked the Minister a question regarding a publication called *About Town,* which is a free community newspaper that is distributed in certain areas of Adelaide. The newspaper states that it is distributed in the square mile of Adelaide, North Adelaide and in the Unley and Norwood areas. However, I assure the Minister that its distribution is much wider than that, as the publication arrived in my letter box, and I do not live in any of the areas to which I have referred. When I asked the question two months ago, I told the Minister that there were in that edition two full pages of advertisements for massage parlours, and I quoted from a number of those advertisements.

Although I have no objection whatsoever to massage parlours, some people are offended at this unsolicited material arriving in their letter boxes. I asked the Minister whether the Government could see if anything could be done to protect people from receiving such unsolicited material. The Minister indicated that he would ascertain whether any action could be taken to deal with complaints and what could be done to prevent offensive material arriving in people's letter boxes in this way. Since then, this further copy, containing exactly the same advertisements, arrived in my letter box.

The Hon. K. T. Griffin: What's the date of that?

The Hon. ANNE LEVY: It is dated September 1980, and still contains two full pages of advertisements for massage parlours which I will not take up the Council's time reading again. However, as this publication is still being produced well after the time that the Minister said he would look into the matter, will the Minister say whether he has had any success in controlling offensive unsolicited material arriving in people's letter boxes and, if not, can

he do something about it now?

The Hon. K. T. GRIFFIN: When the honourable member drew this matter to my attention in August, I indicated that the practice had been for the appropriate Minister to write to the editor of this sort of newspaper drawing attention to the fact that it contained advertisements that were likely to contravene the law, and that ordinarily the editors had responded by indicating that they would not accept advertisements of that nature in future. In fact, that happened during the term of office of the former Government with at least several of the daily papers circulating in Adelaide.

The Hon. Frank Blevins: That's not true.

The Hon. K. T. GRIFFIN: It is true; it did happen.

The Hon. Frank Blevins: It was not proved that the advertisements were against the law.

The Hon. K. T. GRIFFIN: It is true that the former Government took action and wrote to editors, drawing to their attention that it was likely to be a breach of the law, which it is. After the honourable member raised this matter with me, I pursued the matter by writing a letter to the editor of this newspaper, drawing attention to the nature of the advertisements that were likely to contravene the law, and asking whether he would take steps to ensure that the advertisements did not appear in future. I was not aware that they had appeared in the September edition. That may have been because that edition crossed with my letter.

I am not aware of what is in the October edition of this newspaper but, if the honourable member would let me have any information that she has regarding it, I should be pleased to pursue the matter further. I would rather write to the editor than initiate any prosecutions without warning.

SELECTION PANELS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General:

1. Since 15 September 1979 have the selection panels for any positions in the South Australian Public Service contained persons not officers of the Public Service?

2. If so, what positions were involved, and in each case who was the person not an officer of the Public Service who participated in the selection panel?

3. Have any Ministerial officers not referred to above participated in the selection panels for positions in the South Australian Public Service. If so, what positions were involved, and who was the Ministerial officer concerned?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. Yes.

2. To give every instance would entail considerable work, the expense of which is not justifiable. As examples, appointments of Bursars and clerical support staff almost invariably involve school principals in the selection process who are not technically members of the Public Service, and the selection of auxiliary staff for district police stations would involve members of the Police Force.

3. In the light of answers 1 and 2, Question 3 is not comprehensible. However, the Public Service Board is responsible for deciding who should be on selection panels. The board, in arriving at the composition of the panels, takes into account any special characteristics and the inherent responsibilities of the position. This may necessitate consultation between the board, the departmental head and the relevant Minister. The board may consider it is necessary for non-public servants to be involved in the selection process. This decision is their responsibility.

REPLIES TO QUESTIONS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General: When does the Government intend to answer the following questions concerning:

(a) Mr. Ross Story (asked on 5 June 1980);
(b) Regulations (asked on 11 June 1980);
(c) Sentence remissions (asked on 12 June 1980);
(d) Legal aid (asked on 6 August 1980);
(e) Replies to Questions (asked on 12 August 1980) which include questions asked in the Appropriation Bill debate on 11 June 1980?

The Hon. K. T. GRIFFIN: These questions were either answered on 21 October 1980 or will be answered today or tomorrow if possible.

The Hon. B. A. CHATTERTON (on notice) asked the Attorney-General: When does the Government intend to answer the following questions concerning:

(a) Meat quotas for Mount Gambier abattoirs (asked on 30 October 1979);
(b) Cost benefit study on salvation jane (asked on 18 October 1979);
(c) Future of Southern Vales Co-operative (asked on 25 March 1980);
(d) Commonwealth loan to Riverland cannery (asked on 5 August 1980);
(e) Multiplication of additional biological control agents for aphids (asked on 14 August 1980);
(f) Relation of Commonwealth Canning Fruits Act to payments to growers in Riverland (asked on 19 August 1980);
(g) Fruit and vegetable market (asked on 20 August 1980);
(h) Underspending of Aphid Task Force funds (asked on 21 August 1980).

The Hon. K. T. GRIFFIN: The replies are as follows:

(a) Following a Cabinet decision of 22 October 1979, Samcor was requested to exercise its powers under section 77 (2) of the Samcor Act and increase Messrs. McPherson's and Maney's meat quotas by 50 per cent, the primary reasons being the imminent abolition of the Samcor trading area and to extend competition with respect to Victorian meat companies which had "section 92" access to the Adelaide market. Since taking office, the Government has not become aware of any other South Australian company applying for increased meat quotas.

(b) The Minister of Community Welfare, representing the Minister of Agriculture, replied to this question by letter addressed to the honourable member and dated 16 November 1979.

(c) The only question on this matter appears to have been asked by the Hon. G. L. Bruce, M.L.C., to which a reply was given in this House on 3 June 1980.

(d) This question was asked of the Attorney-General representing the Premier and has been answered.

(e) A biological control agent *(aphidius smithii)* for the pea aphid has become available from C.S.I.R.O. and is currently being cultured at Northfield. Around one half of the time of one officer is devoted to this task. A release and monitoring programme for the agent has been planned with departmental staff at Murray Bridge. Breeding and distribution programmes for any new biological control agents for aphid

pests will be launched as such agents become available from C.S.I.R.O.

The Aphid Task Force had a strength of 27 temporary officers and three permanent officers. A further 15 officers of Plant Industry Division and the regions worked on aphid control and medic and lucerne breeding programmes. The breeding programmes were modified to concentrate on selection for aphid resistance, and the activities of the total of 45 positions were integrated into the aphid programme. While the task force had to be separately identified for accounting purposes, the departmental staff supplied technical identified inputs to the parasite rearing and distribution programmes and the insect rearing facilities in particular services the medic and lucerne screening programmes.

Accordingly, it would not be correct to regard the Aphid Task Force as having been an independent unit solely concerned with developing and breeding parasites.

(f) An answer to this question is expected shortly.
(g) Reply given in the House 23 September 1980, and
(h) Reply given in the House on 23 September 1980.

The Hon. J. R. CORNWALL (on notice) asked the Attorney-General: When does the Government intend to answer the following questions concerning—

(a) Balcanoona Station (asked on 31 July 1980);
(b) Aboriginal Heritage Act (asked on 7 August 1980);
(c) Belair Recreation Park (asked on 12 August 1980);
(d) National Trust (asked on 13 August 1980);
(e) Possums (asked on 14 August 1980);
(f) Balcanoona Station (asked on 20 August 1980);
(g) Marine research (asked on 26 August 1980).

The Hon. K. T. GRIFFIN: The questions listed have been answered.

The Hon. FRANK BLEVINS (on notice) asked the Attorney-General: When does the Government intend to answer the following questions concerning—

(a) Hospital records (asked on 12 August 1980);
(b) Files (asked on 13 August 1980);
(d) Natural cures (asked on 21 August 1980).

The Hon. K. T. GRIFFIN: The replies are as follows:

(a) Answered 25 September 1980.
(b) This matter is still receiving attention.
(c) Answer will be provided on 28 October 1980.

The Hon. J. R. CORNWALL: I seek your guidance, Mr. President. The Attorney-General has told me that all my questions have been answered, but one has not been answered.

The Hon. K. T. GRIFFIN: Then let me have details of the questions you say have not been answered.

The Hon. BARBARA WIESE (on notice) asked the Attorney-General: When does the Government intend to answer the following questions concerning—

(a) Uranium mining (asked on 23 October 1979);
(b) Tobacco advertising (asked on 6 August 1980);
(c) Swan Shepherd Pty. Ltd. (asked on 19 August 1980).

The Hon. K. T. GRIFFIN: I regret that I have not been supplied with the answers to those questions, and I ask the honourable member to again put those questions on notice.

NATURAL DEATH BILL

The Hon. FRANK BLEVINS obtained leave and introduced a Bill for an Act to define, and provide for the ascertainment of death, and to provide for, and give legal effect to, directions against artificial prolongation of the dying process. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

Before dealing with the Bill in detail it would be useful, I feel, if I gave the Council (and anyone who follows the debate in *Hansard*) some background to the Bill.

On 18 July 1978 in the Address in Reply debate (page 39 *Hansard*), I first raised the question of the possibility of having a "Natural Death Act" in South Australia. I asked for comment from interested persons and organisations.

The response to that speech was such that on 5 March (page 1428 *Hansard*), I introduced the Natural Death Bill which, if it became an Act, would "enable persons to make declarations of their desire not to be subjected to extraordinary measures designed artificially to prolong life in the event of a terminal illness". During my second reading explanation when introducing that Bill, I stated that I would be moving that the Bill be referred to a Select Committee. On 2 April 1980 I so moved, and the Council concurred.

The Bill to which I am now speaking was unanimously recommended to the Council by that Select Committee. The principal differences between the Bill referred to the Select Committee and this one are that the Bill was expanded to include a definition of death. Also, the main part of the Bill, which allows a person to give certain directions against the artificial prolongation of his dying process, was altered to more clearly define that Part's limitation.

I will deal with Part II of the Bill first, that is, the Part of the Bill which defines death. It soon became clear to the Select Committee that the Bill before the Select Committee, if passed, could have an effect on other legislation—for example, the State's Transplantation of Human Tissue Act and the Anatomy Act.

It was not my intention when introducing the Natural Death Bill to do anything that might disturb adversely the availability of organs for transplant. If the Bill had passed in its original form, conflict could have arisen between a patient's ability to exercise his right to refuse medical treatment as outlined in that Bill, and the patient's or close relative's wishes that the patient's organs be used for transplantation purposes. In the absence of any adequate definition of death, it is possible for situations to arise where there could be doubt as to whether a person was actually "dead" before parts of his body are removed. The problem with the present law is that the absence of heartbeat and blood circulation are taken as sure signs of death. The reality is that the best test of whether a person is dead or not, is when there is irreversible cessation of all functions of the person's brain. Once this criterion is adopted then the dead person's heart can be kept functioning and blood circulating by sophisticated machinery until such time as preparations are made for organ transplantation.

According to the Australian Law Reform Commission, without the "brain death" definition of death, the doctor who removes an organ while the heart is still functioning can face criminal charges of perhaps manslaughter, and at least assault.

The Select Committee felt it worth while to clear up these points by adopting the Australian Law Reform Commission's definition of death, as have some States, and also by recommending that this State's Anatomy Act

and Human Tissue Transplantation Act can be examined with a view to redrafting as soon as possible.

I will now deal with Part III of the Bill, which permits an adult person, if he wishes, to give directions against the artificial prolongation of his dying process. This proposition is a simple one. As I have outlined on previous occasions to the Council, adults have (with some minor exceptions) the absolute right to refuse medical treatment, and no doctor is permitted to treat a patient against the patient's known wishes. If the patient is conscious, aware of his rights, and able to signify consent or otherwise to treatment, then no problem should arise. However, once a patient is unconscious or is heavily sedated, and is therefore unable to exercise his right to refuse or consent to medical treatment, then the treatment at that stage of a terminal illness is entirely at the discretion of the doctor.

It may be that the treatment the doctor gives would not be wanted by the patient, but the patient is unable to have any effective say. This Bill, if passed, would provide a framework that would ensure that any person who so desired would have his wishes respected in the circumstances I have outlined.

Besides this Part of the Bill's most important function of ensuring that the patient's wishes are respected, it would also have the effect of relieving the doctor and relatives of terminally-ill patients of the responsibility of deciding what treatment should or should not be applied. On a topic as sensitive as this, it is also important that I spell out clearly what the Bill does not do.

The Bill does not attempt to solve every problem involved in people dying due to a terminal illness. Some people might think it should; the fact is, it does not. For example, the Bill specifically restricts itself to adults, so the problems relating to terminally-ill children do not come within the scope of the Bill. A person whose condition is what is commonly referred to as vegetable, again, may not come within the scope of the Bill. On reading the interpretations in Part I, it is immediately apparent that death has to be "imminent" and treatment has to be "useless". Very many people in a vegetable state would not meet that criteria. The *status quo* would therefore be undisturbed.

The Bill also does not authorise any act that causes or accelerates death, as distinct from an act that permits the dying process to take its natural course. The Bill not only does not authorise such acts, it specifically states that it does not authorise those acts in clause 5 (2). I appreciate that it is not usual for a Bill to state what it does not permit. However, the Select Committee unanimously agreed that, to avoid any misunderstanding by lay people reading the Bill, such a clause should be inserted.

I suppose we should ask ourselves a couple of questions regarding the principle of this Bill. First, does a patient have an absolute right to control what happens to his own body regarding his own medical treatment? The answer to that question is indubitably "Yes". No-one, before the Select Committee or otherwise, has questioned that proposition.

So we can take it that on that question there can be no argument. The second question is: do we now need a frame-work to enable a patient to effectively exercise the right we have agreed he has, when it has not appeared to be needed in the past? The answer to that is much more complex, but I would argue that it is just as firm a "Yes" as was the answer to the previous question. The main reason why we need such legislation as this is, in a word, technology.

There is a vast difference between the way society treated terminally ill patients in the past and the way they are treated now. The variety of treatment now available to the medical profession constitutes, in my opinion, a qualitative change rather than just a quantitive change, and we need new legal forms to deal with this change. The pressures on the medical profession to use all procedures available (however complex and useless) to defeat the dying process must be almost irresistible. Doctors see their profession as a "curing" profession, quite naturally, but, in the case of terminally ill patients, by definition cure is not possible. Care is what is required, and the level of care that the patient requires has to be paramount. If part of that caring process is to give the patient the peace of mind of knowing that he is guaranteed he will not be subjected to unwanted and useless medical treatment when he is dying, then I believe that as legislators we should give that peace of mind.

In the past, people with terminal illnesses had far less treatment administered to them, simply because it was not available. Dying generally took place in a far less clinical and technological atmosphere: some would say in a far more humane atmosphere, and I would like to dwell on that for a moment. It is only after thinking about this topic for some time that I began to reflect on my own experience with the dying. The person closest to me who had died was a close friend and relative by marriage. This occurred about 20 years ago. I want to briefly illustrate what happened, because it shows the contrast between how we treated the dying 20 years ago and what appears to be increasingly the way we treat them today.

This person whose death I am describing was diagnosed as having a terminal illness some months before he died. He was diagnosed at home by his local G.P. He did not go to hospital; he did not want to, and it would have been useless, anyway. He was cared for at home by his wife, daughter and friends. During the whole of his dying process he was not alone unless he wanted to be and his privacy was not invaded by anyone, medical or otherwise, however well meaning. He was three days in a partial coma before he died. During that time he had the company of his wife, his daughter, his granddaughter and his friends. The doctor called occasionally.

Everyone involved helped that person to die with the dignity and respect to which he was entitled. When he finally died his body stayed at home for a few days with his family and friends before being cremated.

At no time was he given up to strangers to look after when it was well within the capabilities of his family and friends to assist him (and themselves) to come to terms with his dying. I am sure that the manner of his dying was a comfort to him, and I know that it was a comfort and help to his family and friends. What would happen to such a person today? I suspect that the chances of his dying in that way today would be very much less. I suspect he would have died in hospital being attended to by strangers in a completely alien atmosphere.

An example of just what medical procedures patients could be subjected to today was given by a doctor in an article in the *National Times* some time ago, and I want to read that description to the Council. I quote:

> It is true that death is rarely dignified, but it is also undignified to die with a urethral Foley catheter connected to a drainage bag, a continuous i.v. running, a colostomy surrounded with dressings, and irrigation tubes stuck in an abscess cavity line, a moisturised oral endotracheal tube attached to a Bennett respirator taped to the face, an oral airway, a feeding naso-gastric tube also taped to the face, and all four extremities restrained.
>
> This is the way a friend and colleague of mine died. When I went to greet him two days before he died, I could hardly get to the bed because of all the machinery around him . . . The friend of course could not speak, and, when he lifted his

> hand, it was checked by a strap. Is it necessary to do this to a human being so his family will not feel guilty about wishing him to have peace at last?

That was from a doctor. Is it any wonder that many people fear the dying process rather than dying itself? I am not suggesting that we care less about people today than we used to, but we have been encouraged to believe that dying is an unnatural process and one that should take place out of the care and control of the people most intimately concerned: that is, the dying themselves and their families and friends. This Bill, if you like, Mr. President, is a reaction to a growing dehumanising of people by technology and so-called experts. I think it is very significant that some of the strongest support for this proposition has come from people with strong religious convictions who tend to see death as something perfectly natural, something which is not to be feared but with which to come to terms.

I see this Bill as a small but significant step in asserting the rights of patients to control their own lives. It also raises questions about the whole medical industry. Whose benefit is it for? I think the word "industry" is the correct one. There may be a vested interest by some people involved in this industry in using whatever means are available to ensure that hospitals are filled, and that drugs and equipment are used to the maximum. I certainly exclude the Health Commission from that, because it has given strong support to this Bill. I am pleased that society is beginning to question the value of some of these procedures and treatments, because if we do not do so we will find ourselves totally controlled by alleged experts who claim exclusive rights to knowledge. If this happens, we will become more and more dependent, quite unnecessarily, on these so-called experts, and our freedom to assert our own individuality and to control our own lives will be considerably diminished.

Mr. President, I think it is of the utmost importance that Parliament does not shy away from assisting the growing move by people to reclaim some control over their lives. This particular area of the law (that is, the medical-legal area) is going to provide society with some enormous difficulties in the years ahead. The law already lags far behind the problems created by technology in the medical area. To illustrate this I want to read to the Council part of the Malcolm Gillies oration given last month by Mr. Justice Kirby, Chairman of the Australian Law Reform Commission, to the Royal North Shore Medical Association in Sydney. The paper was, in my opinion, brilliant, and I intend making a copy of it available to all members of the Council so that they may read it.

The Hon. R. C. DeGaris: Is it brilliant because it deals particularly with your Bill?

The Hon. FRANK BLEVINS: That is certainly part of it. At the end of the paper, which was entitled "New Dilemmas for Law and Medicine", Justice Kirby said:

> What I have said about transplants, the right to die and truth telling could be expanded into an essay of much greater length on the other medico-legal issues that confront us today.
>
> Developments in modern medicine stretch the boundaries of the law and of medical ethics. They also test our notions of morality. Test tube fertilisation, the conduct of clinical trials, genetic manipulation, the use of foetal material, the treatment of the intellectually handicapped, the whole issue of abortion, patenting medical techniques and biological developments, the problems of artificial insemination by donor, sterilisation, castration, psycho-surgery, the compulsory measures for health protection, human cloning, and so on, lie before us. Each of these developments poses issues for medical practitioners. But each also poses complex problems for the law and for society governed by the law. It is undesirable for the law to get too far ahead of community understanding and moral consensus in such things.
>
> But there is an equal danger, it seems to me, in an ostrich-like refusal to face up to the legal consequences of medical therapy that is already occurring. According to Sir McFarlane Burnet, "infanticide" on compassionate grounds already occurs in "monstrous" cases. Artificial insemination of children for adoption. In vitro fertilisation recently proved successful in a Melbourne hospital. Various forms of experimentation in genetic engineering already take place in Australia. Hospital ventilators are turned off. Transplant surgery is a daily reality.
>
> Moral ethical and legal problems will not conveniently go away because the law is silent upon them. Unless the law can keep pace with these changes, there will be inadequate guidance for the medical profession when guidance is most needed. Laws of a general kind, developed in an earlier age to address different problems, will lie in wait for their chance, unexpected operation upon new unforeseen circumstances.
>
> I hope that our society will be courageous and open-minded enough to face up to these problems and not to sweep them under the medical and legal carpet. Truth-telling extends from our profession to society as a whole. What we need are doctors and lawyers (and I should say philosophers, churchmen, patients and clients) who will be prepared to debate publicly the dilemmas forced on us by the advances of science and technology. Procedures of law reform bodies can be adapted as a medium for this interchange between expert and citizen. What is needed is effective machinery to find Australian solutions for the guidance of conscientious doctors and distracted (and often timorous) lawmakers.
>
> There are no easy solutions to any of the problems I have mentioned. But until we start to ask the questions, and face the dilemmas, our society will continue to shuffle along in directions in which we would not choose to travel and to destinations at which we would not choose to arrive.

I suggest, Mr. President, that for this Parliament to pass this Bill will start us moving, some would say belatedly, in the direction of personal choice and personal responsibility, and surely that is a direction, when dealing with our own health (or ill health), in which we have a duty to travel.

Before concluding, I want to say a few words about the Select Committee that recommended this Bill. I have felt for some time that the most productive work I have done as a member of Parliament has been as a member of various Select Committees. Whilst there has been some controversy of late regarding the setting up of Select Committees (and I do not want to enlarge on that at this stage), it cannot be denied that Select Committees provide a superb means of examining complex issues in depth. They almost invariably arrive at sensible, unanimous decisions regarding the subject being investigated. This Select Committee was no exception. The Adelaide *Advertiser* editorial, when commenting on this Bill on Friday 26 September, stated:

> The report of the Legislative Council Select Committee on the Natural Death Bill is an instance of the Parliamentary process at its best. Working from a private member's Bill introduced by Mr. Blevins, the committee has refined and developed the original idea to produce a valuable report and a new draft Bill.

The editorial went on to speak strongly in support of the Bill. I will not read it all, Mr. President, as I am sure all members are aware of its content already, but it certainly makes the point very well that Parliament is more than a continuing Party-political argument over issues that may not necessarily be as important or as contentious as we think. Through the Select Committee procedure, Parlia-

ment is able to act in a non-political way on topics that political parties would hesitate to take on. I would like to thank publicly all members of the committee for the work they did in taking and examining the evidence, and also in assisting in preparing the report. I know I should not single out any one member for special thanks, but I am sure other members of the committee will agree that the Hon. Bob Ritson was an especially valuable member of the committee. As a practising doctor his expertise was absolutely invaluable.

Mr. President, this Bill is the result of a unanimous decision of a Select Committee of this Council. It answers some important medical legal questions. It does not disturb the present doctor-patient relationship unless the patient wants it disturbed. If it is disturbed, it is disturbed in favour of the patient, allowing him to assert his rights to make his own decisions regarding useless medical treatment in cases of terminal illness. This Bill does not disadvantage anyone. No-one's rights are adversely affected, only strengthened, and, due to the safeguards written into the Bill, it cannot be misused.

The Bill allows people who are about to die a say in their own dying process, not if they are going to die, not when they are going to die, but how. To me, that is a right we should acknowledge and I therefore strongly commend the Bill to the Council. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 states the title to the new Act. Clause 2 contains a number of definitions required for the purposes of the new Act. "Extraordinary measures" are defined as medical or surgical measures that prolong life by supplanting or maintaining the operation of bodily functions that are temporarily or permanently incapable of independent operation. A "terminal illness" is defined as an illness, injury or degeneration of mental or physical faculties such that death would, if extraordinary measures were not undertaken, be imminent and from which there is no reasonable prospect of temporary or permanent recovery, even if extraordinary measures were undertaken.

Clause 2a deals with the definition of "death". The definition follows the Australian Law Reform Commission's recommendation. The distinctive feature of the definition is that irreversible cessation of brain function becomes a criterion for establishing that a person has died. Subclause (2) is an evidentiary provision dealing with proof of death for the purposes of legal proceedings.

Clause 2b deals with a problem of causation that could be relevant in the context of criminal (and in some conceivable civil) proceedings. It provides that the non-application of extraordinary measures to, or the withdrawal of extraordinary measures from, a person suffering from a terminal illness does not constitute a cause of death. Subclause (2) makes it clear, however, that the new provision does not relieve a medical practitioner from the consequences of negligent mis-diagnosis of a terminal illness.

Clause 3 makes it possible for a person to give a formal direction that he is not to be subjected to extraordinary measures in the event of his suffering from a terminal illness. The direction is to be witnessed by two witnesses. Where a person has given such a direction and is subsequently found to be suffering from a terminal illness, it is the responsibility of a medical practitioner who is responsible for his treatment to act in accordance with the direction unless he has reasonable grounds to believe that the patient revoked or intended to revoke the direction, or was not, at the time of giving the direction, capable of understanding the nature and consequences of the direction. The new provisions do not, however, derogate from any duty of a medical practitioner to explain to a patient, who is still capable of exercising a rational judgment, the various therapeutic measures that may be available in his particular case, so that the patient can choose at that time what forms of therapy should or should not be undertaken.

Clause 4 deals with the interaction between the Bill and certain pre-existing legal rights. Subclause (1) provides that the new Act does not affect a right to refuse medical treatment. Subclause (2) provides that the new Act does not affect the legal consequences (if any) of taking or refraining from taking therapeutic measures that do not amount to extraordinary measures, or of taking or refraining from taking extraordinary measures in the case of a patient who has not made a direction under the new Act. A medical practitioner is protected in respect of decisions made by him in good faith and without negligence in relation to various matters that he is called upon to decide under the provisions of the new Act.

Clause 5 is a saving clause. Subclause (1) makes it clear that the new Act does not prevent the artificial maintenance of the circulation or respiration of a deceased person for the purpose of maintaining organs in a condition suitable for transplantation or, where the deceased person was a pregnant woman, for the purpose of maintaining the life of the foetus. Subclause (2) provides that nothing in the new Act authorises an act that causes or accelerates death, as distinct from an act that permits the dying process to take its natural course. This latter provision is inserted out of an abundance of caution to guard against any possible misinterpretation of early provisions of the Bill.

The Hon. R. C. DeGARIS: As the Hon. Frank Blevins has said, the Bill is the result of a unanimous decision by a Select Committee of this Council. The committee took evidence from many people, not only from this State but also from other States, and from people working overseas in relation to this question. I believe that the Bill deserves the support of the Council. The original Bill introduced by the Hon. Mr. Blevins was a simple Bill enshrining in the Statutes the right of a person to make a direction concerning the use of extraordinary measures to prolong the dying process. Living will legislation has been enacted in certain States of America and, in part, the original Bill followed the existing legislation applying in California.

One point that must be understood is that, whether or not this Bill becomes law, there is nothing to prevent a person from using existing common law rights to make any direction concerning medical treatment. That is an important point that the Council must understand. The Hon. Mr. Blevins has made that clear in his second reading explanation. A person now has the right to refuse any medical treatment. Any person, while conscious, may refuse any medical treatment and, while conscious, may direct that any medical treatment may not be undertaken when unconscious.

Perhaps I could refer to the position of certain religious groups and their attitudes to blood transfusions, to strengthen that argument. As far as the Bill is concerned and the living will part of it, the measure merely recognises and puts into statutory form a right that every person has at the present time.

The Bill is more important than that, and I could give some rather long explanations of some other parts of it.

However, a member of the Select Committee, the Hon. Bob Ritson, has medical knowledge that I do not possess, and members will listen to him. The Bill is important in relation to a person giving a direction in relation to extraordinary measures. As the committee took its evidence, it became clear that the definition of "death" had to be an important consideration for the committee.

Evidence was before the committee that the medical profession was already using certain accepted tests that determined when brain damage occurs and withdrawing extraordinary measures when brain death was diagnosed. However, as pointed out by the Hon. Frank Blevins and also referred to in Mr. Justice Kirby's A.L.R.C. report on human tissue transplants, it is possible that in withdrawing extraordinary measures a doctor may be laying himself open to serious criminal charges. So, it can be seen that a more appropriate definition of death was necessary in the Bill. I would like to quote from the Select Committee report on that matter. Clause 17 states:

> Medical witnesses initially took the view that current medical practice was generally satisfactory and therefore there was little need for legislation. They conceded, however, that the general public may not be aware of current practice, and that many people may have substantial fears that they might be subjected to excessive technological efforts to prolong unreasonably the terminal stage of illness.

Clause 15 states:

> Medical evidence was received from representatives of the Australian Medical Association, the Royal College of General Practitioners, the Doctors' Reform Society and the South Australian Health Commission. All expressed agreement with the principle that useless or distressing measures should not be, and generally are not, employed in an attempt to prolong the life of patients who are inevitably dying.

Clause 16 states:

> It was submitted that the usual circumstances in which artificial life support measures are undertaken are situations of acute injury or illness where the prognosis is at first uncertain and, further, that it is not usual practice, or good practice, for people suffering chronic illnesses with no reasonable hope of recovery to be transferred from general care to intensive care in the terminal stage of their illness.

Clauses 18 and 19 of the report further state:

> Evidence indicated that, apart from the question of life support systems prolonging terminal illness, judgments were frequently made by patients and doctors concerning ordinary treatments of remediable conditions (intercurrent disease) which might complicate the course of an incurably fatal illness. Thus at times a patient might refuse, or a doctor might withhold antibiotics and other ordinary treatments in circumstances where death from, say, infection was imminent but avoidable, but where death was ultimately inevitable at a later date due to the principal underlying disease.
>
> Your committee received submissions which advocated increasing the scope of the Bill to deal with the intercurrent disease question.

Those who read the report would realise that the committee did not recommend moving into this area. In relation to legal considerations, the report states:

> Your committee is concerned that the current practice of withdrawing life support systems in instances of brain death may (in the opinion of Mr. Justice Kirby, Chairman of the Australian Law Reform Commission) amount to homicide.
>
> Your committee is also concerned that even after brain death has occurred (in the absence of a legal definition of death) the actual date of death is subject to variation and possible manipulation.
>
> Your committee is convinced that it is desirable to include in the proposed Bill a definition of brain death.

It can be seen from that report that the definition of "death" is a most important part of the Bill. I wish very briefly to refer, as did the Hon. Frank Blevins, to the question of euthanasia or mercy killing. From some reports it appeared that people were concerned that the Bill may allow some interpretation that would assist the process of euthanasia. When the Bill was first sent to this Council, on reading it I believed that it had nothing to do with that question at all but the Select Committee made specific recommendations, as follows:

> Several submissions were received expressing concern that the Bill might be wrongly interpreted as condoning some form of euthanasia or mercy killing, to which they would be strongly opposed.
>
> Although the committee felt no such interpretation was possible or intended, it recommends inclusion, in the saving clause referred to above, of a statement that makes quite clear that natural death is the sole substance of the legislation, and no measure which accelerates or causes death is to be condoned.

The Select Committee recommended the inclusion of such a clause in the Bill. Apart from the questions of the statutory recognition of the living will legislation and the definition of death, it became clear to the Select Committee that the Anatomy Act and Human Tissue Transplant Act needed urgent examination. I am pleased that the Hon. Frank Blevins made reference to this matter in his second reading explanation. I noted in regard to that that he quoted specifically from an address, on this matter, I think in Sydney, by Mr. Justice Kirby. Indeed, the march of medical technology has left the existing law today limping sadly behind. Recently the first judgment given in Australia on the question of informed consent, where a patient was awarded substantial damages against the doctor, was delivered in Sydney. This opens up grave consequences for future medical-legal issues, which need urgent review. I point out that, if the question that was raised in Sydney became a practice in Australia, we would see in this country a rapid escalation in the cost of medical treatment to every person in the community. I think most of us realise that in Australia a doctor can insure for malpractice, or any act against informed consent, for a very small sum. We have been informed that a doctor in America faces a cost of many thousands of dollars to insure in the case of actions taken against the medical profession.

The Hon. R. J. Ritson: It costs $40 000.

The Hon. R. C. DeGARIS: I believe that the figure given to the Select Committee was $40 000, whereas it is about $120 in Australia. One can see the tremendous impact that this will have on the cost of ordinary medical treatments to ordinary families unless we get to work on the law relating to medicine and bring our law up to date with what is happening in regard to medical technology.

I believe it is common knowledge also that in America if a car accident occurs the doctor is told by his insurance company that he must not stop and treat those injured on the road, because of the danger of resultant legal action. This situation is probably a fair way off in Australia but it will arise unless we are prepared to look at these medical-legal issues and adjust the law accordingly. Some time ago in this Parliament there was a Select Committee on human tissue transplants which made certain recommendations. I had the pleasure of serving on that Select Committee. When the Bill came before the House in 1974, the Select Committee realised that there were important issues to come back to the Parliament before very long. In the evidence that came before the Select Committee, although the Bill does not specifically touch on the matter, the inclusion of a definition of "death" was suggested. On

what the Hon. Frank Blevins has said in his second reading explanation, this question needs to be examined, and examined quickly.

There are such questions in relation to the transplantation of human tissue as the removal of tissue from living minors and others lacking legal capacity. There is no legislation in South Australia dealing with the question of donation of tissue from live donors, and there is an interesting legal point in relation to what is an informed consent when one of the tests for an informed consent is that there must be a benefit to the person who gave the consent. If one considers that for a moment, one can see that there is a possibility of an action being taken against a medical practitioner who proceeds with a transplant with a donation from a live donor, even though consent has been given.

Many other questions in relation to this complex issue deserve to be examined and reported on as quickly as possible. As I pointed out recently, the Queensland, Northern Territory and Commonwealth Parliaments have adopted the recommendation of the A.L.R.C. on human tissue transplants, and this Bill touches very much on that question when it deals with the definition of "death".

I refer also to the question of donations of tissue from minors, which even the Select Committee on the Hon. Miss Levy's Bill relating to consent for medical and dental treatment did not discuss. Yet, this raises serious questions for the future. I refer to the questions of looking at both regenerative and non-regenerative tissues in legislation; donations by incompetents; the Anatomy Act, authorised institutions in relation to anatomy; post mortems; and foetal tissues, which have already been mentioned by the Hon. Mr. Blevins in his second reading explanation.

The whole range of topics needs urgent examination in relation to the laws of this State. I congratulate the Hon. Mr. Blevins on introducing his Bill, and I take the same opportunity to congratulate the Select Committee for the work that it did on the Bill. All of us who served on the Committee would recognise that we touched on only one very small part of a most intricate question that deserved urgent examination and report to this Parliament on issues that may have a serious impact on the whole medico-legal Statutes that apply in this State.

Unless this is done, serious tragedies may occur in our community with the law as it stands at present in relation to these most important matters. I support the second reading and trust that this Bill becomes part of the Statutes of this State.

The Hon. R. J. RITSON secured the adjournment of the debate.

KANGAROO ISLAND LAND

The Hon. J. R. CORNWALL: I move:

That in the opinion of this Council the area of unallotted Crown land on Kangaroo Island adjacent to Flinders Chase National Park in the hundreds of Gosse, Ritchie and MacDonald should not be alienated for development. The Council also calls on the Government to dedicate the area under the National Parks and Wildlife Act of 1972 for conservation in perpetuity. It further calls on the Government to provide adequate management in the area so that ajoining landowners are not disadvantaged.

This is the most significant and urgent motion that I have moved in the Parliament in the 5½ years for which I have been a member. I regret the necessity to move the motion at all, and I also sincerely regret that I have not had more time adequately and exhaustively to prepare an undeniable case for the retention of the area of land that is the subject of the motion. It is an astonishing and terrible indictment of the present Government's attitude to conservation and ecology that such a motion must be moved at all.

I have been told by a member of Cabinet that Cabinet intends next Monday to consider the proposal to alienate and subdivide more than 14 000 hectares of unallotted Crown land on Kangaroo Island. So, this motion must proceed as a matter of urgency. I hope that, when Cabinet considers this matter in the near future, it will take decisions that will enable me early next week to withdraw this motion entirely. Nothing would give me greater pleasure.

I point out to all Cabinet members that, when considering this motion, they must remember that it is in three distinct parts. I know that this Government, like most Governments, likes to be loved and tries to be loved by and to please most of the people most of the time. Sometimes this produces some very unsatisfactory results, as in the case of the West Lakes lights.

It will be possible in this instance for the Government to be liked, even loved, by a great majority of the community only if it fulfils the three requirements of the motion. The first is that the unallotted Crown land on Kangaroo Island adjacent to the Flinders Chase National Park should not be alienated. Because of events that have occurred in recent days, this will no longer be enough in isolation.

It will also be necessary for Cabinet to make an active and positive decision that the area be dedicated, and it will be necessary further for Cabinet to give a clear indication to the people of South Australia that it intends not only to dedicate that land but also to provide adequate management in the area so that the existing park and the area proposed to be dedicated are adequately managed, because it is also just as important that the adjoining farmers will not be disadvantaged by the setting aside of the area.

This is an extremely important motion, because it involves a significant step forward in nature conservation in South Australia. It acknowledges not only that we must set aside areas for conservation but also that we must adequately manage them. It also gives private members on both sides an opportunity to declare their commitment to the retention and preservation of a significant wilderness resource.

It is interesting and important in this respect to consider the history of national and conservation parks in South Australia. The first 130 years of European settlement in this State were characterised by an almost fierce determination to clear anything that was remotely arable. Efficient farming techniques were introduced at a rate comparable to anywhere in the world.

On the other hand, there was a sadly misplaced faith among the early settlers that the rain would follow the plough. Of course, in a State where almost 80 per cent of the land receives less than 250 mm of rain, this inevitably produced some disastrous consequences. Nevertheless, the land mass was so great that it was never seriously considered for a very long time that we could eventually run out of native habitats or wilderness. No real effort was made for a long time to set aside substantial areas, or indeed any areas, for the conservation of native flora and fauna. Even the vast areas of the arid zone were opened for pastoral purposes as artesian and subartesian water became available.

Despite its relatively low rainfall, or perhaps because of it, this State rapidly developed the highest land utilisation rate in Australia. That is a position which it retains in 1980, and it was certainly the prevailing position at the end

of the First World War, and following that war, when we saw the first of the closer settlement schemes. I do not intend to go into any detail regarding that scheme today. Suffice to say that it was a disaster for a variety of reasons.

The Hon. ANNE LEVY: Mr. Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. J. R. CORNWALL: After the Second World War a more constructive closer settlement and development scheme was introduced. In most areas of the State this varied from successful to highly successful. However, there were two or three major exceptions, including Kangaroo Island, where the schemes were quite disastrous. I shall return to that in a moment.

Throughout this entire period very few people had heard of the words "environment", "ecology" and "conservation". It is interesting to note that as late as the 1960's members of the Pastoral Board conducted surveys in and adjacent to the Great Victoria Desert to assess its potential for pastoral leases, such was the keenness of the pastoral industry to be in and grazing anything that had any potential whatever.

The Hon. M. B. Cameron: Mr. Corcoran was going to open up areas—

The Hon. J. R. CORNWALL: Various people were going to open country and that was symptomatic of the prevailing thought at the time. Unfortunately, it is symptomatic of the prevailing thought of this Liberal Government in 1980. The Hon. Mr. Cameron should not live in the past. He should pay attention and learn about should be adopted. I am not moving this motion on a Party-political basis.

Even in the early 1960s people were talking about pastoral leases in an area with an annual rainfall of less than 150 mm with one of the worst percentage reliabilities in the world. Few initiatives to establish a meaningful parks system were made during this time, because of the attitude to which I have just referred. That was the position prevailing until the early 1970's.

At that time there was a major effort under the then Minister of Conservation (the Hon. Glen Broomhill) to acquire and dedicate many areas of land throughout the State. It is fitting today that I should acknowledge the great job Mr. Broomhill and the Government of the day did in the acquisition and dedication of parks. However, by the end of 1975 we entered the most unfortunate era under Malcolm Fraser of so-called small government. This was particularly unfortunate for the national parks system in South Australia. At that time the acquisition and dedication programme was far from complete. Some areas, particularly in the higher rainfall agricultural areas and in the North-East of the State, were still unrepresented in the parks system.

More than 4 per cent of the State's land mass had been dedicated as national or conservation parks. However, more than half this amount was represented by just one park, the unnamed conservation park in the North-West of the State, comprised primarily of the Great Victoria Desert. A second huge area which goes to make up a impressive percentage but which was also in the arid zone is a further 20 per cent dedicated as the Simpson Desert Conservation Park. Clearly then, and now, the higher rainfall areas of the State have remained substantially below a level required for adequate representation within the parks system.

At the same time the concept of small government, so-called, began to impose staffing ceilings in the Public Service. This was particularly unfortunate again in the case of the National Parks Service. We had entered the 1970's miles or kilometres behind New South Wales, Tasmania and Victoria in staff as well as in conservation areas. Management, or rather the lack of it, became a major problem.

This was the principal reason why the present area under discussion was not dedicated under the previous Administration. I now see that this is a matter for regret, and I do not excuse it. However, it is important to remember that our policy then and now is to stop further alienation of Crown land, and for that reason the dedication was deferred during our period of Government.

All honourable members in this Council should realise the significance of this motion, which I have moved today, in terms of our position as an alternative Government. I have not moved this motion as a private individual seeking some sort of personal aggrandisement or some short-term political gain. The motion was considered and approved by the Executive of the Parliamentary Labor Party and endorsed by the full Caucus. In other words, what I am proposing in my motion today is not the policy of an individual, it is not simply the good intentions of an individual—it is the firm policy of the alternative Government of South Australia.

I now turn specifically to Kangaroo Island. Shortly after the election of this Government the Minister of Agriculture (Hon. Mr. Chapman), currently known around the traps as "truthful Ted", began to publicly float the twin ideas of farming national parks and alienating Crown land for agriculture. These matters were raised in this Council by the Hon. Mr. Chatterton and by me. They were raised, I believe, as early as October 1979, and at that time they acutely embarrassed the Minister of Environment. However, as far as he was concerned, that was just a practice run, although that was not known at the time. He has subsequently been embarrassed on so many occasions by so many of his colleagues that he must be finding his position at the moment to be close to untenable. Following on the continuous words that kept coming from Government circles that the area on Kangaroo Island was under active consideration for alienation, I asked specifically on 20 February this year a question about unallotted Crown lands. It would be instructive for me to refer to the *Hansard* report of that time. My explanation in asking that question is as follows:

> It has recently been brought to my attention that the Government is actively considering the alienation of large areas of unallotted Crown lands both in semi-arid marginal areas and on Kangaroo Island. Such a move would be quite disastrous. Vast areas cannot be used for agricultural pursuits because of very low rainfall. However, in those areas which are suitable for agriculture, South Australia already has the highest level of land utilisation in Australia. It would be quite disastrous to put the plough into any further marginal areas. It would also be catastrophic to consider further development for farming on Kangaroo Island. I would have thought that anybody who has been an onlooker for the past few years or is any way conversant with what has gone on with the soldier settlement scheme on Kangaroo Island would agree that such a scheme should never have happened. The thing which causes me greatest alarm is that the Minister of Agriculture already has large agricultural holdings on Kangaroo Island and is an avid supporter of alienation.

I then asked:

> Will the Minister give an assurance that he will resist any moves to alienate unallotted areas of Crown land in marginal areas of the State or on Kangaroo Island?

After waiting patiently for about six or seven weeks I eventually received a reply from the Attorney on behalf of the Minister of Agriculture simply saying that the

Government was reviewing unallotted Crown lands but that no decision had been made. That was rather ominous. We continued to be concerned at the whole idea of alienating this large area on Kangaroo Island which was still being given active consideration by at least some of the more extreme members of Cabinet.

Now the truth has finally filtered through (and it is significant, I think, that we have to use the term "filtered through", because it is only the very good work of some people in the Nature Conservation Society that has brought this matter to the attention of the public at all). The Government gave no hint one way or the other, except perhaps to its very close friends, that this matter was to be considered by Cabinet. It was, as I said, only because of some very active detective work on the part of some people in the Nature Conservation Society of South Australia that this matter has been brought up as a matter of extreme public interest.

The Minister of Agriculture and his more extreme colleagues in Cabinet appear, for the moment at least, to have prevailed. The Minister of Lands, Mr. Arnold, has a proposal currently before Cabinet to subdivide 14 000 hectares of unallotted Crown land on Kangaroo Island adjacent to the Flinders Chase National Park. I must say that I am quite amazed. I have raised this matter over a period of 12 months, but I never seriously believed that even this Government would consider such a proposition. Nor did I believe that it could possibly imagine that it could get away with it in the community. I believe that I will ultimately be proved right in this because there is such an immense public reaction against the proposal that I do not think that any Government sensitive in any way to public opinion could proceed with such a proposal.

I must say, also, that I am amazed that officers of the Lands Department were prepared to be involved in the preparation of such a submission. It would seem that they may have forgotten nothing, but certainly learned nothing, from the fiasco of the War Service Settlement Scheme on Kangaroo Island. Sixty per cent of Kangaroo Island is already cleared and grazed. The 14 000 hectares will make no significant contribution, and I stress the words "significant contribution", to rural production in South Australia. It would, on the other hand, make a considerable, significant and symbolic addition to the Flinders Chase National Park. It would certainly give the people of South Australia a clear indication as to where we all stand with regard to conservation.

I know that there may be a minority group in the community that would interpret this motion as being some sort of opposition to farming in general. I want to make the Opposition's position clear about that. That would be a total misinterpretation. The farming community of South Australia has always been in the vanguard technically, and otherwise, of any farming development that has gone on in the world. We stand proud on the world scene, particularly with regard to dry-land farming techniques, and the primary producers of South Australia have done a remarkable and quite magnificent job over a period of more than 100 years. I want to acknowledge that publicly, and I want to make my position and that of my Party quite clear.

This is not in any way to be interpreted as being anti-farming or anti-development. Indeed, the question of management, as I stressed before, is put in specifically because we clearly recognise that there is a very real problem where farming is carried out adjacent to national or conservation parks and it is totally unfair to the farming community for us not to provide adequate measures with regard to control of vertebrate pests, noxious weeds, fire, and all the other problems associated with a national park system. It is acknowledged that the present Flinders Chase National Park is not well managed. This is why this has been put, because we cannot go on with an acquisition programme, a programme of dedicating areas (be they large or small, in high or low rainfall areas of the State) and not provide sufficient back-up in terms of manpower and resources. This Government tells us that it is well placed to talk to its colleagues in Canberra. The election result in South Australia on Saturday was interpreted as being a significant victory for that new statesman on the Australian scene, the Hon. Mr. Tonkin.

The Hon. L. H. Davis: You could never say it was a victory for Labor.

The Hon. J. R. CORNWALL: If we had been in Government we would not have gained a great deal of satisfaction or pleasure in getting 49 per cent of the vote on a two-Party preferred basis.

The Hon. L. H. Davis: Have a look at the Senate figures.

The Hon. J. R. CORNWALL: Nevertheless, we are told that there is a close, personal rapport between the Premier and the Prime Minister. I am sure, in those circumstances, that as an expression of gratitude, and because of the great comradeship that exists between the State Government and its colleagues in Canberra, Government members will be able to make out a case to obtain funds and backing to significantly upgrade the management of the national parks system in South Australia. Let us make no mistake about it, there is a deep malaise in the National Parks Division of the Department for the Environment at this time, to such an extent that I do not think it is going too far to say that the entire parks system in South Australia is under real threat. The more it is mismanaged, the more pressure will come on for further areas to be alienated for primary production, to be cleared or abused in any old way seen fit at a particular time. For that reason, among others, this is an extremely significant and important motion. It will mean a commitment from the Government to seriously consider not only the retention of our existing national parks, but also to service and manage them adequately.

I think, from the Government's point of view, that this has been a dreadful try. I hope it is just that. I hope it is a float in the community, an inspired leak merely to see if they could get away with it. I hope that people of goodwill and good intention, like the Minister of Local Government and the Minister of Community Welfare, who are sensitively in touch with some of the people for at least some of the time, will now see the dreadful error of their ways. You will notice, Mr. President, I quite purposely left out the Attorney-General. I do hope that a majority of Cabinet will now realise what a dreadful thing it was to even contemplate this matter and I hope that on Monday Cabinet will see the error of its ways. I repeat that simply not proceeding with the alienation of the Crown land will not be adequate. Cabinet will have to indicate to the people of South Australia that it intends to dedicate this land as a national park. It will, further, have to indicate in clear terms that it is intended to provide sufficient manpower resources to manage these parks, otherwise the great ground swell which has already risen in the community will continue and I, for one, will be happy to lead it. The other thing Cabinet must clearly consider on Monday when it sits will be—

The Hon. C. M. Hill: What about Portus House?

The Hon J. R. CORNWALL: I hope that I do significantly better with this matter than I did with Portus House, because I am talking seriously about the future of the national parks system in this State. I do not think this is

a matter to be laughed about by members opposite, or members on this side. Anybody who regards this matter as a joke should stand up and be counted in this debate and tell us whether he or she has a commitment to the continuation of the national parks system or not. Finally, the Minister and his 12 colleagues must consider the position of the Minister of Environment because, quite frankly, they ought to be clear about this: that if they proceed with this proposition, the Minister's position will be quite untenable, and if he has any decency, he will then be obliged to resign.

The Hon. J. C. Burdett: But you think he is on your side.

The Hon. J. R. CORNWALL: I am not too sure.

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: That is a very interesting interjection. I should have hoped that any Minister of Environment would be on the side of nature conservation. That is a simple proposition. I know that the Minister of Environment has been rolled in Cabinet so often that he does not know where he is, particularly by the Deputy Premier. Rapidly the whole concept of not only environment protection but also planning and development in this State is becoming a sick joke.

The Minister has been rolled so often that they say in his department, and Mr. Lewis, the man seconded full-time, says there is no good in mentioning environment or ecology because Roger Goldsworthy has made clear that he will not have a bar of it. That is true. That is the position of this Government. It does not see preservation of the environment as being in any way compatible with development. That is a wellknown fact.

The Hon. C. M. Hill: You should withdraw that reference to Mr. Lewis.

The PRESIDENT: I seem to be hearing more interjections from the front bench than from the back and I think it is about time you let the speaker continue with his story. Then you can debate it.

The Hon. J. R. CORNWALL: I am amazed, knowing the Government's almost total lack of commitment to the environment, that members opposite should be so sensitive about this matter.

Members interjecting:

The PRESIDENT: Order! I have asked honourable members to refrain from interjecting continually. If they do not, I will take action, whether it be regarding the front bench or the back bench.

The Hon. J. R. CORNWALL: I do not mind a bit of interjection. It has enabled me to keep going for 10 minutes more than I would have been able to speak for, owing to some unintelligent interjection. It is interesting to see that almost every member of the Government benches is worried, trembling, disturbed, and upset. Government members know there is an enormous groundswell out in the real world. There is real concern. They know that, if they proceed with this alienation, the Minister of Environment will be put in an untenable position and there will be the first resignation from an unhappy Cabinet.

Members opposite know that the Deputy Premier tends to reject anything that even contains the words "conservation" and "ecology". This is a serious matter and I believe that the decision taken on Monday may well decide whether in two years time we will have a meaningful and surviving national parks and wildlife system. I urge members on both sides to support the motion.

The Hon. C. M. HILL secured the adjournment of the debate.

LOTTERY AND GAMING REGULATIONS

Order of the Day, Private Business, No. 5: Hon. J. A. Carnie to move:

That the regulations made on 24 July 1980, under the Lottery and Gaming Act, 1936-1978, in respect of an amendment, and laid on the table of this Council on 31 July 1980, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

WASTE MANAGEMENT REGULATIONS

Order of the Day, Private Business, No. 6: Hon. J. A. Carnie to move:

That the regulations made on 19 June 1980 under the South Australian Waste Management Commission Act, 1979, in respect of general regulations, 1980, and laid on the table of this Council on 31 July 1980, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

CONSTITUTIONAL POWERS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 17 September. Page 864.)

The Hon. K. T. GRIFFIN (Attorney-General): I commend the Leader of the Opposition for the background information that he has given to the Council on the historical association between the United Kingdom Parliament and the South Australian Parliament. It is obvious that, in the time that he was Attorney-General and a member of the Standing Committee of Attorneys-General, he was aware of some of the discussion that took place on the question of residual constitutional links affecting the Commonwealth of Australia and each of the States.

Undoubtedly, some material to which the Leader has referred has been available through either the Standing Committee of Attorneys-General or the committee of Solicitors-General appointed to research the general topic of residual constitutional links with the United Kingdom, and to report to the Standing Committee. This is still a topic that is being considered by the Standing Committee. It is a matter on which there is a great deal of difficulty in reaching conclusions because of the law of the residual constitutional links and the way in which they should be removed.

The Standing Committee of Attorneys-General and the special committee of Solicitors-General has, in the past year, reached the conclusion that there is a clear case for now reviewing the residual links and fetters in question, and a number of those have been identified. The need appears to be greatest in matters affecting the States but, even in the case of the Commonwealth, matters would require attention. I will indicate what some residual links include. In some instances, they overlap. They are as follows:

(i) Subordination of State Parliaments to British legislation still applying as part of the law of the States;

(ii) The role of British Ministers in formal advice to the Crown on State matters;

(iii) The power of the Crown to disallow Commonwealth and State Acts;

(iv) The requirements to reserve certain Commonwealth and State Bills for Royal assent;

(v) The role of British Ministers in the appointment and removal of State Governors;

(vi) The marks of colonial status remaining in the Letters Patent relating to the office of Governor-General and the office of State Governor;

(vii) The marks of colonial status remaining in the Instructions to the Governor-General and to State Governors;

(viii) The role of the British Ministers as the channel of advice to the Crown on State matters;

(ix) Appeals to the Privy Council from State Supreme Courts on State matters (that matter is the subject of the next Bill on the Notice Paper);

(x) The residue of the traditional theory of the overriding permanent sovereignty of the British Parliament over Australian matters, Commonwealth and State.

They are just a few matters into which the Standing Committee of Attorneys-General is now arranging for research to be undertaken, and they are all matters which will be considered at subsequent meetings of that Standing Committee. There are other matters which concern various States and the Commonwealth in their residual and constitutional links with the Commonwealth. I might say that in South Australia the State Law Reform Committee recently produced a report which identifies a number of laws of the United Kingdom which are presently the laws applicable in South Australia. The Act of Settlement of 1700 is not one of these. There are a number of laws which apply in South Australia which do not go so much to the residual constitutional links but which are a product of these links. At some time in the future this State will need to give attention to either the repeal or amendment or adoption by State law of some of those laws inherited from the United Kingdom Parliament. There are a number of options available to the State and Commonwealth for removing some or all of the residual constitutional links. They are options which are still under review by the Standing Committee of Attorneys-General.

The Hon. C. J. Sumner: Why do Victoria and New South Wales have Acts already?

The Hon. K. T. GRIFFIN: If the Leader will listen I will get to that soon. The possible options that have been suggested for consideration are, first, legislation by the Commonwealth Parliament under section 51(38) of the Constitution which follows on a request by State Parliament. The Leader of the Opposition has interjected and asked why New South Wales and Victoria legislated to request the Commonwealth Parliament to abolish appeals to the Privy Council and to deal with the question of legislation in the States and Commonwealth repugnant to the Imperial Parliament. Certainly they have taken that initiative but the Commonwealth Parliament has refused to act because of the uncertainty of the application of section 51(38) of the Federal Constitution.

The Hon. C. J. Sumner: You know why it is—because Queensland and Western Australia will not be in it.

The Hon. K. T. GRIFFIN: In fact, that section of the Constitution is being used on the Offshore Waters package of legislation. I guess that until there is a decision of the High Court no-one will be sure of the way in which section 51(38) of the Constitution will operate.

The Hon. C. J. Sumner: The Federal Attorney-General agreed that it was a method that could be used.

The Hon. K. T. GRIFFIN: I have said that it is one of the options which have been suggested. I have indicated also that there are some difficulties with it. Next, there could be British legislation following a request by the Australian Parliament and by the Governments and Parliaments of the States. The third option is for State legislation alone, including State legislation to amend State Constitutions. A referendum in a State may also be required in respect of entrenched provisions. There is also the option of Commonwealth legislation alone. There is also the possibility of altering the State and Commonwealth Constitutions by using section 128 of the Constitution. If that were to be adopted, referendums would be required. There are also suggestions for action in terms of amendment to the Letters Patent and instructions to the Governor-General and the State Governors, or a formal declaration of new constitutional usages and practices to reflect the autonomy of the Australian community and its equality of status with Britain. That would not in my view have any legal consequence. There are also difficulties with some other options to which I have referred.

The Standing Committee recently considered a progress report from the special committee of Solicitors-General and has discussed the matter again. It was agreed at the July 1980 meeting of the Standing Committee that the Western Australian Attorney-General would prepare a paper for consideration at a subsequent Standing Committee meeting which will identify more clearly some of the possible courses of action which do not have problems for the States.

The Hon. C. J. Sumner: You will be waiting a long time.

The Hon. K. T. GRIFFIN: I have indicated that that was agreed in July this year, and it is a matter on which all Attorneys-General recognise some progress needs to be made. The approach adopted by the present Bill and the next Bill on the Notice Paper will not enable all colonial trappings to be dispensed with. The Constitutional Powers Bill merely requests the Commonwealth to legislate to empower the States to legislate repugnantly to Imperial legislation. The questions to which I have already referred on the role of British Ministers as the channel of advice to the Crown on State matters and the removal of State Governors, the marks of colonial status remaining in the Letters Patent, and instructions to the Governors, are not dealt with by this Bill.

The Hon. C. J. Sumner: You could legislate to deal with the Letters Patent if this were passed.

The Hon. K. T. GRIFFIN: No, we could not. It deals with very limited areas, namely, the question of being able to legislate repugnantly. It does not deal with all these other matters and will not enable the State Parliament to deal with those matters.

The Hon. C. J. Sumner: You are trying to throw up a smokescreen.

The Hon. K. T. GRIFFIN: No, I am not throwing up a smokescreen. As far as this State is concerned, there are a number of matters of concern, and we are interested in working towards removing a number of the old colonial trappings. We want to ensure that, when it is done, the State's Constitution is protected and the appropriate balance between the State and the Commonwealth is maintained so that the integrity of the South Australian Parliament and of its Constitution and its sovereignty can be protected.

The Hon. C. J. Sumner: It is not in any way affected by the Bill.

The Hon. K. T. GRIFFIN: It is.

The Hon. C. J. Sumner: Do you agree with Mr. Storey in Victoria?

The Hon. K. T. GRIFFIN: What you have done is not the same as what Mr. Storey has done in Victoria. What I am putting to the Council is that it is a complex area.

The Hon. C. J. Sumner: Are you saying that it is not the same as in New South Wales?

The Hon. K. T. GRIFFIN: I have no doubt that it is following the New South Wales practice. There are a number of areas still being reviewed by legal advisers to the Standing Committee of Attorneys-General. The matter is an extremely complex one and one on which the Commonwealth Government is most unlikely to act unless there is agreement between the States and the Commonwealth. Regardless of any limited merit in the narrow application of this Bill, the fact is that nothing will be achieved by enacting it.

In fact, it will not encourage the Commonwealth to move or to bring any pressure to bear on the other States to take any particular action to deal with the residual constitutional links. I would be concerned to ensure that, as much as possible, this State acts in conformity with deliberations and decisions of the Standing Committee of Attorneys-General. Because this is a complex matter, on which there is still disagreement among legal advisers—

The Hon. C. J. Sumner: Why are New South Wales and Victoria moving?

The Hon. K. T. GRIFFIN: I do not know. However, they have moved.

The Hon. C. J. Sumner: Why won't you?

The Hon. K. T. GRIFFIN: I am saying that there are other areas of wider implication which need attention and which are not attended to in this legislation.

The Hon. C. J. Sumner: You're lining up with Western Australia and Queensland.

The Hon. K. T. GRIFFIN: I am not afraid to say that we treasure the rights of this State and are anxious to ensure that those rights are protected. The Government is prepared to adopt a moderate view with respect to States' rights, because we recognise that we are a part of a Commonwealth. However, there are areas in which this State's integrity and constitutional sovereignty need to be protected for all time, and it would be grossly irresponsible of this Government to seek to legislate in a way that did not protect our integrity and constitutional sovereignty for decades to come.

The Hon. C. J. Sumner: It does not interfere with any of them.

The Hon. K. T. GRIFFIN: It does. We could debate this matter all day. However, the matter is currently being considered by the Standing Committee of Attorneys-General. Because some matters need to be further considered and because the Commonwealth Government will not move on this matter (and even if the measure is passed an initiative of this sort is premature), I do not support the Bill.

The Hon. M. B. CAMERON secured the adjournment of the debate.

PRIVY COUNCIL APPEALS ABOLITION BILL

Adjourned debate on second reading.

(Continued from 17 September. Page 865.)

The Hon. K. T. GRIFFIN (Attorney-General): This Bill is really consequential upon the Bill on which I have just spoken. For the reasons that I have already given, I believe that this Bill is premature and I therefore believe that it is unwise for the Parliament to enact this legislation at this stage. The Government is concerned to see that there is a uniform approach to the question of appeals throughout Australia to the Privy Council, and for that reason we believe that it is necessary that the Standing Committee of Attorneys-General should continue to consider the matter.

The Hon. C. J. Sumner interjecting:

The Hon. K. T. GRIFFIN: Progress is being made. It is important that we move quietly and moderately on this, and not precipitately. The Government is anxious to resolve the constitutional questions that arise out of the previous Bill, but we believe that it is premature to move on this legislation at this time. Accordingly, I oppose the Bill.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

ROAD TRAFFIC ACT REGULATIONS: BURNSIDE

Order of the Day, Private Business, No. 11: Hon. J. A. Carnie to move:

That the regulations made on 29 May 1980 under the Road Traffic Act, 1961-1979, in respect of traffic prohibition (Burnside), and laid on the table of this Council on 3 June 1980, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

FOREIGN JUDGMENTS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Foreign Judgments Act, 1971. Read a first time.

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

That this Bill be now read a second time.

It is designed to make possible the registration and enforcement in this State of judgments of the courts of Papua New Guinea for the recovery of income tax. At present such judgments cannot be enforced in Australia because the relevant legislation of each State, which provides for the registration and enforcement of foreign judgments, does not extend to judgments for the enforcement of revenue laws. A request from the Government of Papua New Guinea for the modification of the present restrictions was considered by the Standing Committee of Attorneys-General. The Attorneys were unanimously of the opinion that the relevant legislation of each State should be modified in order to permit the enforcement of judgments of courts of Papua New Guinea for the recovery of income tax. Accordingly, legislation in substantially the same form as the present Bill was drawn up at the direction of the Standing Committee of Attorneys-General. The present Bill differs somewhat from the draft prepared for the Standing Committee, because of differences between the South Australian Foreign Judgments Act and the corresponding legislation of other States. However, the effect is the same.

Clauses 1 and 2 are formal. Clause 3 inserts definitions of "recoverable" and "non-recoverable tax". The Governor is invested with an overriding power to declare certain species of tax not to be "recoverable tax". Clause 4 relaxes the prohibition against registering judgments for the enforcement of penal or revenue laws by permitting the registration of judgments relating to "recoverable tax", that is to say, income tax payable under the laws of Papua New Guinea. Clause 5 makes a consequential amendment.

The Hon. C. J. SUMNER secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Real Property Act, 1886-1980. Read a first time.

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

That this Bill be now read a second time.

The amendments made by this Bill relate, first, to the effect of a transfer arising from a mortgagee sale and, secondly, to the provisions of the principal Act dealing with strata titles.

Section 136 of the principal Act provides that a person who purchases land from a mortgagee takes the land free from all mortgages and encumbrances that are subsequent to the mortgage. Such a provision is obviously necessary if mortgages are to be an effective form of security. Since the commencement of the principal Act the passage "or encumbrance registered subsequent thereto" in section 136 has been interpreted to include all estates, interests or other rights which were subject to the rights of the mortgagee or encumbrancee exercising the power of sale. The practice has therefore been to cancel all these interests on registration of the transfer to the purchaser. However, a recent decision of the Supreme Court of Victoria has given a narrow meaning to the word "encumbrance" with the result that land sold by a mortgagee or encumbrancee remains subject to interests that are not strictly mortgages or encumbrances. The proposed re-enactment of section 136 is intended to make the position quite certain. Subsection (3) of the new section ensures that mortgagee transfers registered in the past will not be challenged. The subsection provides that the new section shall be deemed to have had effect from the commencement of the principal Act.

The Bill replaces subsection (3) of section 223mc. The effect of this amendment is to make possible an application for strata titles in relation to any building no matter when it was built. At the moment the principal Act does not allow the issue of strata title for a building erected before 1940. Since the principal Act was enacted, great interest has been shown by home buyers and the building industry in developing old buildings to include a number of units for separate occupation. These buildings are usually close to the city and are capable of being with a great deal of old world charm. There is no reason restricting the age of the buildings that can be developed in this way, and the proposed amendment will encourage the preservation of a part of our heritage. It should be noted that before strata titles can be issued the council must inspect the building and certify that it approves of it for separate occupation. Under amendments that I will discuss in a moment, the council may refuse a certificate if the building is not structurally sound or in good repair.

The Bill also amends the twenty-sixth schedule. This schedule provides the first articles of a corporation incorporated by virtue of section 223mc. Article 7 *(b)* prohibits the keeping of animals without the corporation's permission. The Government believes that the plight of blind people who rely on a "seeing eye" dog should be recognised. Accordingly, an amendment is proposed that will allow the keeping of such dogs without permission. The articles provided by this schedule are no more than the first articles of the corporation and can be changed at any time by special resolution of members of the corporation. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 replaces section 136 of the principal Act for the reasons already explained. Clause 3 rectifies a clerical error. Clause 4 replaces subsection (3) of section 223mc of the principal Act. The new provision enables applications to be made for the issue of strata titles in respect of any building built before the commencement of the Real Property Act Amendment (Strata Titles) Act, 1967. Paragraphs *(b)* and *(c)* make consequential amendments to the section. Clause 5 makes amendments to section 223md of the principal Act which are designed to remove unrealistic obligations that are presently placed on councils when asked to give a certificate under subsection (1). In particular, subclause *(b)* removes paragraph *(ba)* of subsection (1). That paragraph requires certification that the building had been completed in compliance with the Building Act, 1923-1965, and in accordance with the plans and specifications. Without being present at the construction of the building, it is impossible to be sure whether or not these requirements have been fulfilled. Subsection (3) enables the council to refuse a certificate in certain circumstances. Paragraph *(c)* inserts new paragraphs *(a)* and *(b)* that enable the council to refuse a certificate if the strata plan does not represent an accurate delineation of the unit or if the buildings are not structurally sound or in good repair. Clause 6 amends the twenty-sixth schedule for the reasons previously mentioned.

The Hon. C. J. SUMNER secured the adjournment of the debate.

DOMICILE BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to abolish the dependent domocile of married women and otherwise to reform the law relating to domicile. Read a first time.

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

That this Bill be now read a second time.

It is in the form of proposed uniform legislation on the subject of domicile approved by the Standing Committee of Attorneys-General. When legislation in this form has been enacted in all the States and Territories, a common commencing date will be fixed, so that the law of domicile will remain uniform throughout the Commonwealth.

The most important amendment to the common law rules of domicile consists in the abolition of the dependent domicile of married women. The common law rules in this regard grew up at a time when the rights of a married woman to own, manage and dispose of property were limited. Because a married woman existed, in contemplation of law, as a kind of appendage to her husband, rather than as an independent autonomous personality, it is not surprising that she should have been assigned the domicile of her husband. However, the legal position of a married woman has now changed completely: she now suffers from no legal disabilities and whatever reasons there may once have been for assigning to her the domicile of her husband have disappeared. The Bill therefore removes the rule under which the domicile of a married woman automatically follows the domicile of her husband.

The Bill also makes a number of other amendments to the law of domicile. It abolishes the rule under which a domicile of origin revives upon the abandonment of a domicile of choice. Under the new rules, introduced by the Bill, a domicile of choice will continue until acquisition of a new domicile of choice. The traditional reluctance of the

courts to find that a person has abandoned his domicile of origin is also dealt with by the Bill. It provides that the evidentiary burden of displacing a domicile of origin is to be no greater than the evidentiary burden of displacing a domicile of choice. The Bill alters the rules under which the domicile of a child follows the domicile of the father, if the child is legitimate, and the domicile of the mother, if the child is illegitimate. Under the rules introduced by the Bill the domiciler of a child will, where the parents are living separately and apart, follow the domicile of the parent with whom the child has made his home. Finally the Bill creates new rules for determining domicile in relation to countries or States that together form a union. Sometimes it is possible, for example, to establish that a person desired to make his home in Australia but a domicile in one particular State cannot be clearly established. The Bill provides that in such a case his domicile will be in that State with which he has, at the time it becomes relevant to determine domicile, the closest connection. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 contains definitions that are relevant to the new provisions. Clause 4 is a transitional provision. Clause 5 abolishes the rule under which the domicile of a married woman necessarily follows that of her husband.

Clause 6 abolishes the rule of law under which a person's domicile of origin revives when he abandons a domicile of choice without having acquired a new domicile of choice and provides that his previous domicile continues until he acquires a different domicile. Clause 7 provides that a person of or above the age of 18 years or a person who is or has been married is capable of having an independent domicile except where he is incapable of acquiring a domicile by reason of mental incapacity. Clause 8 contains provisions for determining the domicile—

(a) of a child who has his principal home with one of his parents and whose parents are living apart or who has only one parent; and

(b) of an adopted child.

Clause 9 specifies the nature of the intention a person must have to acquire a domicile of choice. Clause 10 provides that a person domicile in a union, but not in any specific country forming part of the union, has the domicile of the country with which he has the closest connection. Clause 11 specifies the nature of the evidence required to establish a domicile of choice.

The Hon. C. J. SUMNER secured the adjournment of the debate.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Adoption of Children Act, 1966-1978. Read a first time.

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

That this Bill be now read a second time.

It is consequential upon the proposed new Domicile Act. The Bill removes the power of a court to make orders relating to the domicile of origin of an adopted child. This power will become unnecessary by reason of the proposed abolition of the rules relating to revival of a domicile of origin upon abandonment of a domicile of choice. The Bill also removes a provision of the principal Act dealing with the effect of an adoption order upon domicile. This matter is now to be dealt with under the proposed new Domicile Act. Clauses 1 and 2 are formal. Clause 3 removes the power to make orders relating to domicile of origin. Clause 4 removes the provision dealing with the effect of an adoption order upon domicile.

The Hon. C. J. SUMNER secured the adjournment of the debate.

KENSINGTON GARDENS RESERVE BILL

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to authorise the Corporation of the City of Burnside to lease portion of the Kensington Gardens Reserve for use as a kindergarten. Read a first time.

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

That this Bill be now read a second time.

It is designed to authorise the Corporation of the City of Burnside to lease portion of the Kensington Gardens Reserve to the Kindergarten Union of South Australia for use as a kindergarten. By agreement made in 1909, Kensington Gardens Limited purchased from the Bank of New South Wales portion of sections 270 and 271, comprising approximately 40 acres shown in Certificate of Title Register Book Volume 820 Folio 56. This land was then transferred to the Municipal Tramways Trust subject to the trust executing a deed of trust under which the land would be held in trust for use by the public as a recreation ground. The trust executed such a deed on 26 October 1909. Under the deed, the trust had authority to transfer the land to a local government body subject to the same conditions for its use, and, accordingly, on 8 September 1932 a transfer was effected in favour of the body that is now the Corporation of the City of Burnside.

Approximately 26 years ago, Burnside council approved the erection of buildings on portion of the land for use as a kindergarten. Buildings were subsequently erected, and the Kensington Gardens Pre-School Centre came into being. As part of this arrangement, the Kensington Gardens Pre-School Centre Incorporated was, in 1954, granted a lease of the land in question for a term of 20 years. However, since the expiration of that lease doubts have been raised about the authority of the council to grant a lease for such purposes, having regard to the terms of the trust. These doubts were raised in connection with the financial arrangements for proposed repairs to the kindergarten buildings, in particular, the policy of the funding authority, the Childhood Services Council, that financial assistance for building improvements will be provided only in respect of land held in fee simple or under a registered lease for a minimum term of 21 years.

This Bill, therefore, is designed to remove those doubts by expressly authorising the council to grant such a lease, notwithstanding the terms of the trust. In doing so, the Bill recognises the *de facto* situation that buildings were erected on the land some 26 years ago and have been used for kindergarten purposes since that time with the express approval of the council and the tacit approval of the ratepayers. Clause 1 is formal. Clause 2 provides definitions of expressions used in the measure. Clause 3 provides that the Corporation of the City of Burnside may, notwithstanding the trusts contained in the deed of trust made on 26 October 1909, lease portion of the Kensington Gardens Reserve for use as a kindergarten. Subclause (2) of this clause provides that the lease may be for a term of

not more than 21 years, shall be subject to such terms and conditions as the corporation may think fit, and may authorise the erection of buildings, fences and other structures with prior approval in writing of the corporation. This Bill is a hybrid Bill and will, in the ordinary course of events, be referred to a Select Committee of this Council.

The Hon. ANNE LEVY secured the adjournment of the debate.

BUDGET PAPERS

Adjourned debate on motion of the Hon. K. T. Griffin:

That the Council take note of the papers relating to the Estimates of Expenditure, 1980-81, and the Loan Estimates, 1980-81.

(Continued from 21 October. Page 1186.)

The Hon. M. B. DAWKINS: I rise to support this motion, particularly as these papers are the first Budget and Loan Account documents for which the Tonkin Government is totally responsible, although it is actually the second set of Budget papers brought down by this Government. However, the Budget strategy last year was, to some extent, determined before this Government came to office. Therefore, the statement I made a moment ago does obtain. The Government's approach to the financial affairs of this State is a responsible one, and I am pleased to be associated with it.

As I said last year, in a Budget debate, especially one which involves also the Loan Estimates, it is possible and quite often necessary to make a wide-ranging and comprehensive coverage of many matters. I have done that on a number of occasions, but I did not do so last year and have no intention of doing so this year. However, there are a few matters to which I wish to refer. One to which I attach a great deal of importance as a member for the whole of the State, and because it is of such vital importance to the whole State, is the matter of water resources for which there is an increased allocation from $68 400 000 to $71 500 000, which is about a 4½ per cent increase.

The matter of this State's water resources is something that I think all members would regard as important indeed, and the need for the efforts of the Minister and his department to improve the quality of the water we receive from the Murray River cannot be over-estimated. That matter is of vital importance to the State and its further development. The salinity problem is serious indeed and provision for the River Murray Commission to have authority over water quality as well as quantity—it has had control over quantity for a long time in the past—is vital to us. I can give examples of the need to improve the quality of water and to reduce salinity in some of our projects. I refer to the Noora scheme, which was reported on in detail by the Public Works Committee. I must admit, straight away, that it is not possible for members of Parliament to read in great detail every important document, and I imagine that some members have not had time to study the report on Noora in great detail. I will not dwell on it to any extent except to say that it has a significant effect on removing the danger existing in connection with the evaporation basins close to the Murray River in the Berri, Renmark and Lyrup areas.

I refer to the need to get saline water taken away a distance of some 20 kilometres from the river. The levels of the evaporation basins close to the river will be so lowered that they will no longer seep back to the river to any great degree. This is only one step in the right direction. I also refer to the Rufus River scheme, which is overcoming some of our problems, but we need much more control by the River Murray Commission over what comes down the river and what finds its way back into the Murray, Murrumbidgee and Darling Rivers and their tributaries in Victoria and New South Wales, because there has not been anything like the control of saline water that there should have been.

I commend the Minister in this regard. I know that the Hon. Peter Arnold is taking an active interest in the matter and, as I have said, I also commend the Hon. Des Corcoran for his interest in the matter when he was Minister in charge of the department. I have also spoken of the use of reclaimed water in and around Adelaide, particularly in the Adelaide Plains area. I do not wish to deal with this matter in detail but I am pleased that the Minister is going to make further personal investigations into what I hope will prove to be the viable use of this water.

The Minister intends to make an inspection next month and, while I do not wish to underline the matter further, I will do my best to see that he is given the opportunity to see the need for an irrigation scheme in this area because of the size of the area and the use of water that is suitable for most crops where people can use it. It has already been used successfully for irrigating vegetable crops.

In the area of land settlement, which is another matter within the administration of the Hon. Peter Arnold, there is considerable room for activity by this Government. In Western Australia, there has been a most commendable and progressive attitude taken towards land settlement for many years. That State, of course, has far more land available for development than we have, and at present it has an enormous scheme in train for development that could make any activity that we might undertake look small indeed.

However, a responsible attitude towards development and the production of more food in this world is required, and we do have fairly substantial areas in South Australia in the large area between Lameroo, Pinnaroo and Bordertown, as well as on Eyre Peninsula, the foot of Yorke Peninsula, and on Kangaroo Island, which could and should be developed carefully and adequately for the production of more food.

Unfortunately, land settlement came to a stop with the advent of the Labor Government in 1970. It had, in fact, slowed down very considerably in the Labor Government's period from 1965 to 1968 and during my term as Chairman of the Land Settlement Committee of this Parliament, which term continued through the changeover period. The committee's work came to a virtual standstill owing to the indifference of the Labor Party, except for some assistance given for young producers through the Rural Advances Guarantee Act.

That Act was invaluable when it was enacted in 1963 but it has now become outdated and should be amended so as to provide realistic assistance according to present-day values. It may then be possible to assist many young men to go on the land, as was done under this valuable Act in the middle and late 1960's and the early 1970's. I would hope that a more significant increase than the $500 000 provided in this Budget for the Lands Department could be found next year. I hope that we will be able to do more regarding land development in South Australia, not only for the sake of the State but also because land that can be developed should be developed to provide food for the starving millions.

Before I conclude, I wish to add a word of commendation for the Minister of Education (Hon.

Harold Allison) and his Director-General. The allocation for education has been increased by more than 7 per cent. I know that that can be said not to catch up with inflation but I believe that this Government intends to see that the basics of education, which tend to be ignored by the trendies, will be reinforced and underlined in our education system. That is to be commended. Although we have very many dedicated teachers in the Education Department, we also have those whom I have described as trendies and who apparently do not see the need for a solid foundation to knowledge.

Consequently, we have found far too many young people entering tertiary education today without having a sound knowledge of the Queen's English and without the ability to use the "third R" of the "three R's" unless they have the assistance of a calculator. That is a serious matter indeed. Many young people with five years of secondary education who are prepared to go into tertiary education in the colleges of advanced education and the universities go to that section of education without having a sound knowledge of the English language or the ability to work without the assistance of a calculator.

I am quite sure that the education system is in sound hands and I am also quite sure that this Government's policy (and, for that matter, the previous Government's policy) of assisting private schools is a sound one. Were it not for the private schools, the whole burden of educating the children who attend such schools, instead of only a minor part of it, would fall upon the State, with a consequent thinner spreading of the whole cake over a much larger number of pupils. How those who so loudly object to private schools and to any assistance for them cannot see this, I am quite unable to understand. Perhaps they should be reminded once more that those people who send their children to these schools also pay tax.

Last year I referred to the amount of support for the arts, the total for which I did not query, although I said that I would have discussions with the Minister on certain allocations, and I am pleased that this afternoon he has been able to announce a significant increase in support for serious music. I have criticised the allocation in the past, and I believe that there has been a step in the right direction with the announcement made this afternoon. The Government's policy regarding mines and energy is to be commended. That policy is in stark contrast to that of the previous Government, although not necessarily so much in contrast with the aims of the previous Minister.

The expansion of exploration in this State, the encouraging results in the Far North, and the moves in the Great Australian Bight are all consequences of the Government's forward-looking policy. In conclusion, I support the Government's policy, which provides for lower taxation and also provides for a keen and careful control over expenditure in the public sector. Also, it is a policy of encouragement to private industry to establish and expand here. It is a policy reminiscent of that so succesfully adopted over so many years by Sir Thomas Playford and so sadly lacking over the subsequent years of socialist control. I support the motion.

The Hon. ANNE LEVY: In speaking to this motion on the Budget papers I wish to confine my remarks mainly to one line in the Budget, namely, the funds to non-government schools which were mentioned very briefly by the previous speaker. The Budget figure this year for the State aid to non-government schools is $12 800 000. If we look back on the history of State involvement in non-government schools, we find that there was first involvement at the State level in 1971 under the socialist Government (to quote Mr. Dawkins' phrase), there having been no prior involvement with non-government schools by the Playford Government that he lauded so extensively. In 1971 a fixed amount was provided for primary schools and also for secondary schools under two separate categories. This was changed in 1973 to be a grant to cover all non-government schools, and the advisory committee on non-government schools in South Australia was established to be responsible for the distribution of this money.

In 1975 an agreement was reached following recommendations by the Schools Commission set up by that dreadful socialist Government (again to quote Mr. Dawkins) in Canberra. The Schools Commission recommended that the grants from State Governments to non-government schools should be related to State standard costs. That was adopted by the dreadful socialist Government (again quoting Mr. Dawkins) in this State and set at 17½ per cent of State standard costs per pupil.

In 1976 this was raised to 20 per cent of State standard costs to be provided to non-government schools, and that figure remained until a few months ago when it was changed to 21 per cent, on which the current figure in the Budget is based. That means that in 1980 the non-government schools will receive 20½ per cent, as the calendar year covers two financial years and will include six months at 20 per cent of State standard costs and six months at 21 per cent of State standard costs. Also, this year an extra $300 000 has been provided for non-government schools as stated in the report of the Advisory Committee on non-government Schools. This is over and above the 21 per cent of State standard costs announced by the Premier. This grant is made up of two components—a per capita component which goes to all non-government schools and a residual component which is distributed on a needs basis.

The amount for each school is determined by the Advisory Committee on Non-Government Schools which was set up by Mr. Hugh Hudson when he was Minister of Education. The Labor Government was emphatic that the principle of need should apply to the distribution of this money, and one presumes that the present Government accepts this need principle as the basis for distribution of the money, as the Government has given no indication of changing this basis of need.

The sums involved have been considerable—one could say enormous—as years have passed. In 1975 (I am talking in calendar years and not financial years), $3 421 000 was allocated to non-government schools; in 1976, $5 203 000 was allocated; in 1977, $6 572 000 was allocated; in 1978, $7 820 000 was allocated; in 1979, $8 936 000 was allocated; and, in 1980, $11 342 000 has been allocated. These are not insignificant sums. In 1981 one cannot say exactly what sums will be involved because six months of 1981 will be covered by the following Budget but one can safely predict that it will be in excess of $13 000 000.

We can see that these sums have been growing rapidly from year to year. In fact, if one looks at the education budget for this year, it is the only area where the increase in real terms is greater than last year. Elsewhere, education funds have been cut in real terms. We all remember the Government threatening to cut education funds by 3 per cent earlier this year. I think it is informative to look at the reasons for the disproportionate growth in funds for non-government schools; that is, a growth which is far greater than the inflation rate which has been occurring. Partly, the growth in the current Budget is due to the increase from 20 per cent to 21 per cent of State standard costs but this would have a very small effect. By far the greater reason for the increase in real terms is that there is a fall in enrolment numbers in

Government schools. Details as to this were given in the other place only yesterday, and it is expected to continue over the next few years.

This means that the per capita costs will rise in the Government schools as savings are not achieved in proportion to the reduction in numbers. We can take the example of a class of 33 children. If that class is reduced to 32 children there is no change in staffing costs and only a very small proportion of the Budget will be affected in relation to book allowances and equipment allowances for individual students.

So, as the number of enrolments in Government schools falls, it means that the per capita costs for children in Government schools has risen far more than the inflation rate. Therefore, the 20 per cent or 21 per cent of these costs that is given to non-government schools will also rise. This can be classed as a windfall to the non-government schools. It will mean increasingly that the non-government schools will get a larger and larger proportion of their finance from Government sources. I am including here both State and Federal sources, the Federal finance coming through the Schools Commission.

It has been said that non-government schools are becoming subsidised schools rather than independent schools. I feel that the Government really needs to look closely at whether this unintended consequence of falling enrolments in Government schools is desirable. Perhaps consideration should be given to whether policies should be altered to prevent the increases in non-Government schools rising at a rate far greater than the inflation rate.

I have here a statistical table which shows the State standard cost per capita for a number of years, and I seek leave to have it inserted in *Hansard* without my reading it. I assure you, Sir, that it is merely a statistical table.

Leave granted.

State Standard Cost per Capita (in dollars)

	1977	1978	1979	1980
Primary	742·5	856	946	1 114·5
Secondary	1 321	1 476	1 613·5	1 818·5

These figures are derived by averaging State standard costs for the two relevant financial years: for example, for 1977 calender year, the average of published costs for 1976-77 and 1977-78 financial years.

The Hon. ANNE LEVY: I have another table, which also is of a purely statistical nature and which shows the per capita grants on a needs basis to non-government schools over the past five years, using the types of schools and categories within each type of school as set out by the Advisory Committee's reports over the past five years. I also seek leave to have this table inserted in *Hansard* without my reading it.

Leave granted.

Per Capita Grants on Needs Basis to Non-Government Schools (in dollars)

Primary Only Category	1976	1977	1978	1979	1980
A	88·50	118·50	145·00	158·00	196·00
B	98·50	128·50	152·00	165·00	210·00
C	108·50	133·50	157·00	170·00	223·00
D	118·50	151·00	162·00	177·00	234·00
E	—	—	170·00	186·00	—
Secondary Only					
A	155·75	190·00	—	—	—
B	170·75	—	242·00	275·00	326·00
C	190·75	214·00	252·00	286·00	356·00
D	—	224·00	257·00	292·00	388·00
E	—	—	292·00	337·00	430·00
Combined					
A	158·25	198·00	234·00	264·00	310·00
B	174·25	215·00	244·50	276·00	326·00
C	195·50	225·00	258·50	292·00	356·00
D	226·50	235·00	268·80	308·00	388·00
E	—	258·00	310·50	360·00	430·00

The Hon. ANNE LEVY: An examination of these tables leads to questions that need to be considered by the community. These questions relate to the fees charged by non-government schools and the resource levels that are used per capita in those schools.

The tables that are put in the annual report of the Advisory Committee on Non-Government Schools show an enormous range of resources between the non-government schools. The resource level per capita is obtained from a formula devised by Professor Potts of Adelaide University, and not only takes into account the strictly educational expenses at non-government schools but also allows for correction due to debt-servicing problems, school deficit funding, if it occurs, and also the notional cost of religious teachers in some schools.

If one examines these tables in the latest report, one can see that there are in this State four non-government primary schools, where the adjusted cost of educating each student is above $1 000, which is well above the State standard cost for each student. There are also 16 schools whose resources per student are less than $600, again adjusted in the manner that I have described; this is about half the State cost per student. The other 78 primary schools fall somewhere between this range.

If one looks at schools that are secondary schools only, one sees that there are no secondary schools in the non-government sector whose resources are above the State standard cost per student. There are four schools whose resources per student are less than $850 per student; this is less than half the State standard cost for secondary pupils. The other 11 schools fall in between.

There is also a category of so-called combined schools, that is, non-government schools that have both primary and secondary components. There are five schools in this group, where the resources per student are greater than $1 800 per student. This is above the State standard cost for secondary students in State schools.

On the other hand, there are six combined schools, where the resources per student are less than $850 per student, or less than half the State standard cost. The other 24 combined schools fall between these two limits.

One can see from these tables that there are 13 non-government schools in this State that are well above the average for State schools in resources per student, yet they are getting substantial sums of Government money. For instance, St. Peters Boys Collegiate School is getting nearly $300 000 of taxpayers' money this year; Westminster School is getting more than $200 000; Wilderness School is receiving about $150 000; and Pembroke School is receiving more than $300 000 of taxpayers' money this year. I will not quote all the schools, details of which are set out in the report if honourable members care to look at it.

This leads to various questions. The first relates to the fees charged by some of these schools. There is this group of very expensive, elitist schools that are receiving a great deal from the State Government, supposedly on a needs basis. Can one say that their fees are keeping pace with inflation? I know of one of these schools which circulated parents at the beginning of this year to the effect that fees would not rise this year in money terms because of the generosity of the State and Federal Governments. This means, in effect, that there has been a cut in fees for these

schools in real terms, and that is a cut in fees to parents who are best able to pay for the exclusive education that their children are getting.

If the fees are not rising at the same rate as inflation it means that this expensive education is being increasingly paid for by the taxpayer, but this is supposedly on a needs basis. Yet we know that in these schools the resources per student are above those provided in Government schools.

The Hon. R. C. DeGaris: On what basis do you say that it is on a needs basis?

The Hon. ANNE LEVY: It is a lump sum of money given to the Advisory Committee on Non-Government Schools to distribute on a needs basis. The basis of need was set up in 1971, and there has been no alteration to that policy ever announced by either Government. We should face up to the question of whether the taxpayers should be increasingly picking up the tab that the exclusive education, which already has more resources per student than the State provides. Perhaps it is worth considering whether the State should subsidise education at all where resources per student are greater than the State provides for the children which are exclusively its responsibility.

In regard to fees, I understand that the Catholic Education Office has a policy that its school fees should increase annually in line with inflation, so that effort from parents remains at a constant level. I applaud this approach and suggest that other schools should be encouraged to adopt the same policy, although it still means that there is an increasing proportion of the finance for schools being provided by the Government, because the State standard cost per pupil are rising faster than inflation, as I indicated earlier.

Another question that should be looked at is how needs are interpreted. I seek leave to have a third table showing the per capita grants on a needs basis to non-Government schools inserted in *Hansard* without my reading it.

Leave granted.

Per Capita Grants on Needs Basis to Non-Government Schools
"Least needy" grant as a percentage of "most needy" grant

	1976	1977	1978	1979	1980
Primary only	74·7	78·5	85·3	84·9	83·8
Secondary only	81·7	84·6	82·9	81·6	75·8
Combined	69·9	76·7	75·4	73·3	72·1

The Hon. ANNE LEVY: This table shows the "least needy" grants as a per cent of the "most needy" grants. Honourable members can see from the table that for primary schools the "least needy" has varied from 75 per cent to 85 per cent of the "most needy" grants, for secondary schools it has varied from 75 per cent to 85 per cent of the "most needy" grant, and for combined schools it has varied from 70 per cent to 77 per cent of the "most needy" grant for the years 1976-80.

Yet the reports show that the "least needy" schools have three or four times the resources per student that the "most needy" schools have, and I wonder why the grants on a needs basis are not in the same ratio. Why does a school with four times the resources of another school per student receive 75 per cent of the per capita grant given to the "most needy" when this distribution is supposedly on a needs basis?

In these reports from the Advisory Committee on Non-Government Schools no information is given about how the relativities are established between the different categories of school in determining the size of the needs per capita grant. The relativities between the different categories of school are far wider in the Schools Commission grants, which again are distributed on a needs basis. Here the "least needy" may get less than 50 per cent per capita of what the "most needy" get in Schools Commission grants.

I believe strongly that the Government should look at this needs distribution and make a firm policy to either widen the relativities, and determine by how much they should be widened, or have a policy of basing needs grants on the resources level which is used in the school and for them to advise their committee accordingly. The Minister certainly has the power to do this under point (i) of the approved terms of reference of the Advisory Committee.

Similarly, the Minister should consider whether the Government should give money on a needs basis to the schools with resource levels above State standard cost, particularly if their fees are not keeping up with inflation. A further point that the Minister should consider is the matter of policy involving whether resources per student should be allowed to fall below a certain percentage of the State standard cost—whether one takes a figure such as 50 per cent, 60 per cent, or 75 per cent can be argued—but it seems to me that we should have a policy that resources per student should not fall below a certain level. We should determine this as a matter of policy which the Advisory Committee should then administer in its distribution of this so-called needs money.

I had intended to say something about the system of grants for non-government schools which operates in New Zealand and which comes under a very different system from that in any of the Australian States or at the Federal level but, in view of the time, perhaps my remarks on the non-government schools can stand by themselves. If any honourable member is interested in the system of State aid which is used in New Zealand, I would be happy to provide details showing how that different scheme operates in that country.

The Hon. R. J. RITSON secured the adjournment of the debate.

ADJOURNMENT

At 5.58 p.m. the Council adjourned until Thursday 23 October at 2.15 p.m.