LEGISLATIVE COUNCIL

Thursday 1 April 1982

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

PAPERS AND REPORTS TABLED

By the Attorney-General (Hon. K. T. Griffin)—

Pursuant to Statute—

Parliamentary Salaries Tribunal—Report and Determination, 1982.

Report commissioned by the Attorney-General, South Australia, into Alleged Corruption in the South Australian Police Force.

Ordered—That the report be published and printed.

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

Report to Minister of Local Government on actions of Glenelg council in respect of Glenelg Waterslide and Amusement Complex.

MINISTERIAL STATEMENT: POLICE INQUIRY

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. K. T. GRIFFIN: Early in September 1981, I established an investigating team to investigate allegations of police corruption, particularly in the area of drugs. The team which was established comprised Deputy Commissioner J. B. Giles, Assistant Commissioner D. A. Hunt, and the Deputy Crown Solicitor, J. M. A. Cramond. It should be noted that besides the undoubted expertise which the two top-level police officers brought to the investigating team, Mr Cramond, with six years experience as a stipendiary magistrate, also provided to the team a sense of fairness, objectivity and a capacity for critical analysis. During the course of the investigations a senior Federal police officer, Detective Superintendent Winchester, and Senior Chief Superintendent M. Stanford, of the South Australian Police Force, became involved in investigating some allegations.

Prior to the decision to establish the investigating team, representations were made to me by the Editor of the *Advertiser*, Mr D. Riddell, and two *Advertiser* journalists, Messrs R. Ball and D. English, that they had gained information from a number of informants pointing to corruption of police officers in the illegal drugs area. Some of the allegations were vague, but some suggested greater particularity. Quite properly, these people were concerned about the apparent serious nature of the allegations and were anxious to make as much information as possible available to the appropriate authorities to ensure that the allegations were fully and properly investigated, and, if there was substance in the allegations, that offenders should be brought to account. Their proviso was that the information would be made available if their respective informants approved the release of the information.

At the outset, I had in mind that, in addition to the investigating team investigating the allegations, some independent person should ultimately review the reports which might be presented to me. I approached a former Supreme Court judge, the Hon. Sir Charles Bright, and asked whether he would be prepared to accept the responsibility for reviewing the reports and findings and other material of the investigating team. Sir Charles accepted the brief. In writing to Sir Charles, I said:

> I confirm that when the investigating team reports to me, those reports will be made available to you with a view to you assessing independently the quality of those reports and reporting to me in such terms as you deem appropriate as to any other inquiries which you believe should be made, or any other action which you believe is necessary. To assist you in making your assessment and report, you will have access to the investigating team and such other persons as you request and will have access to such other information and documents as you see appropriate. When your report is received, it is intended to release it publicly.

When the investigating team had completed its inquiries, including interviewing informants, journalists and other persons, the statements of witnesses, the reports and findings, and other relevant material were made available to the Hon. Sir Charles Bright. He has now presented his report.

The material that is tabled this afternoon is in three parts. The first part is the report to me as Attorney-General by the Hon. Sir Charles Bright on alleged corruption in the Police Force. The second part is the Hon. Sir Charles Bright's review of the findings of the investigating team. The third part, prepared for the assistance of members, is a composition of the allegations matched with the investigating team's findings and Sir Charles Bright's review.

The names of informants and persons interviewed have been deleted for obvious reasons and minimal amendments made to ensure anonymity of all those concerned as much as that is possible. It would be an improper use of Parliamentary privilege to table the reports with all the names included, because necessarily that would prejudice innocent people and would be likely to compromise informants and other persons who have co-operated with the investigating team. The reports and findings of the investigating team comprise over 3 000 pages in 15 volumes, with 52 statements resulting from 159 interviews of 101 persons, and 275 exhibit documents. For the reasons already indicated, it would be inappropriate to table all that material. The total of people interviewed and the number of occasions on which they were interviewed are as follows:

Persons Interviewed	Number of Times Interviewed
77	once
13	twice
5	three
2	four
2	five
1	six
1	seven

In all, there were 34 identifiable allegations which have been thoroughly investigated by the investigating team, going far beyond the original 11 allegations raised by the *Advertiser*.

Some questions have been raised about the time of tabling the reports. I have previously indicated that I would not make any comment until cases before the courts likely to be affected by the report had been disposed of. The principal cause for delay in recent weeks has been Romeo's case in the District Court. Conley's case was also a reason for earlier hesitation to make public comment on the investigations. Conley has now been convicted on four counts, namely, trading in heroin between 8 November 1979 and 22 November 1979; trading in heroin between 1 February 1981 and 9 March 1981; possessing heroin for sale at Modbury North on 9 March 1981; and possessing heroin for sale at Adelaide on 8 March 1981. The trial judge has not yet imposed sentence in respect of these offences, although it should be noted that an appeal against the convictions is pending.

Romeo's case was particularly sensitive, because his current trial was the second trial. On the first occasion, on the

morning that the jury retired to consider its verdict, a headline story appeared in the *Advertiser* newspaper about allegations of corruption of police officers engaged in the illegal drug arena. The jury was unable to reach a verdict on that occasion; it was discharged and a new trial ordered. The second trial has resulted in a conviction for trading in Indian hemp at Norwood on 9 April 1980. The verdict was given by a District Court jury late last night. I was not prepared to release any reports or information prior to that verdict. To have done so would have been irresponsible, with potential for prejudice to the accused and a possibility of yet another 'hung jury'. I regret that this has meant that this report is tabled on the last day of this part of the session. However, those who are objective about it will recognise the real impediments to tabling at any earlier time.

It has been particularly valuable to have Sir Charles Bright bringing an independent mind to bear on the extensive work of the investigating team. His report concludes:

> The investigation, and my review of it, have necessarily been protracted. I believe that the investigation has been valuable as a reminder and a warning that there is always a chance of corruption where criminals have plenty of money with which to purchase immunity.
>
> In the present series of allegations most of the persons making them gave detailed interviews to the investigators. The exceptions are listed in a separate note. We therefore have a pretty full picture, and this enables me to say that in no instance does the evidence, taken as a whole, justify taking proceedings against anyone.

It is important to recognise that there were 11 informants. Of these, 10 had criminal records. Sir Charles makes reference to this when referring to a person who is described as informant 'A' in the report when he said:

> He has had 31 convictions over the last 28 years. They include several for false pretences, arson, a few involving violence, creating false belief, bankrupt, obtaining credit. He was a paid undercover informer for the Federal Narcotics Bureau for a period and the information that he supplied related to the activities of his friends and associates. He has a vivid imagination but a defective memory.

Sir Charles, however, recognises that, although an informant has an extensive criminal record, that was not reason to dismiss out of hand allegations that may be made. He alludes to the fact that 'it is always possible that on some occasions he is speaking the truth'. The investigating team reached the conclusion, after extensive inquiries, that several persons facing serious criminal charges relating to illicit drugs, attempted to weave their own web of intrigue and innuendo, where any publicity 'calculated to discredit the police, in particular, members of the Drug Squad, might well be favourable to the outcome of their cases'. The investigating team has also observed:

> It has also become evident to us that these people (informant 'A' and informant 'B') and their associates harbour an intense dislike of Police Officer 'A', who figures prominently in their accusations. The personal element of revenge could then also be a motive on their part.

The establishment of a Royal Commission, a course suggested by some, would also be in the interests of persons against whom criminal charges relating to illicit drugs have been laid, because it may well have provided a further avenue of escape by presenting an opportunity for informants to testify in return for some form of immunity.

Calls for a Royal Commission have been made by some members of Parliament and also by a group of citizens whose letter requesting a Royal Commission is included at page 36.

The Hon. N. K. Foster: And was insisted upon by the Prime Minister and the Leader of the Opposition in the Federal House in the last eight days.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I draw Parliament's attention to the fact that the first two signatories on that letter are informants 'B' and 'C' on whose allegations much of this report is founded. The other signatories are all associates of informants 'B' and 'C' and each has a criminal record. It is curious that one of the reasons advanced in the letter for the holding of a Royal Commission is that the signatories state that they would not co-operate with the investigation as then established. In fact, as the report shows, four of those persons have made a full statement to the investigating team. I also draw to the attention of Parliament that the holding of a Royal Commission on such matters has several disadvantages. Section 16 of the Royal Commissions Act provides:

> A statement or disclosure made by any witness in answer to any questions put to him by the commission or any of the Commissioners shall not (except in proceedings for an offence against this Act) be admissible in evidence against him in any civil or criminal proceedings in any court.

If, therefore, evidence had been forthcoming in a Royal Commission—

The Hon. J. R. CORNWALL: I rise on a point of order. I notice that copies of this report and the statement, or both, are being distributed in the press gallery with gay abandon, yet most members have not been given them. Surely this is grossly improper.

The Hon. N. K. Foster: In many Houses he would have to distribute it before he could read it, otherwise, he would not get leave.

The PRESIDENT: Will the Hon. Mr Foster come to order? If not, I will take action.

The Hon. K. T. GRIFFIN: If, therefore, evidence had been forthcoming in a Royal Commission that either police officers or members of the public had been guilty of criminal offences, that evidence could not have been used to prosecute. No such restriction applies to the evidence obtained by the investigating team except in a few instances where citizens declined to co-operate unless they were given an undertaking that they would be immune from prosecution in respect of what they said.

Experience has proven that it is extremely difficult to successfully investigate a criminal offence once those being investigated have been forewarned in a public forum of the case to be made against them. A recent example is the Beech Inquiry in Victoria in 1976. Recommendations were made for the laying of charges against 41 police officers. That was done, but no convictions were obtained—the charges were not established beyond reasonable doubt.

The other significant benefits of an investigation such as the one which has reported to me, can be further appreciated when the huge amount of intricate and detailed dectective work (as disclosed in the statistics to which I have referred) is taken into account. The investigating team has had to interview many of the people who have given evidence to them on more than one occasion, wherever they could be located and at whatever time of day and night they could be located. It would have been impossible to force many of these persons to give evidence before a Royal Commission. Equally, it would have been difficult to force many of those persons to give evidence which would be on an official record even though, in some cases, heard in camera.

In my Ministerial statement which I gave in this Council on Wednesday 21 October last year I said that what was required was 'thorough and steady detective work—not a flamboyant, emotional drama played out before a Royal Commission'. I believe that this view has now been vindicated. Private citizens and police officers alike have a right to be protected from the publication of vague, imprecise allegations of corruption and misconduct which have potentially serious consequences for that person's character, business or career. As the Hon. Sir Charles Bright summed up in his report to me:

Some mud always sticks. Once an allegation of corruption has been made against a policeman it is almost impossible for him to prove his innocence, assuming he is innocent.

These comments apply equally to private citizens. With one exception, to which I shall refer in more detail later, all police officers have been cleared to the satisfaction of Sir Charles Bright of the allegations made against them. Why then should the names of such police officers have been bandied in front of the general public, via the news media?

Parliament should note that even the signatories to the letter calling for a Royal Commission clearly contemplated that while their allegations should be aired in public, their own evidence and identities should be concealed by them giving evidence in camera. The sole remaining argument for a Royal Commission was that it would be independent. It was, and still is, the view of the Government that the impeccable stature of the investigating team, coupled with the obvious impartiality and independencce of the Honourable Sir Charles Bright, affords at least equal credence to the result. I have already quoted Sir Charles Bright's views that 'in no instance does the evidence taken as a whole, justify taking proceedings against anyone.'

Upon receipt of Sir Charles' report I referred one of the 15 files (the one concerning which Sir Charles felt uneasy) to the Deputy Crown Prosecutor. The file was given to him on the same basis as any other criminal file would be in which advice was sought as to whether a prosecution should be instituted. He has advised that it is his view that there is insufficient evidence to prosecute. In presenting his advice he says:

In my opinion, there is insufficient evidence of an apparently credible nature to justify charging police officer 'O'. Such evidence as does exist is riddled with important inconsistencies and contradictions. The sources of such evidence have every motive to lie, and the sequence of events points very strongly in the direction of fabrication.

In view of what I have already stated, some people may think that the substantial input, manpower and other resources in the conduct of such a detailed inquiry has achieved little by way of 'positive' result (suggesting, of course, a ghoulish desire for charges to be laid no matter what). I would have two answers to such a view.

First, the Government considers that any allegation of corruption in the Police Force must be investigated thoroughly for the protection of both the public, and the serving officers of the Police Force themselves. Secondly, I believe that a number of valuable lessons have been learned from this exercise.

Whether or not it has occurred in this case, it has been demonstrated that there exists the potential for criminals to manipulate those who, by their utterances, may influence public opinion with a view to discrediting the Police Force in the hope that juries will reject what would otherwise have been accepted as credible evidence.

In my view members of Parliament and journalists should be on guard against giving credence to, and all-too-hastily airing, too vague allegations of a hearsay nature which are lacking in particularity. It only aids and abets the mischief. In the present case, the *Advertiser* acted in pursuance of its public responsibility in referring the matters to me and in co-operating with the investigating team, ensuring that a thorough and appropriate investigation was undertaken.

There are wellknown and well-proven channels for the making of complaints of misconduct against police officers. This is evidenced by the fact that in 1980, 87 charges of breaches of regulations were brought before the Police Inquiry Committee, and in 1981 the figure was one less, 86. Although these charges related to matters considerably less serious than those dealt with in the report, nonetheless they were dealt with by that committee which is chaired by a stipendiary magistrate. Such matters are not left to the discretion of a supervising police officer who would be powerless beyond 'slapping on the wrist' the offending officer. The powers of the Police Inquiry Committee include authority to recommend dismissal, reduction in rank, or a reduction in salary.

In addition, there is the ultimate course of initiating statutory or criminal charges where there is sufficient evidence to do so. In addition to these 173 cases which have appeared before the committee, where evidence of more serious offences has been discovered, charges have been laid in the criminal courts. In the period 1 January 1980 to 31 March 1982, a total of 17 police officers have been charged in this way. An indication of the thoroughness of internal police procedures and of the unwillingness of the Police Department to conceal any shortcomings which it may have is the fact that all but three of those 17 matters were departmentally-initiated investigations.

In the first part of his report, the Hon. Sir Charles Bright comments upon the 'vexed question of investigation of allegations against policemen'. He makes some suggestions. It is premature to make any comment on the policy implications, although it must be said that both the Government and the police are sensitive to the issue and through the Chief Secretary will give careful consideration to whether or not any changes should be made.

Sir Charles has also made valuable comments in relation to important matters of administrative procedure in the Police Department. As honourable members will see for themselves, these matters are set out on page 2 of the report and include references to security of information, protection of personnel, security of property, supervision of personnel, public opinion and information, training procedures and officer deployment.

Similar matters have been raised by the investigating team, although these do not form part of the report which has been tabled. Consistent with their policy of on-going review of procedures, the Police Commissioner and the Chief Secretary will fully consider all of these recommendations and, where improvements are considered necessary, will ensure that they are made. Their concern, as is the Government's generally, is to ensure that the South Australian Police Force maintains its high reputation, the respect of law abiding citizens, and its capacity to bring criminals to justice.

I hope that this report will lay to rest once and for all the allegations (some going back 11 years) investigated so thoroughly by the investigating team. They are to be thanked most sincerely for their work on these investigations which has been undertaken in addition to their other extensive and heavy responsibilities. I want to record also my appreciation and that of the Government to Sir Charles Bright for his willingness to undertake his review of the work of the investigating team. That has been done in the usual expert manner so typical of Sir Charles.

MINISTERIAL STATEMENT: GLENELG COUNCIL

The Hon. C. M. HILL (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. C. M. HILL: On 8 December 1981 I tabled the report of the Select Committee of the Legislative Council on the Local Government Act Amendment Bill (No. 4), 1981. In that report the committee requested the Minister of Local Government to carry out an investigation of the procedures of the Glenelg council under section 295 of the Local Government Act and requested the Minister in due course to table the report of such an investigation in the Legislative Council. In accordance with that request I

appointed an investigating officer pursuant to section 295 of the Local Government Act. I now table his report.

QUESTIONS

POLICE INQUIRY

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking a question of the Attorney-General on the subject of the report commissioned by him into alleged corruption in the South Australian Police Force.

Leave granted.

The Hon. C. J. SUMNER: This report, which has been tabled today, was ordered by the Attorney-General in October last year, some five months ago. At the time the report was ordered the impression was given that the inquiry would not take very long. Indeed, on 8 October 1981 the Attorney-General advised the media (and was reported in the *Advertiser* as saying) that a significant part of the report had been completed. There has been considerable public concern about this particular issue, and the delay in tabling the report has increased that concern and suspicion about the reasons for the delay.

It is legitimate to ask why, on the last day of this part of the session, the report is tabled when the Government intends to recess the Parliament for two months. The Parliament should sit next week to enable a full Parliamentary consideration of the report. The excuse was given by the Attorney-General that it was court cases that were still pending which caused him not to table the report earlier.

The PRESIDENT: Order! I would like to indicate that writing in the gallery is not permitted but, because this is an incident of some importance, I have permitted the person doing so to stay there. It appears that somebody has a recorder there. Neither the press, nor anybody else, is permitted to write in the gallery of the Parliament. If the person doing so was not aware of that, he is now.

The Hon. C. J. SUMNER: I take it, Mr President, that members of the press gallery making notes can take their place in the press gallery.

The PRESIDENT: Yes indeed, but the gallery to which I am referring is not the press gallery.

The Hon. C. J. SUMNER: I was saying that the Attorney-General used as an excuse for not tabling the report earlier the fact that there were court cases pending in which some of the allegations that were being investigated by the investigating team were the subject of consideration. That excuse seems to me to have much less substance than perhaps we thought earlier. The fact is that the names of informants and the names of officers investigated have been deleted from the report. There is no indication in the report as to the names of any officers or informants.

Secondly, I am reliably informed that although the Romeo case is finished in terms of the initial verdict there may be an appeal. Further, I am informed that there are other cases coming before the courts which could have impinged on this investigation. Those facts indicate and raise the suspicion that the Government held off the tabling of this report until the last day of Parliament before it is due to recess.

The Hon. L. H. Davis: There's nothing to hide, is there?

The Hon. C. J. SUMNER: The Hon. Mr Davis interjects. With the names out of the report and apparently with some cases continuing, why was it necessary to delay a report which the Attorney-General has clearly had in his possession for some weeks? If the Attorney-General says that that suspicion is unfounded, he and the Government can establish their good faith in this matter and remove the suspicion that they left the tabling of the report until the last sitting day by convening Parliament next Tuesday to enable full Parliamentary consideration and debate on the report and all the issues surrounding it.

Until this point the Opposition has restrained itself from calling for a fuller inquiry and has allowed this inquiry to proceed. The report has now been tabled with no opportunity for careful consideration of it by Parliament and for Parliamentary debate. The Government can display its good faith in this matter if the Attorney-General will now state that both Houses of Parliament will sit next Tuesday to fully debate this report. Will the Government continue the sittings of Parliament until next Tuesday to enable this report to be fully considered by Parliament?

The Hon. K. T. GRIFFIN: The short answer is 'No'. The Leader of the Opposition simply did not bother to listen to my Ministerial statement. I referred to at least two cases which were the principal cause for hesitation in publicly commenting before today on the matters under investigation. If the Leader had been attuned to the report he would have recognised that Romeo's case was one of the significant cases, which only finished last night. It has been going for about six weeks—

The Hon. J. R. Cornwall: Is it mentioned in the report?

The Hon. K. T. GRIFFIN: The Hon. Dr Cornwall can read the report and find out for himself.

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: There was a two-week recess during the Romeo case, as far as I am aware, at the direction of the presiding District Court judge. The verdict was given late last night and that cleared the way for this report to be tabled today. The other case referred to was the Conley case, which was heard during February. As far as I am aware, all the other significant cases which might in any way impinge upon this report have been dealt with.

Obviously, the Leader of the Opposition did not know that the Romeo case involved a second trial. When the jury went out to consider its verdict after the first trial, a report in the morning newspaper alleged police corruption. I suggest that that report may well have influenced the jury at that time. Therefore, I do not believe that it would have been proper from the accused's point of view or the jury's to release what was undoubtedly newsworthy material before the jury reached a verdict in Romeo's case. Accordingly, to any objective person there is adequate, sufficient and proper reason for the tabling of this report today.

Of course, the alternative would have been to wait until 1 June this year, which is the next day of sitting. However, the Leader of the Opposition would not have been happy with that either; he would have alleged that we were sitting on it for some other reason.

The Hon. C. J. Sumner: Quite right.

The Hon. K. T. GRIFFIN: He cannot have it both ways. The alternatives were that the report be tabled in Parliament today or he could have waited until June.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. The Attorney-General is well aware of the questions I have asked in relation to this matter. I believe I displayed a great deal of wisdom in not conveying to the Attorney-General information in my possession prior to this hunt. Will the Attorney-General undertake to inform this Council of the names of high ranking police officers and their property ownership that certain people in this community are prepared to give him in confidence or before a Royal Commission meeting in camera?

The Hon. R. J. Ritson: Oh!

The Hon. N. K. FOSTER: Never mind about 'Oh'. It is a Royal Commission's prerogative to do that. Secondly, is the Attorney-General aware that when I directed a question to him during the course of the inquiry, in relation to the

discovery of a huge plantation of marihuana, five South Australian police officers visited me and taped the conversation? Will the Attorney-General undertake to ascertain how many hours passed from the day that tape recording was made until the discovery of that marihuana plantation and whether or not the right person is now before the court in relation to that matter?

The Hon. K. T. GRIFFIN: The question of whether or not the right person is brought before the court is a matter for the court, not for me. If the honourable member looks carefully at the report that has been tabled he will see that it refers to allegations about police officers owning substantial property. All of the allegations have been thoroughly investigated. Both the investigating team and Sir Charles Bright are satisfied that there is no substance to the allegations.

I am not prepared to give any undertaking that any material will be presented to a Royal Commission. I have already dealt with that matter. There is very little value, if any, in a Royal Commission. Even though a Royal Commission may convene in camera, the evidence is taken and is on the public record. I suggest that, if there had been a Royal Commission into the allegations which were made and investigated by this investigating team, and reviewed by Sir Charles Bright, a good number of the people who were prepared to give information to the investigating team would not have been prepared to give it to a Royal Commission.

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about the police inquiry.

Leave granted.

The Hon. C. J. SUMNER: The Attorney-General's attitude to Parliamentary consideration of this report is, to say the least, disappointing. Quite simply, the Government is ignoring Parliament. Parliament is due to recess for two months, which means that Parliament will not have an opportunity to debate this important report for another two months. It has taken 5½ months to produce this report, which has caused considerable public concern. Any fair minded person in the community must find the lack of a Parliamentary debate totally unacceptable. If the Government believed that there were cogent reasons for not tabling the report until today, let the Government show its good faith in relation to this matter by extending the sittings of both Houses until next Tuesday to enable a debate to take place. The Opposition will co-operate, as it always does, in relation to pairs for those members who may have other arrangements. To leave this report for two months without any Parliamentary consideration—and we will need some time to examine the report, of course—

The Hon. N. K. Foster: You're a damned scoundrel, Griffin.

The Hon. K. T. GRIFFIN: Mr President, I ask that the Hon. Mr Foster be made to withdraw and apologise.

The Hon. N. K. FOSTER: Mr President, I withdraw and apologise, because I do not have the ability to emphasise what type of scoundrel the Attorney is; that would take me far longer.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I withdraw and apologise.

The Hon. C. J. SUMNER: To any fair-minded person, it must be completely unacceptable for the Government to table the report in these circumstances and to leave the Parliament in the lurch for two months. I ask the Attorney-General to indicate the Government's good faith in this matter by convening Parliament next Tuesday to enable the debate on the report to proceed. Will the Government allow Government time for Parliamentary debate of this report and, if so, when?

The Hon. K. T. GRIFFIN: I have already answered that part of the question which relates to the convening of Parliament next week, and the answer is 'No'. The matter is properly before the Parliament. Perhaps a period of two months might not be long enough for the Leader and his Party to get their thoughts in some sort of perspective and examine the report in detail. If the Leader wants to debate this issue, procedures are laid down in the Standing Orders. If the Leader wants to avail himself of the Standing Orders, that is his business, not mine.

The Hon. C. J. SUMNER: Will the Attorney-General consent to a motion to suspend Standing Orders to enable a motion to be moved noting the contents of this report, and place that motion on notice to enable it to be considered either tomorrow or next Tuesday?

The Hon. K. T. GRIFFIN: No.

The Hon. C. J. Sumner: Then what chance have we got?

The Hon. K. T. GRIFFIN: The Leader has the procedures of Standing Orders and, if he cannot work within them, he should go home.

The Hon. C. J. SUMNER: I seek leave to make a brief explanation.

Leave granted.

The Hon. C. J. SUMNER: The Attorney-General has tried to fudge the issue by saying that I can use the Standing Orders to facilitate debate on this issue. He knows fully that the only way in which I can organise a debate on this topic in the Parliament is by my giving notice now for it to be debated on 1 June, which is two months away.

I have asked the Attorney-General, if he is genuine about this matter, to show his good faith by agreeing either to convene the Parliament next Tuesday, or, alternatively, consenting to a suspension of Standing Orders to enable me to move a motion immediately, and to put that consideration on notice, so that we can consider it either tomorrow or next Tuesday. Without the Government's agreement, I cannot do anything until 1 June, which is two months away, and that is completely unacceptable.

The Hon. N. K. Foster: He's as bad as Holgate.

The Hon. C. J. SUMNER: Will the Attorney-General facilitate a debate on this matter by next Tuesday and enable the necessary suspension of Standing Orders to occur?

The Hon. K. T. GRIFFIN: I certainly do not want to be tarred with Mr Holgate's brush. The answer is 'No'.

The Hon. N. K. FOSTER: Has the Attorney-General released this report today in the forlorn hope that the determination of the Parliamentary Salaries Tribunal on members' salaries and allowances will not be printed by the media?

The Hon. C. J. SUMNER: I give notice that on Tuesday next, 6 April 1982, I will move the following motion:

That the reports commissioned by the Hon. K. T. Griffin, Attorney-General of South Australia, into alleged corruption in the South Australian Police Force, laid on the table of the Council on 1 April 1982, and the accompanying Ministerial statement, be noted.

CHIEF OVERSEAS PROJECTS OFFICER

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare, representing the Minister of Agriculture, a reply to the question that I asked on 3 March regarding the Chief Overseas Projects Officer?

The Hon. J. C. BURDETT: The Minister of Agriculture has informed me that the answers to the five-part question on this subject are as follows:

1. and 2. Mr Hogarth was briefed by Commonwealth Department of Foreign Affairs officers before departing for overseas on aspects of security concerning the safety and

welfare of staff and families for which he is directly responsible.

3. No.

4. No.

5. Not applicable.

RIVERLAND CANNERY

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare, representing the Minister of Agriculture, a reply to the question that I asked on 2 December 1981 regarding the Riverland cannery?

The Hon. J. C. BURDETT: The Minister of Agriculture has supplied the following reply:

The Government is honouring its commitments given to the receivers of the co-operative and the growers. That is not dependent on the Commonwealth's response.

MARKET GARDENERS

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare, representing the Minister of Agriculture, a reply to my question of 24 March regarding market gardeners?

The Hon. J. C. BURDETT: There are four parts to this question:

1. Postponement of Loans:

It has always been the policy to give sympathetic consideration to requests for deferment and/or capitalisation of instalment in individual cases where hardship is demonstrated. My colleague is not prepared to postpone repayments across the board, but is prepared to consider demonstrated hardship in individual cases.

2. Interest Rate:

The interest rate of 4 per cent is not high as alleged by the honourable member and has not increased from the level set by the former Minister of Agriculture for natural disaster funding. Under the circumstances, my colleague sees a review of the interest rate as being quite inappropriate.

3. Eligibility for Debt Reconstruction Assistance:

Any *bona fide* primary producers, whether they be tomato growers or sheep farmers, are entitled to consideration for debt reconstruction assistance provided they meet the necessary eligibility criteria as set out in the Commonwealth-States agreement on rural adjustment. My colleague is not empowered to vary those criteria, and, in any case, 15 of the Northern Adelaide Plains tomato growers have already qualified for debt reconstruction assistance and farm improvement.

4. Skilled Interpreters:

The Rural Assistance Branch has available proficient interpreters to assist with interviews and also in assisting growers in filling out their application forms.

Exception is taken by the Government to the honourable member's inference that departmental officers gave growers wrongful advice which resulted in erratic germination of hybrid seed and thus added to debt incurred by growers. The officers have always taken every care to advise caution in using new varieties. It is true that some growers in the area planted varieties of tomatoes that were still very much under trial. However, the Department of Agriculture advised growers that, if they were considering new varieties, they should be planted only on a small scale as a trial in order to evaluate performance under their conditions and to develop suitable management practices. This advice was made very clear at a public meeting of growers on 30 January 1981, in a circular distributed widely to growers in the area, and also in an article in *The Grower* (March 1981), which is the official publication of the South Australian Fruitgrowers' and Market Gardeners' Association. Approximately 250 out of 400 growers attended the public meeting.

Further, these statements were developed in association with industry representatives of the three major grower organisations on the Northern Adelaide Plains. In response to messages coming from the market place at that time some growers chose to plant most or all of their glasshouses to the new and only partly tested varieties. This was unfortunate because some succeeded and others failed, suggesting that the time of planting and the management of the crop including post-harvest handling were vital factors in the success of the crop.

Following the down-turn in prices for tomatoes, particularly in the Melbourne market, in 1979 and 1980, largely arising from severe competition by better quality Queensland tomatoes, the Department of Agriculture intensified its efforts both in extension and research, including the setting up of a service centre at Virginia and the appointment of a full-time vegetable adviser. Programmes established to assist the glasshouse industry to get on its feet have involved inputs from no less than five professional staff. One programme of note was to organise a group of 40 growers to visit the Melbourne market in April 1981, to evaluate at first hand the market requirements, problems and opportunities.

An action committee involving the three industry organisations from the Adelaide Plains was set up and this has become the Steering and Planning Committee for all programmes being conducted. A series of field days have been held covering the culture of new varieties, grading and cool storage and the presentation and marketing aspects. The action committee also arranged for a leading Melbourne merchant to speak at a field day on 8 May 1981, regarding market requirements for tomatoes. At all times officers of the department have been conscious that the new varieties are still under trial and have made this abundantly clear to growers in whose hands the final decision on what to plant rests.

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to a question I asked on 25 March about market gardeners?

The Hon. J. C. BURDETT: Growers are paying only 4 per cent per annum interest on their storm damage loans. They were given a two-year repayment holiday until 1 April 1982; the 4 per cent interest is charged from the date the advance has been made. Thus, the accounts recently distributed to growers contain a two-year interest component. As stated in an earlier reply to a question on the same subject asked on 24 March 1982, my colleague is not prepared to postpone repayments across the board, but is prepared to consider demonstrated hardship in individual cases.

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to a question I asked on 31 March about the Virginia market gardeners?

The Hon. J. C. BURDETT: The Minister of Agriculture advises that he did not mislead growers at the meeting held at Virginia on Tuesday night, 30 March, that it was not within his power to remit the interest or capital of advances that were made. What he said was that under the Primary Producers Emergency Assistance Act he had no powers as Minister alone to waive interest rates on the grower loans. Such action would require the concurrence of the Treasurer and only then after due assessment of each individual case. As my colleague has stated in response to questions by the honourable member on 24 March 1982 and on 25 March

1982, he is prepared to give sympathetic consideration to demonstrated hardship in individual cases.

DISTRICT COUNCILS

The Hon. N. K. FOSTER: Will the Minister of Local Government supply answers to the following questions. How many district councils are there in South Australia? How many electors are there in each council? How many administrative staff are in the offices of these councils? How many outside staff are there in the offices of these councils? How many surveys have been conducted by Mr Arland, the Administrator of the Victor Harbor Corporation? What was the purpose of the above surveys? Is it a fact that certain implementations were made before the surveys were completed? Were the surveys pertinent to any decision, and what was the decision? Will the residents of Victor Harbor be given the right to vote for the council of their choice? What aproaches have been made to the Minister by interested citizens in Victor Harbor towards this end?

The Hon. C. M. HILL: The honourable member has asked many questions and they require a great deal of research, especially the questions dealing with the number of electors on the roles of district councils in South Australia. Time will be needed to supply answers to those questions.

Regarding the position at Victor Harbor generally, a matter in which the honourable member has shown an interest, people write to me from time to time from Victor Harbor expressing their views on the local government situation there. As the honourable member knows, an Administrator was appointed, and the council is suspended during the term of the Administrator. At some stage soon I intend to have discussions with the Administrator on the question of withdrawing him from the Victor Harbor council. When that occurs, the suspended council will take office.

The honourable member asked about the question of elections at Victor Harbor. The position is that, when the council resumes office after the suspension, then, in the normal way, half the council will face the people in that district council area at the next election in October.

BALAKLAVA COUNCIL

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Local Government a question bout the proposed common effluent drainage scheme at Balaklava.

Leave granted.

The Hon. J. R. CORNWALL: On 25 February this year, about five weeks ago, I asked the Minister a question concerning the proposed common effluent drainage scheme at Balaklava. I asked:

> In the interests of justice and democracy, will the Minister take whatever action is necessary to ensure that a local poll is held in Balaklava on this issue?

The evening before I asked that question, I flagged the Minister that I intended to ask it, but strangely he brought nothing back. That is most uncharacteristic, both for the Minister and his Ministerial office. His office generally is wellknown as being the most thorough of any Minister of the Government.

That seemed strange to me until yesterday, when I procured a copy of the minutes of the District Council of Balaklava of 15 October 1981. Under a heading 'Correspondence', three items are mentioned in a row as being received by the district council. The first was correspondence from the office of the Minister of Local Government. The minutes of the council regarding this correspondence state:

> Advising that as the construction of a common effluent drainage scheme at Balaklava has a high priority in this Government's Common Effluent Drainage Programme and funding is anticipated to be available this financial year, it would be appreciated if council, as soon as possible, obtains the necessary approvals from the Central Board of Health and Engineer-in-Chief and complete the other statutory procedures set down in section 530c of the Local Government Act so that the scheme may be authorised by the Minister at the earliest possible date.

In other words, this correspondence urges the council to move as rapidly as possible.

The Hon. J. E. Dunford: Who had the contract?

The Hon. J. R. CORNWALL: This is the interesting point. The very next item of correspondence was also a letter from the office of the Minister of Local Government. The council minutes state:

> Advising that the Minister has approved a grant of $10 500 to assist council in engaging a consultant engineer to complete the design work for the common effluent drainage scheme.

Members should note that the Minister had already approved a grant of $10 500 to assist the council in engaging a consultant engineer. The next item of correspondence received by the council was from the Health Commission. As to that, the minutes of the council state:

> Enclosing a quote from A. Gilbert and Associates Pty Ltd for $10 500 to carry out the drafting works associated with the common effluent drainage scheme.

So here we have a letter from the Minister urging the council to get on with the common effluent drainage scheme, a letter notifying them that there is $10 500 available and, in the same mail, a letter from the Health Commission including a quote from A. Gilbert and Associates Pty Ltd, and, bless me, by some extraordinary coincidence, that amount was $10 500. The locals in Balaklava know all about this, because minutes of district council meetings can never be kept quiet for too long.

The Hon. Frank Blevins: Nor should they.

The Hon. J. R. CORNWALL: True, and these residents are incensed. There appears to be a clear case of collusion. Why did the Minister get involved in what appears to be a clear case of collusion with the Health Commission and the undemocratic and unrepresentative Balaklava council?

The Hon. C. M. HILL: Dealing with the first part of the honourable members question about the manner in which he asked his question and his waiting for a reply, I point out that I brought a reply into this Chamber and I gave the usual slip to the effect that I had the reply for him, but he has both lost and forgotten that matter. I have in my case here the reply that I have been keeping with me each day that we have been sitting, and I have been waiting for the honourable member to respond to the slip. I think possibly the most satisfactory action is for me to give the answer now, but it does comprise three pages of material. I am willing to have it inserted in *Hansard*, if the honourable member wishes. It is a lengthy explanation into the matter that the honourable member raised previously in regard to the Balaklava council situation, and covering the matters to which he has just referred.

The Hon. J. R. CORNWALL: I indicate that I am happy to have the lengthy three-page reply incorporated in *Hansard*. If I have lost one of the little slips that comes to my bench from time to time, I apologise, but I still ask the Minister to answer the question which I have asked today and which I repeat: why did the Minsiter get involved in what appears to be a clear case of collusion with the Health Commission and the unrepresentative and undemocratic Balaklava council concerning the common effluent scheme? It is extra-ordinary that those three pieces of correspondence hit the deck at the one time. It seems to every person in Balaklava to be more than coincidental.

The Hon. C. M. HILL: I cannot quite follow the reasoning of the honourable member on this point. I did not 'get

involved' in the issue up there. The plain fact of the matter is that I administer the procedures in regard to local councils seeking consent to install common effluent systems. I am involved not only in consent but the funding also comes through my department. I might say that I believe that Balaklava strongly needs and deserves, in the interests of public health, a common effluent system as soon as possible. When the council made its request and when its time came on the long queue of councils who have applied throughout the country for funding for these purposes, I gave my consent, and funding arrangements are in hand.

The Hon. J. R. Cornwall: You must admit that at best the whole thing has been handled with extraordinary ineptitude, and, at worst, people are drawing wrong conclusions.

The Hon. C. M. HILL: I do not admit that, nor do I admit that the majority of people in Balaklava oppose the common effluent scheme. Obviously, some people do oppose it, because they have communicated with the honourable member, but my officers have looked into this question carefully since the honourable member first raised it and they are satisfied, and so am I, that the majority of people in Balaklava want it. We are of the view that the people need it. Of course, we have to work in close liaison with the health authorities in regard to the implementation of the whole scheme and its installation.

Naturally, correspondence goes between my office and the council and the Health Commission and the council in regard to this matter in the early stages of installation. If correspondence just happens to arrive in the council on the one day and clashes in some way, then so be it. I can see no reason for the honourable member to have any serious doubts as to collusion or any improper practice at all in relation to this whole matter. I seek leave to have the reply to the question asked by the Hon. Dr Cornwall on 25 February inserted in *Hansard* without my reading it.

Leave granted.

The proposal to install a common effluent drainage scheme for the Balaklava township has engendered heated local debate and much of the information circulating in the community is misleading and or incorrect causing undue distress to many people. I believe it is necessary therefore to set out in some detail the background to this matter.

1. Common effluent drainage schemes are constructed and maintained by councils in those areas of the State not serviced and not likely to be serviced by deep drainage schemes operated by the Engineering and Water Supply Department.

2. The schemes are financed by the councils who receive a very substantial Government subsidy toward the capital cost. The amount of subsidy is determined at a level which will enable a council to operate a scheme without charging rates which exceed the metropolitan sewerage rate.

3. Priority for Government subsidy is determined according to need following an assessment by the central board of health based on the following criteria:

(a) need for protection from pollution of watershed areas and underground water supplies used or needed for human consumption.

(b) insanitary conditions from septic tanks and sullage wastes which cannot be remedied by approved methods of disposal beneath the surface of the ground.

(c) subsoil characteristics, building density, and population.

(d) high rainfall and high subsoil water.

4. It has been established by the central board of health, that in Balaklava criteria *(b)* and *(c)* are applicable and a risk to public health exists.

5. Balaklava township has achieved a category 1 priority and funds are available to enable construction to commence in 1982.

6. In accordance with the provisions of the Local Government Act the council served notice, of its intention to construct a scheme, on the owners of all land to be benefited inviting them to make written objections to the proposal within 21 days. This notice was served on 18 December 1981. However, following complaints from residents and representations from the Ombudsman and the Department of Local Government, the date for receipt of objections was extended because of the Christmas/New Year holiday period until 3 February 1982.

7. A large number of letters requesting further information supporting or objecting to the scheme were received and it became clear that many people in the community were uncertain about many aspects of the proposal and had become confused by rumours circulating in the town.

The council, as a result, convened a public meeting to which all people affected by the proposal were invited by letter and at this meeting representatives of the council and central board of health outlined the proposal and answered questions. So that people had a further opportunity to consider the matter after the meeting, the time for lodging objections was further extended until 17 February 1982.

8. At a meeting of the local board of health on 17 February, the board considered the matter and submissions received to that time resolving to recommend to the council that it submit a proposal to the Minister of Local Government seeking authorisation of the scheme.

The council considered that recommendation at a meeting on Friday 5 March 1982, together with submissions received since the local board meeting. Some of the rumours circulating in the area are:

(a) the scheme will cost the people serviced by the scheme $1 000 000.

Fact: The estimated cost of the scheme is $850 000 and under the funding arrangements the State Government will subsidise the capital costs so that initially no person will pay more than $75 per annum for each occupied unit serviced by the scheme or $48 for each vacant unit. It would not be unreasonable to expect the Government subsidy to be in excess of $680 000.

(b) Pensioners and low-income earners will be forced to sell their property because of the additional rate burden.

Fact: All people who qualify for a remission under the Rates and Taxes Remission Act will receive a remission of up to 60 per cent and based on a rate of $75 they will pay only $30 per annum.

(c) In addition to the rate, all properties serviced by the scheme will have to pay a connection fee of $1 000.

Fact: No connection fees are payable. All a landholder will be required to do is to connect the septic tank to the connection point supplied by the council.

(d) The council paid an unreasonable price for the land for the oxidation lagoons.

Fact: The purchase price was $1 000 per hectare which included an allowance for compensation and other factors associated with the siting of lagoons. The price is not considered unreasonable having regard to the cost involved in compulsory acquisition and additional construction costs due to inflation if construction was to be delayed because of compulsory land acquisition procedures.

(e) More efficient and effective systems of disposal are available.

Fact: The sewerage effluent scheme has been found by the central board of health to be the most effective and cost efficient for the South Australian situation.

(f) The Engineering and Water Supply Department propose to connect Balaklava to the Bolivar sewerage works within five years.

Fact: To avoid such circumstances arising in the short term the Engineering and Water Supply Department examine all schemes prior construction and there are presently no plans to connect Balaklava to the Bolivar treatment works.

(g) The council has failed to conduct a poll of electors following receipt of a demand for a poll under section 796.

Fact: Section 530c does not provide for the taking of a poll on this subject and the provisions of section 796 are therefore not applicable.

In summary therefore, the central board of health has determined that because of the inadequate disposal of waste waters at Balaklava, a public health risk exists to that community, and that risk is significant enough to warrant the project achieving category 1 priority on the Government's programme for the funding of such schemes.

The District Council of Balaklava through its local board of health has carried out the necessary statutory procedures and while one may criticise the timing of its original notification to property owners, the council has since gone out of its way to inform and consult with the people affected. The extent of the opposition to the scheme is difficult to gauge but it is clear that much of the public concern has been generated by a few persons some of whom have had longstanding disputes with the council. I do not consider that the holding of a poll on this issue would achieve anything and would only lead to a further division in the community.

The paramount issue which has been clouded in the whole debate which has taken place on this matter is that the central board of health has found that there is a significant risk to public health as a result of the inadequate disposal of waste water in the township and the construction of a scheme is necessary for the protection of public health.

HOUSING TRUST HOMES

The Hon. J. E. DUNFORD: Has the Minister of Local Government a reply to my question of 3 March about the Hackney Hotel and the South Australian Housing Trust?

The Hon. C. M. HILL: The South Australian Housing Trust has no direct knowledge of any financial offer being made to secure vacancy of the property located at 2 Bertram Street, Hackney. The Housing Trust has no intention of entering into any negotiation which would entail the transfer of a tenant against his or her will for the purpose of extending the commercial enterprise referred to in the statement made by the honourable member. It is noted from a recent article in the press that the proprietors of the Hackney Hotel have now withdrawn an applicaton to the St Peter's Council to demolish the four houses which would have included the property situated at 2 Bertram Street, Hackney.

URANIUM SAFEGUARDS

The Hon. BARBARA WIESE: Has the Attorney-General a reply to my question of 2 March about uranium safeguards?

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

1. No.
2. Yes.
3. See (1)
4. See (1)
5. This is a Federal responsibility and the South Australian Government is satisfied that the application of I.A.E.A. inspections and the conditions of Australia's bi-lateral safeguards agreements with customer countries will ensure that nuclear fuel from South Australia will be used only for peaceful purposes.

DRIVERS LICENCES

The Hon. FRANK BLEVINS: Has the Attorney-General a reply to my questions of 4 and 30 March concerning information on drivers licences?

The Hon. K. T. GRIFFIN: Provision is not made on a South Australian licence for the licence holder to authorise the use of their body or certain organs of their body in the event of death. However, a licence holder may write on such an authority if they desire. Whilst there would be no objection to this, the deceased would need to be unquestionably identified as the holder of that licence. It could not be assumed that a licence in a person's possession belongs to that person. The Motor Vehicles Act does not provide for the compulsory carrying of a licence when driving a motor vehicle.

It is just as easy for a person to carry a separate card or authority in addition to a licence as it is to combine the authority with the licence. A card would be a permanent authority whereas a licence would have to be endorsed each time it is renewed. This proposal is perhaps where the emphasis should be placed.

The South Australian Health Commission is presently examining the matter of personal medical records, and in particular a method of registering consent to donation of organs. Whilst registering this consent on drivers' licences may be one way of dealing with the problem, not all prospective organ donors will possess a driving licence. The commission is also considering the practicality of using the Medic Alert Foundation's national system for registration of consent and issue of organ donor cards, which is universal and not limited to foundations or agencies principally concerned with donation of one particular organ. However, the commission is also aware of Committee MD-9 of the Standards Association of Australia which is currently engaged in designing a standard specification for a personal medical emergency device system and that committee has, in its brief, the question of the best arrangements for consent for organ use after death. Therefore, the commission preferred to defer a final recommendation on this issue until this committee had completed its deliberations.

In the interim, very strict procedures for consent for donation of eyes and kidneys are in force throughout the teaching hospital system in South Australia and the Minister of Health is not aware of any episodes of the kind related by the honourable member.

KANGAROO ISLAND STRUCTURE

The Hon. FRANK BLEVINS: Has the Attorney-General an answer to the Hon. Mr Sumner's question of 24 March on a Kangaroo Island structure?

The Hon. K. T. GRIFFIN: The State Planning Authority had not, in fact, been subject to any legal costs in this matter at the time the prosecution was withdrawn. The only costs involved were in relation to airfares and motor vehicle hire charges for officers of the Department of Environment and Planning to visit Kangaroo Island. It was considered that these charges should not be passed on to Mr Zealand.

JUVENILE OFFENDERS

The Hon. ANNE LEVY: Has the Minister of Community Welfare a reply to my question of 25 February about juvenile offenders?

The Hon. J. C. BURDETT: The journal *The Reporter* obtains the statistics from the Department for Community Welfare. As I explained in my previous comment in this Council, definitions differ throughout Australia and this causes some problems of interpretation. The Department for Community Welfare forwards its statistics for use in *The Reporter* fully aware that there is a loss of clarity in combining definitions but recognising that national statistics can be useful for policy considerations. In South Australia, we have two centres which would come under the nomenclature of juvenile corrective institutions, and these are:

1. South Australian Youth Remand and Assessment Centre (SAYRAC) which is used for remand and assessment of youth and for youth requiring secure care who are under the guardianship of the Minister;
2. South Australian Youth Training Centre (SAYTC) which is used for youths on detention orders or youths who are being held on remand awaiting transfer back to another State or who have had a previous history of serious offending in South Australia . . .

The use of the words 'non-offender' by *The Reporter* in their collection of statistics refers to the reason for the particular admission and not the status of the youth. For instance, most of the youths have serious offences in their history and in the case of SAYTC, no youths who have been placed there have not offended. Similarly, of the 25 youths admitted to SAYRAC, only 11 had no history of offending but were under the guardianship of the Minister and needed a place of secure care. Taking these explanations into account, the replies to the honourable member's direct questions are:

1. Of the 48 admissions, there were 42 separate youths—20 females and 22 males; 4 Aboriginal and 38 white; 11 who had never offended and 31 who are serious offenders but who nevertheless had been admitted to the centre on this occasion for reasons other than an offence. Over the 12 months period, therefore, 11 non-offenders have been held in SAYRAC.

2. The 11 non-offenders were held in SAYRAC because of one or a combination of the following criteria:

(a) the person was involved in serious disruptive behaviour and required 24 hours a day supervision to avoid physical harm;

(b) the person was at the time beyond control in a community placement because of aggressive voilent behaviour;

(c) the person was a chronic absconder from other community placements.

3. Because there were only 11 young people in this category over the 12-month period and because of their need for social contact and programmes with other young people, the non-offender group do participate in the programme at SAYRAC, that is school, activities. In their private time, however, each person has a single room. For these young people, the staff is aware of the need for strict supervision.

4. In South Australia, as the figures demonstrate, there are very few non-offenders who are in the same institution as offenders. In SAYRAC, there are youths who have been remanded in custody on a charge for an offence but have not been proven guilty. The practical problem is related to the need for secure care of 11 youths over the 12-month period who are most difficult in the community. They are not suitable for psychiatric treatment under the present circumstances in South Australia and yet must be held for a period of time in a situation which will allow them to stabilise their behaviour. It is not economically feasible to run secure units for these youths as they would remain empty for a considerable portion of the year. The Government's policy is to ensure that all non-offenders are in community placements and the fact that there are only 11 in this State reflects on the success of that policy.

CHIEF OVERSEAS PROJECTS OFFICER

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the Chief Overseas Projects Officer.

Leave granted.

The Hon. B. A. CHATTERTON: Earlier I obtained a reply from the Minister of Community Welfare, on behalf of the Minister of Agriculture to a question in which I asked why the Chief Overseas Projects Officer had been involved with the Commonwealth security organisations before his trip to Iraq. The information that was the basis of that question was the report provided by Mr Hogarth to the Minister on his overseas trip to Iraq and a number of other places in which the department is involved in overseas agricultural projects. The answer to that question denies that there was any involvement between Mr Hogarth and the Commonwealth security organisations. The answer refers only to the Commonwealth Department of Foreign Affairs. Therefore, why did the Chief Overseas Projects Officer mislead the Minister in his report, if he did not have any discussions with the Commonwealth security organisations before going to Iraq? Why was the information in that report incorrect? What action does the Minister intend to take to see that misleading information such as that is not provided to him in future?

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

PACIFIC SCHOOL GAMES

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Minister of Local Government, representing the Minister of Education, a question on proposed school games.

Leave granted.

The Hon. N. K. FOSTER: A letter went out from the Pacific School Games this year. I will read portion of it which is headed 'Commercial Sponsorship of School Sporting Teams' and which states:

> A request for commercial sponsorship of a school sporting team was recently considered by the Education Department Policy Committee. The particular request was that, in return for a donation of $300 to the school, the players would wear a small insignia advertising the company, permanent equipment would be marked distinctively and reference to the sponsor would appear on regular sports newsletters. There was also a suggestion that there would be media coverage.

The idea was to send kids to the Pacific School Games. It goes on to say in further letters that the matter would be widely read in women's magazines and those magazines were named. The suggestion is made to schools that there will be a collection and schoolchildren will be encouraged to get money for 'Operation Airlift' on the basis that they collect certain items sold by this company—Colgate-Palmolive. The proposal will be advertised in newspapers, food stores, on local radio and television stations, and Colgate salesmen will add weight with follow-up contact when touring

territories. It will be advertised in shopping centres by school representatives, and community clubs such as Apex, Rotary and so on.

Some of the articles required to be collected by the schoolchildren will be identified by the company's logo and included are such things as wrappers from all sizes of Palmolive soap, Fab, Cold Power, Dynamo, Palmolive dishwashing liquid, Colgate Dental Cream, Colgate Fluorigard, Ultra Brite, Snugglers and Snug Fits. They stop short of women's sanitary ware. This business is quite disgusting and disgraceful.

The Hon. L. H. Davis interjecting:

The Hon. N. K. FOSTER: I beg your pardon!

The Hon. Anne Levy: Don't take any notice of him.

The Hon. N. K. FOSTER: I think, Mr Pesident, you ought to consider the Bill that was before us last night because you qualify for industrial deafness if you cannot hear this particular bloke when he is yelling and screaming his head off.

My questions are: is the Education Department supporting the programme as outlined in the various articles which I have made reference to and will make available to the Minister? If not, will the department advise the principals of schools (because some of them are at this moment involved) to have nothing to do with this programme whatsoever? Will the Minister request that the department not support such a programme? Does the Minister agree that schoolchildren are to become scavengers of rubbish and rats in rubbish tins in support of Colgate Palmolive when, in fact, the disguised purpose of the campaign is to allow those people to attend any school function or school sport? What Government expense will be required to remove all the filth and rubbish acquired by schools if they support such a programme? Is the Minister aware that some of the schools regard the proposal as absolutely outrageous and will have nothing to do with it, and will he ensure that that type of thinking is made uniform throughout the whole of his department?

The Hon. C. M. HILL: I will refer those quetions to the Minister of Education and bring back a reply.

NOTICE FORMS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before directing a question to you, Mr President, about the Notice of Question forms.

Leave granted.

The Hon. ANNE LEVY: There has been at least one woman member of this Council since 1959; that is, for 23 years. The form for writing out a notice of question has two dots, the word 'day', two more dots, the word 'of', two more dots, and the words 'Hon. Mr', a space, and the words 'will ask'.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I realise that these forms are printed in certain numbers, but I cannot believe that there has been a supply lasting more than 23 years without any reprint. The House of Assembly has recently had a redesign and reprint of its Notice of Question form. I wonder whether you could let us know, Mr President, when new printings will occur for the Notice of Question form for this Council and whether that notice could possibly be altered so that it does not refer to the male sex only?

The PRESIDENT: I am not aware of when the last print was made. If there are not many forms left perhaps we can have them reprinted soon. I see no reason why the honourable member's request should not be acceded to.

PUBLIC SERVICE SECONDMENTS

The Hon. B. A. CHATTERTON: Has the Attorney-General a reply to the question I asked on 11 February about public servants?

The Hon. K. T. GRIFFIN: The release of public servants to work on a temporary basis in the Commonwealth Public Service is subject to reciprocal policies agreed between the Commonwealth and State Public Service Boards. This joint programme was publicly launched in South Australia last year. In summary, placements last for up to two years usually with the participant remaining an employee of the home organisation with day-to-day supervision being the responsibility of the host.

Officers seeking to work for Commonwealth members of Parliament or Ministers are subject to the following considerations. First, in approving such a release the Public Service Board must consider the question of possible conflict by the use of confidential information gained in the course of the performance of the officer's duties. Where necessary, undertakings by individuals and organisations are sought. Secondly, the employment of public servants across the interface between the Public Service and Parliaments is achieved by the appropriate means adopted by the Commonwealth. This requires leave without pay from the State and employment for the relevant period by the Commonwealth Department of Administrative Services.

ETHNIC AFFAIRS

The Hon. Anne Levy for the **Hon. C. J. SUMNER** (on notice), asked the Minister of Local Government:

1. What committees currently operate under the auspices of the Ethnic Affairs Commission?
2. When were they established, what are their terms of reference and who are the members?

The Hon. C. M. HILL: I seek leave to have the reply to this question inserted in *Hansard* without my reading it.

Leave granted.

1. The committees operating under the auspices of the S.A. Ethnic Affairs Commission are:
   (1) The Ethnic Grants Advisory Committee
   (2) The Ethnic Festivals Grants Advisory Committee
   (3) The Migrant Women's Advisory Committee
   (4) The Aged Immigrants Facilities Committee
   (5) The Council for the Ethnic Disabled.

2. The Ethnic Grants Advisory Committee and the Ethnic Festivals Grants Advisory Committee were established in 1978. Their terms of reference were widened in 1981 and new membership appointed in September 1981. The Migrant Women's Advisory Committee was established in January 1982 by the S.A. Ethnic Affairs Commission. The Aged Immigrants Facilities Committee was nominated by the Minister in 1981 and responsibility passed for the commission was taken over by the commission on its establishment. The Council for the Disabled was established in August 1981. Prior to its formation, a committee was established in December 1980 as an International Year of the Disabled Person initiative by the Department of Local Government and the Secretariat of the International Year of the Disabled Person.

Terms of Reference of the Committees

The principal terms of reference of the Ethnic Grants Advisory Committee are:

(1) To recommend grants in accordance with priorities of funding established by the commission. The Commission may accept or reject advice from the Ethnic Grants Advisory Committee.

(2) To advise the Chairman and the South Australian Ethnic Affairs Commission on matters regarding co-ordination of assistance to ethnic groups.

(3) To act as a clearing house of information regarding funding of ethnic groups from Government sources.

Ethnic Festivals Grants Advisory Committee—terms of reference:

(1) To recommend grants in accordance with the priorities of funding established by the commission in relation to ethnic festivals.

(2) To advise the Chairman and the South Australian Ethnic Affairs Commission on matters regarding co-ordination of assistance to ethnic festivals.

(3) To act as a clearing house of information regarding funding of ethnic groups from Government sources.

Migrant Women's Advisory Committee terms of reference:

(1) To report to the commission on women refugees.

(2) To investigate and report on matters relating to migrant women in the workforce.

(3) To advise the commission on issues relating to migrant women.

(4) To advise the commission on matters referred to the advisory committee by the commission.

Aged Immigrants Facilities Advisory Committee terms of reference:

The committee will investigate and report on the special needs of aged immigrants for:

(1) sheltered accommodation including granny flats;

(2) access to existing support programmes;

(3) information;

(4) preventive programmes in relation to physical health, mental health, social activities and well being;

(5) special needs of those with brain damage (dementia);

(6) special needs of country areas;

(7) liaison with State and Commonwealth agencies and departments;

(8) support for family members providing care; and

(9) support for ethnic organisations providing care.

Council for the Ethnic Disabled terms of reference

(1) To provide maximum opportunity for disabled persons of non-English extraction to make satisfactory physical, social and psychological adjustments;

(2) to promote all efforts to provide ethnic disabled persons with proper assistance, training, care and guidance, and to make available opportunities for suitable work and to assist their full integration in society.

(3) to educate and inform the general public of special difficulties confronting ethnic disabled persons and their rights and capabilities to participate in and contribute to various aspects of economical, social and political life and to promote goodwill amongst ethnic disabled persons and their families and relatives and other members of the general community.

(4) To promote effective measures against discrimination of persons as a result of their physical disability; and

(5) *(a)* to encourage and carry out study and research projects in relation to the ethnic disabled;

(b) the results of this research be made available to governmental agencies and social welfare agencies and organisations who manifest an interest in the findings of the results; and

(c) facilitate participation of ethnic disabled persons in all aspects of daily life.

The membership of the five committees is as follows:

Ethnic Grants Advisory Committee

Chairman:

Mr Nick Minicozzi

Members:

Mr Imants Rozenbilds
Mr Moti Somers
Mr Boris von Kolpakow
Father Nick Despinoudis
Mr Waclaw Pacholski
Mrs Vivien Hope (S.A.E.A.C.—no voting rights)
Mr Jack Panagiotou (Executive Officer—no voting rights)

Festival Grants Advisory Committee

Chairman:

Mr Irush Mykyta

Members:

Mr Nick Ianera
Mr Terry Mazarakis
Mr Otto Steck
Dr Stacy Pacevicius
Mr Ron Tan
Mr Marco Milosevic (S.A.E.A.C.—no voting rights)
Mr Jack Panagiotou (Executive Officer—no voting rights)

Migrant Women Advisory Committee

Chairperson:

Mrs Judith Roberts

Deputy Chairperson:

Ms Elizabeth Sloniec

Members:

Ms Koula Aslanidis
Mrs Jane Belcher
Mrs Sofia Balfour
Ms Irene Ciurak
Ms Areti Devetzidis
Ms Jane Hardacre
Ms Irene Krumins
Mrs Louisa Sheehan
Mrs Ursula Sombetzki
Mrs Into Taylor
Mrs Tram Hua Chuoc
Mrs Vivien Hope (representing the Commission)
Ms E. Russell (Executive Officer—no voting rights)

Aged Immigrants Facilities Committee

Chairman:

Mr J. Gulbis

Members:

Mr P. Athans
Mr B. Fleming
Mr G. R. Forbes
Mr J. Glaros
Dr P. M. Last
Miss B. McKenzie
Mr N. R. Newton
Mr P. T. Pirone, LL.B.
Mr R. Prescott
Mrs I. Rudzinska
Mr A. Gardini (Executive Officer—No voting rights)

Council for the Ethnic Disabled

Chairman:

Mr I. Elts

Members:

Mr L. Attard
Mrs G. Campbell
Miss D. Devitzidis
Mr S. Kostoff
Mr A. Kyprianou

Miss R. Olbricht
Mr V. Resl
Mr E. von Muensten
Mr J. Bayer (Executive Officer)

Migrant Police Working Party

The Ethnic Affairs Commission is also involved in the Migrant Police Working Party which is chaired by Mr N. Manos, S.S.M. This committee, however, reports to the Premier in order to maintain the committee's independence from both the police and the commission. This committee has concluded its deliberations and is meeting for the last time in mid-April and a report will be presented thereafter.

The other members of the committee are:

Mr H. K. Lockwood, Assistant Commissioner, S.A. Police Department.

Senior Sergeant K. J. Oakley, S.A. Police Department.

Mr A. Gardini, Principal Project Officer, S.A. Ethnic Affairs Commission.

Mr E. Rasheed, former Senior Community Welfare Worker, Department of Community Welfare.

Mr N. Glaros, Probation and Parole Officer, Department of Correctional Services.

Mr L. Timpano, Executive Officer, Senior Interpreter/Translator, S.A. Ethnic Affairs Commission.

ETHNIC BROADCASTING

The Hon. Anne Levy for the **Hon. C. J. SUMNER** (on notice), asked the Minister of Local Government: How much money has been granted to Ethnic Broadcasters Incorporated or any other ethnic broadcasting service since September 1979, and for what purpose?

The Hon. C. M. HILL: This answer involves schedules with various columns of figures and it is most difficult to explain. Therefore, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Grants made to Station 5EBI:

Year	Month	Purpose	Amount
			$
1979-80	May	Government support for launching of FM Station.	10 000
	17 July 1980	General service grant for community service programmes.	6 000
		General service grant for community service programmes.	20 000
1980-81	18 June 1981	Studio equipment for radio 5EBI-FM.	8 000
1981-82	8 Oct. 1981	Studio equipment at 10 Byron Place, Adelaide.	8 000
	Feb. 1982	For stereo equipment at 10 Byron Place, station 5EBI-FM.	8 000

Other grants made to ethnic broadcasters for the Community Radio Advisory Committee (1979-80) and Public Radio Advisory Committee (1980-81-82):

Year	Month	Purpose	Amount
			$
1979-80		Czechoslovak Club—programme making grant.	500
1980-81		Czechoslovak Club.	250
		Ethnic Communities Council of S.A.	250
		Whyalla Ethnic Broadcasters.	250
1981-82		Czechoslovak Club.	500
		Ethnic Communities Council of S.A.	500

The grants to the Czechoslovak Club and the Ethnic Communities Council have been made through the station management of radio 5UV.

It must also be noted that Ethnic Broadcasters Incorporated received funds for the Special Broadcasting Service (S.B.S.) as follows:

5 Jan.-31 July 1980	$61 900
1980-81	$143 000
1981-82 interim payment	$78 357
(expected total)	($101 000)

BALAKLAVA AND OWEN COUNCILS

The Hon. C. M. HILL (Minister of Local Government): I move:

That a Select Committee be appointed to inquire into the uniting of the District Councils of Balaklava and Owen.

The Select Committee should examine any benefits or disadvantages that might flow from the uniting of the two areas. In carrying out this examination the Select Committee should take into account any operational, financial and management issues it considers appropriate as well as community interest in its determination of the question. The Select Committee should consider the impact of the proposal on adjacent council areas, and also any consequential adjustments to boundaries that may be required.

If the Select Committee considers that the unification of the two councils, with any other inclusion of, or adjustment to, the areas of adjoining councils, it shall prepare a Joint Address to His Excellency the Governor pursuant to section 23 of the Local Government Act, 1936-1981, as amended, identifying the areas to be united and any required changes to the areas of any adjoining district councils by uniting, or by severance or annexation, any consequent adjustment of liabilities and assets, the disposition of staff affected by any change and all other matters pursuant to the Local Government Act, 1936-1981.

Motion carried.

The Council appointed a Select Committee consisting of the Hons. J. A. Carnie, L. H. Davis, J. E. Dunford, N. K. Foster, C. M. Hill, and Barbara Wiese; the quorum of members necessary to be present at all meetings of the committee to be four members; Standing Order No. 389 to be so far suspended to enable the Chairman of the Committee to have a deliberative vote only; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 1 June.

LICENSING ACT AMENDMENT BILL

In Committee.

(Continued from 30 March. Page 3661.)

Clauses 2 and 3 passed.

New clause 3a—'Constitution of Licensing Court.'

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

Page 1, after line 24—Insert new clause as follows:

3a. Section 5 of the principal Act is amended by striking out subsections (5) and (6) and substituting the following subsections:

(5) The remuneration of the Judge shall be at the same rate as for a person (other than the Senior Judge) holding judicial office under the Local and District Criminal Courts Act, 1926-1982.

(6) The Governor may appoint, on an acting or temporary basis, and at a rate of remuneration determined by him, a person holding, or qualified to hold, judicial office under the Local and

District Criminal Courts Act, 1926-1982, to exercise powers and functions conferred on the Judge under this Act.'

As it now stands the Act is somewhat ambivalent in relation to this matter. It could be argued that there is no power to appoint an Acting Licensing Court Judge because, at the moment, there is no Licensing Court Judge. This provision was contained in the judicial salaries and remunerations Bill, which failed in this Council, although on entirely different grounds. That Bill was defeated and this provision, which was a very minor part of that Bill, was not passed. I am inserting this new clause into the principal Act to make it quite clear that an Acting Licensing Court Judge can be appointed.

Honourable members will recall that the Hon. Mr Sumner asked me what the Government proposed to do about the Licensing Court staff. Until recently, Judge Grubb, who is also a judge of the District Court, spent all of his time at the Licensing Court; there is also a licensing magistrate, Mr Claessen, who is also a special magistrate. Therefore, the Licensing Court had two members. As I explained to the Hon. Mr Sumner, the licensing magistrate is still sitting at the Licensing Court on a full-time basis. The Government has appointed and deputed a special magistrate, Mr Charles Eardley, to the Licensing Court and he will spend three days a week there; the rest of his time will be devoted to his work in the District Court. Therefore, the staffing level will be maintained.

I also informed the Hon. Mr Sumner that the Government intended to appoint an Acting Judge of the Licensing Court, because there are cases which are likely to go on appeal and, therefore, litigants wish to be heard by a judge in the first instance. I also informed the Leader that when the Acting Licensing Court Judge was not sitting in the Licensing Court he would continue as a member of the profession. I also said that, because we are now maintaining the Licensing Court staff at its previous level (two members available on the same basis as before) and, in addition, providing a Licensing Court Judge, we would monitor the situation and decide on the ultimate staffing level for that court. Of course, the appointment of an acting judge is a flexible arrangement which allows for some monitoring to be carried out and a proper decision to be taken in due course. As I have said, this provision was included in another Bill which failed in this Council for quite different reasons.

The Hon. G. L. BRUCE: The Opposition does not disagree with this amendment. My mind cannot but go back to the amendment that the Opposition tried to move previously to enable the Licensing Court Judge to continue on. The judge was doing his job reasonably, and some consideration should have been given to this matter so that he could carry on. It seems that this amendment is a stop-gap provision. Although the thrust of the amendment is to cover a temporary appointment, the Opposition has no strong views on it and, accordingly, supports the amendment.

The Hon. FRANK BLEVINS: This amendment is necessary because of the Government's desire (in which it was successful) to get rid of Judge Grubb from the Licensing Court. The Opposition has spoken on this matter previously, and I want again to register my protest and that of all Opposition members at the shabby and shameful way in which a good, faithful servant of the people of this State has been dealt with by the Government. In effect, it refused to allow an increase in the maximum age of judges in this jurisdiction. The Government could not get rid of Judge Grubb altogether: he returned to his former role in the Magistrates Court. In its desire to downgrade the Licensing Court, the Government has unceremoniously dismissed Judge Grubb, who has the respect of all sides of the industry, including the Australian Hotels Association and the Licensed Clubs Association.

The CHAIRMAN: Order! I point out to the honourable member that there is nothing in the amendment about Judge Grubb.

The Hon. FRANK BLEVINS: No, Sir, but the amendment has been brought about by the Government's desire to tip out Judge Grubb from the Licensing Court. Somewhere along the line, Judge Grubb offended either the Minister or the department. He was therefore no longer acceptable to the Government, although he was acceptable to everyone associated with the industry.

The Government therefore seized on this age limit and unceremoniously dismissed Judge Grubb from this jurisdiction, using the argument that the Licensing Court jurisdiction required a judge who was very active and that there was a lot of climbing to be done. The reasons that the Government gave were absolute nonsense, and it has not been able to substantiate those reasons. Judge Grubb returned to the Magistrates Court.

The Hon. J. C. Burdett: That's not correct. He is in the District Court.

The Hon. FRANK BLEVINS: Well, Judge Grubb has returned to the District Court, and is doing his job there in a very efficient manner. Will the Minister say why the Government refused to support the Opposition's amendment that would have enabled Judge Grubb to continue in this jurisdiction? Whom did he offend? Was it the Minister or some people in the department, of which he was constantly (and, from what I know of the industry, justifiably) critical? If he offended those people, will the Minister say what was the offence, so that the Committee can judge whether the action taken by the Minister in this shameful and shabby affair has any justification whatsoever?

The Hon. J. C. BURDETT: The only matters to which I should like to refer relate to Judge Grubb, as that matter was canvassed by the Hon. Mr Blevins in particular and, to some extent, by the Hon. Mr Bruce. You, Mr Chairman, correctly pointed out to the Hon. Mr Blevins that Judge Grubb is not mentioned in the amendment. I seek your guidance, Sir. The reference to Judge Grubb having been proceeded with, I should like briefly to reply on that score.

The CHAIRMAN: I could not very well stop you from doing so, the matter having been raised, albeit incorrectly, previously.

The Hon. J. C. BURDETT: I will be brief, as I gave these answers previously at the correct time, when the former Licensing Act Amendment Bill was before the Council and when an amendment relating to the retiring age of judges was considered. Certainly, I have not wanted at any time (nor has the department) to get rid of Judge Grubb.

The previous Licensing Act Amendment Bill that was introduced in this place related to low alcohol liquor and licence fees. It had nothing to do with the retiring age of judges, which was fixed a considerable time ago. The Opposition moved an amendment with an instruction from the Council (we did not oppose the instruction being moved) to extend the retiring age of judges from 65 years to 70 years.

The Government opposed that amendment for the reason that I gave at the time, namely, that there was already in existence a two-tiered structure of judges in regard to retirement. The retiring age was 65 years for judges of the Licensing Court and the District Court and 70 years for judges of the Industrial Court and the Supreme Court. I suggested at that time that, if the Opposition wanted to review the retiring age of judges, it ought to be done in that whole context and not in the Bill that related to licence fees and low alcohol beer and wine.

I gave an undertaking, after consulting with the Attorney-General, that he would consider the total question of the

retiring age of judges. I noticed that the Hon. Mr Blevins, no doubt inadvertently, downgraded his Honour Judge Grubb by saying that he was going to the Magistrates Court. Of course, Judge Grubb was already, and remains, a judge of the District Court.

The Hon. C. J. SUMNER: Does this amendment mean that the Judge of the Licensing Court will not now have to retire at 65 years of age?

The Hon. J. C. Burdett: No, it does not.

The Hon. C. J. SUMNER: I am not sure whether I agree with that proposition. As I understand the amendment, it is designed to amend section 5 of the Act, which deals with the Licensing Court and its composition. It may be that the provision has been amended since 1975, in which case what I am saying may not be correct. However, if section 5(5) is removed, the retiring age of the judge is also being removed.

The Hon. J. C. BURDETT: In the Licensing Act, section 5 (4) provides:

> The Judge shall be appointed to hold office until he attains the age of 65 years and shall not be removed from office except upon an address of both Houses of Parliament.

That subsection has not been interfered with in any way at all. The amendment is to insert a new subsection. I am not interfering with subsection (4) at all. I am striking out subsections (5) and (6) regarding remuneration and the question of acting judges. The Hon. Mr Sumner probably did have, as he thought, an unamended copy of the Act. The question of the retiring ages of judges is contained in section 5 (4) and is not interfered with. The amendment seeks to insert a new subsection and to strike out subsections (5) and (6), which have nothing to do with the retiring ages of judges.

The Hon. C. J. SUMNER: I appreciate the indication that the Minister has given. However, there still remains the question of whether a person appointed under section 5 (6), that is, a person who may not be a judge but only appointed on a temporary basis, would have to retire at 65 years of age. I do not think that that person would. All the claptrap about Judge Grubb and the fact that he could not do the job because he was too old at 65 years of age to be in the Licensing Court, but that he was able to do the job in the District Court, is shown for what it is; it is totally specious reasoning.

My interpretation of the provision which amends section 5 of the Act is that the Government may now appoint a person who is qualified for appointment to the District Court to exercise the powers and functions referred to a judge under this Act, and that there will be no retiring age applicable. A person who is appointed as a judge of the court will still be governed by the retiring age of 65 years of age. The Government has now introduced an amendment which indicates that a person over 65 years of age could be appointed to that court. This shows the speciousness and phoniness of the arguments that the Government put up about Judge Grubb's being too old at 65 years to continue in the Licensing Court. Is it true, as I believe it is, that someone appointed under new section 5 (6) could operate in the Licensing Court even if he was over 65 years of age?

The Hon. J. C. BURDETT: I cannot see that the argument used in a previous debate has any merit in being rehashed, although it has been done in this debate. The principal argument I used earlier not specious. The main argument had nothing to do with Judge Grubb, as I said at the time. My main argument was that I, and the Government, did not think it appropriate to deal with the question of the retiring age of judges in a piecemeal way. There are two categories of judges: first, Licensing Court and Industrial Court judges who retire at 65 years of age; and, secondly, District Court and Supreme Court judges who retire at 70 years of age. If it was intended to address the question of the retiring age of judges, this should be done in an organised way in relation to all judges. The Attorney-General undertook to investigate that.

Regarding the Leader's question, I think that he is right and there is nothing wrong with this—that it is the case as it was before, that an acting judge could be a person over 65 years of age. The intention of the Government is, while the staffing of the court in terms of the number of personnel has been maintained at its present level, to appoint an acting judge for monitoring the staffing requirements of the court and not to use a judge sitting in the District Court. So as not to interfere with the staff of that court, whoever that judge may be, the Government intends to use a person from the profession in the interim period while the matter is being assessed. I assure the Committee that I have no intention of appointing anyone anywhere near the age of 65 years.

New clause inserted.

Clauses 4 to 6 passed.

Clause 7—'Full publican's licence.'

The Hon. R. C. DeGARIS: I move:

> Page 2—Lines 14 to 17—Leave out these lines and substitute—
> 'the licence on a Sunday—
> *(a)* between the hours of twelve o'clock noon and eight o'clock in the evening;
> or
> *(b)* during such shorter period between those hours as the court fixes.'
> Lines 18 to 30—Leave out subsections (2a) and (2b).

This amendment follows closely the amend I moved in 1967 when a Bill was then before the Chamber. The reason I moved this amendment in 1967, which allows hotels to open on Sunday, was that in the Sangster Report the recommendation was made. In 1967 we opened up Sunday trading to clubs and permit holders. Since that time we have had the position where clubs can trade on a Sunday, but hotels cannot. This is unsatisfactory. Now, 15 years later, I am again moving this amendment.

The amendment allows hotels to open between 12 noon and 8 p.m. on a Sunday. Hotels then have the right to go to court and ask for particular hours. There is no necessity for them to open. The Bill before us is peculiar. I agree with the comments that have been made by other speakers, that the court at the present time under the Bill may, by endorsement on a full publican's licence, authorise the holder to sell and dispose of liquor on a Sunday, but the court shall not grant an application for that authorisation unless the court is satisfied of a demand by tourists in the vicinity of the licensed premises.

This is difficult for a court to decide. One can say that tourists are those who come into Adelaide on a Sunday and go to the Botanic Gardens and, therefore, the Botanic Hotel would get a licence to open on Sundays, but that the Producers Hotel, a couple of streets up, probably would not get that licence as a tourist facility because the Botanic Hotel had. I see great difficulty with courts making this decision. I prefer, rather than have all this regulation of someone having to prove that there is a demand by tourists in the vicinity for hotel opening, that we grant hotels the right to make application—

The Hon. J. E. Dunford: Is what you are suggesting similar to *bona fide* provisions in regard to travellers?

The Hon. R. C. DeGARIS: I am saying that the court has a difficult job when a hotel makes an application to open on Sunday during certain hours because there is tourist potential or a tourist facility adjacent to the hotel. That whole procedure involves the cost of going to court, briefing lawyers and hearing applications, when the simple procedure would be to allow hotels to trade on Sunday simply by applying to the court for certain hours. Such applications

would then be granted. Probably a hotel is the best one to decide whether there is tourist potential or not. There may be no tourist potential until the hotel opens. It is time that we cleared up this area once and for all.

At present clubs open on Sunday, and I have always believed this was unfair in the liquor trade area. The present position that the Government has adopted is a toe in the door, and I am sure that all members here believe that, once this change is accepted, we will get Sunday trading in the future, anyway. I suggest that it be done now, so that we can allow hotels to trade during certain hours that they choose to trade between 12 noon and 8 p.m.

The Hon. J. C. BURDETT: I oppose the amendment. I acknowledge that it is a difficult question, and the Government has considered it carefully on several occasions. Also, I respect the view of the Hon. Mr DeGaris who, as he said, first raised this matter 15 years ago and on at least one other occasion, and he has now raised it again. The Government has decided not to proceed to full Sunday trading at present.

The references that the Hon. Mr DeGaris made to the interpretation of the courts of the proposed amendments to section 19 of the Act are dealt with in my second reading reply, and I will simply repeat what I said then: I do not believe it would be beyond the wit of the court to interpret fairly clearly set out and well drafted provisions.

I recall what the Hon. Mr Bruce said in his second reading speech, and this is another difficult area that one has to consider in addressing this problem about what one should do in legislation about Sunday trading. He referred to the question of trade union members. True, the majority of trade union members in question do work in hotels rather than in clubs, and the honourable member suggested that the union would actually benefit by full Sunday trading for that reason. The Hon. Mr Bruce suggested that full Sunday trading would produce greater equity between hotels and clubs. He also made the point, and it is certainly supported by recent surveys of union members that, although they may be misinformed, the great majority of union members are opposed to Sunday trading.

Shortly after the Liberal Government came into office, my Ministerial assistant and I carried out an inquiry into this question. We spoke to the union and asked it to conduct a survey. We paid the union's expenses to do that. The result of the recent survey was a 90 per cent 'No' vote. Previous surveys have had a lower result. I can understand what the Hon. Mr Bruce and the Hon. Mr DeGaris have said. It may be that full Sunday trading would promote greater equity between clubs and hotels, and the majority of the union members that we questioned do work in hotels.

However, the union membership at present, and as far as I can discover, is not satisfied about this matter and does not want full Sunday trading. I did conduct extensive consultation over the amendments contained in this Bill, including discussions with the union, and the point raised by the Hon. Mr Bruce received precedence. There was also the acknowledgement that members did not support it. For all the reasons that I have advanced, and not just that one, I oppose the amendment.

The Hon. G. L. BRUCE: The Hon. Mr DeGaris's amendment is rather premature at this stage. However one looks at the Bill, wheeling and dealing has been done all along the line.

The Hon. J. C. Burdett: It's consultation.

The Hon. G. L. BRUCE: It can be described as consultation, but wheeling and dealing has been involved. I do not blame the Minister or the industry, because that is how one arrives at a consensus. To support the amendment of the Hon. Mr DeGaris at this stage would not give all the people in the arena a fair go. Until this Bill was introduced no-one was aware that Sunday trading was to be a goer. The Government, until a week or two before the Bill was introduced, emphatically denied that Sunday trading would get anywhere in South Australia.

There has been a last-minute flurry and, as a compromise, there will be an interim period while this provision operates. It will be chaotic. When the first hotel is knocked back under this new type of licence all hell will break loose. The hotel will not willingly be denied a tourist licence and watch its customers walk down the road and have a drink elsewhere. That provision will not work, and I do not think that it is intended to work. It is the thin edge of the wedge. Certainly, the scheme will condition the outside world to Sunday trading and it will give the industry time to draw the battle lines in regard to the position that should obtain when Sunday trading is finally introduced. The Bill provides breathing space.

Correctly, the Minister has stated that union members do not want Sunday trading. In the survey, about 2 500 replies came back, indicating that about 95 per cent of members are violently opposed to Sunday trading. I respect the views of those members, but I cannot understand their reasoning, because Sunday trading already operates in clubs in South Australia. It is not fair for just one section of the industry to be able to have this advantage. Virtually anyone can go to a club. One can get signed in, but even that is not always a formality; in fact, one does not have to sign in at Whyalla, and many other clubs are probably in the same situation.

In Whyalla, there is direct competition with hotels, and it is full bore on Sundays. I can understand why some hotels want Sunday trading—because it is already here and they want to get into it. Also, I can understand why union members do not want it—because they believe it will encroach on their freedom and time off. Union members have to come to grips with it. This Bill is the thin edge of the wedge but will only give everyone a breathing space to find out where they stand.

It is a hypocritical approach by the Government in regard to its approach to the matter. I would prefer a candid and more honest approach. I know what is being done and, like the Hon. Mr DeGaris, I believe there should be Sunday trading and that we should do away with the tourist malarkey because it will not work on a tourist basis. I bet no surveys have been done and that most tourists will be locals living around the hotel.

The Hon. R. C. DeGaris: Aren't they tourists?

The Hon. G. L. BRUCE: Well, are they? If one walks 50 yards down the beach from where one lives I suppose one is a tourist. We cannot define 'tourist' to that extent. If I go from Hampstead Gardens to Glenelg or if someone comes from Glenelg and goes to Tea Tree Gully, and we pass a hotel on the way, are we tourists? Why does the Government not say that it is introducing Sunday trading for a trial period? It has found that random breath testing and on-the-spot fines have been blasted and has decided to introduce something beneficial, as it is election year. Why is the Government not honest about that?

The Hon. Ren DeGaris's amendment is an honest amendment but I cannot support it at this stage, because I believe that the wheeling and dealing has been done. I believe that Sunday trading generally will come about more quickly than the Minister says it will. I believe that the courts saying that they cannot administer the new licensing laws will put pressure on whatever Government is in power to do something immediately. The first licence that is knocked back will prove that this legislation is no good.

The Hon. FRANK BLEVINS: I oppose the Hon. Mr DeGaris's amendment. I congratulate him on moving it and I would prefer to be in a position of supporting it. However,

for a number of reasons I cannot. For once in his life, the Hon. Mr DeGaris is ahead of his time. His career to date could never be described in those terms; rather the contrary. I do not think the amount of time that he is in advance is very great, because there is no doubt in my mind that this provision is put in the Act without any intention of its working in the method stated. The Government knows it will not work—it does not intend that it sould work. It will create enough fuss on the question on Sunday trading for it to be arranged in a very short period.

I will vote for it with one proviso: that the industrial problems associated with Sunday trading are fixed up. I will not be party to extending Sunday opening if in doing so we create a situation in which industrial disputes will occur. That would be ridiculous. I appreciate the problem the Liquor Trades Union has; the overwhelming majority of its members would rather not work on Sundays. I understand that completely, as I also prefer not to work on Sundays.

However, before coming into Parliament I worked in an industry that not only worked on Sunday but also worked 24 hours a day. I did not like that aspect of the industry, but it was the industry in which I chose to work and I knew that I could be called on to work these anti-social hours. My union and I ensured that we were well compensated for working those hours. In our award we got penalty rates up to 5½ times the ordinary rate. Anything the company could do to avoid paying those rates it did, so our leisure time was disturbed to the absolute minimum.

I believe that people in service industries, particularly those working a 24-hour-a-day service, have to come to terms with that reality. Unfortunately, the liquor industry is not a nine-to-five industry and, because it is a service industry, somewhere along the line the reality of unusual hours has to be accepted and award provisions made accordingly. If I were a member of the Liquor Trades Union working in this industry, I would recognise the reality that Sunday opening is in demand and that I was there to satisfy the demand.

However, if one chooses to use the hotel on Sunday, one should pay to do so. If in Government, I would say that, if Sunday trading prevails, hotels can trade at any hours, but the additional cost incurred through trading at that time should be met by the people who use the facility at that time. If there is an additional cost of 50 per cent in employing labour (and I hope it is more like 500 per cent) at 3 a.m. on Sunday, the person using the hotel at that hour should pay for the privilege of doing so. It is wrong to load everybody who drinks during the week with the cost of keeping the facility open at odd hours.

That is one of my arguments in relation to the extension of shop trading hours: the people who want the extension of hours want the cost of their convenience met by the shopping community as a whole. It is loading the cost on the one section of the community without their wanting what another section sees as a benefit. The person who goes to the hotel in normal drinking hours should not be loaded with the cost of additional odd trading hours.

I also wish to refer to the industry as a whole. The hotel industry has served this State very badly indeed, as it is geared to the benefit of the hotel keeper. It is not in any shape or form geared to the benefit of the consumer or employees in the industry. For some historical reasons of which I am not fully aware, it seems that the hotels in this State have been protected birds. The industry is structured to protect them and to maintain their profitability. If that has been at the expense of their employees and other interests in the industry, those people have had to pay the price. What has the hotel industry given to this State in return? With some notable exceptions—very little. When we see these notable exceptions and find a hotel keeper with spark, flair and originality we find that he does extremely well and he deserves to do so.

However, the bulk of hotels in this State are structured in a most uncongenial way. They are certainly not structured to enable people to walk to them and from them to have a drink. People want to drink in an atmosphere that is friendly and local, but not here, because here people build $2 000 000 structures and then come to the Government saying not to give tavern and restaurant licenses because they have a $2 000 000 investment and will go broke if that happens. The whole of society wants the business structured in some other way, but apparently, because the A.H.A. has the power to say 'no taverns', 'No small pubs', we have to protect huge monstrosities that one can get to only by car.

I have no idea why Governments have maintained the structure of the industry as it is. As far as I am concerned, for that protection the hotels have delivered little, if anything, to the consumer. My personal view on this whole Licensing Act is that, really, I would rather not be bothered. This is one instance where I would join the hard line conservatives on the Government benches and let the market place decide. Provided industrial organisations can have a good go at the employers in relation to the conditions and penalty rates that should apply, I could not care less whether hotels are open at 3 o'clock in the morning and 24 hours a day. If anybody wants a drink at unusual times, he should be entitled to have one. If somebody is being paid a sufficient wage to stand behind the bar at that time and is happy to do so at 3 a.m., that would be an ideal arrangement. I hope we come to that.

I see no reason why all the taxes and duties payable to the Government on alcohol (and I support them completely—the level of those taxes and the amount of taxes—and I think one could argue they could be increased in some areas, but I cannot see how) cannot be collected wholesale. I think it would be far easier to do it that way, and then the whole industry could sort itself out and supply some sort of service. If that meant that those hotels that people no longer want (if they ever did), these huge places, went to the wall then that would not bother me particularly, because in their place would spring up hotels that people did want and would use. I think that what employment would be lost on the swings would be picked up on the roundabouts, so again I do not see that as a problem.

Later in this Bill I will be speaking about what is now known as the 'show cause' clause in relation to noise associated with licensed premises. That is the only argument I have with the whole of this licensing area. The way in which we go about this licensing procedure generally is ridiculous. I have said that I believe that people should be allowed to drink at 3 o'clock in the morning, and that people should serve them at such an hour if some reasonable financial arrangement can be made. I think that people should be able to do that, but not at the expense of somebody else. That is the sore point.

I think that at the moment some people are disadvantaged by the way in which the hotel industry is behaving, and it reflects no credit on that industry. In fact, the way in which the hotel industry is acting at the moment in relation to noise is not to its credit. I do not think that anybody is entitled to have any pleasure at all at the expense of somebody else, but that is what is occurring at the moment.

I regret that I have to vote against this amendment at the moment. I hope that the industry and the unions can come to some arrangement as soon as possible. The moment that situation is arrived at and sufficient safeguards are put into the Act for the protection of residents I, for one, shall be happy to support any extension of licensing hours. I will go even further and say that I will support the maximum

possible amount of deregulation of the hotel industry when that happens.

The Hon. M. B. DAWKINS: I do not think that anybody in this Chamber is too surprised to know that I am opposed to Sunday trading. I am well aware that most members in this Chamber would not agree with me, as is their legitimate right, and it is my right to hold the opinion that I do. The amendment put forward by the Hon. Mr DeGaris is marginally worse, from my point of view, than is the Government's proposal, which I do not support, anyway. I believe that the Hon. Mr DeGaris was sincere in his attempt to move this amendment, in that he said that the situation is not fair at the moment, because there is Sunday trading in clubs. I realise that that is the case, although I am not in favour of that, in any case.

My position is that I believe that this amendment is marginally, on balance, worse than the proposal put forward by the Government, and therefore I will oppose it. As the clause stands, I believe that there will be problems in policing a situation in which there will be a session of no more than two hours, then a gap of not less than two hours, and then another session of two hours. The policing of such a proposal presents difficulties. Thus, I will oppose the amendment and also vote against the clause in due course.

The Hon. G. L. BRUCE: I agree with the Hon. Mr Dawkins completely about the hours, but not about the drinkers. However, what he says highlights the haste with which this Bill has been prepared. I do not think that there was consultation with the industry by the Minister about Sunday trading. If there was, they could have come up with better hours. I have had no representations from any side of the industry about these hours. How the hotels and unions are wearing these hours I do not know. To me, the proposal is ridiculous. What one is looking at is a period from 11 a.m. until 8 p.m., nine hours consisting of four hours work and a five hour gap. The minimum gap one can have between sessions is two hours, so somebody has to sit around for two hours. Had there been consultation with the hotels and the unions, I feel sure this could have been done on a two, three or four hour straight basis.

I do not know of any tourist places in which there is not more than one hotel. If someone had said they would give a hotel three hours straight trading the hotels could have worked out the logistics so that one hotel opened for lunch from 11 a.m. to 2 p.m., then closed, and then another hotel opened from 5 p.m. to 8 p.m. to have its chop. The staff would have come in and had a three-hour straight run. Then, instead of the hotels trying to cut each other's throats, they would have worked in conjunction.

However, under the Bill there will be split forces, with a double lot of casuals coming in. There is no way in which the permanent employees will get into this act because at present (and the deal has not yet been done, but still has to be done) it will cost more to employ the permanent employee at double time. A casual receives time and a half. The Government has casualised the industry even more than presently applies, which decreases the stability of the industry. Many casuals will work for two hours on a Sunday morning and two hours on a Sunday afternoon and that is probably all the work they will get. They will not have the expertise or the commitment to the industry, which other workers possess. I believe the Bill is badly drafted. I know why the Minister has introduced it and I am also aware of the politicking between the unions the Government, the A.H.A. and the clubs. It is very hypocritical. I repeat what the Hon. Mr Laidlaw said, but in a different context: if workers in the industry sat down with the Government and came up with some dinkum proposals instead of this load of codswallop dealing with tourist licences, which I do not believe will work—

The Hon. Frank Blevins: They are not designed to work.

The Hon. G. L. BRUCE: No, they are the thin end of the wedge. I have received no representations from the industry in relation to the hours. Has the Minister discussed the hours with the industry, the A.H.A., the clubs or the unions? If not, I suggest that he should. There should be more rationalisation in relation to the hours. I do not see why the hotels would want a Bill such as this, because it will require two clean-up sessions—one after the first session and one after the closing session. Most hotels or factories have one clean-up period at the end of work or a continuing clean-up period as the day progresses. However, this Bill will require two clean-up periods. It is a bit of good and a bit of bad. The Bill gives the Government a wedge for Sunday trading under the guise of the tourist industry licence. However, the Bill does nothing for workers employed in the industry, and it will do nothing for hotels in the short term. The Bill simply gives hotels the Sunday trading that they have wanted for many years.

The Hon. J. E. DUNFORD: The Hon. Mr Bruce—

The Hon. R. C. DeGaris: Have we got your support?

The Hon. J. E. DUNFORD: I am more inclined to support the Hon. Mr DeGaris than the Government; the Hon. Mr DeGaris is more honest. In fact, the Hon. Mr DeGaris has improved over the years; I do not know whether it is my influence or just experience and age.

The Hon. J. C. Burdett: When it suits—

The Hon. J. E. DUNFORD: When it suits him. On this occasion he is more impressive than the Minister. The Hon. Mr Bruce has impressed me. Frankly, I do not know what to do. The Hon. Mr Bruce said that 95 per cent of trade unionists working in the industry oppose the Bill. I would be a real galah if I supported the Government in opposition to 95 per cent of the rank and file members of the trade union. The Hon. Mr Bruce also said that there has been some wheeling and dealing between the union, the A.H.A., and the Hon. Mr Burdett. I have always believed that when trade unions wheel and deal with employers they express the opinions of the rank and file members. I am a member of Parliament because of the support I received from Trades Hall, and I am sure that all honourable members are aware of that. I am not here because of the support I received from rank and file members, but I lean towards their needs more because they are the voters.

The Hon. D. H. Laidlaw: I thought you represented the whole State.

The Hon. J. E. DUNFORD: I am referring to a section of the voters. This legislation has been prepared in haste. Workers will receive only four hours work on a Sunday: 11 a.m. until 1 p.m. and then from 6 p.m. until 8 p.m. In fact, it will be a nine-hour day for a barman or barmaid.

The Hon. Anne Levy: That's more than four hours.

The Hon. J. E. DUNFORD: Yes, but they will probably receive double time or triple time—I am not sure, because I do not know how the liquor union operates. However, this Bill does not deal with rates of pay. I suppose the average worker, unless he lives next door to his employment, would travel about an hour to and from work. A barman starting at 11 a.m. will work 2 hours and will then have to either return home or wait until the hotel opens again. Will the manager give him a bed or tell him to go home? If he goes home it will involve another hour's travel. Therefore, he will have to travel 4 hours for 4 hours work. I suppose many barmen will tell their bosses that they will not be in it, and I know that many bosses will say that, if they will not be in it, they are out.

I believe the Bill should be redrafted to give more consideration to the workers. It will be a trial period for employees in the industry. I drink in hotels and I have spoken to other drinkers and found that they do not care

whether Sunday trading is introduced or not. Not one person I have spoken to has suggested that Sunday trading should be introduced. The hotel keepers I have spoken to are not interested in Sunday trading and not one drinker I have spoken to has supported it and, according to the Hon. Mr Bruce, 95 per cent of the workers in the industry oppose it. The Hon. Mr Dawkins opposes it, but he is a wowser. However, I am not talking as a wowser. We are servants of the people and if the people want something we should consider it.

The Hon. D. H. Laidlaw: Despite the fact that they are all against it, are you going to vote for it?

The Hon. J. E. DUNFORD: I have just told the President that I am confused. However, I am sure that you, Mr President, will not help me.

The Hon. J. C. Burdett: He will not tell you how to vote.

The Hon. J. E. DUNFORD: No. A worker travelling to and from work for 4 hours and working for 4 hours will probably have a 9 hour spread—it will be the longest day of the year. When this question was canvassed amongst hotel employees they were asked whether they believed in Sunday trading. I believe they should have been asked, 'Do you believe hotels should open on a Sunday from 11 a.m. until 1 p.m. and from 6 p.m. until 8 p.m.?' If that question had been put, I think that 100 per cent of the workers would have said 'No'. I suggest that the Bill be withdrawn. If the Government is concerned about workers it should reconsider this measure. As I would not like to vote on this measure, I suggest that it be withdrawn. I suggest that hotels be allowed to open only from 11 a.m. to 1 p.m. I do not believe that anyone wants to drink between 6 and 8 on a Sunday night anyway, unless they are very desperate. Two sessions on a Sunday is too much of an imposition on workers.

The Hon. R. C. DeGaris: This Bill is for tourists not workers.

The Hon. J. E. DUNFORD: I am aware of that. I refer to the situation at Willunga, which has four hotels. Suppose the publican of the Alma Hotel applies for a tourist licence. Many drinkers living in the area probably drink at the Alma already. If the Bush Inn was open on Sunday and these people went there, they might not go back to the Alma on the following day.

This is the thin end of the wedge for wide-open trading all day on Sundays, and the only people who will benefit from it will be the funeral directors, and the random breath testing unit which will be operating all day Sundays. There is merit in having a trial run between 11 a.m. and 1 p.m. However, I would prefer to see the legislation deferred until we can have another think about it.

The Hon. N. K. FOSTER: Some valid points of view have been put forward by other honourable members. I think along the lines of the two previous speakers. I cannot see my way clear to support this Bill, which has as its purpose the infliction of pain, not the awarding of penalty rates, on those involved in relation to the extended hours that they will have to work.

Not so many years ago, the licensee of a certain city hotel used to employ female labour when meals were being served. The women involved had to attend the hotel at 12 noon each week day except Monday. If it seemed that the table of a person who had already been served a meal would not need to be cleared for, say, 15 minutes the female employee concerned was told by the employer to sit down, off the pay-roll for 10 minutes. The women to whom I spoke was reluctant to complain about this practice because they wanted to earn a few dollars. They knew that they were being ripped off by an unscrupulous employer, and some finally left. Also, no proper time sheets were kept.

I do not feel disposed to vote for anything that will turn the clock back in relation to the disadvantage that these employees will suffer. I now refer to those people who have worked for overseas employers who used to do the same sort of thing that the maritime union—

The CHAIRMAN: Order! Is the honourable member referring to the amendment or to the Bill generally?

The Hon. N. K. FOSTER: I am referring to the Government's intention in relation to this matter. If I am out of order in doing so, I will close shop and vote accordingly. Such an arrangement is full of possibilities for dark exploitation of employees. I cannot put it higher than that.

I have grave doubts about the great false god in relation to the economic benefits that accrue to the State from tourism. If one looks at the industry as a whole, one sees that some women are brought to work at 6 a.m., kicked off at 8 a.m., brought back at 1 p.m., knocked off at 3 p.m., brought back at 7 p.m., and knocked off at nine o'clock. Three sets of women are used for a pittance during those sorts of hours, and this is exploitation at its worst.

I can understand the difficulties confronting the unions, and I realise the comparisons that one can make now, with casuals, semi-casuals and part-time workers being involved, with the type of work force that was involved, say, six years ago. The union would have difficulties putting before the Industrial Commission an argument regarding the grave fears held by the employees to whom I have referred.

If I change my mind about this matter, or if the Bill was carried without my doing so, the A.H.A. should give an undertaking to the Minister and the department. It should give a letter of intent, before the moment of carriage of the Bill, so that the trade unions could tender it before the court. If the Government is prepared to do that, the Opposition is prepared to say that the different allegations against the industry will, to a certain extent, be overcome. At least the unions will not be led up the garden path.

I conclude on a strong note by saying that that is the most constructive and fair way of going about this matter. I say, with every possible respect to the A.H.A., that it, and indeed its associates, would not embark on a business venture of this type without some sort of guarantee that their interests will be protected. I can see that the Minister is agitated. He is a hard man to advise.

The CHAIRMAN: Order! This amendment does not alter that aspect of the Bill.

The Hon. N. K. FOSTER: I spoke to the Secretary of the union concerned, and he should be entitled to expect to receive the sort of letter of intent to which I have referred.

The Hon. R. C. DeGARIS: I agree with a lot of what the Hon. Mr Blevins said, but I do not agree that the A.H.A. can be blamed entirely for the situation in which the industry finds itself. We are facing the continuation of an attitude that has developed over 100 years, and because of the issuing of the original licences we have continued with this system.

The Hon. Frank Blevins: They have been protected for years.

The Hon. R. C. DeGARIS: They have been protected for a reason. They were protected 100 years ago so that hotels could provide a community service that could not be provided in any other way. For example, a hotel had to take a body and care for it for two days in a country town. There were many conditions. Without adjusting to the changed conditions, we have gone from this point to where we are now. That is exactly what has happened. One cannot totally blame the A.H.A. for that position. The attitude adopted by the Labor Party is an extremely conservative one when it comes to this amendment. It is unable to move in this

area because it has not obtained the okay of the trade union movement.

The Hon. N. K. Foster: That is rubbish.

The Hon. R. C. DeGARIS: The Hon. Frank Blevins said so in his speech.

The Hon. Frank Blevins: I didn't say so at all.

Members interjecting:

The Hon. R. C. DeGARIS: That is exactly what I understood the Hon. Frank Blevins to say:

The Hon. Frank Blevins: I will restate it for you in a moment.

The Hon. R. C. DeGARIS: The Hon. Mr Dawkins said that he was opposed to Sunday trading. I point out to him that we now have Sunday trading. I do not criticise the Hon. Mr Dawkins, but I am just pointing out and stressing that we do have Sunday trading at the present time. As far as Sunday trading is concerned, what we have now is the worst possible conditions for drinking on a Sunday.

The Hon. Mr Bruce raised a matter I wish to comment on. If we go along with what has been said by the A.L.P. and the Hon. Mr Dawkins, this whole clause will go out anyway. What I am suggesting to the A.L.P. is that it look at my amendment. Perhaps I could separate my amendment to allow members of the Labor Party to vote as their consciences dictate. If paragraphs *(a)* and *(b)*, and lines 18 to 30 were left out of my amendment, we could then get to the position where the A.L.P. might be able to give more support to the idea. If I move only the first part of my amendment, it overcomes the objection of the Hon. Mr Bruce.

The Hon. G. L. Bruce: What about having a maximum of hours in that time?

The Hon. R. C. DeGARIS: I do not mind; if you wish to move an amendment to that I will be prepared to support you.

The Hon. J. E. Dunford: Twelve o'clock is too late for a drink for most workers. They want a drink at 11 o'clock so they can get home for lunch by 12.30 p.m.

The Hon. R. C. DeGARIS: If the honourable member does not like the provision as it is, he can move an amendment. There is nothing to stop members of the Labor Party moving amendments. I will move my amendment down to 'Sunday' only as a test case so that if the Labor Party wishes to support longer hours in regard to the tourist facility in the Bill as it stands, then it is able to do so. Let us take my amendment in parts and see whether the Labor Party can follow what the Hon. Mr Bruce said when he supported longer hours on a Sunday to overcome the union problem.

In 1967, when the Labor Party introduced 10 o'clock closing, the question of the union problem was not raised. We went from 6 o'clock closing straight to 10 o'clock closing without any thought of problems which might arise regarding employment in those hotels.

The Hon. J. E. Dunford: The amendment was from 10 o'clock to 10 o'clock whereas previously it was 6 o'clock to 6 o'clock; that is only a different 12-hour spread.

The Hon. R. C. DeGARIS: But there were other additions right through until 3 o'clock in the morning in various areas. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. R. C. DeGARIS: I move:

Page 2, lines 14 to 17—Leave out these lines and substitute 'the licence on a Sunday'.

Amendment negatived.

The Hon. R. C. DeGARIS: In 1967 I moved the same amendment and it was defeated by two votes. It looks as though the attitude towards Sunday trading is hardening. As my amendment was defeated I will not proceed with the other parts of my original amendment.

The Hon. M. B. DAWKINS: I reiterate that I am opposed to the clause. I was interested in what the Hon. Mr Dunford had to say. At one stage I am sure he was confused when he said that he was not satisfied. If that is the case I suggest he vote against this clause. The honourable member was kind enough to describe me as a wowser. I do not take offence at that. Mr President, you allowed him to mention that word on two occasions and I will now explain exactly what it means. A 'wowser' means a person with strict principles, although probably some honourable members would say narrow principles. I will not argue whether that is the case. A 'wowser' also means a person who is intolerant to other people's opinions and is self-righteous. What the Hon. Mr Dunford thinks is entirely his business.

The Hon. M. B. Cameron: It is as bad as calling the rest of us drunks.

The Hon. M. B. DAWKINS: I believe that honourable members have a legitimate right to their own opinions. I am not intolerant of other people's opinions, and heaven forbid that I should be self-righteous. I cannot accept the description of the honourable member on that ground. I indicate that I am opposed to this clause, which I consider to be untidy.

The Hon. J. R. CORNWALL: I rise to indicate my opposition to the clause. It is an unusual situation to say the least for Boyd Dawkins and I to be on a unity ticket. However, my reasons for opposing it are entirely different from those of the Hon. Mr Dawkins. Not much thought has been given to the way in which the clause has been introduced.

The whole notion of a tourist licence on Sunday is the greatest load of codswallop I have heard. How will it work? What is a tourist hotel? Someone said the other day that it would be important that the Tiger at Tantanoola has such a licence. Then the Bellum at Mount Schank would need such a licence. What would be the position of the Colac at historic Port Adelaide?

You would almost certainly have to give all the hotels in Port Adelaide such a licence. The Government has put this proposal up as an absolute sham and is not fair dinkum about it. It should take the Bill away and bring back a Bill with some sense. I oppose the clause because the notion of the so-called tourist hotel is just stupid.

The Hon. FRANK BLEVINS: I wish to correct a statement that the Hon. Mr DeGaris made. He also misrepresented the comments of the Hon. Mr Dawkins.

The Hon. M. B. Dawkins: I corrected it.

The Hon. FRANK BLEVINS: But the Hon. Mr DeGaris implied that members on this side were opposed to Sunday trading because the liquor union said so. That is absolutely not the case at all. Members on this side have a conscience vote on this issue and can vote as they wish. I indicate to the Hon. Mr DeGaris that my reason for opposing his amendment to this clause is that there has not yet been agreement between the union and employers. That is not far off and I will welcome it when it occurs, but I will not put the industry in the position of having industrial disputes and turmoil for what may be a few weeks or months. I do not know when last there was Sunday opening in South Australia—

The Hon. R. C. DeGaris: In 1915.

The Hon. FRANK BLEVINS: That is a fair while ago, and anyone waiting for a drink on Sunday since then can wait for a few more weeks or months, when I will be happy to assist in the introduction of this measure in an orderly manner with the consent of both sides of the industry.

Clause passed.

Clauses 8 to 13 passed.

Clause 14—'Tourist facility licence.'

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

Page 5, after line 30—Insert subsection as follows:

(5) Until an award, determination or agreement is made under the Industrial Conciliation and Arbitration Act, 1972-1979, in relation to persons employed in a business conducted under the authority of a tourist facility licence those persons shall be employed in accordance with an award, determination or agreement that applies to persons employed in a business conducted under the authority of a full publican's licence.

This clause introduces yet another category of licence into this already over categorised Act. Here we have the tourist facility licence. Although I support the clause, concern has been expressed that, with the establishment of new facilities that are licensed, there is no award coverage or industrial agreement relating to those new facilities. There are awards relating to hotels, clubs and motels but, if this new tourist facility licence is created, employees working in that area would be award free. My amendment ensures that employees working in such a facility are subject to an award, and the amendment proposes that that be the award which applies to persons employed under the authority of a full publican's licence. That is not an absolute position, because the amendment also says that a fresh award or another award, determination or agreement may be applied for or made in relation to the persons employed in such a facility. The amendment protects the position of employees who would be employed in such a facility, but gives the right to any other party to apply to have the award varied or a fresh award made if it is felt to be necessary at a later time. The position of employees is protected.

The Hon. J. C. BURDETT: The amendment as explained and as set out is designed to protect the rights of workers under an award with an ability to have them placed under a different award in appropriate circumstances in future. The Government sees no objection to this and is willing to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 15 and 16 passed.

Clause 17—'Variation of terms of licence.'

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

Page 6—

After line 33 insert new subsection as follows:

(2a) Notice of every application for a late night permit shall be given, in the manner and form prescribed by the rules of court, to the municipal or district council for the area in which the licensed premises to which the permit will relate are situated.

Line 35—After the expression 'may', insert 'or, where notice of an application is given under subsection (2a), the municipal or district council to which the notice is given may,'.

This clause deals with what a court may do on the application of a licensee, and varies the terms of section 48a to provide that the terms of a licence may be varied and expands the capacity for the court to attach conditions to the issue of a licence.

It deals with applications for variation of terms of a licence and expands the capacity of the court to attach conditions to a licence. The amendment is in two parts and will have the effect that, if an application is made to vary the terms of a licence to enable the licensee to have a late night permit which would permit trading without meals until 3 a.m., in the case that such an application is made, notice of that application should be given to the municipal or district council for the area in which the licensed premises are situated.

It also provides that the municipal or district council may object and appear in a case for an application for a late night permit. The rationale for this is quite simply that there has been, particularly in some residential areas, concern about discotheques which operate until 3 a.m. The noise which emanates from inside the premises is an annoyance, as is the disturbance caused by patrons entering and leaving the licensed premises. The amendment therefore would enable the council or municipal authority to make submissions to the court as to whether a late night permit ought to be granted. The local government authority is usually aware of the situation of disturbance or noise surrounding licensed premises and is the appropriate authority to take up objections on behalf of its ratepayers in regard to granting a late night permit or ensuring that if it is granted certain conditions are attached.

There is some substance in the argument that for licensed premises, whether hotel or motel, to apply for a late night permit constitutes an applicaton for changed use of the premises. That does not mean that the use of the premises will change completely but premises can be a normal operating hotel during the day and suddenly become a discotheque during the night. It has been put to me that that constitutes a change of use of premises. It could be argued that the resolution of that situation ought to properly reside within planning laws. However, I believe that the amendment which I have put forward to enable the Licensing Court to take into account the concerns of the local government authority in that area will give that council the right to appear and object to such a permit being granted or to apply for certain conditions to be placed on the permit. I would have thought that, in view of the concern of disturbance and noise outside licensed premises, this amendment should commend itself to the committee.

The Hon. J. C. BURDETT: The amendment could well prove to be quite valuable and the Government is happy to accept it.

The Hon. FRANK BLEVINS: I support this amendment and endorse the thoughts behind it. I am inclined to support an extension of drinking hours. However, I still have the problem of disturbance to residents. There is no doubt in my mind that the issue of late night permits for a short period will be virtually automatic. Anybody who wants one will get one. It is possible that that is the aim of the Government. There is a similar thought behind that as there is behind alleged tourist opening of hotels on Sunday: it is not designed to work at all. It is designed to extend trading hours until 3 a.m. My inclination is to support that or any further extension with the qualification I have given. However, I believe that the peace and quiet of residents has to be taken into consideration. I do not know how aware the Minister or other honourable members are of the problems which local governments are having with disturbance to residents in their areas because of late night drinking.

The Hon. R. C. DeGaris: Particularly in North Adelaide.

The Hon. FRANK BLEVINS: I suspect that North Adelaide is not now the worst area. The position I am in is a relatively good one. The co-operation of that hotel keeper so far has been excellent.

The Hon. D. H. Laidlaw: The Old Lion or the British?

The Hon. FRANK BLEVINS: I am not mentioning the hotel. Certainly the co-operation from the hotel keeper has been very good. I am fortunate in that I am not there on weekends so it is not a problem to me. I would suspect that the Unley City Council has more problems than has any other council. The Hon. Mr Sumner's amendment is designed to assist councils to promptly warn people that an application has been made for a late night permit to enable residents to take some action. Certainly, they will be forewarned of the potential problems.

The CHAIRMAN: Is the Hon. Mr Blevins aware that everyone has supported the amendment?

The Hon. FRANK BLEVINS: I do not care whether everybody has supported it or not. I am putting my opinion on the amendment. Being aware of the problems that local governments have in some areas, anything we can do to assist them in preventing a serious problem arising (and there are serious problems) I believe we should support. This measure alone will not solve the entire problem. I

prophesy now that the problem with late night permits will increase enormously, as will problems to residents. The number of premises open for late night trading will increase dramatically.

I have no objection to that, provided the industrial problem and the residents' problem is sorted out. Do not let us imagine that these things will be few and far between, because it is not true. They will be handed out virtually automatically. Local government will be one of the areas that will have to pick up the tab, that will have the problems and have to try to sort them out. I admire and congratulate councils for what they have done so far. I also know that, particularly with the one hotel of which I am aware, the co-operation with local government from that hotel has been excellent. I do not think, certainly as far as I know, that there has been any occasion when they have not been able to come to some agreement. This has obviously not been the case with the Unley council, whose problems are enormous and will increase. The Leader's amendment will, in some small way—

The Hon. C. J. Sumner: Better than that.

The Hon. FRANK BLEVINS: In some small way, assist councils such as the Unley City Council with these problems, which, as I say, will increase. To help combat those problems, I am pleased to support this amendment.

Amendment carried.

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

Page 6, line 35—After the expression 'may', insert 'or, where notice of an application is given under subsection (2a), the municipal or district council to which the notice is given may,'.

Amendment carried; clause as amended passed.

Clause 18 passed.

Clause 19—'Permits.'

The Hon. G. L. BRUCE: I have a query on the meaning of the word 'entertainment'. The definition given is as follows:

'entertainment' means a gathering of two or more persons at which it is proposed that liquor will be consumed.

In clause 20, new section 66b (1) *(a)* provides:

That the licensee proposes to provide entertainment on premises of a high standard;

Should 'entertainment' then mean:

'entertainment' means a gathering of two or more persons at which it is proposed that liquor will be consumed.

The Hon. J. C. BURDETT: Under the present provisions, the definition of entertainment, I suggest, is too restrictive and does not allow permits to be granted on occasions when they should be. The previous definition 'entertainment' in the Act is as follows:

'entertainment' means—
(a) a social gathering;
(b) a dinner or banquet;
(c) a concert;
(d) a dance;
or
(e) a function of a like character,
at which not less than twelve adult persons or a lesser number approved by the court are likely to be present, and whether or not a charge is made for admission or attendance:

There are plenty of other kinds of entertainment, for instance, art displays and all sorts of things which, in the general sense, can probably be called entertainment. There is no reason why the courts should not have a power to grant them a permit, but they are not of a like nature to those things mentioned in the existing Act. In order to make it possible for the court in its discretion to grant a permit for such things as I mentioned—art displays, the opening of art exhibitions and so on—where a permit should be able to be granted, the existing provisions in the legislation are proposed to be widened in this way.

The Hon. ANNE LEVY: This definition of entertainment is as follows:

'entertainment' means a gathering of two or more persons at which it is proposed that liquor will be consumed;

Does that mean that the holder of a permit has to ensure that throughout the period of the permit there are two or more people drinking? Clause 20 of the Bill seeks to add a new section 66b, which refers in new subsection (5) to 'entertainment'. Is that the same 'entertainment' as defined in clause 19 and, if not, why not?

The Hon. J. C. BURDETT: No. One has only to read the Bill. Clause 19 provides a new definition of 'entertainment' with regard to section 66 of the principal Act and what is set out in clause 20 enacts a new section 66b. The definition is confined to section 66 and does not apply to section 66b.

Clause passed.

Clause 20—'Late night permit.'

The Hon. ANNE LEVY: Can the Minister tell us what is the definition of 'entertainment' for the purposes of new section 66b?

The Hon. J. C. BURDETT: There is no definition provided in the Act generally; every word is not defined in a Bill.

The Hon. G. L. BRUCE: What is classed as a *bona fide* meal? There is no definition of that in the Act. New subsection (4) of new section 66b provides:

The holder of a late night permit shall, if requested by a person who wishes to consume liquor under the authority of the permit, provide a *bona fide* meal with that liquor.

We are reversing what has happened before when it was mandatory to provide a meal. We know that that meal consisted of dried up sandwiches and a lettuce leaf, or half a chicken leg, which was classed as a *bona fide* meal. I imagine that it will make it easier for people to get permits by doing this, but there will still be people looking for a substantial meal and not just the farce that has occurred in the past. It looks like the farce still exists with a *bona fide* meal. It seems that people will still finish up with potato chips and sandwiches. What is a *bona fide* meal?

The Hon. J. C. BURDETT: There is nothing new about this. There is provision in the present Act for a *bona fide* meal, which is not defined. This clause is simply picking up a phrase which is present without specific definition in the present Act—there is nothing new about it. If one starts to try to define *bona fide* meal one gets into all sorts of artificial situations. The definition can be very unfair and operate in a ridiculous way because a *bona fide* meal can mean different things to different people at different times. *Bona fide* meal to a wharf labourer who works hard and needs a substantial meal, and a *bona fide* meal to a different person at a different time might legitimately mean something else.

The previous South Australian Licensing Act was repealed in 1967. As an example of how artificial one can get when trying to define a *bona fide* meal, in 1967, a *bona fide* meal was deemed to be:

Of at least two courses in which the persons participating thereof are seated at a table and which includes fish or meats other than in sandwich form and cooked vegetables and for which the charge shall be not less than five shillings.

I think that illustrates the artificial bind that can occur when trying to define a *bona fide* meal.

The Hon. FRANK BLEVINS: I believe that the provision in relation to *bona fide* meals is nonsense. All manner of artificial devices were used in the past to get around the *bona fide* meal provision. If, as the Minister said, it is undesirable or impossible to define a *bona fide* meal—

The Hon. J. C. Burdett: I said 'artificial'.

The Hon. FRANK BLEVINS: The Minister said that there were some problems in defining that term. In fact,

he preferred that we did not define it, because it would force people to have things that they did not want to have. I agree with that, so why leave it in the Bill. The whole thing is absolute nonsense. The Hon. Mr Burdett said that it is already in the Act. What kind of answer is that? We are here to deal with situations such as that. If we believe that a particular provision is rubbish we will take it out; similarly, if we want to provide for a certain measure we put it in. The Minister should have noticed that we have been doing that in this Chamber over the past few years. This provision is useless, so why not remove it?

The Hon. J. C. BURDETT: I believe that it plays a role.

The Hon. Frank Blevins: What is it?

The Hon. J. C. BURDETT: Having just said that it does play a role I guess it is fairly obvious that I am going to define that role. The reason is fairly obvious. In certain circumstances, where liquor can be consumed, for example, in a restaurant or on a Sunday in a hotel, a *bona fide* meal must be consumed. That is not nonsense. It simply means that there are times when it is acknowledged that it would not be appropriate for a bar to be open; it would not be appropriate for a person to simply go in and have a drink. However, if a person wants to consume a meal, say, a steak that might be considered to be a *bona fide* meal, and if he wants a glass of claret with his steak he should be able to have it. That is not nonsense but common sense.

The Hon. FRANK BLEVINS: The Minister appears to be quite disturbed about defending this rather ridiculous provision—I wonder why. I can only think that it is because it is totally indefensible. The Minister said that, if a place is open, it is not unreasonable for someone to ask for a *bona fide* meal, and that should be provided. I could argue that it is not unreasonable for someone to ask for, say, a glass of milk. There is no obligation on a publican to provide that; nor should there be.

The Hon. J. C. Burdett: I have just explained that.

The Hon. FRANK BLEVINS: The Minister will have to explain it again.

The Hon. J. C. Burdett: I have already done that.

The Hon. FRANK BLEVINS: The Minister did not do it very well. I appreciate the Minister's difficulty; he is attempting to defend the indefensible. There is no reason whatever for the provision of a *bona fide* meal in the Bill. If someone wants to obtain a drink late at night at an appropriate drinking facility, he should be able to do so. If someone bowls into a drinking facility and asks for a meal, the publican should have the right to refuse. It is incredible that clause after clause of this Bill perpetuates the whole farce of the Licensing Act, which is a relic from the turn of the century or whenever.

The Hon. J. C. BURDETT: The Hon. Mr Blevins does not seem to appreciate that we are dealing with full publican, limited publican and restaurant licences. We are dealing with restaurants and special dining areas in hotels. At the moment an artificial obligation exists, and we are trying to remove it. A licensee of a discotheque is required to see that patrons consume a *bona fide* meal. This clause will remove that obligation. However, we are saying that, if a person in, say, a restaurant, wants a *bona fide* meal there should be an obligation to provide it.

The Hon. G. L. BRUCE: This clause refers to entertainment on premises of a high standard. I presume that means that the premises are to be of a high standard and not the entertainment. I do not believe the clause is worded properly.

The Hon. J. C. BURDETT: The intention is as the clause reads, that is, that the premises be of a high standard.

Clause passed.

Clauses 21 to 23 passed.

Clause 24—'Suspension of licence for inconvenience to nearby occupiers.'

The Hon. FRANK BLEVINS: This has come to be known as the 'show cause clause'. The Government has suggested that this clause will solve the problems associated with noise in relation to the operation of entertainment premises, licensed premises, and so on. That is the Government's propaganda. The Government believes that this clause will solve that problem. However, I have very grave doubts whether it will solve the problem, considering the deficiencies in the Bill and the Government's unwillingness to offer a proper solution. I think that all members should be made aware of the problem and the actual scope of the Bill. I can do no better than to read from the excellent report of the working party on noise associated with the operation of entertainment premises licensed and otherwise, dated November 1980. I refer to the section of the report on page 5 that deals with the scope of the problem, as follows:

> The South Australian Environment Department, the Licensed Premises Division of the Department for Consumer Affairs, the police and local councils continually receive individual and group complaints about the noise associated with the operation of entertainment premises.
>
> There are nearly always two distinct components of the annoyance as far as nearby residents are concerned—noise arising from activities within the premises (internal), and noise from patrons in the street outside the premises (external).
>
> 2.1 Internal
>
> Music of the recorded disco variety and from live bands is a problem for a number of reasons:
>
> (i) The audience and the disc jockey or musicians find sheer volume an essential ingredient of enjoyment.
>
> (ii) Much of the music has a pronounced beat and an imbalance towards the low frequencies. This is particularly unfortunate as low frequency noise, because of its long wavelengths, is relatively difficult to attenuate.
>
> (iii) Many of the hotels, halls and restaurants are unsuitable for the containment of loud music. They are literally sound sieves, often because they are being used for a purpose for which they were not designed.
>
> (iv) Large crowds often attend the venues and this, coupled with poor ventilation, leads, especially in summer, to doors and windows being opened.
>
> (v) The entertainment tends to reach its peak around or well after midnight, at a time when ambient noise levels are low and traffic noise in particular is dropping right away.
>
> 2.2. External
>
> Whilst as many people enter as leave these premises, the noise associated with the arrival tends to be masked by traffic noise or by the activities which the surrounding residents are engaged in at the time. The real trouble occurs when people depart after their night's entertainment. The sources of annoyance are numerous:
>
> (i) There are bursts of internal noise as doors are opened while people move on to the street.
>
> (ii) Many people have consumed large quantities of liquor so voices are raised and inhibitions are lowered. People often behave offensively, using offensive language, trespassing, and urinating indiscriminately.
>
> (iii) Car doors are slammed, engines started and revved, horns blown and cars driven in a reckless and noisy manner. Often they have been parked illegally throughout the evening.
>
> (iv) Most importantly, even people who leave in an orderly fashion cannot avoid creating noise levels high enough to wake, or keep awake, surrounding residents.
>
> At major venues, where the entertainment lasts till well after midnight, this process may continue intermittently for several hours.

That is an excellent description of the scope of the problem. I would not think that there was barely one electorate in the State that was not in one way or another subjected to that set of problems.

I should like to give an example. Other examples have often been given in Parliament (indeed, we read about this frequently in the press) regarding the degree of problems for residents created by disturbances. I remember the Hon. Mr Dunford graphically outlining some of the problems experienced at a hotel at Hackney. The problems being suffered by residents around that hotel have been well documented, and I congratulate the Hon. Mr Dunford for bringing them to the Council's attention. That is just one

example of the problem. Barely a week goes by without one's reading in the paper about a certain problem.

I now refer to a report headed 'Club's patrons upset residents' in the 9 December 1981 issue of the *Advertiser*. Extracts from that report are as follows:

> Every weekend is a nightmare with drunken hooligans shouting filthy language, urinating on fences and fornicating on the footpaths. I tell you I'd rather live in Hindley Street than here now.

The Minister finds this amusing.

The Hon. J. C. Burdett: I do not. I smiled in response to one of your colleagues.

The Hon. FRANK BLEVINS: The Minister chose to laugh when I referred to what this lady was describing.

The Hon. J. C. Burdett: That is not true. I smiled in response to a smile from one of your colleagues.

The Hon. FRANK BLEVINS: The Minister was smiling at what I was reading. Obviously, he finds it amusing. The report continues:

> Mrs ..... has lived in her home for 20 years. 'The most peaceful place in the world until all this began. I am a bundle of nerves and one of my eight sons stays with me as I am too frightened to live alone,' she said.
>
> 'All this' also includes several young men jumping on her roof early one morning, a verandah post and letter-box being broken, bottles broken on her verandah, and the guarantee of broken sleep on Saturday and Sunday mornings.
>
> Supporting Mrs ..... was another Opey Avenue resident, Mrs ..... who said other vandalism in the area included shop windows being broken on King William Road, aerials broken and cars damaged, letter-boxes being filled with rubbish, trees and plants uprooted and 'general mayhem'.
>
> 'Some residents have bought dogs to protect their property and themselves,' she said. 'It is also difficult to get car parks near our homes at night at the weekend, and it is disquieting and dangerous to walk from car to home with such louts about.'

That is just one example of what one reads almost daily in the press. I stress that the problem is very serious indeed. Being such a serious problem, it requires, in my opinion, very strong legislation, and I suggest that this legislation is not strong enough. I did consider having some amendments to this clause drafted, but I rejected that course of action because, despite my belief that this clause is the same as the rest of the Bill—a farce—I am prepared to give it a try.

New section 86d (4) provides:

> (4) The following persons may make a complaint under this section—
>
> *(a)* the Superintendent of Licensed Premises;
>
> *(b)* a police officer;
>
> *(c)* a municipal or district council;
>
> or
>
> *(d)* a person acting on the written authority of not less than twenty persons who reside in the vicinity of the licensed premises.

On the face of it, I hope that this new provision will afford some relief to people with the problem I have described. I wonder how much it will cost residents to mount a case, for example, people living around the Unley Road area. It is not just one case for one particular premises; in certain areas there will be many premises congregated which will be engaging more and more in drinking until 3 o'clock in the morning.

If 20 residents manage to scrape together the wherewithal to fight a case, then what will happen? Certainly, in the Unley Road area, another facility would open up, as it has every right to do. So, it will be an ongoing process for residents in some areas to fight these cases. I know that local councils can also take these cases—

The Hon. J. C. Burdett: Or the superintendent.

The Hon. FRANK BLEVINS: The record of the superintendent in this area is abysmal. Local councils have had to bear the brunt of the whole problem, not the residents. Local councils have done far more than the superintendent. I have extensive quotes from Judge Grubb, that I will possibly give, as to his opinion on how the Licensing Act in general has been administered and about the superintendent's role in administering that Act. I would have thought that that would be left alone.

What are we to do about the cost? I hope I am wrong, but I think that some people will take action against premises and will lose the case and have to pay the entire costs, as they quite properly should. That will deter most people from doing the same thing, because it will not be worth it. They would rather suffer the noise and disturbance until such time as the nuisance moves away from the area. Business, in the last analysis, wins, because it has the money.

The A.H.A. has a fund to assist these licensees, and it does not mean much to that body. There is not a great deal of cost involved. To the residents, though, the costs would be enormous, unless there was some provision for a group of individuals to receive financial or legal assistance. I do not think that this new subsection will be effective, but I hope that I am wrong and that it is effective.

Perhaps greater than the deficiencies in the Act is the lack of will on behalf of the Government, and possibly all Governments, to do something about the problem. The principal problem is not with legislation, but with a desire on behalf of the Government, and possibly Governments of all persuasions, to do anything about the problem. By and large residents in any location who are inconvenienced number only a few and they have their lives disrupted by these particular activities.

It is unlikely that thousands of people will demonstrate on steps of Parliament House about this problem although, overall, there may be thousands of people involved. However, they will be in small isolated pockets. So, as a pressure group, they do not have much clout. Big business, which would be backing the other side, has an enormous amount of clout in this State. Why Governments are frightened of taking on these powerful vested interests in the entertainment area I am not sure, unless it is the question of finance. These vested interests finance political Parties, although they certainly do not finance the one to which I belong. Do they finance the Liberal Party, so that it always has to go easy on the hotels lobby?

The hotels lobby and the brewery lobby are very powerful lobbies. In this State, on certain issues, they seem to be far more powerful than the Government, certainly more powerful than the Superintendent of Licensed Premises and more powerful than a couple of dozen residents in certain areas. It is not only the deficiencies that concern me, but also the lack of will of the Government to do anything about it because, from my experience in the five years I have been here, I have not seen a lobby group more powerful than the alcohol and hotel industry in this State.

The degree of control that they appear to exercise is striking. In this report are several pages of recommendations. I had intended to read them all, but I will not do so because we should be finishing the debate in about 15 minutes. Some recommendations deal with the police and what should be done, and honourable members know what is involved. There should be greater policing of the various problems, but what additional manpower do the police have? How effective would they be?

Some recommendations deal with local government, and that is one area we should toughen up in order that local government can do something about the problems, because it has already demonstrated willingness to do so. Local government is more willing to do that than are the Government and the Superintendent of Licensed Premises. Local government has made an effort. In regard to the environment and the Noise Control Act, the report recommends some

substantial changes to be made to this Act. Can the Minister say what is happening in regard to the Noise Control Act? True, part of the recommendations are included in this Bill, but that alone will not resolve the problem. When will the Minister bring before Parliament the rest of the recommendations?

I hope the Minister has some answers that we can give people when they bring their problems to us. I refer to page 27 of the report which contains a recommendation that we should consider. The Government has not addressed the problem of under age drinking at all, although it is one of the biggest problems confronting society today, as I am sure the Hon. Mr Dawkins will agree. This clause does nothing to resolve the problem. Perhaps legislative amendments are not needed and that all that is required is willingness by the Government to do something about the problem.

From my experience of the problem of under age drinking, especially in regard to establishments with bands and recorded music which are open late at night, this is an enormous problem. This is one area in which hotel keepers have much to answer for. There would not be a hotel in the State, particularly hotels involved in late night drinking and associated entertainment, where under age drinking does not occur. Any person under age who has money is always served, is he not? Of course he is. It is not just me saying that, because the police say it as well.

What steps have been taken by hotel keepers to prevent under age drinking? None at all. Their only interest is the money. I refer to the question of excessive drunkenness, which also creates a problem. When has a person been refused a drink when he has had money? It does not matter how drunk a person is, he will be served. Hotel keepers are not interested in controlling the problem: they are interested only in taking money from that person, no matter how drunk the person is and, if that person creates a problem outside a property at 3 a.m., the hotel keeper says that it is a police problem. Hotel keepers want to shift the problem to the police.

[Sitting suspended from 6.23 to 7.45 p.m.]

The Hon. FRANK BLEVINS: As I said before the dinner adjournment, I am happy to support this clause and hope that it is successful in achieving its aim.

The Hon. D. H. Laidlaw: That was a good speech.

The Hon. J. C. BURDETT: Yes, it was. Obviously the audience is not here now. Responding briefly to what the honourable member said in regard to clause 24, I did not claim that this amendment would solve the whole of the problem. I have never said that, because I do not believe that legislative action or Government action of any kind can solve all the problems involved.

The Hon. N. K. Foster: Including industrial problems.

The Hon. J. C. BURDETT: Exactly. The previous Government often seemed to think it could solve the ills of society by legislation, but this Government does not think that. I have not made that claim. However, we try, where we believe there is a way legislation can help, to put that into effect. The main part of the Hon. Mr Blevins' speech I agreed with, because he was highlighting a matter which has concerned the Government very much: the question of noise in relation to licensed premises, especially discotheques. Of course it was this Government which set up the working party which produced an excellent report. We have always intended to do the best we can to solve the difficult problem.

The Hon. N. K. Foster interjecting:

The CHAIRMAN: Order! Does the Hon. Mr Foster wish to speak on the clause? If not, he should be silent.

The Hon. J. C. BURDETT: It was because we had that concern which the Hon. Mr Blevins expressed for such a long time.

The Hon. Frank Blevins: 'In depth' is the phrase you are looking for.

The Hon. J. C. BURDETT: I prefer to say, 'for such a long time'. I find the attitude of the Hon. Mr Blevins somewhat inconsistent because several times he referred to the working party report as being an excellent report and then he said that clause 24 in the Bill was a farce. Clause 24 was the major recommendation in my portfolio area of the working party. While it is quite legitimate to describe a working party report as being excellent and to disagree with some of the impractical minor recommendations, it is not consistent to describe the working party report as being excellent and then say that one of its major recommendations is a farce.

The Hon. Frank Blevins: I did not say it was a farce.

The Hon. J. C. BURDETT: The honourable member did say that. We are implementing exactly what the working party suggested in this clause. The Hon. Mr Blevins proceeded further on this problem. It is a problem which the Government takes seriously, and that is why it set up the working party. The Hon. Mr Blevins raised the question of costs in regard to a citizen who found that he was disturbed by noise coming from licensed premises. I believe that this problem will never be solved. Ever since there have been premises which sell liquor and conduct entertainment at the same time, there has been a problem. As long as that goes on, that problem will remain. However, the Government can take any action which it may properly take to control that problem. That is exactly what we are doing in this clause.

I want to confine my remarks to clause 24. That is somewhat difficult because the Hon. Mr Blevins strayed right outside that clause. As to the question of cost to a citizen who wanted to take action, I point out that he has access to the Legal Services Commission. This clause refers to a case supported by 20 citizens; also, the superintendent and councils may take action. They have not had that possibility before. It is unfair to criticise the superintendent for not taking action when he did not have the power to do so. I would suggest that in a case where there is some problem the residents in the neighbourhood would be able to convince either the council or the superintendent that there is some cause for complaint. The superintendent would take the action and call the residents as witnesses. They would not be a party and would not have to pay costs if the action was unsuccessful.

In regard to the other recommendations, I do not propose to pursue them in any detail because none of them, apart from the one in regard to showing cause, are relevant to clause 24. One matter specifically raised by the Hon. Mr Blevins dealt with an amendment to the Noise Control Act, which is not in my portfolio area.

The working party reported to several Ministers. My colleague, the Minister of Environment and Planning, is looking carefully at the noise control area and at the recommendations that were made to him. I have had discussions with him and I am sure he is considering taking action in that regard. These, I think, are the comments I should make on clause 24. It is similar to a provision which is in force in New South Wales and which has been regarded as being successful in that State in the city area. While, as I have said, it is not going to solve all the problems, it is a major step forward. It is not a farce, as Mr Blevins said. It is a major recommendation of the working party and I commend the clause for that reason.

The Hon. FRANK BLEVINS: The Minister has prompted me to respond.

The Hon. R. C. DeGaris: That would not be very difficult.

The Hon. FRANK BLEVINS: No, indeed. First, the Minister said that I said this clause was a farce. I think he

is losing his grip, because I said that when referring to a *bona fide* meal. I do not see this clause as a farce at all.

The Hon. J. C. Burdett: I think you said 'farce' in connection with this clause.

The Hon. FRANK BLEVINS: The Minister says that, but I am telling him that I do not see this clause as a farce at all. I do not want to restate the whole position, as it is not necessary to do so, but it appears that I have not made myself clear to the Minister, so it may well be that I have not made myself clear to the Chamber. I certainly do not see this clause as a farce. I see this clause as part of the solution to the problem. I doubt whether this clause will be as effective as some people think. I hope that it is, and I hope that I am wrong. I stated that, also, in my remarks a moment ago.

The main point of my earlier speech to the Council was that I do not believe, for the reasons I stated, that this Government (or possibly other Governments) has the political will to take on the vested interests in the hotel industry. That was my principal point: despite the legislation (or the lack of it in the case of the Noise Control Act) I believe that the power of the hotel lobby will prevail.

As regards the question of the Superintendent raised by the Minister by way of interjection during the debate, I did not raise the question of the effectiveness of the Superintendent or his record (a phrase used by the Minister). I merely responded. I repeat that the Superintendent's record in the policing of the Licensing Act is abysmal. Apart from the knowledge of everybody in this House, I would cite the comments of Judge Grubb. I will not read them out because they are rather harsh, but Judge Grubb stated that the department had made no attempt at all to police the Licensing Act; so when the Minister by way of interjection said that the Superintendent would be using this clause to try to clean up this particular problem, I became a little bit cynical. Again, I hope that I am wrong. There is no doubt in my mind, and obviously no doubt in Judge Grubb's mind, that the performance of the Superintendent has been, as I said, abysmal.

The Hon. J. C. BURDETT: I must completely refute any imputation against the Superintendent. His performance has been first-class and exemplary. There is no way I could find criticism of him.

The Hon. Frank Blevins: You disagree with Judge Grubb, do you?

The Hon. J. C. BURDETT: In this respect, I do. Judge Grubb made a number of comments in the press which I feel he ought not to have made.

The Hon. Frank Blevins: You are criticising the Judiciary, and that is out of order.

The Hon. J. C. BURDETT: All right. I have carefully refrained from entering into debate on this matter, and I do not wish to enter into debate about it now. Judge Grubb's comment against the Superintendent does not mean that the Superintendent is damned. It must be possible for somebody to defend him, and that I intend to do. I found that his work has been first-class. What Judge Grubb seems to imply is that it was the role of the Licensing Branch to physically police, with people on the ground, licensed premises to detect offences with regard to discotheques and things of that kind. It never had the role, of course.

The Hon. J. R. Cornwall: Didn't his criticism concern successive Governments and Ministers and the present incumbent in particular?

The Hon. J. C. BURDETT: There was no criticism directed at me, if that was what the honourable member is talking about. I am simply referring to criticism of the Superintendent. The role of the Licensing Branch has always been mainly concerned with inspection of licensed premises and not with going around to see whether there is an offence being committed at a discotheque, or something of that kind. In fact, for quite some time now there has been a specialised branch in the Police Force which is trained to carry out that function.

Any suggestion of dereliction of duty on the part of the Superintendent of Licensed Premises because the branch is not physically able to perform that function is quite unfounded. In fact, of course, the personnel are not trained in cross-examination, questioning witnesses or carrying out investigations, but the Police Force is. I simply say that any criticism of the Superintendent is quite unfounded and that my own observations have been that he is an extremely good public servant carrying out his job.

Clause passed.

Clauses 25 to 29 passed.

Clause 30—'Penalty for obstructing inspector.'

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

Page 11, line 3—After 'answer' insert the word 'truthfully'.

It is fairly obvious that if an answer is not truthful there is not much point in having it; that is why I have moved this amendment.

Amendment carried; clause as amended passed.

Remaining clauses (31 to 33) and title passed.

Bill read a third time and passed.

TRADING STAMP ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 March. Page 3628.)

The Hon. C. J. SUMNER (Leader of the Opposition): This Bill is yet another example of the fact that this Government has very little idea about what it is doing. Generally, the Government has a very confused legislative programme; it does one thing one day, changes its mind the next, and the day after reverts to its original intention. Honourable members with some memory will recall that in December 1980 we debated amendments put forward by the Government to repeal the Trading Stamp Act. In general, the previous Trading Stamp Act, which had been in existence for some time, protected consumers in this State. The Government abolished the Trading Stamp Act in December 1980 and, along with it, the restrictions on the promotions that were prohibited by that Act, except third party trading stamps. Now, the Government has introduced a Bill to amend what was left of the Trading Stamp Act to prohibit certain promotions. Admittedly, those promotions related to cigarettes. One is tempted to ask the Government why it did not deal with this measure in December 1980. Before that time the Trading Stamp Act prohibited certain promotions; the Government was in favour of deregulation so in December 1980, over the Labor Party's opposition, it removed some of the restrictions.

The Hon. J. C. Burdett: Did you vote against it?

The Hon. C. J. SUMNER: Yes.

The Hon. J. C. Burdett: You did not.

The Hon. C. J. SUMNER: We did. In fact, the Opposition moved a large number of amendments.

The Hon. J. C. Burdett: You did not vote against it.

The Hon. C. J. SUMNER: We opposed it. The Minister can check *Hansard* if he wishes. Indeed, if he has a few moments I will check *Hansard* for him.

The Hon. R. C. DeGaris: I think you had better.

The Hon. C. J. SUMNER: I will. My second reading speech commences:

The Opposition opposes the Bill in its present form.

Members opposite should wake up to themselves.

The Hon. J. C. Burdett: You voted for the second reading.

The Hon. C. J. SUMNER: My first statement was:

The Opposition opposes the Bill in its present form.

Perhaps honourable members opposite will discontinue their inane interjections in the face of that statement.

The Hon. J. C. Burdett: You then voted for the Bill.

The Hon. C. J. SUMNER: I did not vote for the Bill.

The Hon. J. C. Burdett: At the third reading?

The Hon. C. J. SUMNER: If the Hon. Mr Burdett wants to sit here all night I do not mind his persisting with that type of interjection. I do not mind taking a half an hour or an hour checking through *Hansard*, as I am now compelled to do to answer the Hon. Mr Burdett's stupid interjections.

The Hon. J. C. Burdett: Because of the statements you made in the first place.

The Hon. C. J. SUMNER: For the Minister's benefit I will describe the Bill's history in 1980. My first statement was:

The Opposition opposes the Bill in its present form.

There can be nothing more categorical than that. When the Minister moved that the Bill be read a second time I moved that it be read a second time 'six months hence'. In effect, that motion postponed consideration of the Bill until the following session. I said:

I ask the Council to support the deferral of this Bill and ask the Minister to bring it back at a later stage after he has considered the issues and obtained the information that I have requested.

To put the Hon. Mr Burdett's mind at rest, I also said:

I trust that the Council will not pass this Bill, because in some ways it is a fraud on consumers because overall they will not benefit.

What more does the Hon. Mr Burdett require? Will the Hon. Mr Burdett continue with his stupid interjections and continue to misrepresent the Opposition's stance in relation to this Bill? I moved that the Bill be deferred for six months which, in effect, meant until the next session. What more does the Hon. Mr Burdett want? Will the Minister now accept that the Opposition opposed the Bill? On 3 December I moved a number of amendments which, with the support of the Australian Democrat, were all defeated. Finally, at the third reading stage, I said:

The Opposition is not happy with the Bill in its present form.

What more does the Minister want?

The Hon. J. C. Burdett: Was there a division?

The Hon. C. J. SUMNER: There was no division on the third reading, because there had been divisions on my proposition that the Bill be deferred for six months and on every one of my amendments, and I had not won one division. Does the Hon. Mr Burdett expect that the Labor Party would win a division on the third reading? As he knows, in many cases, there is no division on the third reading. However, at the third reading, I stated:

The Opposition is not happy with the Bill in its present form.

I then went on to say that the Minister had undertaken to review the Bill, and that in fact he would keep the operation of the Bill under close scrutiny. Throughout the debate on the Trading Stamp Bill that was introduced in December 1980, the Opposition was opposed to the Bill in the form in which the Government introduced it. I ask the Hon. Mr Burdett whether he now accepts the statement that I made that the Liberal Party passed the Trading Stamp Bill in 1980 over the opposition of the Labor Party?

I have asked the Hon. Mr Burdett a question, but he chooses not to reply. The Minister, when it suits him (as it has suited him all afternoon), is quite prepared to interject and to misrepresent the position as outlined by members on this side, whether in regard to the Licensing Act Amendment Bill, the Trading Stamp Act Amendment Bill, or any other Bill, but when he is caught out once again for lying to the Parliament, he refuses—

The PRESIDENT: The honourable Leader knows that under our rules we do not refer to people as 'liars' in this Council. I ask the Leader to withdraw that statement.

The Hon. C. J. SUMNER: The fact is that—

The PRESIDENT: Order! Does the Leader intend to withdraw his statement?

The Hon. C. J. SUMNER: I intend to debate the matter first. I take strong exception to the Minister's interjecting on me and alleging that the Labor Party—

The PRESIDENT: Order! The Leader understands Standing Orders well enough to know that he must withdraw his statement. This is not a debate. I ask the Leader to withdraw now.

The Hon. C. J. SUMNER: If the expression offends you, Mr President, I withdraw. The fact is that the Hon. Mr Burdett, in this session of the Parliament, has been caught out in giving deliberately misleading information to the Parliament. On at least two occasions, the Minister misled the Parliament directly—

The Hon. J. C. BURDETT: I rise on a point of order. I have not at any time deliberately misled the Parliament. Regarding this matter, I believe that what I said by interjection was quite in order, because in the previous debate on the Bill, the Opposition moved some amendments but did not divide on the third reading.

The Hon. C. J. Sumner: That's not what you said.

The Hon. J. C. BURDETT: It is. Certainly, it would be quite irrelevant to proceed to any other matters. It has been alleged that I have misled the Parliament deliberately: indeed, I have never done that.

The Hon. C. J. SUMNER: The Minister clearly has misled the Parliament on two separate occasions, and members know that. The first occasion was in the debate—

The Hon. J. C. BURDETT: A further point of order, Mr President. It is quite improper for the Leader to go into any other matters at this stage. The Bill must be addressed.

The PRESIDENT: Order! The Hon. Mr Sumner.

The Hon. C. J. SUMNER: Thank you, Mr President. I was only saying that the Minister misled the Parliament in relation to the Land and Business Agents Act amendments and also—

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I rise on a further point of order. This Bill has nothing to do with the Land and Business Agents Act.

The PRESIDENT: I did not catch the earlier point. The Hon. Mr Sumner has now shifted away from the Bill, and I ask him to return to it.

The Hon. C. J. SUMNER: I certainly apologise for that. The Minister said that his interjections were quite in order—interjections are never in order, particularly those which come from this Minister and which misrepresent the position that the Labor Party took in December 1980, in regard to the Trading Stamp Bill. The question I ask the Minister, and to which he can reply by interjection (as he has interjected all along) is—will the Minister now accept that the Trading Stamp Bill, in December 1980, was passed over the opposition of the Labor Party? Does the Minister agree with that proposition?

The Hon. J. C. Burdett: No, I have spoken about that in taking a point of order.

The Hon. C. J. SUMNER: In that case, I will have to read the statements that I made on those occasions.

The PRESIDENT: As long as they refer to this Bill, there is no reason why the honourable member cannot read all night.

The Hon. C. J. SUMNER: I think I will have to do that.

The Hon. D. H. Laidlaw: Why don't you have the copy of *Hansard* incorporated in *Hansard* without reading it?

The Hon. C. J. SUMNER: I do not want to have it incorporated. I want the Minister to stop. Quite frankly, he has been completely stupid all afternoon. I do not want to debate this Bill: it is a fairly simple Bill and we intend to support it. I was pointing out that the Liberal Party cannot make up its mind about anything. It introduced legislation in 1980 to abolish the Trading Stamp Act: it has come back in 1982 to move amendments to reinstate parts of the Trading Stamp Act. The point I was making was that the abolition of certain parts of the Trading Stamp Act was to the detriment of the consumers, and the Bill was passed over the opposition of the Labor Party. The Hon. Mr Burdett then interjected and said that that was not true. I have just indicated to the Council that the statement I made on 2 December was:

The Opposition opposes the Bill in its present form.

I moved that the Bill be put off for six months, but the motion was defeated; I moved a number of amendments, which were defeated; in the end, at the third reading, I said that the Opposition was not happy with the Bill. I do not know what more the Minister wants on this point. To say the least, the Minister's attitude is very disappointing, and I am surprised that he has adopted the same approach as he adopted in regard to the Licensing Act Amendment Bill. Apparently, the Minister intends to continue on the same tack in relation to the Trading Stamp Act Amendment Bill.

If the Minister is prepared to come out honestly and admit that he was wrong in his interjection, there is no difficulty as far as I am concerned. I will not stand for the Minister's misrepresenting my position in this Council, as he has done in regard to two or three other issues over the past few weeks. The Liberal Party is now reintroducing certain provisions into the Trading Stamp Act that will prohibit some of the promotions that it permitted.

It cannot deny that; it permitted certain promotions, certain trading stamp actions, in December 1980. It is now prohibiting some of them. In other words, it believes in deregulation, and is now coming back and regulating in that area.

We support that. I do not have any problems with it because, as I said, the Opposition opposed the Trading Stamp Bill in the form in which it was introduced in December 1980. The restrictions that the Government wishes to put on promotions relating to cigarette products is satisfactory as far as I am concerned. In so far as the Bill prohibits what I consider to be the unsatisfactory promotion of cigarettes, I support the Bill.

The Hon. Dr Cornwall intends to contribute to the debate from the point of view of health problems which arise from cigarette smoking, and he will outline certain propositions on behalf of the Opposition as to restrictions on the advertising and promotion of cigarette products. I support the Bill because it does away with promotions of cigarette products, promotions which were prohibited before December 1980, which were permitted by the then Government from 1980 until the present time, and which are now currently to be prohibited once again because the Government has had one of its customary changes of mood.

The Hon. J. R. CORNWALL: I wish to make two or three important points regarding the sponsorship by tobacco companies in a whole range of activities which are, at best, subliminal advertising and, at worst, straight-out promotion of smoking. The Hon. Mr Sumner, under severe provocation, has eloquently put the case for the inadequacies of the Government. The Opposition foresaw when this legislation was brought in that there would be difficulties.

It is typical of this Government that the Premier, or one of his senior Ministers, goes to a cocktail party, reception or dinner and runs into one of his friends or acquaintances (it is Government by suggestion) and that friend then asks, 'Why are you holding us up on this deregulation? Why don't you get rid of such and such?' With a fine rush of blood to the collective head, Cabinet then whips in the odd Bill which is alleged to be some form of deregulation.

We had the fiasco regarding bankcard; it was exactly the same situation. Somebody suggested to the Premier one night that it would be a good idea to interfere with the Act that covered bankcard. Before we knew where we were we were deregulating. The next thing the consumer was paying, there had been a terrible mistake, and the Government had to rush in a Bill after being gravely embarrassed.

Regarding this Bill, the Opposition warned that there could be difficulties, but the Government was gung-ho to go and away it went. I do not want to go down that track, as it has been covered by my Leader. The enormous inconsistencies in this area have been displayed by the Minister of Health, who, in her early days as Minister, thought that it was rather like being an Opposition back-bench member out in the electorate of Coles. The Minister had a clear impression that the whole business was about stunts and attracting publicity, and did not realise that a service area like health is almost all about administration. So, she went about the countryside being quoted at length about health promotion in the most simplistic way possible, talking about inhaling fresh air, and eating oranges and brown bread.

The Minister of Health made many rash statements regarding tobacco advertising and cigarette smoking in particular. The performance has not matched the rhetoric. In fact, had she done her homework, she would have realised the enormous difficulties involved. The Federal Labor Government banned direct advertising of tobacco and tobacco products on television. That led tobacco companies into the area of sponsorship in sport, and to quite overt advertising, and to tobacco companies names and the names of their products being displayed all around sports fields, racecourses and tennis courts. Every popular sport that was widely televised was in those next few years, after direct advertising was banned, supported and sponsored by major tobacco companies.

The Minister of Health, in the 2½ years she has been in the portfolio, has made one gesture only—to increase the penalties on small shopkeepers and others who were selling cigarettes to minors.

The Hon. J. C. BURDETT: I rise on a point of order. Standing Order 185 provides:

No member shall digress from the subject matter of the question under discussion . . .

The Hon. Dr Cornwall has departed very much from the subject matter and is referring, in regard to this matter, to the Minister of Health. We are dealing with the Trading Stamp Act Amendment Bill. What the Hon. Dr Cornwall has said has no relevance to that Bill whatever.

The ACTING PRESIDENT (Hon. J. A. Carnie): I ask the Hon. Mr Cornwall to tie up his remarks to the Bill.

The Hon. J. R. CORNWALL: I will be delighted to do that. I have the second reading speech, delivered by the Minister, in front of me. It specifically talks about amendments that are being drafted to the trade promotion lotteries regulations to prohibit promotional lotteries where participation is limited to persons who smoke cigarettes, cigars or tobacco in any form. I would have thought that the Minister would appreciate that clearly the matter before us relates to tobacco and the smoking of tobacco and cigarettes.

The performance of the Government and the Minister of Health regarding anti-smoking campaigns has not been matched by the rhetoric. All that has come forward is one small amendment to increase the penalties for small shopkeepers and other people selling tobacco and cigarettes to

minors. There has been no effort at all to reduce sponsorship. I am linking up my remarks now most clearly.

The ACTING PRESIDENT: I point out to the Hon. Dr Cornwall that he has not yet done so.

The Hon. J. R. CORNWALL: I am on the way. The amendments before us seek to restrict trade promotion lotteries where they apply to people participating in competitions or promotions run by tobacco companies. There has been only one minor amendment in the past, and that dealt with the sale of tobacco and cigarettes to minors. It did virtually nothing except to increase the challenge for minors within their peer group to find someone who looked 16 and who could buy cigarettes. Of course, cigarettes were never banned from sale from vending machines, anyway.

What is the tobacco industry doing as part of an ongoing push and thrust with its products? One of the major companies has decided to run a trade promotion lottery with regard to its products, and it may well have got away with it. The problem is that one of the other major companies blew the whistle on its competitor and told the Government that, if it did not stop it, it would get in on it, too.

Reluctantly, the Government was forced to move to introduce this Bill. This is highly relevant, however one views it. The length to which the Tobacco Institute of Australia is prepared to go is clearly shown by the report in the *Advertiser* of 31 March 1982 in the 'Sports Scene with Gordon Schwartz' column headed 'Tobacco firms hit back'. The report states:

> The Tobacco Institute of Australia has launched a counter-attack at a campaign to try to ban tobacco company sponsorship of sport.
>
> A document titled *Don't Sit on the Sidelines,* giving the case for tobacco sponsorship in sport and testimonies from 36 sports administrators recording appreciation of support from tobacco firms, has been issued in Adelaide.

The report further refers to the important people in sports administration, as follows:

> Tennis supremo Brian Tobin said the L.T.A.A. found it impossible to comprehend why the advertising of tobacco products at sporting fixtures should be discriminately singled out for restriction in comparison to other so-called harmful products.
>
> Cricket chief Phil Ridings, in a letter to the game's chief sponsor, says the Australian Cricket Board believes sporting bodies in Australia are entitled to manage their affairs without outside interference or restriction.
>
> Australian Soccer Federation president Sir Arthur George also strongly objected to outside interference, saying his federation would take the necessary steps to fight it at all times.
>
> South Australian National Football League general manager Don Roach said the league's involvement with a tobacco company had opened up the dimensions of national club competitions and the significant development of Football Park.

That is the sort of thing that one is up against. I feel much sympathy with sporting clubs and bodies. If one took sponsorship away from this area tomorrow—

The ACTING PRESIDENT: Order! I must call the honourable member to order. He did link up his earlier remarks to the Bill rather loosely, but there is nothing in the Bill dealing with sponsorship of sport by tobacco companies. I ask the honourable member to return to the Bill.

The Hon. J. R. CORNWALL: The Bill concerns trade promotion lotteries as they relate to tobacco.

The ACTING PRESIDENT: That is not sponsorship, and that is the point that I am making.

The Hon. J. R. CORNWALL: You are drawing a long bow, Mr Acting President, but I will defer to your ruling. I have sympathy with the sporting administrators who have relied heavily on sponsorship or promotion by the tobacco and cigarette companies. What has to happen is not for a Government to step in and take away sponsorship or take such negative action. What has to happen is that the South Australian Minister of Health, with the full support of the Government, will have to go to the next meeting of State and Federal Health Ministers and devise a way whereby we can make it possible for major sporting bodies to withdraw from sponsorship by tobacco companies. The Minister should devise an interim arrangement to voluntarily help sporting bodies to draw back from multi-million dollar promotion of their various sports on a voluntary basis.

Where any such organisation is willing to do that, it should be directly financially helped by Governments for an interim period while it finds alternative sponsors, other than tobacco companies.

In that way Ministers of Health and Governments can make a positive and meaningful contribution to removing this cancer in the advertising industry, that is, the all-pervasive presence of the tobacco companies, whether it be in trade promotion lotteries or in the promotion of major sporting events and organisations. That is the sort of positive contribution which we believe, as the alternative Government, ought to be made. There should be a major contribution instead of this fiddling about on the edges, instead of rhetoric and lack of action.

The Hon. R. C. DeGARIS: I oppose the Bill.

The Hon. C. J. Sumner: At least you are consistent.

The Hon. R. C. DeGARIS: I am not being consistent, as the honourable member might see later. I had certain reservations when the Trading Stamp Bill was dealt with a year or two ago, because I object to many of the provisions in relation to any product where large prizes are offered to induce a person to buy something. That offends me. However, the Government had a clear policy of deregulation.

The Hon. C. J. Sumner: Why didn't you vote for our amendments?

The Hon. R. C. DeGARIS: Mainly because the Government, when it came into office, had a policy of deregulation. This matter concerned me at the time, but I did not take action then. I now oppose the Bill because, having taken the step to deregulate in this regard, we are now coming back to reintroduce certain restrictions because no doubt the Government has heard that a tobacco company intends to introduce a promotion of some form of lottery on cigarette packets. To stop that happening we have this Bill before us. Why should we be attacking tobacco alone in this Bill? It may be the only thing that the Government has heard about at this stage, but what about the promotion of alcohol?

The Hon. Anne Levy: What about chocolate wrappers?

The Hon. R. C. DeGARIS: I will come to that. Clearly, the promotion of alcohol will take place in a similar manner. Should we not be anticipating that in this Bill if we feel that the promotion of tobacco is such a bad thing? There is the question of analgesics, caffeine and many other items. One can be critical about junk foods.

Where does one draw the line? This is tackling the one matter that has arisen. Are we going to go on with a continuation of Bills when something happens to promote a product and the Government believes it should not be promoted?

The Hon. C. J. Sumner: In 12 months time we will be back where we were before December 1980.

The Hon. R. C. DeGARIS: That may be so. Perhaps the matter can be dealt with by this means: if there are certain products that one believes should not be promoted in a certain way, we should say that the matter will be covered by regulations, which the Government can bring down. There is no way in which this provision can be expanded to other products. For that reason and for the fact that we took action to abolish the application under the Trading Stamp Act some time ago, I believe we should hold to that position on any products that are capable of being sold on the open market.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): The previous Bill which this Government introduced and which was passed in regard to the Trading Stamp Act was a most proper Bill and has been successful because it has been a substantial measure of deregulation. It has not adversely affected (as the Hon. Mr Sumner said it did) but on the contrary has benefited the consumers in this State because it has allowed them to have the benefit of promotions for which they were paying, anyway. So, the Bill has been successful. This present Bill, as has been acknowledged by the Hon. Mr Sumner and the Hon. Dr Cornwall, is in relation to a matter of health. It is in relation to cigarette promotion. Surely legislation is not made forever. This legislation has been successful to this point.

The Hon. C. J. Sumner: Why didn't you think of this in December 1980?

The Hon. J. C. BURDETT: I am coming to that. Legislation is not made forever. We are not like the Medes and Persians; we are not introducing laws which changeth not. We are prepared to change the laws when there is reason to do so. That surely is the common law system which applies in all common law countries.

The Hon. J. R. Cornwall: Do you spit on your finger and sense the prevailing wind?

The Hon. J. C. BURDETT: Of course not. The courts have responded to needs as they have arisen, and Parliament also responds.

The Hon. C. J. Sumner: Why didn't you foresee this in December 1980?

The Hon. J. C. BURDETT: There is no need to foresee something that does not apply at the time. Legislation at that time applied correctly and has not disadvantaged anyone.

The Hon. J. R. Cornwall: We will make it up as we go along.

The Hon. J. C. BURDETT: Most legislation does address a particular problem. Legislation passed by a socialist government does not work. We found this so often with the previous Government. So often it tried to address all sorts of problems which did not exist and which never arose, as it attempted to provide a complete overall code. The sensible thing to do is to monitor carefully all situations as they arise and, when there is a need to make a change, to make it. It has recently come to the notice of the Government that some promotions are likely to be harmful, and therefore this measure has been introduced. I understand it will be supported by the Opposition, but not by the Hon. Mr DeGaris.

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

RADIATION PROTECTION AND CONTROL BILL

Adjourned debate on second reading.

(Continued from 31 March. Page 3791.)

The Hon. J. R. CORNWALL: I must again protest at having to conclude my remarks at 9.05 p.m. on Thursday 1 April. Yesterday I waited all day for this most important Bill to come on late at night. As I said at about 1.55 this morning, this is one of the most important Bills to come before the forty-fourth Parliament. Again it has been brought on in almost the dead of the night—certainly not in prime time. Having waited all day yesterday, it eventually came on at 1.45 this morning. The Government in its wisdom held it up all day today and has now brought it on at 8.55 p.m. the same day.

That is quite scandalous, as it is a major Bill. It should not have been brought in at this late hour so that it becomes legislation by exhaustion. We should not have been asked to consider it at a time when most members of Parliament from both Houses are walking around like zombies after having sat to a very late hour on two consecutive nights. Apparently, again tonight we will be expected to sit to a very late hour. I object to that in the most strenuous way I can, given the limits of my mental and physical resources which are quickly running down through the actions of the Government in making us sit these outrageous hours for the past two days.

When I flagged down at 2.15 this morning I was discussing the heinous implications of new clause 26. This clause appears in this Bill as produced in this Council. Clause 26 did not exist at the time the original legislation was introduced into the House of Assembly. As I said last night, or in the early hours of this morning, the Government in general and the Minister in particular had more than 18 months to produce this Bill. Despite that, it now appears that they got it wrong. That, I would submit, is quite inexcusable. They got it wrong, perhaps not as far as the health physicists who were advising them were concerned and not as far as the South Australian Health Commission was concerned but as far as the Western Mining Corporation was concerned.

The Bill was introduced, Western Mining Corporation had a look at it, got its corporate boys to look at it, and they said, 'Hey, you can't do this, hang on a minute, you are going to override the indenture, an Indenture which has been negotiated for so many months.' It was negotiated carefully (the Government would have us believe) between W.M.C., B.P. and people acting on behalf of the Government. As I said, they got it wrong, so they hastily introduced what is now brought up to us in this place as clause 26. The Minister also acted hastily, and I believe quite improperly, in the Lower House to amend the original legislation so that we now have before us in clause 43 (4) *(a)* a provision which refers to a code of practice or standards 'approved or published under the Environment Protection Nuclear Codes Act, 1978, of the Commonwealth'. When the Bill first surfaced in its original form in the House of Assembly the words 'approved or published' were not in it. The word 'made' was added so that it read 'A code of practice made under the Nuclear Codes Act, 1978.'

In clause 49 (1) *(b)* the wording now is, 'That any person named was or was not at a specified time the holder of a specified authority.' The words 'a specified authority' did not appear in the Bill as it was originally introduced into the House of Assembly. In fact, the phraseology was 'a specified licence or certificate of registration under this Act'. The same applies to clause 50 (1) *(b)*, and I quote from the Bill before us, which states:

> in the case of the holder of an authority sent by registered or certified mail addressed to him at his address for service, or left for him at that address with a person apparently over the age of sixteen years.

When the Bill appeared in its original form in the House of Assembly, after a gestation of 18 months, the wording was, instead of 'authority', 'licence or certificate of registration'. Again, in clause 50 (2) the address for service of a holder of 'an authority' in the Bill as introduced in its original form did not refer to 'an authority' but referred to 'a licence or certificate of registration'. The truth of this matter was flushed out during the debate in the Lower House. I will quote directly from the *Hansard* record of the Lower House debate on this Bill. My colleague, Mr Hemmings, when referring to the word 'authority', which the Minister was moving to insert, said:

> I am a little suspicious here, bearing in mind the statement I made earlier this afternoon that on the advice of the Parliamentary Counsel the Roxby Downs Indenture Bill overrode all the provisions of this measure. Will the Minister explain to the Committee whether

this provision is inserted to put it in line with the Roxby Downs Indenture Bill?

The Minister replied:

Yes, I am sure that it is.

Again, if we look at the words of the Minister during the Committee stages of the debate on this Bill in the Lower House, the Hon. Jennifer Adamson said:

I have already said that Roxby Downs will be subject to all the regulations under this Bill. Because it is an indenture which provides a special mining licence instead of a prescribed mining tenement certain initiatives must be taken in the Bill to ensure that Roxby Downs is not excluded, but included. All that is done by this amendment to enable the commission to go on to Roxby Downs without a warrant because it is a special mining lease and not a prescribed mining tenement as is proposed for in the normal course of the Bill.

In fact, what happened, and I will repeat this because it is extremely important, is that Western Mining Corporation had a look at this Bill for radiation protection and control as it was originally introduced into the House of Assembly, took it to its lawyers, who said, 'There is a very strong chance that when this becomes legislation it will override the Roxby Downs indenture.' They also said:

We have spent months and months negotiating this with the Government. We have got them to agree in section 10, which is compliance with codes in the indenture, that they write in minimum provisions based on standards which are outdated. We have ensured that they are not too tough on us. We have ensured that we shall be able to get on with the business of mining, milling and processing radioactive ores at the Olympic Dam site if the indenture is passed in such a way that we can pay relatively scant regard to worker safety.

They got on to the Minister and pressured her. She caved in and the amendments, in my submission, were moved as a result of that pressure. We submit that that is not good enough. Consequently, we intend to move a series of amendments which will tighten very substantially what this Bill is all about. We do not accept the Government's proposition that, 'You can leave it to us'. The Government says it will do it all by regulation: 'You have nothing to fear. You can trust us; just let us have this framework and we will do the whole thing by regulation.'

We do not accept that, in a matter as vitally important as worker safety or miner safety at Roxby Downs, in the event that that project ever proceeds, it should be left to regulation. We believe that the most stringent reasonable code, as we know it from the standards that are available in current literature, ought to be specifically written into this Bill. There will be more to be said about clause 26, and many other clauses, later. Before I depart from this aspect I must say that clause 26 and other amendments introduced by the Minister of Health in the House of Assembly were introduced specifically to exempt Western Mining Corporation from the more stringent provisions of this legislation. They were done to remove any legal doubts about Western Mining Corporation or B.P., if they proceeded with the mining of the ore body at Olympic Dam, in connection with more stringent regulations than those which are contemplated in the indenture.

I turn briefly to the comments made by the Hon. Mr Cameron last night when he referred to an appearance I made on a *Nationwide* programme in March 1981. Apparently, the Hon. Mr Cameron has been carrying a transcript of that particular interview with Patrick O'Neill around in his pocket and gloating over it for the last 12 months. I only wish that he had a video-tape of it, because it was a very fine interview and I was very happy with it. I would be absolutely delighted to see a video-tape of it. At that time my position had been carefully considered after serving on the Select Committee on Uranium Resources for 18 months. I do not have a word perfect recollection of what I actually said in that interview but, in general terms, after serving on that committee for 18 months I felt that uranium mining could be made a relatively safe occupation. I do not resile from that position in any way at all.

Uranium mining could never be a safe occupation *vis-a-vis* clerical work or a whole range of other occupations in the community. There is no doubt at all that if anyone—

The Hon. L. H. Davis: What about *vis-a-vis* coal mining?

The Hon. J. R. CORNWALL: I do not want to be diverted too much, but my immediate riposte is that conservatives have extolled the safety of coal mining for 100 years. They have said that there is no danger at all, despite the fact that it has been mined under the most appalling conditions with frequent fatalities. In fact, the fatalities occur far too frequently to this day, despite the safety measures. Conservatives have said for 100 years that coal mining is not a difficult or dangerous occupation. Therefore, it is quite extraordinary to observe this turnabout. Coal miners contracted many diseases, working in the most disastrous circumstances—normal occupational hazards, according to the Conservatives. Conservatives believed that it was quite in order to employ people to work in coal mines. Suddenly, because it suits their argument, they have discovered that coal mining is a hazardous occupation.

I repeat what I said on *Nationwide*: to the best of my recollection. Provided that stringent codes and precautions are laid down in relation to the level of radon and radon daughters, uranium mining can be a relatively safe occupation. In that particular interview I remember very well that Patrick O'Neill tried to draw me further. Again, I am quoting from my memory, which is normally pretty good, but I cannot quote it verbatim. I seem to recall that Patrick O'Neill suggested that I had reached the conclusion that the nuclear fuel cycle was safe. I specifically refuted that suggestion and said that I considered at that time that uranium mining, provided that the confines of stringent precautions and continuous monitoring for all levels of radon were observed, was a relatively safe occupation.

After sitting on the Select Committee on Uranium Resources for two years the Hon. Mr Foster and I produced a very good minority report. That minority report shows that my position, seven months after that interview, had not changed. I refer honourable members to page 159 of the report and the radiation protection standards, as follows:

The principal international source of radiation protection standards is the International Commission on Radiological Protection (I.C.R.P.). In setting its standards the I.C.R.P. uses 'As Low as Reasonably Achievable' (ALARA) criteria.

In Australia the standards, set by the National Health and Medical Research Council, are based on the 1977 I.C.R.P. recommendations. The Codes of Practice for the Mining and Milling of Radioactive Ores have been evolved in a similar way.

Three mathematical models are proposed for estimating the biological effects of low radiation—the linear, superlinear and quadrilinear. Majority opinion is that the linear hypothesis is probably the most accurate.

Evidence since 1977 strongly suggests that the allowable dose for workers in the industry may be far too high.

Exposure to the short lived decay products of radon gas (the so-called radon daughters) constitutes the main source of irradiation of the various parts of the human respiratory tract. The unit of concentration of radon and its decay products is called the 'Working Level' and the accumulated exposures for workers in the industry are measured in 'Working Level Months'. Currently the maximum permissible exposure to radon and its decay products in Australia is 4 WLM per year and a total of 120 WLM for a lifetime exposure over 30 years of work.

The punch line of that minority report is as follows:

A recent study by the National Institute of Occupational Safety and Health (NIOSH) published in 1980 suggests these levels may present hazards up to four times greater than the original estimates made in 1971.

It is significant that the recommendations contained in the minority report (and, I might add, contained in the Liberal

members' majority report) accepted NIOSH. Page 51 of the majority report states:

> In view of the doubts cast by the 1980 NIOSH Report on the adequacy of safety of the current exposure standard of four working level months per year to radon decay products, we recommend that the National Health and Medical Research Council be requested to review the present maximum permissible limit of exposure with a view to recommending a reduction in the allowable limits.

That was said by the Hon. Mr Burdett, the Hon. Mr Cameron, and the Hon. Mr Davis. It was their considered opinion, after sitting on that Select Committee for two years that, in view of the doubts cast by the 1980 NIOSH Report on the adequacy of safety of the current exposure standard, the National Health and Medical Research Council ought to reduce allowable limits. My views are consistent. In March last year I said that I believed that with stringent safeguards mining could be made a relatively safe occupation. The minority report also recommended:

> Alpha particles in radon and radon daughters constitute a major hazard to the lungs of uranium miners.

That is a statement of fact. The minority report also stated:

> The current levels of exposure accepted in the Australian Code of Practice for the Mining and Milling of Ores may be up to four times too high.

That same phraseology was used in the majority report. The minority report also stated:

> They should be urgently revised, based on the 1980 NIOSH study.

In April 1982, I repeat what I said in March 1981, and what the Hon. Mr Foster and I said in October or November of that same year—the mining aspect of the nuclear fuel cycle, if one looks at all the difficulties involved in it at this time, is relatively the safest part of that whole cycle.

I am not about to embark on a debate about the nuclear fuel cycle: I hope there will be adequate time to do that in June, certainly more time than has been allowed for debate on this most important Bill that is before us. I assure members that I will go into that matter at far greater length in June. Suffice to say there is nothing inconsistent between my conclusions of March 1981, what my colleague and I concluded towards the end of last year, and my present attitude. We have accepted that the present code of practice in Australia is not adequate.

For that reason it is with great apprehension that we see that, written into clause 10, is compliance with codes in the Roxby Downs indenture. Now that we know from the Minister's own words that the Radiation Protection and Control Bill will override (as the Minister put it) or will certainly apply to any mining which may occur at any time in the future at Olympic Dam, it is most important that we get this legislation right. As I said last night, and I repeat now, we are not prepared to cop legislation that simply provides a skeleton. We are not prepared to rely on the Government's undertaking, which says, 'Let us put through this enabling legislation. Let us have a skeletal framework, and we will do the whole thing by regulation.' I do not believe that is good enough.

Before I briefly outline the sorts of amendments we intend to move, let me remind the Council that, because this Bill involves radiological protection for people who may in the future be involved in the mining of uranium, were it ever to be proved safe to the satisfaction of reasonable people and to the satisfaction of the rank and file members of the Labor Party, with regard to the whole nuclear cycle, it is important that we get it right now. Radiological protection is one of the important aspects of the seven-point programme that was enunciated by the Leader of the Labor Party in another place quite recently. That plan was devised by a subcommittee and approved by Caucus. That is the programme that we are perfectly happy to present to the electorate, and I might say that I am very proud to have been one of that programme's principal architects.

I will now outline what we intend to do by way of amendment. First, we intend to include in the definitions what is understood by 'working level' and 'working level month'. That will be a direct lift from the Australian code of practice. Secondly, we intend to delete any reference in the Bill to 'mines inspector' or 'mines inspectors'. We do not believe that mines inspectors should be given either the right or the duty to monitor radon and radon daughters. We do not believe that mines inspectors are the appropriate people to look after that safety aspect of uranium mining. We certainly believe that they are the appropriate people (quite obviously, under the Mines Act) to look after all other aspects of mining, but, if uranium mining ever proceeded in this State, they would not be the appropriate people to carry out the monitoring. Our colleagues (the Hons Mr Burdett, Davis and Cameron) agree with us, as one sees from the Select Committee report.

We would certainly move to ensure that the legislation, if it is passed, be committed to the South Australian Health Commission, and those aspects of the legislation enforced by qualified people from the South Australian Health Commission. We further intend to move that the levels as set by the Australian code of practice for the mining and milling of uranium ores be halved. That is a pretty modest sort of proposal in view of the NIOSH study, which says that the levels as accepted by the Australian code of practice may be two to four times higher than recommended by current world standards. That includes the standards of the Australian code of practice.

Accordingly, we will move that the maximum exposure for any person who is involved in the mining, milling, processing or transport of radioactive ores or uranium shall be one level working month for a period of three months (any three months in which they are employed); it shall be two working level months for any one calendar year for which they are employed; and in total, for a lifetime of exposure, it shall be no more than 60 working level months. In addition, of course, we accept the 'as low as reasonably achievable' criteria.

However, we will move to delete from the Bill that is before us the addendum 'social and economic factors being taken into account'. We believe that is totally unacceptable, for reasons which I shall enlarge on in the Committee stage. We also propose to move that workers who are engaged, if they ever are, in the commercial exploitation of any uranium mines, including the Olympic Dam prospect, must have an extensive medical examination, which has particular regard to pulmonary function, upon commencement of that employment, and they shall have an annual examination thereafter.

Members will note that I said, 'if they are ever involved in the commercial exploitation of the Olympic Dam prospect'. People are already involved and are working under conditions about which we know nothing. We do not know whether the Health Commission has been on site or whether monitoring is being undertaken, and I intend to ask several questions about that aspect in the Committee stage.

When the Select Committee visited the Olympic Dam prospect, the Whennan shaft had begun, but of course we were told not to worry because it only involved the overburden. It was going through sand and various other layers, and had not yet come to the ore body. Quite clearly, it is now well into the ore body. The workers are proceeding with drive shafts and those involved in that operation at present, whether it is called experimental mining, prefeasibility, or final study, are being exposed daily to radon and radon daughters. There has been no indication—

The Hon. L. H. Davis interjecting:

The Hon. J. R. CORNWALL: I am not suggesting anything at all. There has been no indication as to whether any action has been taken by the South Australian Health Commission to monitor the levels of radon and radon daughters to which those people involved in the Whennan shaft may be exposed.

The Hon. L. H. Davis: Have you made any inquiries?

The Hon. J. R. CORNWALL: I am flagging to the Minister that I will be making—

The PRESIDENT: The Hon. Mr Davis has not had permission to speak, so there is no reason for him to be interjecting at this time.

The Hon. J. R. CORNWALL: We will also move, and this was recommended by the majority and minority reports of the Select Committee, that the monitoring of radon and radon daughters should be subject to independent checks on a regular basis by the South Australian Health Commission. It is a matter of great regret that that has not been written into the legislation. We intend to put that right by moving a suitable series of amendments.

The Opposition also intends to move that the employer of any person involved in the mining, milling, processing or transport of radioactive ores or uranium must keep comprehensive records of his employees, including details of their medical reports and examinations. That is self-explanatory and highly desirable. I do not need to go into it in any further detail.

The Opposition intends to move that there be a register of employees involved in the mining, milling, processing and transport of radioactive ores and uranium to be kept by the Health Commission. This register, in our submission, should be updated annually and should include all employees, whether they are still currently employed or have left the industry. We made a series of specific recommendations about that in our minority report following the two-year inquiry by the Legislative Council Select Committee on Uranium Resources.

The majority report said that it thought a national register was extremely important, that it must be established and kept, and that it understood that the Federal Government was doing something about it. The Federal Government has done nothing about it. Despite the fact that uranium has been mined at Mary Kathleen for longer than many of us can remember, despite the fact that uranium is now being mined actively at the large Ranger prospect in the Northern Territory and despite the fact that uranium mining, processing and milling has been going on at Nabarlek for a period of something in excess of 18 months, the Federal Government has done nothing and has not made a move to establish a national register.

It is absolutely imperative that a register be established. There are many reasons for that; one reason is that it has to be established for future epidemiological studies. One can see the folly of having a situation arise, as happened at Radium Hill, where mining of uranium was carried on for a period in the 1950s. People eventually realised the great hazards which occurred when there was no control of radon and radon daughter exposure to miners. It was very difficult to locate the men who worked there and get a medical study going.

The other example we can use to point out the absolutely essential nature of this sort of register is with respect to people who worked at places like Maralinga. There is a very real possibility that many people employed at Maralinga during the atomic testing of the 1950s ultimately suffered a high incidence of a variety of cancers. When the Commonwealth Government was eventually put under some sort of pressure to find out what happened to all of those people, it was unable to do it in an effective way because there was no register kept. There is still no move, to the best of our knowledge, by the Commonwealth Government to set up a register of people involved in the industry.

Therefore, we believe it is imperative that the South Australian Health Commission set up a register for people currently employed and for people likely to be employed in the mining of uranium, whether it be at the Olympic Dam prospect, Honeymoon, Beverley or any deposits likely to be found or exploited in the future.

Turning specifically to the Radiation Protection Committee, the Opposition intends to move that two additional people be added to that committee. We intend that one shall be a person with expertise in genetics and a knowledge of radiation genetics. That will be moved to satisfy the Minister, arising out of further knowledge which has come to us following debate in another place. The Opposition believes that the other person must be a person with expertise in epidemiology. I refer there to epidemiology in the new sense, which I am sure the Minister will understand. Those two additional members on that committee would be added to the appropriate subcommittee.

I will not go into it further until we get to the appropriate clause in the Committee stage. It is absolutely essential that the whole of the monitoring of the health aspect with regard to radon and radon daughters, and the possible consequences that arise therefrom, should be committed to the Health Commission. I will not go into the asbestos story at the moment. The anomaly that exists between industrial affairs inspectors and health commission inspectors I will go into in detail during the Committee stages.

There shall be additional amendments regarding the provision of suitable apparatus for the measuring of radon and radon daughters, which the Opposition believes should be provided and maintained by any company or authority—to use the words of the Bill—involved in the mining, milling or processing of radioactive ores. There are other matters which I will not be able to explore during the Committee stages of this Bill and which I believe I should raise. They are matters of great importance at this time.

The first matter is the question of industrial awards. That is a matter of great concern to me, not in terms of what the daily or weekly rates may be or even the terms and conditions of people currently employed or likely to be employed if mining ever proceeds on a commercial scale. What concerns me is that we are writing in these levels, whether they be the levels we would like to see go into the legislation or the far less stringent, rather dangerous levels which the Government is prepared to accept.

Either way, the situation may well arise where it will be shown conclusively that workers or miners at times have been exposed to levels above those set within the legislation or the regulations. What happens in those circumstances? That is extremely important, because, if something specific is not written in with regard to an industrial award, whether it be in this legislation or concurrent legislation that should have been introduced with it then, in the event that mining proceeds, a situation could well arise where a miner is exposed to something in excess of the limits in a relatively short time. What is that miner's situation in those circumstances? Do you give him a week's pay in lieu of notice and send him down the track? Should there not be written legislation which will protect the rights of workers for an ongoing income? The answer to that is perfectly obvious. Of course, companies cannot be allowed to send that miner down the track, dismiss him and get rid of him. That is the sort of thing, as members would be well aware, that has occurred in cases of nuclear accidents in reactors in Japan.

Now, the Government clearly has either not thought this through or has such scant regard for the welfare of workers in this proposed industry that nothing has been written into

the legislation. Honourable members can see the point, I am sure. Unless one writes in, in addition, the sort of levels that one may be exposed to over three months or one calendar year, in the event that a worker is exposed to levels above that, there is no effective worker protection in principle or in practice.

The Hon. K. L. Milne: What about the award? Would that take precedence, or would the legislation take precedence over the award?

The Hon. J. R. CORNWALL: There is no award contemplated to provide on-going payments. There is no particular award for people in uranium mining.

The Hon. K. L. Milne: Should the standards be set by the Act and not by the award?

The Hon. J. R. CORNWALL: That is a question that I am happy to debate. Certainly, it is not addressed in this Bill, but it is an extremely important question and no reasonable person would disagree about that. One cannot have a situation in which workers can be brought in for a short period, with no regard to the lowest achievable criteria, and then simply have drawn to the employer's attention that the level has been exceeded and that whoever has been working in that situation has been exposed to excessive levels, and so get rid of them. Throw them down the track with a week's pay, and say, 'You have been here for so many weeks and here is a week's pay in lieu of notice.'

The other question which the Bill does not address or contemplate and which is extremely important is the question of long-term workers compensation. In this respect I draw the Council's attention to the minority report of the Select Committee. One of our specific recommendations, and one of the most important subsidiary ones, is as follows:

> If uranium mining were ever to proceed in South Australia it would be essential that concurrent legislation be introduced for long-term workers compensation claims relating to genetic damage and long-term cancer risks. Such claims should extend to spouses and children.

That is obvious, because there is not much point in having compensation for someone developing lung cancer 20 or 25 years hence who subsequently marries and has two or three children, unless they are going to be protected as a result of their previous employment. In the recommendations, we went on to state:

> A long-term indemnity should be established through the State Government Insurance Commission.

This Bill does not address itself to that problem at all, and the Minister may claim that it is not appropriate in this legislation. I have no argument with that, but I would like an indication of what the Government contemplates in this regard.

The Government has introduced to Parliament the Roxby Downs indenture and the Roxby Downs Indenture Bill, both of which are presently being considered by a Select Committee in another place, and it has at the same time introduced this Bill, but nowhere in any of these measures is there reference to the question of long-term workers compensation as it relates to those workers developing lung cancers, as they inevitably must, no matter how one strengthens the protections.

The Hon. J. A. Carnie: Not all of them.

The Hon. J. R. CORNWALL: A percentage will.

The Hon. J. A. Carnie: You did not say a percentage.

The Hon. J. R. CORNWALL: The honourable member knows that I would never suggest 100 per cent. What I am saying is a scientific fact and it is beyond dispute. If people are going to work in uranium mines, then no matter how stringent the safety precautions are, no matter how well one adheres to the 'as low as reasonably achievable' principle, people will be subjected to higher levels of radon and radon daughters than they would come into contact within other employment. Inevitably, a percentage of them will develop lung cancer, and I hope it is a low percentage of them. It is difficult to quantify.

The Hon. R. C. DeGaris: What would be the comparative figures with, say, a coal mine?

The Hon. J. R. CORNWALL: That is not entirely relevant. Deaths in coal mines occur because of tragedies and accidents. They are instant deaths. We have advanced from the nineteenth century. The problems encountered in coal mines are similar around the world, whether it be in New South Wales or numerous other countries. The so-called black lung disease in advanced industrial countries is almost a thing of the past.

To make a comparison one would have to compare the situation with that of a cigarette smoker. It is difficult to quantify those figures exactly, but it is reasonable to assume that the increased incidence of lung cancer in a uranium miner working under optimum conditions, the sort of conditions that we propose in our amendments, would probably be about the same as someone smoking 20 to 25 cigarettes a day. If that person smokes 25 cigarettes a day and works in a uranium mine as well, then, as we have shown clearly in the Select Committee report (and that is one subject on which the Select Committee reached unanimity), that smoking has a promoter effect and the worker will get his lung cancer probably six to eight years earlier.

I think for the time that that is all I need to say. I have covered most of the matters on which we intend to move amendments. I have covered the two important areas concerning industrial awards and workers compensation. Long-term workers compensation particularly must be addressed because of the nature of the hazard. The rest of the matters I will canvass in substantial detail in the Committee stage of the debate.

The Hon. L. H. DAVIS: The contribution by the Labor Party in the second reading debate in this place and in another place could be regarded as not recognising the pioneering nature of this legislation. The Radiation Protection and Control Bill we have before us does acknowledge that radiation is potentially dangerous, whether we are talking about the mining and milling of uranium, industrial uses, or medical diagnosis or research.

The debate also reflects the Labor Party's paranoia on any matter connected with radiation or uranium. We have seen over the past 12 or 18 months many instances of this. We have heard from Dr Cornwall the Labor Party's seven point plan for Roxby Downs. He has inevitably introduced Roxby Downs into this debate because this Bill does embrace radiation control in respect of the mining and milling of uranium.

The Labor Party's attitude on uranium has been far from clear. One does not have to be in Parliament House to recognise that what Labor Party members are saying in the lobbies and in Parliament are two entirely different things. For example, on 21 February 1981 a report in the *Advertiser* indicated that Mr Bannon believed that mining of uranium could be placed in the safe category. Mr Bannon was quoted as saying:

> But I don't think a major political party has the right to be either alarmed or to react emotionally on an issue as important as this,' Mr Bannon said.
>
> 'I believe we have got to examine it objectively within our Party councils and come out with a policy.
>
> 'At the moment our policy, does not impede the development of Roxby Downs.'

Yet, on 25 March on *Nationwide* Mr Bannon was quoted as saying:

> I believe that uranium mining at the moment hasn't been proved safe; that waste disposal hasn't been established; that international safeguards are no way in a state that would allow Australia to

embark on the nuclear fuel cycle. It's reckless to do so. It's just not on.

Finally, to confuse everyone, in a report in the *Advertiser* of 1 November 1981, Mr Foster, speaking at a special Labor Party convention, is quoted as urging the Party not to self-destruct on the basis of Roxby Downs. Mr Bannon was also quoted as saying that he had been amazed to read a *Sunday Mail* story headed, 'Roxby faces the Labor axe'. We have three instances which underline the Labor Party's vacillating attitude towards this issue.

The Hon. Barbara Wiese: The only one you can believe is the one you hear him say—not the ones you read in the newspapers.

The Hon. L. H. DAVIS: The Hon. Miss Wiese says that the media is at fault. We have seen Mr Bannon's lips move and have heard him say those words. It is hard to believe that when you are watching someone speak you cannot believe that they are saying it. If Miss Wiese says that, it is on her head.

The Hon. Barbara Wiese: The only right one is the one on *Nationwide.*

The Hon. L. H. DAVIS: One can also refer to Mr Bannon's statement in *Hansard* of 4 June 1980. I mention these matters because inevitably the Labor Party's attitude towards this Bill is coloured by its preoccupation and paranoia in the matter of radiation and uranium. It is reflected most recently in the *Financial Review,* in a 44-page South Australian supplement which appeared on Tuesday 30 March 1982. In talking about South Australia's development in this major supplement (possibly the biggest supplement ever seen about this State in a national paper), Mr Bannon managed to talk for a whole page about South Australia without once mentioning Roxby Downs. Yet, he devoted one column to biotechnology. It is amazing. The Labor Party in this place and in another place continually referred to this Bill and the Roxby Downs Indenture Bill as a political stunt. They have sought to prove that there is a nexus—

The Hon. J. R. CORNWALL: I rise on a point of order. The Labor Party neither in this place nor in the other place has referred to the Roxby Downs Indenture Bill as a political stunt. We have referred to this Bill as a stunt publicly and in both Houses, but we have never referred to the Indenture Bill as a stunt. I would like that to be on the record.

The PRESIDENT: Order! The Hon. Mr Davis.

The Hon. L. H. DAVIS: It has been put on the record by the Labor Party that it regarded the Roxby Downs Indenture Bill and the Radiation Protection and Control Bill as political stunts. They regard the fact that the Radiation Protection and Control Bill has been introduced ahead of the Roxby Downs legislation as evidence of that fact.

The fact is that this is pioneering and far-reaching legislation with radiation control having its own Act rather than being placed under the Health Act.

The contributions from the Labor Party towards this debate have been at the gutter level for the past 12 months. We have had examples of Mr Scott pouring scorn on the Amdel laboratory at Thebarton, claiming that the radiation monitoring equipment down there is not appropriate and that the uranium ore samples crushed at Roxby Downs—

The Hon. J. R. Cornwall interjecting:

The PRESIDENT: Order! The Hon. Dr Cornwall has already made one speech at length. He should now listen.

The Hon. L. H. DAVIS: Mr Scott claimed that the ore samples from Roxby Downs were stored at the Thebarton factory of Amdel causing health dangers to local residents. The South Australian Health Commission looked at the situation, as indeed it looked at another matter in regard to Mr Scott's comments. In fact, the radiation levels were so low that the workers did not need to wear film badges, as the levels would not register.

The fact is that Australian Mineral Development Laboratories has an international and national reputation as one of the biggest analytical laboratories in the world. It is used by many national and overseas mining companies. Mr Norton Jackson, Managing Director, and Mr R. E. Wilmshurst, Technical Director of Amdel gave valuable evidence to the Uranium Resources Committee.

The Hon. J. R. Cornwall: What about—

The PRESIDENT: Order! The Hon. Dr Cornwall has had his say.

The Hon. L. H. DAVIS: Members opposite may well remember that it was Mr Wilmshurst who accompanied Mr Dunstan on his fact-finding mission in respect of uranium to Europe shortly before he resigned as Premier. Evidence was given by Mr Jackson and other witnesses to explain that yellow cake was low in radioactivity and no worse than other chemicals handled daily. All staff at the Amdel Thebarton factory were instructed to use a film badge monitoring system and found that they were subjected to a much lower level than the internationally accepted level of radiation exposure. Dr Cornwall seems to be objecting to the fact that I am mentioning this, but he did not make any objection to Mr Scott's mentioning it.

For example, the annual dose for employees should not exceed 5 000 millirems or 350 millirems for a four-week period. Readings of up to 100 millirems over a four-week period have been recorded, but never any serious peak figures. On the other hand, the recommended maximum annual level of radiation for members of the public is only 500 millirems, and evidence was given that this was an equivalent health risk to smoking three cigarettes a week per annum. The Labor Party, certainly some elements of it, has sought to create fear in the mind of the public on any matter connected with radiation. To put levels of radiation in better perspective, Mr Wilmshurst gave evidence that the wearers of cardiac pacemakers may receive up to 5 000 millirems per annum, because a pacemaker has a plutonium-238 power source which generates electrical impulses to control the heart pace. Air hostesses receive up to 670 millirems per annum. Leigh Creek coal has a relatively large concentration of uranium and thorium, so perhaps Dr Cornwall or Mr Scott could grab a headline by suggesting the radioactivity emitted from the Sir Thomas Playford Power Station is dangerous.

Mr Scott can raise matters such as the relatively harmless storage of radioactive substances at Amdel, and the Labor Party stands idly by and allows that sort of comment to be made without concern for the residents of Thebarton. Those members are not being honest to themselves or to the public of South Australia by putting this matter in some perspective.

In this respect, we have only to look at nuclear free zones, which members of the Labor Party have actively supported in recent months. Mr Greg Crafter, member for Norwood, actively encouraged the establishment of a nuclear free zone. What does that mean? If one believes what they say, it means that yellow cake must not be transported through that zone, but what can be regarded as highly radioactive substances, such as radioactive isotopes for use in health, agriculture and veterinary areas, are allowed to be transported because, of course, you could not stop hospitals and other organisations receiving their benefit; that simply would not be on. The duplicity of the argument is obvious.

The Labor Party, over the past 12 or 18 months, has sought to justify its position in respect of its opposition to the measure before us and the Roxby Downs Indenture Bill by creating fear amongst the public. A letter from Mr Wilmshurst, the Technical Director of Amdel, published in

the *Advertiser* on 29 July 1981, put this matter in perspective, as follows:

I have been an employee of Amdel since it came into being in 1960 and I am proud of this association with a South Australian organisation which has served governments, industry and the public alike, in a thoroughly commendable fashion.

Unfortunately 'Amdel bashing' is becoming fashionable among a small, but vocal minority group in Adelaide, and probably the most irresponsible and malicious attack on Amdel to date is contained in the film, *Backs to the Blast*, which is now showing in a suburban cinema. To quote just two examples, the 'pug-hole' at the Amdel site at Thebarton is described in the film as containing radioactive wastes 'too hot to handle any other way', yet strangely, regular monitoring of the radiation levels in and around the hole has revealed no significant problem of this kind. The film also features a welder, said to be a former employee of Amdel, and critical of Amdel, but who was never an employee of that organisation.

The film is inaccurate in these ways, but is also grossly misleading. For instance, great play is made of the fact that ballast on the Indian-Pacific railway line came from Radium Hill, has an activity four times background, and is by inference, highly dangerous. In fact, it is about as radioactive as Granite Island, so popular with tourists, and about twice as radioactive as an average Adelaide brick house.

It is to be hoped that people who see the film will appreciate the objectives of those who made it, and recognise how little factual basis there is for many of the statements it contains. Amdel, I am sure, will continue to provide objective and authoritative advice, long after *Backs to the Blast* is forgotten.

Labor members in this Chamber are silent after hearing that. Mr Wilmshurst, who accompanied Mr Dunstan on that overseas visit, has written a letter complaining of the attitude of people towards Amdel. Many of those people who have been critical of Amdel are members of the Labor Party, including the member for the Hindmarsh area, Mr Scott. Mr Wright has also got in for his chop, as have several members of this Chamber. That is something which is beyond dispute and a matter of record.

Also, this great fear of radiation is well reflected in a letter by Leslie Kemeny, Senior Lecturer in Nuclear Engineering, University of New South Wales, to the *Advertiser* of 4 May 1978, which states, under the heading 'Fear of the unknown':

The dishonest socio-political manipulation of radiation effects on human beings creates fear and concern in the community. In many cases it can lead to phobic states of mental depression, not unlike the response to the bone pointing syndrome of the Australian Aborigine.

Mention the word 'radiation' and the psychosomatic mechanism and our cerebral conditioning immediately traces the cause of all physical complaints to that source. It is time this illusion was shattered and we realised that we live on a planet bathed in radiation. The levels of this are such that the contribution of the nuclear industry is negligible. This is true even in most emergency situations.

Dr Cornwall, who unfortunately is not here, has also been guilty of that creation of fear in respect of radiation, because only last week on 23 March the following headline appeared in the *Advertiser* at page 7, 'Excessive radiation in X-rays: Cornwall'. This article, by medical writer Barry Hailstone, quotes Dr Cornwall as saying that up to one-fifth of medical X-rays taken in Adelaide involve excessive radiation for patients. The report continued:

Figures had been supplied to him by experts familiar with the report of the working party on human diagnostic radiography. That report had been prepared for the South Australian Government two years ago.

There is no mention of the fact that the Health Commission had looked at the matter, and no mention of the figures from its report was made.

More importantly, the Hon. Dr Cornwall was reported in the press, as follows:

Dr Cornwall said Mrs Adamson had been reported as saying that two senior women officers in her department had played an important part in researching and drafting the legislation.

'This was done so that senior female employees of the Health Commission could be publicly and quite improperly used as part of the Government's propaganda exercise,' he said.

'It was a stunt to offer completely false reassurances to the women of South Australia whom the polls show are very concerned about radiation.'

That is a scandalous comment by the Hon. Dr Cornwall. It is a slur on the professional ability of those two women who played an important part in the drafting of this Bill. The Hon. Miss Wiese and the Hon. Miss Levy are usually very strong in their condemnation of anything that can be remotely regarded as sexist. However, they stand idly by and allow their colleague to attack the professional ability of officers of the Health Commission in relation to the drafting of this Bill.

In February 1981, Mr Scott referred to the Amdel factory at Thebarton and implied that cancer deaths and the high incidence of cancer and leukaemia could be related to lack of adequate safety standards and inappropriate radiation monitoring equipment in handling low grade uranium ore. Mr Goldsworthy replied to that scurrilous accusation and pointed out that, whilst in Government, the Labor Party did not criticise or attack the Amdel operation and made no move to alter its method of operation, even though there had been no change in the operation for some years under the Labor scheme.

The present operation at Amdel is exactly the same as it was under the Labor Government. Roxby Downs cores have been sent to that factory since, I believe, 1976. Mr Scott and other members of the Labor Party conveniently chose to ignore the fact that the level of radioactivity about a metre from a 200 litre drum of yellow cake is about the same as the cosmic radiation on a commercial jet flight. However, they continue to peddle these rumours and smears about radiation to create fears in the community in an attempt to justify their very tenuous, wobbly position in relation to the Roxby Downs Indenture Bill.

At a seminar last year Dr Keith Lokan, Director of the Australian Radiation Laboratory, put the radiation debate into perspective. A report on that seminar in the *Australian* of 15 May 1981 stated:

The dangers of medical and scientific radiation are almost non-existent when compared with the effects of radiation from the sun.

The most significant negative health effect from X-rays was the reduction of the bone marrow which could lead to leukaemia.

But Dr Lokan said radiation-related leukaemia fatalities could be minimised with a reduction in X-rays which often did not contribute to diagnosis.

'While people are yelling about this they are simultaneously taking themselves to solariums and baring all to pure UV light—extreme radiation—and not blinking an eyelid.'

As I have said, this Bill does not only focus on mining and milling but also looks at radiation in relation to industrial uses and medical, scientific and research purposes.

The Bill brings the control aspect of radiation under the umbrella of the South Australian Health Commission. The Bill will implement legislation flowing from the recommendations for uniform safety standards in uranium mining as recommended by the Ranger inquiry. I suggest that the Ranger inquiry has been accepted by the Labor Party for its information, analysis and findings in relation to uranium mining—albeit grudgingly. This Bill will mesh in with the Commonwealth Environment Protection (Nuclear Codes) Act, which was passed as a result of the Ranger inquiry.

I do not think that any member of this Council will dispute that the South Australian Health Commission is the appropriate body to monitor radiation and to deal with other aspects contained in this Bill. The South Australian Health Commission has equipment to measure dose rates in radon, radon decay products, alpha emitting dusts and surface contamination. Clause 9 of the Bill seeks to establish a radiation protection committee, which will have nine

members with technical and practical expertise. Clause 14 establishes four subcommittees to monitor the four important areas, namely, diagnostic and therapeutic; industrial and scientific; mining and milling; and the management and disposal of radioactive wastes. The radiation and protection committee will also advise the Minister and the Health Commission in relation to mining, granting of licences and other matters. Clause 16 establishes widespread powers for authorised officers to enable them to enforce provisions of the Bill.

There has been some comment about clause 26 and the establishment of standards. The Hon. Dr Cornwall expressed grave reservations about this clause and I must say that, as a member of the Uranium Select Committee, I share those reservations. The Hon. Dr Cornwall did not refer directly to the amendments placed on file by Mr Milne. I believe the Hon. Mr Milne's amendment will overcome the Hon. Dr Cornwall's objections, because it will establish parameters for limits of exposure to ionising radiation in relation to mining and milling operations. That is an important amendment, which I will support.

The Hon. Dr Cornwall was also concerned that there was no national register of people involved in the uranium industry. He suggested that this was vital for epidemiology studies. Again, I agree with him on that point. I hope and expect that the State Government will establish a State register, given that uranium mining may well occur soon. We must not forget that Roxby Downs is not the only known uranium deposit in South Australia. In fact, there has been active work at both Honeymoon and Beverley.

This Bill reflects the situation that, as the Minister said, radiation is a fact of life. Whilst the Labor Party is very quick to pounce on the contentious issues in relation to the mining of uranium, it fails to acknowledge that radioactive substances are in active use in our society.

That, of course, is recognised by the fact that the Radiation Protection Committee has four subcommittees, which consider four different areas of the subject. For example, in South Australia alone, radioactive isotopes are used for medical diagnosis in regard to between 12 000 and 14 000 South Australians per annum. That is a significant number. In the treatment area of radiotherapy, for example, where radioactive isotopes are taken internally, about 90 people are treated a year. Approximately 2 200 patients a year are treated by external beam therapy using isotopes and linear accelerators.

So in the medical area alone, in what may be regarded as nuclear medicine, where radioactive isotopes are used for the diagnosis and treatment of disease, there is already a widespread acceptance in South Australia of the use of radioactive substances, but that is not to say that there should not be control to ensure complete safety in the handling of those substances. The Bill recognises that and makes the necessary provisions. The CAT scanner has recently been developed; it is a sophisticated machine linked to a computer and provides a three-dimensional cross-section of the body to diagnose brain tumors. The ultra sound technique in its application in obstetrics and gynaecology is another daily use.

The Hon. Anne Levy: There is no electro-magnetic radiation in ultrasound. That is a lot of nonsense.

The Hon. L. H. DAVIS: Evidence was given to the uranium Select Committee that very few instances of mishandling of radioactive isotopes have been reported in Australia. That is not to say that those instances have not occurred. The Minister of Health made that point in her second reading explanation.

I support this Bill, with reservations in regard to clause 26, although reservations in regard to this clause are met by the amendment that has been foreshadowed by the Hon. Mr Milne. I also hope that the State Government will establish a register of those people who are involved in the industry to enable proper monitoring of their health.

This Bill underlines a fundamental difference between the Labor Party and the Liberal Party. The Liberal Party is prepared to accept that radiation is a fact of life and is prepared to ensure that the public and those people who work in that area are properly protected. On the other hand, the Labor Party, with its unrealistic fears and paranoia in that area, has consistently sought to raise people's fears and worries about something which is with us now and which will be with us even more in future years.

The Hon. N. K. FOSTER: I want to make the position clear from the outset. I believe that this debate should be objective, an expression of opinion, and my opinion may be different from that expressed by other members of the Council as part of the cut and thrust in this place. There is an objective point of view and also what is commonly known as a point scoring point of view. For the benefit of the previous speaker, who was a member of the Select Committee, I point out that the Select Committee was set up at the suggestion of the Labor Party, but of course the Government set the terms of reference.

I do not criticise that, and I take this opportunity to put on record my very deep appreciation to all those people who attended from the local community, from interstate, and from overseas in response to the initial advertisement of the Select Committee. I commend those people for their efforts. I did not agree with all of them, and I violently quarrelled with some of them. I found the people who came from Sweden to be co-operative, although I did not necessarily agree with their views, because to my mind their expression of the evidence they gave to the committee did not meet the requirements in this country or the requirements in regard to what could probably happen at a pit top or a mine face area.

I believe that everyone in the building would be more than acquainted with my concern in regard to two areas of the industry, namely, the direct involvement of the workers at the basic level of so-called production, and the inability of the industry to control or at some stage assess the very real and hidden dangers that confront them, either in a conscious sense or in any other sense. In addition, one must recognise on the Australian scene that my attitude for many years has been that uranium should be left in the ground. From the realistic point of view, one must recognise that that battle was lost well before the committee met.

I believe that my view is well supported in this country by those who, like me, were part of a pioneering movement. I cast my mind back to the time when I loaded yellow cake in the very early 1950s when I was involved in the shipping back to Great Britain of the derelict tanks and equipment that had been used on the Maralinga and Woomera test sites. I consider that the death of some of my work mates who are no longer with us was contributed to by tons of bull dust (as we called it). I have some appreciation of the problems.

I also pay respect to those people who have made every attempt in regard to this Bill. I cast no aspersions on those who have been involved in the drafting of the Bill: it would be wrong for me to do so. I do not want to involve myself in any politicking in this matter. I will restate my position in regard to an indenture Bill, which has been well known within the movement to which I belong.

For the Hon. Mr Davis to endeavour to score cheap political points by referring to a Party convention that was held early in January was quite uncalled for. I am on public record as saying that. If people in this building want to hear a playback of an A.B.C. programme, they can obtain

it. I know what I said, and I stand by that in regard to the matters I raised at the convention (of which the Hon. Mr Davis was unaware). I remind the honourable member, in his absence, that at the time I made that statement, the so-called responsible Minister in charge of the Northern Territory mines (Mr Tuxworth) was faced with problems.

During the four days of the convention, and the days preceding and following it, having made a decision in respect to the Northern Territory mines, it was found that the tailings dams had suffered from complete and absolute water evaporation. The protective level of water had fallen by a number of metres. Over a period of four days, there was complete evaporation, and that virtually tore up the appropriate Bill that protected workers.

I address myself to that end. I recall having said those words and I pray that the Hon. Mr Davis conveys them to Mr Tuxworth tomorrow. It does the previous speaker no credit in respect of the matter of safety, not only of workers on the job and for site protection, but in connection with fears held by quite a significant number of members of the community, particularly women, in respect to what might happen regarding uranium mining.

Uranium mining is about to burst upon the South Australian scene. It will be nothing new; it has happened before. It is true to say that it has left an aftermath of death, destruction, worry, mental anguish and concern for a large section of the community.

The Hon. R. C. DeGaris: That's not right.

The Hon. N. K. FOSTER: I have been approached by people who have said to me that they are worried about their grandfather who worked at Radium Hill or where have you. Those fears may well be unfounded, but the expression of those fears has been made. I am aware of the 1950s because of the area in which I then worked, and because of what was happening in respect to blasts within areas of the State.

Under the Defence Act, the Federal Government has the responsibility, and I will not condemn the previous Liberal Government in this State, other than for a speech made by the Hon. Sir Thomas Playford in the House of Assembly in respect to a matter where I thought he was somewhat uninformed. There was atomic dust cloud hanging over this city for some days and almost weeks, of which people were not made aware. The fall-out was considerable. The then Government were irresponsible. If this Government today was to suggest that that same type of testing be carried out at Maralinga, as the blasts in this State were carried out some 40 years ago, then it would find itself out of office in 48 hours.

In those days not sufficient was known; or, if it was known, it was certainly suppressed and withheld from the population. People were invited by the media of the day to get up at 4 o'clock in the morning and look to the north-west and see a beautiful brilliant red glow. We now know that that was not a beautiful red glow: it was death dust for the Aborigines.

We have come a long way since then. We are more responsible now than to allow a repeat of what happened at Muraroa Atoll. I remember in 1974 I knocked off Rex Connors's proposals at the convention. I often questioned myself as to whether or not he was right and whether my speeches were accepted as being better when I won on that day. He never became bitter about it.

The Hon. R. C. DeGaris: He didn't speak too well, did he?

The Hon. N. K. FOSTER: He spoke very well. Whether he read the mood of the meeting or not I do not know. That is a mistake each and every one of us makes. Some politicians attempt to make the same speech at every gathering. I have had very few failures at stop-work meetings. I used to take great glory in speaking to 2 000 or 3 000 workers and playing the Devil's Advocate for an hour and then completely switching them and having a unanimous vote on a resolution I intended to put.

I was the first person in this State, as President of the Trades and Labor Council, to chair a meeting involving in excess of 10 000 people on a very delicate matter, the V.B.U. dispute of 1964-65, at the St Clair Youth Centre. This shows that I am not new to this area. I do not act as irresponsibly as some members might suggest. I have treated this place with a great deal of jocularity and also with a great deal of condemnation. Both have been necessary in a real and balanced sense.

The Labor Party does not want to self-destruct. If we are going to take the absolute pinnacle of political success and the absolute pinnacle of political philosophy, which is to regain office, then we will all have to rise with the sun in the morning and bow to the north-east and pray to Bjelke-Petersen. He is a great survivor in that sense. In saying this I lay the foundation of the debate that should follow. The health matters, radiation aparatus and protection against the harmful effects of radiation should not become a political football.

If the Labor Party had not made the mistakes it had in 1979, it would still be in Government and it would have had an indenture Bill before the Parliament well before the one that is now in this Chamber.

The Hon. M. B. Cameron: But not as good as this one.

The Hon. N. K. FOSTER: You are wrong. No government can prevail on a consortium, whatever its character, to spend anything up to $50 000 000 on an escalating cost basis over a period of three to five years, double that amount to $100 000 000, and not expect some response for the expenditure of that money. Those companies have a responsibility to shareholders.

The Hon. M. B. Cameron: They didn't get much out of us.

The Hon. N. K. FOSTER: That is an unknown quantity. You missed the point I am making. There has to be justification for expenditure of a huge sum of money like $100 000 000. Whilst members opposite adhere to a philosophy that taxpayers' money should not be spent in respect of what is happening in that area at the moment at Roxby Downs, it is the British taxpayer who has met a large proportion of that $100 000 000.

The Hon. R. C. DeGaris: Why do you say the taxpayer?

The Hon. N. K. FOSTER: Because of the role of B.P. Australia, which is basically British Petroleum, in which British taxpayers have a considerable interest—about 50 per cent. Elected politicians have a right to express concern on behalf of constituents who have discovered something on their doorstep that has been with them for almost a decade.

At this stage I will not refer to the many pages of evidence given to the Select Committee in regard to health. Good evidence was given by B.E.A. Lindstrom and Dr Zimmerman. Also, I will not refer to what Justice Fox said at this stage, although I am concerned about the health and safety of all mining areas. Also, I will not now deal with the Ranger and Fox reports which were almost international in character. I was somewhat concerned about the excessive shielding of Mr Justice Fox by some committee members about which Mr Justice Fox was most embarrassed, but it was not of his making.

When the indenture comes up, much will be said about the constructive evidence given by the Canadians in respect of the Saskatchewan venture because of the parallels with the South Australian situation in regard to population and remoteness. From my experience in industry of the introduction of certain machinery causing constant danger from

carbon monoxide and other associated gases, I point out that the Bill is of technical and Committee significance. There will not be any operations until certain monitoring devices are made available, but the monitoring should be simulated in an atmosphere based on the conditions that will prevail in mining areas.

Whilst much media publicity has been given to Roxby Downs, I am doubly concerned about what is happening at Honeymoon. I obtained that information from questions asked in this Council last year. Roxby Downs is becoming a political issue, but it seems that the media does not want to tell people that uranium mining and leaching are being carried out in the Honeymoon area. The media has overplayed Roxby Downs and underplayed what might be happening to the artesian basin as a result of leaching in that pilot scheme which is encountering much trouble.

The Hon. R. C. DeGaris: Is it in the artesian basin?

The Hon. N. K. FOSTER: I sought that information from several witnesses, and as yet I am not sure. I think not, but one has to identify the geographical areas of those artesian basins in the Far North. They have received their water supplies over millions of years. They are fed in part by Cooper Creek, which is sourced in Queensland. Uranium mining is proceeding in South Australia at present but no public emotion is being expressed because the information has not been widely reported in the media.

Tonnes of ore have been extracted by that method. The evidence given to the committee in response to questions asked in respect to those matters came down heavily on the side of agricultural areas which were more closely cultivated than the Honeymoon area. They cover a wide area coming down into Radium Hill. It is a difficult climatic region. I have read where injunctions were taken against that type of mining in almost every area of the United States where it has been tried. In many State and Federal courts injunctions or some other form of court procedure or claim have been made against mining companies involved in that method. I believe that that area in South Australia is running into a great deal of trouble because of that solution method of mining. It is indeed dangerous if it finds its way into the water system of an arid country. It seems that where there is fluid induced mining in dry areas it is more likely to contaminate the water basin than in a wet area where the ore is nearer the surface.

The Hon. Mr Davis grossly misquoted my remarks in the *Hansard* report of May 1980. It is true, as the Hon. Frank Blevins interjected, that the House was not sitting at that time. I also point out that one of the first decisions taken by the Australian Labor Party, in particular the South Australian branch, was in regard to the convention and the second was in regard to the admission of the press. I have seen the press admitted and they are absolutely free to report. I make that point for the benefit of the Minister and members opposite. Specific Standing Orders have to be applied properly by the Chair and the resolution has to be resolved before business on the agenda can be considered in any way, shape or form. All honourable members can obtain a copy of the Labor Party's constitution as it is readily available to any member.

I do not want to deal with this Bill in any great depth other than to say it follows the course of all Bills in its total application. It does not deal with the core of the problem. It deals with radioactive substances, apparatus, its position in respect to authority, dangerous situations as the Bill sees them, and regulations. One could foresee that the criticism which may be levelled in regard to clause 9 is in regard to regulation. Technology has reached the stage now where, through sophisticated, sensitive electronic equipment, we can probe large areas of the earth in a very short time—a matter of seconds. We can obtain readings on almost any ore. The Ranger uranium deposits were discovered in about 1953. When they came to mine it in the 1970s the reading was spot on within metres. Today we have sophisticated equipment for doing all sorts of things and it is a pity we cannot apply it in the depth mining situation where we have dug a great hole in the ground; this means we must mine by the old system or else we use the deep chamber method of mining. We have all sorts of monitoring devices. Exhaust systems constantly monitor Mount Isa and give an automatic read-out as to the density of chemicals. If it is too high the sirens blast and the operation ceases.

Those measures were achieved after many years of fighting. Unfortunately, in this country there is always a contest in relation to worker safety between worker organisations, individual workers, the legislative body, and the employers. I expected this Bill to take a more responsible stand on worker safety in relation to consultation and the imparting of knowledge. It is very noble to define the machinery which will be used to measure radon in a work area. I believe there is enough information available in 1982 to suggest that those associated with uranium mining can correctly identify the problems and the gases that will be encountered in a uranium mine.

One would think that technology had advanced sufficiently to identify the working area as the most critical area in the first instance. That being so, it should be quite simple for the Legislature to provide that, where the leaching method is used, it is far simpler to control gases, emissions and radioactive substances than it is in other mining operations which create dust that can be a vehicle to spread radioactivity and toxic gases.

It should be remembered that in 1982 equipment is available to extract huge volumes of material in a matter of seconds without disturbing the air. Material can be piped to the surface very quickly and can then be dealt with in a manner outlined in many technological reports. At the same time, pure air can be pumped into the work area. I recall a vessel working for the U.S.N. company on the Australian coast in the early 1950s. That vessel, the *Corinda*, had a number two hatch with a capacity of, I think, 48 000 cubic feet. I am not quite sure about that figure, but I recall that it was considerable. If members opposite want to condemn me because my figures are incorrect, so be it. However, that figure is not important to my contribution. In any event, the number two hatch was very large. It was used to store bagged salt, car bodies, and so on. A considerable number of machines, such as forklift trucks, were used below deck. As an officer of the branch I was not very happy with the use of that machinery below decks, because it released carbon monoxide gas.

I often observed workers who became half stupid from working below decks after only an hour or so. Another symptom I noticed was an uncharacteristic slowness of speech. I requested the Department of Transport to conduct tests and take readings in those holds. I point out that the permissible level in those days was much higher than it is today. After several experiments and some investigation it was decided in 1954 to place air compressors on the deck to change the total cubic capacity of air in the hold every four minutes. It was thought that that would allow workers to work below decks in safety, and everyone was very happy. However, we found later that the danger increased, because the carbon monoxide was simply driven into the pockets and was not removed. As a result, work on that ship ceased for three days while the hold was vacuumed using huge canvas pumps.

During the course of the Select Committee's inspections at Nabarlek and Mary Kathleen I spoke with safety officers. The situation at Mary Kathleen was as bad as a foundry

without a roof. In fact, it was as rough as bags. The workers attitude towards safety was even worse—it was deplorable. The workers told me they were quite happy and considered themselves to be quite safe because they wore air flow safety equipment. Members can imagine my surprise when I was given a helmet which merely contained a small battery operated fan which blew air toward the face of the wearer. The air being circulated came from the contaminated working area. It was some consternation that the employers and responsible safety people asked me what the hell I was on about when I questioned them about the helmet. I pointed out that a canister type air supply containing pure air, similar to the type used under water, would be far more suitable. An air tank of that type could allow a worker to work in a contaminated area for up to two hours.

If I may transgress a little in respect of the safety measures, let me say that, when the bulk ships first came to Adelaide, the density of dust was dangerous to the health and vision, but there again there was an effort to bury the workers underground. We proved the point that a worker had to rely on contaminated air on the vessel. This Bill should deal with on-site conditions, both above ground and at the pit face or chamber face (and we believe that that system of mining may be adopted in this State for ore bodies). The worker may face some danger.

The Hon. R. C. DeGaris: All mining involves radon gas—

The Hon. N. K. FOSTER: I do not disagree with that. If a worker is exposed to cement dust over a period, he would contract a disease. There is no question about that. I argued that point when the cement ships came from Japan; 75 per cent of the bags on those ships were broken. That view is supported by medical evidence. The approach to asbestosis was most casual until recent years. I was accused of being an outright idiot when I banned a ship in 1971 at Port Adelaide in regard to asbestosis. I did that because I had read the Canadian reports. Today, everyone is on the band waggon about asbestosis.

All types of dust affect some individuals more than others, whether it is mine induced, as at Rapid Bay, where there is a silicate content. Without any loss of face (and I hope I speak on behalf of my colleagues on this side), I point out that, if the Bill is considered to be one that is limited in its application to the degree of worker safety in work areas, a supporting measure should be brought in to deal with the matters to which I have referred. That is the only way in which we can minimise the problems faced by underground workers.

It will not increase the problem of above-surface working conditions in respect to dust, whether radioactive or containing gases such as radon, because the present system of rock mining utilises a conveyor system, in which the ore is taken to the surface by rail. Milling involves quarry rock being crushed down to the size necessary for road making and so on. We see rock being mined in the Adelaide Hills, only a few miles from here. It was at that point at Mary Kathleen that the problem was at its most dangerous level, the rock having come from the mine face. If my memory serves me correctly, the Mary Kathleen mine represents a quarter of a volcano. The mine was expansive in its original operations, but shrunk down to a narrow core. When we were there, the miners were digging in a very confined space, because that was where the last of the ore body existed. The ore was considered to be reasonably high grade.

Very few of the vehicles that transported the ore from that area, when they came to the monitoring devices, were considered to be carrying waste that goes to the dump. There is an automatic reading when a truck pulls up. Some of the loads were of no value as far as uranium ore was concerned. Material went to No. 1, No. 2, or No. 3 crushing plants, depending on the content of uranium ore. When the truck goes over the grill and unloads, the material is loaded immediately on to the crushers, and that operation is fairly dangerous. As I watched the operation, I was comforted by the fact that I was almost 60 years of age: I would not have felt that way had I been 30 years of age.

One of the unseen dangers is the creeping paralysis of the lung and the other organs of the body that manifests itself some years later, as distinct from that which manifests itself in the generations to come (if the genetic effects have been proved or said to have been proved in other areas).

The Bill provides that the office of a member of the committee shall become vacant if he dies, if his term of office expires, or if he resigns by written notice addressed to the Minister. Those provisions are valid in the context in which they are drawn. In a measure that takes into consideration the health of a worker, at the shovel end of an industry, the Bill does very little or nothing. It does not simulate a situation at the mine face, and it should do that. It should impose a penalty for neglect. It is commendable, perhaps, only in the sense of medicinal use of radioactive material, whether by X-ray or by other means. The Bill provides for authorised officers and so on, and the Hon. Dr Cornwall has already made the point in respect to an amendment that he may move in regard to inspecting officers or authorised officers.

In this day and age, technology is sufficiently advanced to identify the dangers of the presence of gases. Technology is sufficient in its predictions to assess the danger, to the being that relies on the intake of oxygen for his or her survival, from the impurities that occur by disturbance of ancient rock forms that carry those gases.

Adequate technology may not be with us in the next few months. Before we progress, experts and technologists should know that workers who are required to disturb the earth's surface, whether it be underground or on the surface, are in grave danger and that those dangers can be removed with monitors such as mentioned in the Bill.

The Bill recognises the problem and that should sound alarm bells in everyone's mind. Under present conditions envisaged in the mining industry there should be monitoring equipment underground and no-one should go underground, except a study team, before air-extraction machinery, to carry away air from those disturbing the earth, is installed. The answer may well be to let the polluter pay.

People's lives are more important than arguments at the initial stages. There is a mistaken view that we ought to do something that will enshrine in a piece of paper something that will last for 100 years. That is not necessary. As new ground is broken, new dangers and new advantages may be revealed.

Health matters in respect of mining should be laid open for identification, protection, and evaluation. From all the evidence given to the Select Committee, none seemed to touch on this, other than that dealing with the possible attempt to dispose of long-term waste associated with the industry, a matter which is not relevant to the terms of the Bill. I see nothing in the Bill of very great value to the mining industry. Clause 18 *(b)* provides:

> act as agent for a person who has any proprietory or pecuniary interests in any matter connected with such a business.

It is of no concern to me whether a person has a pecuniary interest or not. I do not cast aside this Bill and say that it is a product of ill-gotten thought. But I do say that it does not, in the manner I have addressed myself to the question tonight, evaluate the situation of the area of work where all the troubles present themselves.

I do not consider the matter is controversial at this stage and I point no finger of accusation. I hope that those people whose task it is to break new ground in respect of this Bill in an unknown area will take it on themselves to note what

I say. Having established the main issues involved, we must isolate the dangers which miners face and which should be overcome with technology available from a State department but, more particularly, from those within the industry.

I found Mr Jackson, who works in the industry, to be a man of extremely wide experience. He cannot be found to be an animal of one particular persuasion. In this area one should leave the one track mind attitude which has so advanced itself over the past few years because of our political views.

There is a problem within the Party I represent. I recognise that; I hope other members recognise it. I recognise that there is, nowhere in the world, a situation where mining of this terrible substance has been prevented. Sufficient of it is now on the earth's surface to destroy the globe many times over. I have fought against the mining of uranium for many years. I have stopped the transportation of it. I have been actively involved against it in recent months.

It has been a legislative weapon used against those who have held strong and sincere beliefs that it was a substance that should be left alone. I first became aware of it in Borneo after the war. I remember hearing a broadcast from America that said that there would be boulevards and miles of escalators for people and goods to be transported.

I recall speaking to a group of people at that time, killing idle time for a few days in a lecture group. They were reasonable people who had been in an active army situation from 1939 to 1945, but they were expressing a strong view. They said, 'We should get rid of them. They are too smart for their own good, and they will bring about our destruction.' One of the great failings of human endeavour is that it lends itself to an act of destruction rather than to the alleviation of the hardships of mankind.

It is my firm hope that people will rise in the streets of this and every other city. It is happening now, with a broadly based anti-war movement, a peace movement, and I hope that such a movement will emerge. I am transgressing, Mr President, and I know that. I thank you for your time. You have been involved in war and you know that wars achieve nothing; they never have, and they never will. We blame the Western world, the Americans blame El Salvador. After the Second World War they blamed Korea, and then China, and later they blamed Vietnam. Then we blamed Afghanistan, and we blame Egypt and the emerging African States. We blame the South American States. Whose turn will be next? We cannot afford to take turns at coining phrases to spin off one another. We have a responsibility, as people who have lived most of our lives, to those who should be entitled to some time in the universe that we have known.

Finally, I believe it is a pity uranium was ever discovered or mined. The person who discovered it did so for humanitarian and medicinal reasons. He has been almost lost in obscurity and he lost his own life. It is difficult for me to stand here; it is no easy task to make the very sad and sorrowful acceptance of the fact that this substance is with us in ever greater forms and that man's greed for the value of the minerals on this earth has led us to such a catastrophic chapter in the history of the world, a chapter that may well be its last, or at least a prelude to its last. People may chide me for my remarks—

The Hon. R. C. DeGaris: I don't chide you, but I don't think you are right.

The Hon. N. K. FOSTER: I thank the honourable member for that. I hope I am not right. I make no criticism of the Hon. Mr DeGaris, and I thank him. I will not live long enough to know whether or not I am right, but it makes no difference, because it is the way of all flesh. I hope I am wrong, but I have reached the stage of hearing evidence given to a committee about the construction of vessels that carry a destructive atomic force 36 000 times greater than that of the bombs that destroyed Hiroshima and Nagasaki, and that is frightening. In absolute conclusion, I have said it before, but it is absolutely wrong for the propagandists and the lobbyists to say in literature, 'Come and see the reactor in Hiroshima. Everything must be great, because here is a city that was destroyed by this terrible weapon and it is now embracing the concept that everything nuclear is lovely and that it is for ever.'

Finally, we have to do better in this Bill for those who will be engaged in the industry. People elsewhere in the world will not be affected by the Bill. It could be claimed that we will act irresponsibly. Indeed, people with the means of nuclear war have acted irresponsibly over several years. In absolute conclusion, as I have said, we should do better. It would be a great monument to the Minister concerned if we could do better than this Bill.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contributions. First, I refer to the contribution of the Hon. Mr Foster. I lost count of the number of times that he said 'finally' and I cannot remember when he last said 'in absolute conclusion'. However, there was one thing on which I agreed with the honourable member, and that was when he spoke about the trip undertaken by the Select Committee to various places in the north of Australia where uranium is mined at Mary Kathleen, Nabarlek and so on. The honourable member acknowledged in a frank way the friendship that we all experienced on that trip with Mr Norton Jackson, the Manager of Amdel.

The Hon. J. R. Cornwall: The motel was pleasant, too.

The Hon. J. C. BURDETT: Yes. The committee had a permanent technical adviser supplied by courtesy of the Minister of Mines and Energy, but the adviser was not able to accompany us on that trip because he was overseas learning about various aspects relating to uranium. Mr Jackson volunteered to act as our technical adviser. He was not paid but I agree entirely with what the Hon. Mr Foster said: we all gained from the friendship that we had with him on that trip.

The Hon. Mr Foster suggested that there should be some pleasure in enshrining on paper something that would last for a thousand years, but that is exactly the opposite of what should happen. On the contrary, we should deal with something that should be flexible, which can easily be changed. Such details should be provided by regulation, by reference to codes, and should not be placed on the Statute Book so as to last for a thousand years. The Hon. Dr Cornwall was critical of the Bill on the same grounds, for being the skeleton. He was critical that the detailed controls would be implemented by regulation.

I should have thought that the honourable member would be aware of the fact that this is a perfectly normal way of handling such a matter, a matter of regulation, a matter of control. It is particularly important in a complex area such as this where it is imperative that there be flexibility to keep standards up to date. The honourable member spoke about treating Parliament with contempt and treating the public with contempt because controls were being left to regulation.

The Hon. J. R. Cornwall: That is an extraordinary attitude.

The Hon. J. C. BURDETT: I would have thought that the honourable member would be familiar enough with the subordinate legislation process to know that Parliament has every opportunity to scrutinise regulations and to disallow them if it wishes. As for the allegation about treating the people of South Australia with contempt, that is absolute rubbish; the regulations will be available to the public when they are tabled in Parliament.

The Hon. J. R. Cornwall: All you can do is disallow regulations; they cannot be strengthened through the Parliamentary process in any way at all.

The Hon. J. C. BURDETT: I was just coming to the point to which the honourable member is referring: before any regulations even get to Parliament, before they are tabled or finally formulated, there will be extensive consultation. When this Bill is passed it is proposed to establish a Radiation Protection Committee, and subcommittees are also contemplated. A working draft of the regulations will be made available to the committee and the subcommittees.

The Hon. J. R. Cornwall: But you have already circumvented that with provisions in clause 26—don't make things tougher.

The Hon. J. C. BURDETT: I will refer to clause 26 later. A working draft of the regulations will be made available to the committee and to the subcommittees for their consideration and as a basis for consultation with interested parties; there will be consultation, and the public will be informed. Regulations which come before Parliament will come here after extensive consultation.

The Hon. Dr Cornwall then attempted to make much of the delay, as he said, in implementing the report of the working party on human diagnostic radiography. It is all very well to talk about a two-year delay before anything is done, but what about the 10-year delay while the previous Government was in office?

The Hon. J. R. Cornwall: Who commissioned the inquiry and set up the working party?

The Hon. J. C. BURDETT: That doesn't matter.

The Hon. J. R. Cornwall: Of course it matters.

The Hon. J. C. BURDETT: But there was a 10-year delay. If the previous Government was so worried, why did the previous Minister wait until a month before the last election—

The Hon. J. R. Cornwall: Because at the time he had been Minister for only five months.

The Hon. J. C. BURDETT: —before setting up a working party to look at the area? Maybe he had been a Minister for only five months, but there had been Ministers before that.

The Hon. J. R. Cornwall: Well, he did it in April—he had been Minister for less than one month at the time.

The Hon. J. C. BURDETT: Why was it not done at some time during the previous 10 years; why didn't the previous Government act to change the regulations while it was in office?

The Hon. J. R. Cornwall: That is a puerile argument—for God's sake, man!

The Hon. J. C. BURDETT: It is not. There was every reason for some action to be taken during that period of 10 years, but it was not taken. It might interest the honourable member to know of the administrative action and developments that have taken place since approximately mid-1979. The number of staff performing inspections of X-ray equipment has been doubled. Monitoring equipment to enable those officers to perform appropriate safety tests on those machines has been provided. Inspections now involve detailed assessments of equipment and processing techniques. Considerable efforts have been and are being made to assist and educate users of X-ray equipment both during inspections and at other times. Commission officers have organised seminars in country areas and have assisted with seminars organised by other organisations, for example, the Family Assistance Programme.

So, substantial measures have been undertaken to educate the public in matters relating to radioactivity and protection against it. The honourable member also appeared to suggest some improper use of female officers of the Health Commission. My colleague in another place has put on record the circumstances of a situation which were briefly that she arranged a meeting with a journalist from the *Advertiser* and ensured that officers who had been involved in the preparation of the legislation were present. It so happens that the senior health adviser to the South Australian Health Commission and the Minister's Parliamentary officer are both women—both appointments having been made before this Government came to office.

The Hon. J. R. Cornwall: Was the appointment made for the photographer to come along at the same time?

The Hon. J. C. BURDETT: It does not matter. It is not a matter of being sexist. The Minister was simply saying that she wanted to have consultation with the press with the people present who helped her with the preparation of the legislation. They happened to be women and happened to be appointed by the previous Government. As far as 'The girls' headline is concerned, the Minister did not choose it and regretted it very much.

The Hon. J. R. Cornwall: Turn it up.

The Hon. J. C. BURDETT: She did, and she said so in another place. As she said, if an all-male team had been engaged in the preparation of the legislation it is most unlikely, that the sub-editors of the *Advertiser* would have said, 'The boys did it'. The point I am making is that the Minister simply had a consultation with the press on the subject of the preparation of this legislation, and the officers who prepared it happened to be women.

The Hon. Dr Cornwall attempted to place all manner of interpretation upon the fact that clause 26 was inserted in another place. The purpose of this clause is to make clear the Government's intention with respect to exposure levels for mining and milling operations. The exposure limits will be set by regulation and will be based on those recommended in recognised Australian and international codes. However, the exposure limit so set will not be any more stringent than the most stringent of the limits in those codes. I know that the Hon. Lance Milne has placed on file an amendment which will go along with this. He does not intend to change that—it will remain in the Bill. The regulations will not be more stringent than the most stringent of the codes.

The Hon. Lance Milne's amendment also seeks to leave out 'limit' and insert 'of all the limits or less stringent than the least stringent of all limits'. It seeks to provide the maximum and the minimum so that we have the top and the bottom. Without pre-empting what the Government intends to do in Committee, I say off the cuff that his amendment appears to be very reasonable.

The Hon. Dr Cornwall has made mention of what he believes is the relationship between the indenture and the Bill. I intend to set him straight on that matter. The practical effect of the relationship is that the joint venturers will be subject to the provisions of this measure and the regulations made under it with the qualification in clause 10 (4) of the indenture that the State will not impose any standard which is more stringent than the most stringent standards listed in clause 10 (1) of the indenture. I have just referred to that. Indeed, the indenture in clause 10 (3) firmly entrenches the requirement of the Government to comply with Acts and regulations which deal with the subject matter of clause 10. Under that clause the joint venturers are required to observe and comply with the codes, standard or recommendations (as amended or substituted from time to time) endorsed by the I.C.R.P., the National Health and Medical Research Council, the I.A.E.A. (specifically the 1976 waste management code and the 1973 transport regulations) and the 1980 mining and milling code.

Upon commitment to the initial project the special mining lease will come into operation. This lease, which will exist in tandem with the indenture, imposes conditions upon the

joint venturers, including compliance with the regulations. It must be remembered that if the joint venturers at any time do not comply with the provisions of the indenture (or the lease when it is granted), including compliance with the regulations, the Government would be able to terminate the indenture and the lease. This is a very serious deterrent indeed.

The indenture reflects the Bill's endorsement of the ALARA principle. Clause 10 (2) provides that the joint venturers will use their best endeavours to ensure that radiation exposure of employees and the public shall be kept to levels in accordance with the system of dose limitation recommended by the I.C.R.P. in publication 26 of 1977. Clause 23 of the Bill also endorses this principle, usually referred to as ALARA, which is basic to the I.C.R.P. recommendations and which is a principle this Government fully endorses.

Referring now to the matter of radon and radon daughters, the latest recommendations on limit of exposure to radon daughters is contained in an I.C.R.P. (International Commission on Radiological Protection) publication No. 32 adopted in March 1981. This was published later in 1981, but it was not available to the Select Committee on uranium resources.

The Hon. J. R. Cornwall: When was the I.C.R.P. publication?

The Hon. J. C. BURDETT: Publication No. 32 was published later in 1981. It was adopted in March 1981 and published later that year but it was not available to the Select Committee.

The Hon. J. R. Cornwall: Adopted by whom?

The Hon. J. C. BURDETT: Adopted by the I.C.R.P. It was adopted in March 1981 and published later in 1981 but it was not available to the Select Committee.

The Hon. J. R. Cornwall: What were their recommendations?

The Hon. J. C. BURDETT: I have just referred to the publication No. 32, which the Hon. Dr Cornwall can look at, I suspect, any time he likes. The I.C.R.P. reviewed all the available information to that date and recommended that the annual limit of intake for radon daughters be 0.02 Joules, which is equivalent to 4.8 WLM (working level months), just above the limit in the Australian code of practice. On the question of the monitoring of radon daughters, in particular at Olympic Dam, radon daughter concentrations have been measured in the Whinnen shaft since one was first encountered. Three groups have been identified for monitoring, or have carried out the monitoring: the first was the mining company, Roxby Management Services; the second was the Health Commission scientific officers; and the third was the officers of the Department of Mines and Energy. All radon daughter concentrations measured have been extremely low. Those figures are not available tonight, but they are in the region of 30 to 100 times less than the limit set in the Australian code of practice.

In conclusion (and unlike the Hon. Mr Foster this will be an absolute conclusion), I refer to the comments made by the Hon. Dr Cornwall in relation to what he referred to as the major report. That report was assented to by the Hon. Mr Cameron, the Hon. Mr Davis and myself. The Hon. Dr Cornwall referred to the recommendations of the major report and its comments in relation to exposure to radiation. Page 51 of the recommendations states:

> In view of the doubts cast by the 1980 Niosh Report on the adequacy of safety of the current exposure standard of four working level months per year to radon decay products, we recommend that the National Health and Medical Research Council be requested to review the present maximum permissible limit of exposure with a view to recommending a reduction in the allowable limits.

We do not resile at all from that recommendation. We deemed that to be appropriate from the evidence we heard, and we still deem it to be appropriate.

At no time did we state that it should be written into legislation or into this Bill. We believe that the proper way of handling a regulatory matter such as this is to adopt the method which has been used in other countries throughout the world in relation to exposure standards, that is, to have an Act of Parliament that sets up a procedure for the regulation and adoption of standards. That approach allows for some flexibility. The Hon. Dr Cornwall referred to it as a skeleton. Whatever he likes to call it, the best and proper basis is to have a procedure for adopting standards as they are changed by competent bodies from time to time.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. J. R. CORNWALL: I notice that it is now six minutes to midnight. How long does the Minister intend to proceed tonight?

The Hon. J. C. BURDETT: We propose to proceed until just after midnight—not very far at this stage.

Clause passed.

Clause 2 passed.

Clause 3—'Amendment of Health Act, 1935-1980.'

The Hon. J. R. CORNWALL: I will not take up much of the Committee's time on this clause. I have stated several times before, both publicly and in Parliament, that it is my contention that we should have two quite separate Bills before Parliament. One should have regard to human diagnostic radiography and radioactive isotopes pertaining to the medical use of those things, on the one hand. On the other hand, legislation as it applies to alpha radiation which, as I have said before, has many different physical characteristics from X-rays and gamma rays.

Clearly, it would have been far more elegant and would have produced far better legislation if section IXb of the Health Act had been replaced or significantly amended to take care of the problems that have been spelt out in black and white since 14 April 1980—two years ago. That should and could have been done. We could then have had legislation later, at whatever time was considered appropriate, to deal with the specific and quite different problems that arise from the mining, milling, processing, and general handling of radioactive ores.

Clause passed.

Clause 4 passed.

Clause 5—'Interpretation.'

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

Page 2, after line 30—Insert definition as follows:
'MeV' means million electron volts:.

This is not, in some ways, the most significant of all my amendments. I submit that the rest of the amendments would stand up with or without this one, but it tidies up things with respect to subsequent amendments. I think that it is a very appropriate time for me to point out just how significant this Bill is. The Minister of Health, in another place, during the Committee stages of the debate, said the following:

> I have already said that Roxby Downs will be subject to all the regulations under this Bill. Because it is an indenture that provides a special mining lease instead of a prescribed mining tenement certain initiatives must be taken in the Bill to ensure that Roxby Downs is not excluded but included.

The significance of that seems to have been lost on the Adelaide media to this point. I must make sure that I take certain action tomorrow morning to bring it home to them just how important this is. It is, in fact, an off-Broadway run of the debate that will take place in this Chamber in a couple of months. It is very significant, in the event, that

the Democrat in this place, the Hon. Mr Milne, is giving every indication of supporting the Government right throughout. It is significant that the Hon. Mr Milne, based on the only amendment he has flagged for this Bill, is taking what he sees as the middle ground. It is very significant too, that, as far as I can ascertain, he has no intention whatever of supporting any of the Opposition's amendments.

The Hon. C. M. Hill: That is his prerogative.

The Hon. J. R. CORNWALL: It is his prerogative, indeed, and it is his prerogative to vote for the Roxby Downs Bill when it gets in here. It is very significant that the only Democrat member of the South Australian Parliament who has given any undertaking publicly with regard to voting intention on that matter is the member for Mitcham. The old fellow has been very foxy about it and is not on record anywhere—

The Hon. M. B. Cameron: Yes he is.

The Hon. J. R. CORNWALL: —except in the Adelaide *News* where he said that he would vote against it but that he had not read it yet. Members opposite have not got hold of him yet. However, with regard to the Radiation Protection Bill, all the work has been done, in the short term. That ought to be brought to the notice of the Committee and the South Australian public.

[Midnight]

The Hon. J. C. BURDETT: I oppose the amendment. It is simply in regard to the definition that the honourable member has not sought to take very much further. The term is defined here, because it occurs later in amendments, and we propose to oppose those amendments. The Roxby Downs development, the exploration and the mining, if it occurs, will be bound by the regulations. In the second reading reply I referred to that. I set out the relationship between this Bill, the Roxby Downs Indenture Bill and the indenture itself. Roxby Downs will be bound by the regulations. The only other thing that I propose to say in opposing this amendment is that I found offensive the personal comments in regard to the Hon. Mr Milne. He has every right to do whatever he likes about this Bill and about the Roxby Downs Indenture Bill. I wish that other people would leave him alone to get on with that job.

Amendment negatived.

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

Page 2—Lines 35 and 36—Leave out the definition of 'mines inspector'.

We regard this amendment as significant. The following was stated by the Liberal members of the Select Committee, in what the Minister apparently regards as the report, under the recommendations in chapter 15:

> We recommend that staff numbers, staff training and equipment levels in the South Australian Health Commission be maintained or increased so that they are quite adequate to meet any projected increases in their radiation monitoring responsibilities.

In the minority or dissenting report submitted by the Hon. Mr Foster, we said:

> Radon and its decay products should be continuously monitored by an independent authority during uranium mining and milling operations. If uranium mining were ever to proceed in South Australia, it would be imperative that special legislation for this purpose be enacted and committed to the South Australian Health Commission.

This is a significant amendment. It is proposed in the legislation (and is one of the few specific things that is proposed) that the monitoring be under the control of mines inspectors from the Department of Mines and Energy. That immediately raises two points. The first is that those inspectors would not have the expertise; and, secondly, they may well be seen to have a conflict of interest. It is entirely acceptable to us that the mines inspectors look after all of the other aspects of mining, whether open cut, underground, in situ leaching, and so on. It is entirely appropriate that those mines inspectors who, by and large, have mining engineering qualifications, should look after all of those aspects.

However, in respect to uranium mining, we are talking about something completely different. It puts the whole matter into a new dimension, because those people will be dealing with radon and radon daughters, which are not encountered in significant quantities in any other type of mining. Therefore, it is most important that this Bill, when it becomes law, ensures that inspection with regard to safety levels of radon and radon daughters should be specifically committed to the Health Commission, because that is where the expertise is. They are the people who should be responsible under the Act.

Otherwise all sorts of complications can develop. A classic example is that which currently exists under the Industrial Safety, Health, and Welfare Act, where officers from the Department of Employment and Industrial Affairs can go on a building site anywhere and stop the work if they think there is a contravention of health or safety standards. The catch 22 situation is that in some cases those inspectors do not have any technical equipment or scientific expertise to know what they are about.

A classic example is absestos. There is a ridiculous situation in regard to asbestos where Department of Industrial Affairs inspectors can stop a job proceeding but cannot measure the asbestos level and do not know what it is about. On the other hand, officers of the Health Commission have equipment to monitor the asbestos level and carry out periodic spot checks. However, regardless of the level of asbestos they find, they have no legal power to stop a job from proceeding.

That anomaly was brought to the attention of the present Government more than 12 months ago, but nothing has happened. That extraordinary anomaly still exists. Now if mines inspectors, without specific scientific knowledge and expertise, are allowed to take over this crucial area of radon protection, in my submission, the Government is abdicating its responsibility. If the Government does not accept this amendment, it is my intention to divide the Committee.

The Hon. J. C. BURDETT: I oppose the amendment. The honourable member who moved it referred to staff numbers and to a report he first called the majority report of the Select Committee. I have never said that that was the report. On the contrary, when I have spoken on previous amendments I said that the honourable member had used the term 'majority report'. In fact, it was a report of three members out of a committee of six members.

The honourable member who has moved this amendment is seeking, in later amendments he proposes to move, to remove mines inspectors from the Bill. The intention of the Bill is that a mines inspector shall simply be an authorised officer. There is no intention whatever that that inspector will take over, that he shall be the only inspector concerned. The intention is simply that, together with other authorised officers, he will have a part to play and that is because of his expertise, particularly in matters relating to the ventilation of mines, which mines inspectors have.

That expertise may not be available to and may not be held by other authorised officers, particularly those within the Health Commission so there is no question of saying that mines inspectors shall be the be all and end all or that that inspector will take over from other authorised officers or those within the Health Commission. The purpose of defining 'mines inspector' in the Bill, and the purpose of setting out the part he has to play, is simply to provide that he shall be an authorised officer, that his expertise

will be available along with that of other authorised officers. I oppose the amendment.

The Hon. J. R. CORNWALL: I should like specifically to ask the Minister who are the other authorised officers to whom he referred and where they are mentioned in the proposed legislation. I think the answer is that they are not, and that is typical of the whole approach. We are given a skeleton and told that we can dress it, that we will do the whole thing by regulation. The Minister should know better, because he has some sort of legal training and some sort of legal expertise, presumably. He said that this is quite normal and that it could all be done by regulation, that it will go to the Subordinate Legislation Committee and then come to the Parliament. That is a ridiculous argument to apply to any legislation. All that this Parliament can do with regulations is move to disallow them. It cannot strengthen them, weaken them, or change them in any way; it can only move to disallow. The point should be made, and it should be on the record.

The Minister said that mines inspectors will be involved in ventilation. Of course they will, because that is what mining engineering is about. If you are to have 20-tonne or 40-tonne dump trucks running down slopes of 1 in 8, and front end loaders, diesel or petrol-driven, involved in dome mining, you will have carbon monoxide, among other things. The ventilation will have to be a prime concern. It may well be that the ventilation will be of such a nature and the requirements will be so stringent that, provided the dust is kept down, there will be no significant radon or radon daughter problem. But that is to miss the whole thrust of our argument. We are saying that the measurement of radon and radon daughters should be the specific province of the Health Commission.

The Health Commission has been very coy about the whole business of measuring radon and radon daughters. I shall bring this up later with one of our other amendments. We have been assured that things are all right at Thebarton, that measurements are such that there is nothing to worry about. When officers of the Health Commission appeared before the Select Committee, they said that apparatus to measure radon was complex apparatus costing about $60 000 or $80 000 and that they did not have any at the moment, but were acquiring some. There has been a good deal of secrecy over the whole business of acquiring this expensive static equipment to measure radon. If it is available, and if the measurements have been made, I would think it would be in the best interests of the commission to publish the figures. No figures in relation to Thebarton, Lonsdale, or any other place in contention have been released or published by the commission at any time. I resubmit that the mines inspector has every right to be involved in all aspects of mining other than the measurement of radon and radon daughters, but that that essentially must be committed to officers of the Health Commission.

The Hon. J. C. BURDETT: This amendment merely seeks to leave out the definition of 'mines inspector'. In order to debate the amendment it is necessary to see the effect of the definition. The Hon. Dr Cornwall asked me what other persons will be appointed as authorised officers. Clause 16 is relevant in this regard, and it provides that the commission may, with the approval of the Minister, appoint an officer or employee of the commission or an officer of the Public Service of the State to be an authorised officer for the purposes of the Act. It also provides that a mines inspector shall, by virtue of his office, be an authorised officer for the purposes of the Act.

The persons who are intended to be appointed under clause 16(1) are scientific and technical officers of the Health Commission and medical and radiation officers. As I said before, the intention is that these persons will be authorised officers, and so, too, will be the mines inspectors, who will have a significant part to play in the matter of safety where radiation is concerned. What the amendment seeks to do, and all it seeks to do, is to delete the definition of 'mining inspector' so that he will cease to have—and that is the intention obviously further on—any part to play. Therefore, I oppose the amendment. The intention is to appoint authorised officers who shall be scientific, technical and similar officers of the Health Commission. I can see no point whatever in trying to remove from the Bill the expertise that mining inspectors will be able to bring to their task.

The Hon. J. R. CORNWALL: The Minister in his wisdom has seen fit to move to a further amendment that we have on clause 16(1), which provides:

> The Commission may, with the approval of the Minister, appoint an officer or employee of the commission or an officer of the Public Service of the State to be an authorised officer for the purposes of this Act.

It could be any officer from any department. This is badly drawn and badly drafted legislation and the Minister should be ashamed for bringing it into this Parliament.

The Committee divided on the amendment:

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

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

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. J. C. BURDETT: I ask that the Committee report progress and have leave to sit again.

The PRESIDENT: That the Committee have leave to sit again on?

The Hon. J. C. Burdett: On motion, Mr President.

The Hon. C. J. SUMNER: I want to clarify the position. If the Minister moves that the matter be considered on motion, then I take it that at some time during the current day's sitting in which we are involved, the Minister intends to bring the matter on again. I assume that it will be later on this evening, and that the Minister is now intending to go on with some other business. If that is not the case, and if the Minister intends to adjourn the Council until the ringing of the bells at some stage later today, then of course, what is happening is that the Council is being deprived of its Question Time.

The Hon. K. T. Griffin: Come on, you've been filibustering for three days.

The Hon. C. J. SUMNER: Mr President, as you well know no-one has been filibustering. If members have been speaking to matters it has been entirely because they had a right to speak on such matters. The fact is, of course, that the Government, because of its failure to organise the legislative programme, has completely gummed up this week in a way that I believe has never occurred in the history of the Parliament. It has certainly not occurred in the time that I have been in Parliament. We have sat into the wee hours all this week without even one conference being set up.

I can recall situations when we have sat late at night previously when there have been conferences, but consistently over the past 2½ years we have ended up in this position. Quite frankly, it is unacceptable. We still have the Pastoral Act and the Statutory Authorities Review Bill still on the Notice Paper unconsidered. What happened, of course, was that the Government decided to try to do a few things very late in the piece.

It brought in a Casino Bill in the Lower House and Licensing Act amendments into this place. In normal circumstances, when the Council adjourns in the evening or in the early hours of the morning of the following day, when Parliament meets on that following day we have a Question Time.

The device that the Minister is going to use is to say that tomorrow is a continuation of today's sitting. That is quite absurd. It is being done to deny Parliament a Question Time. On that basis the motion that further consideration of the matter be taken on motion should be opposed and the Council should adjourn and tomorrow go through the formal Question Time procedure. It depends on how the Council is adjourned. If it is adjourned in the manner that the Minister is suggesting there will be no Question Time. I believe the Government's intention in this area should be explained to the Council.

Progress reported; Committee to sit again.

JUSTICES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

TRUSTEE ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

[Sitting suspended from 12.29 to 11 a.m.]

SUSPENSION OF STANDING ORDERS

The Hon. N. K. FOSTER: I move:

That Standing Orders be so far suspended as to enable me to direct a question to the Attorney-General after the expiration of Question Time today.

I am under the impression that this sitting is being regarded as the Thursday sitting still, and I would appreciate your advice on that, Mr President.

The PRESIDENT: Is the motion seconded?

Opposition members: Yes, Sir.

The Hon. N. K. FOSTER: Yesterday afternoon the Attorney-General sought leave of the Council to table a report on alleged corruption in the South Australian Police Force. It was done in such a manner as to deny the Council the opportunity of reading a document as he read from it. I make no complaint about the decision to provide the media with a copy, but I do feel that at least members of this Chamber, if not the whole Parliament, would have had received a copy. I ask the Attorney-General (1) how many other informants—

The Hon. C. M. Hill: Is this a question?

The Hon. N. K. FOSTER: Yes.

The Hon. C. M. Hill: You don't have leave.

The Hon. N. K. FOSTER: Just hang on. How many other informants or potential informants were interviewed and refused to co-operate in relation to the Virginia allegations? (2) Why was there no mention of the internal inquiry held into three Drug Squad officers following the death of Mr Stevens and an investigation—

The Hon. C. M. Hill: You are asking the President this, are you?

The Hon. N. K. FOSTER: Yes.

The PRESIDENT: He is speaking to his motion and has five minutes in which to do so.

The Hon. N. K. FOSTER: Thank you. I have the right to ask the questions. If I have asked them already of the Attorney-General, I apologise. In speaking to the motion I have already stated the reasons for such suspension. It is not unusual to expect that this could be deemed another sitting day. I would be interested to know whether or not the House of Assembly's sitting at 2 o'clock today involves another sitting day, in which case we would be so entitled to Question Time under the normal procedures of the House. Unfortunately, because of the machinations of the minds of Government members and their manipulation—

The Hon. K. T. Griffin: Oh!

The Hon. N. K. FOSTER: If you do not mind, Mr Attorney. If you want to be party to a cover-up that is all right, but do not attempt to close off the avenues within this Parliament to allow any further questioning until almost the end of this financial year. That is effectively what you have endeavoured to do.

I think that it is only fit and proper that Question Time or some other procedure be allowed. It is blocked by the brutality of numbers, or some other forms of the House are used before the House rises until June. I should be afforded opportunity to have something to say about this report.

I have received a copy of the report from an outside source, which I am not at liberty to disclose, but it has been made available to a limited number of members of this Parliament—

The Hon. K. T. GRIFFIN: Mr President, I rise on a point of order. The honourable member has only five minutes to speak to his motion; I point out that five minutes has expired.

The Hon. N. K. FOSTER: I can read—

The PRESIDENT: Order! I am watching the time.

The Hon. K. T. Griffin: It is over five minutes.

The Hon. N. K. FOSTER: It is not.

The PRESIDENT: Five minutes has not yet elapsed. The Council took two minutes on procedural matters.

The Hon. N. K. FOSTER: Yesterday I was disadvantaged, as were other members on this side, but overnight I was provided with a copy of the report. I am amazed at the number of matters contained in the report on which expert comment is made but which have not been mentioned in this Council. Therefore, I suggest that members on this side support my motion. It may be that I will not ask any further questions on the report, but I should be afforded that opportunity.

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

The Council divided on the motion:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, N. K. Foster (teller), Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, and R. J. Ritson.

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. D. H. Laidlaw.

The PRESIDENT: There are 9 Ayes and 9 Noes. There seems no point in a casting vote because it will not be carried by an absolute majority. The motion therefore lapses.

RADIATION PROTECTION CONTROL BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 3906.)

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

Page 3, after line 21—Insert definitions as follows:

'radon' means the radioactive gas radon -222:

'radon daughters' means the short-lived radioactive products of decay of radon, being polonium -218 (radium A),

lead -214 (radium B), bismuth -214 (radium C) and polonium -214 (radium C^1):

'radon daughter concentration' means the quotient of ΔE by ΔV, where ΔE is the sum of energies of the alpha particles emitted by the complete decay of the radon daughters in the volume element ΔV:

'radon daughter exposure' means the sum, for all exposures of a person to inhaled radon daughters within a period of time, of all products formed by multiplying the radon daughter concentration in the inhaled air and the time for which that concentration was inhaled:

This amendment inserts definitions of 'radon', 'radon daughters', 'radon daughter concentration', and 'radon daughter exposure'. It is taken directly from the Australian Code of Practice. Various definitions are available to the Parliament. We could have taken, for example, the definition given in the NIOSH study, but it was thought appropriate to take the definition from the Australian Code of Practice, because that is the accepted definition on the Australian scene.

It was admitted quite freely by the Minister last night that it is intended that this legislation will apply to the mining, if it ever proceeds, at Roxby Downs. For that reason, the Opposition as the alternative Government, is not prepared to accept the Bill in its present form. The Bill in its original form was merely a skeleton. Because of the amendments moved by the Minister of Health in another place, the possible provisions as they relate to standards have been substantially weakened. It is my information that that has been done as a direct result of representations made by Western Mining Corporation to the Government.

We are moving, therefore, to insert specific conditions with regard to levels of radon and radon daughters that would be permitted in a mining operation. It is not good, I suggest, to hand this Bill back to the Government as legislation without spelling out in quite specific terms the standards that any State Government from time to time might expect of the companies if they were to proceed at Roxby Downs.

It is important that these definitions be inserted. However, I add that it is not absolutely critical, because they are used in the code of practice. For that reason, I do not intend to go to the barricades on this matter and insist on a division, because, although it is highly desirable that these definitions be inserted in the legislation as it eventually emerges from the Parliament, it is not absolutely essential and would not in any way influence my intention to press on with my further amendments.

The Hon. J. C. BURDETT: I oppose the amendment. These matters were canvassed at the second reading stage. The Government intends, quite properly, to set up not what I would call a skeleton but machinery for what are clearly regulatory matters. That is a long tradition. One must look carefully at a case in deciding whether or not to write into an Act provisions that should be left to regulation. In many cases, matters of detail and regulatory matters quite properly are left to regulation. There are masses of regulations that otherwise would not have been made. It is a question of the department's determining which matters should properly be inserted in an Act and which matters should be dealt with by way of regulation.

This is a regulatory matter and involves setting out the standards. Those standards, in Australia, are a relatively new area, and therefore the scene would change from time to time. Of course, operating by regulation or reference to codes is much more flexible than a provision in an Act of Parliament. In regard to this Bill, the Government intends (and I believe quite properly) to provide a very adequate means of providing for radiation protection by way of reference to codes and by regulations, so that we do not arrive at the inflexibility that would result from writing these things into an Act of Parliament when they may have to be changed quite frequently.

I understand that the purpose of the honourable member's amendment is to define 'radon' and 'radon daughters' so that he may proceed to a later amendment that will seek to write prescriptions into the Act instead of leaving them to the regulations or to the codes. The honourable member has stated that he proposes, at the appropriate time (whatever that may mean), to argue that point, and doubtless he will seek to do so. Because the Government intends to allow flexibility and to allow these matters to be dealt with by regulation and by the codes, because that is the appropriate manner in which to proceed, I oppose this amendment. There is no point in inserting the definition of 'radon' and 'radon daughters' if they are not to be addressed in the Bill.

The Hon. ANNE LEVY: While I appreciate the flexibility that would result from the use of regulations, it seems that the Minister, in opposing the amendment (which must be considered with the subsequent amendment) is ignoring the fact that this matter is very important. The level of radiation which is set as a limit can be crucially important to the people concerned, and therefore the Parliament should have a say in the matter.

The problem with regulations is that Parliament cannot have a say. The Government brings down regulations; Parliament can either accept or reject them. If Parliament does not approve of the regulations which the Minister has brought down, that all it can do is reject them and then there are no regulations. Parliament does not have a say in setting regulations and then being in the bind of either approving regulations it dislikes or disallowing them and, consequently, having no limits whatsoever, which would be far worse than having some limits, even if they are undesirable.

This is such an important matter that it is something which should be considered by Parliament, not just dealt with by regulation, so that members of Parliament will have a responsibility in determining these very important limits. I know I am arguing more in terms of the subsequent amendment rather than this one, but they are interrelated and the later one is obviously consequential on this one. Therefore, I bring up this matter at this time.

The Hon. J. R. CORNWALL: Parliament ought to be acutely aware of what it is about and the public of South Austrlaia ought to be clear as to what Parliament is about. This Bill was introduced in another place. Its relationship to mining, particularly to mining at Roxby Downs and to the Roxby Downs indenture, was not clear for some time. It has become clear, during the course of the debate in both Houses, that it will apply to Roxby Downs and, therefore, it must be seen as an integral part of the debate on the Roxby Downs indenture and the Roxby Downs indenture Bill.

As I said last night, it is an off-Broadway try-out. This matter is fascinating from two viewpoints. One is that the Government appeared not to be sure of its status. It is clear, however, that Western Mining Corporation and their lawyers rapidly became aware of its status and went to the Minister and the Government and said that it has better not let it go through in its present form because it was far too stringent and that that corporation would not want to meet that stringency. Therefore, the amended Bill, as it came out of the House of Assembly, now contains this infamous clause 26 which ensures that the levels will not be too stringent as far as Western Mining Corporation is concerned. Further—and this is the fascinating point—there is every indication that the Australian Democrat, the Hon. Mr Milne, is going to bale out and support the Government.

The Hon. K. L. Milne: What do you mean by 'bale out'?

The Hon. J. R. CORNWALL: It is not the Democrat's

intention, as far as I understand, to support any of our amendments to make these levels as stringent as possible.

The Hon. L. H. Davis: He has an amendment on file.

The Hon. J. R. CORNWALL: The amendment on file is indeed a typical Milne amendment. It is an on the one hand and on the other hand sort of thing. It says that we will not be too stringent and will have them somewhere in the middle. We know, because we sat as a Select Committee for two years, that there is a wide body of opinion that suggests that the levels set in the current code of practice are too high, substantially higher than they ought to be, and certainly involve an increased risk of lung cancer.

What the Opposition is attempting to do with the whole series of amendments is to make that level more stringent. During the course of the debate last night, I think that the Minister said that in the Whennan shaft at the Olympic Dam prospect, the so-called experimental shaft that is now down in the ore body, the readings which had been obtained to date (and I presume they are readings obtained by the Health Commission on instruments we do not yet know about, but hopefully will know about as it evolves) are somewhere between one-thirtieth and one-hundredth of the levels in the current Australian code of practice.

Therefore, I cannot see why it is not acceptable for the alternative Government of the State to ask that the amendments to halve the acceptable maximum levels of exposure under the Australian code of practice should be written into the legislation. The Government is gung-ho to go on Roxby Downs. Surely, this is to be viewed in the most serious manner. In the event of Roxby Downs ever proceeding, if this legislation is on the Statute Book it will apply directly to mining operations there. We are going to ask in the fullness of time that the levels of the South Australian code of practice on the mining and milling of radioactive ores for the purposes of any mining that might proceed at Roxby Downs, or any mining of radioactive ores anywhere else in the State, be set at a level half of the outdated levels currently imposed by the Australian code of practice.

The Hon. J. C. BURDETT: I noted the remark just made by the Hon. Dr Cornwall when he said what was going to happen in the fullness of time. That is becoming patently obvious. It is clear that the stance of the Government not to try to write these things into the Bill is correct. In regard to radon daughter measurements at Olympic Dam, there are 24 measurements during five separate measuring periods that have been taken and, as I said earlier today or last night, the results were less than one-hundredth of the limits set in the Australian code of practice.

The Hon. J. R. Cornwall: That's not quite what you said last night—you said one-thirtieth.

The Hon. J. C. BURDETT: It is pretty close to it. The Health Commission has in the field monitoring equipment and these are: for gamma measurements six monitors; for radon measurements 10 samplers; and for radon daughters and radioactive dust measurements, 16 pumps and eight counting assemblies. For surface contamination measurements it has two monitors. What I am saying—and I have a bit more, unfortuntately, to say about this—indicates that we cannot really expect to write this into the Bill. The Health Commission is doing it already. It is its job to do it, and the job will be carried out. One does not try to tell a Government department that is doing a job under an Act of Parliament exactly how it should go about doing that job.

The Hon. Anne Levy: Why not? Government departments are not above Parliament.

The Hon. J. C. BURDETT: As I said before, it is a question of balance in each case in the matter of each piece of legislation.

The Hon. J. R. Cornwall: It is a question of giving the company what it wants and—

The Hon. J. C. BURDETT: That does not enter into the issue at all. I am looking at a general matter of Parliamentary philosophy—

The Hon. J. R. Cornwall: That Government departments are above Parliament.

The Hon. J. C. BURDETT: Not at all. We know that in all sorts of areas it is a question of balance as to what is written into a Bill and what is left to be done by a department that is going along very nicely, thank you, anyway. It is difficult in a Bill to try to specify all of the things that may occur, and what I have said will support that. I have mentioned what steps are being taken and, if anyone really thinks that this can be written into a Bill, they will find that it is out of date tomorrow or in a month's time. The radon daughter exposure limit is only one of many limits that will need to be set. It would be quite inconsistent and quite inconvenient to write one limit, namely, the one relating to radon and radon daughters, into the Bill, and not all of the others. The Hon. Anne Levy said, quite correctly, that this is an important matter.

I have no argument about that at all. The honourable member says that it ought to be written into legislation, but there are many matters of regulation which are important elsewhere in the health field in regard to the Food and Drugs Act and all sorts of things which are in regulation and which are vitally important to the health of the State. It is because of this matter about which I am talking that Parliament must strike a balance and draw a line where it is reasonably possible to set out realistic regulations in a Bill or where it is better to leave it to the people who are monitoring the situation on the ground.

The Hon. Anne Levy and the Hon. Dr Cornwall pointed out the position earlier in regard to regulations and correctly indicated that the only power Parliament has is to disallow regulations: it cannot amend them. The point is validly made, but the remedy may be (and I have thought this on several occasions in regard to several matters) that at some time Parliament will have to look at the provisions in the Constitution Act and the Subordinate Legislation Act. The solution may be to amend those two Acts to give Parliament the power, not only to disallow but also to amend regulations.

In any event, it would be quite unworkable with such detailed matters to try to write these provisions into an Act of Parliament. It was said that Parliament should be acutely aware of what it is about. I agree. I suggest that Parliament is not in a position in its present state of knowledge to spell out things that regulate in that sense in an Act. We cannot do that when we do not know what we are about. The whole Parliament, if it thinks that it can spell out regulatory matters in relation to this technical measure in the Bill, if it thinks that (and I am sure that it does not), does not know what it is about. It would be improper to try to spell out these technical matters in a Bill where the area is constantly changing and where experience is involved.

The Hon. J. R. CORNWALL: That was an appalling contribution. I am aware that the Minister does not know the difference between alpha particles and X-rays, despite his sitting on the Select Committee for almost two years. Certainly, it is not beyond the wit and will of the average man and woman to comprehend this action. These are not technical amendments that cannot be achieved. They refer to radon, radon daughters, radon concentrations and radon exposures. This is what it is all about.

If we want to protect anyone who might be involved in the mining and milling of radioactive ores, we have to spell it out, and it is easy to do so. They can be defined. Even if they are not spelt out, we go on then to working level months. That definition is accepted world wide. It may be

beyond the wit and will of the Government, but it is not beyond the wit and will of people of good will. It is nonsense to say that they cannot be spelt out. All we want to do is insert the definition of radon, radon daughter and radon exposure. We want to insert what the upper limits ought to be, and we want to say what it should be over three months, 12 months, and a working life. It's as simple as that.

The Hon. R. J. Ritson: What if the experts revise their views?

The Hon. J. R. CORNWALL: If the experts revise their views in later months or years, we can then bring back into Parliament what will then be the Act and amend it—but matters do not move that quickly, as honourable members would know. The current Australian Code of Practice is based on the I.C.R.P. recommendations made in 1977. What the Opposition is saying is that those recommendations have been consistently revised downwards, as the Hon. Dr Ritson would know.

If one looks at the levels accepted in the 1950s, one realises that there was virtually no control at all. People then did not know what they were about; people then were in the same position as the Government appears to be in, or pretends to be in, in 1982. They certainly did not know what they were about. As a result of that (and it is documented in literature all over the world), there was a very large increase in the incidence of lung cancer in uranium miners.

We have now come 30 years down the track. All of this is well documented in literature and there is a great deal of it available. The most recent report I have available is the NIOSH study, 1980, but obviously there may well have been further reports since then. What I am saying is that the only way to go in regard to radiation protection is downwards, because it is established that exposure to radon and radon daughters does cause lung cancer. Even if the limits were written into the Bill that the Opposition insist ought to go into the Bill, as well as superimposing on that situation the 'as low as reasonably achievable' principle, there would still be an increase in the incidence of lung cancer of uranium miners. Let us not forget that.

Members on the other side can chuckle and chortle as much as they like about it, and produce all sorts of evidence that people say, 'Well, really, it's quite all right to accept what is there at the moment; we can bring in regulations and amend it from time to time as the companies ask us; we will not make it too stringent because they made particular representations to us with regard to this Bill; we have said to them, "Okay, we will amend it so that it's not too tough for you".' However, my submission is that the primary consideration with regard to this Bill, not necessarily with regard to the whole of the indenture Bill, but certainly the primary consideration with regard to this Bill, is worker protection, protection of the miners, and that is what the Opposition is about.

To suggest otherwise and to say 'We don't know what we are doing; we are not in a position to be able to write anything into legislation; it is all too hard, we must leave it to the experts' is unacceptable. The fact that the Minister cannot pronounce scientific words of more than one syllable does not mean that the average person cannot comprehend in relatively simple terms what these matters are all about. That is my submission and we on this side, as the alternative Government of South Australia, will continue to contend that throughout the debate on the Bill.

The Hon. M. B. CAMERON: I think we ought to understand what the Hon. Dr Cornwall is all about. What he is trying to do is set up a situation so that when the indenture Bill is introduced he can say that we cannot pass it, because the Bill we are considering now was passed and it shows that the radiation levels that will apply to the company's operation of the mine will be too high, so it is not safe to pass the Roxby Downs Indenture Bill.

The Hon. J. R. Cornwall: If that's your attitude to workers' protection, in other legislation, that would certainly be our reaction.

The Hon. M. B. CAMERON: That confirms what I have said.

The Hon. J. R. Cornwall: Indeed.

The Hon. M. B. CAMERON: What the honourable member is trying to build up is a case against the Roxby Downs Indenture Bill by raising a scare tactic at this stage and saying that, because the Government accepts international standards on radiation protection, we will somehow be allowing the company to get away with some sort of special deal, whereas, in fact, this happens in every mine in Australia.

The Hon. Dr Cornwall is very clever with this sort of tactic, and one must give him some credit for being able to raise rather vague issues and turn them into scare tactics, frightening the pants off everyone.

Let us look at the situation (and the Hon. Dr Cornwall knows this) that actually occurs. He carefully does not refer to the fact that all radiation protection standards are one thing but all mines operate on the ALARA—'as low as is reasonable achieveable' principle. As a result of that, no mine in Australia would ever get to anywhere near the levels that are set in the standards—they would be well below it.

The Hon. J. R. Cornwall: Mary Kathleen?

The Hon. M. B. CAMERON: There is not even proper testing at that mine, and the Hon. Dr Cornwall knows that. If the honourable member likes, then, I will refer to the standards in any State other than Queensland. Let us look at what has happened at the modern mining operation in Nabarlek, which operates on these standards. The miners at Nabarlek on average were exposed to .065 working level months during the operation, or .3 per cent of the allowable limit. We have to keep in mind that the ore at Nabarlek was 1.84 per cent, whereas at Roxby Downs it was .05 per cent of uranium. I would say that to get to the four working level months of Roxby Downs we would have to lock the miners in there for 12 months with all ventilation cut off.

The Hon. J. R. Cornwall: That's ridiculous.

The Hon. M. B. CAMERON: No, it is not. I have given my opinion and the Hon. Dr Cornwall has given his. That has been shown by what the Minister said about the levels of radon already being monitored. Also, at Nabarlek, over a six month period the gamma radiation exposure was 230 milligrams, which is less than 9.2 per cent of the limit. That just shows quite clearly that what Dr Cornwall is about is absolute nonsense. He is trying to show to the public of South Australia that the Government was not prepared to accept a lowering of the limit, whereas in fact we know and he knows that these limits will never have to come into operation because nobody will ever get anywhere near them.

However, at the same time we are prepared to continually change on international standards, and that is fair enough; I do not see anything wrong with that. The Hon. Dr Cornwall has raised the Niosh Report. He knows, as I do, that the Niosh Report is already being reassessed. Whether that shows that the limit should be brought down or whether it shows that it is okay is a matter of our monitoring what occurs.

However, for us as a Parliament to set about changing international standards would be just ridiculous. I would not mind if the Hon. Dr Cornwall was genuine about it. I suppose one should not even imply that he is not genuine, but I know the situation. It is a political tactic before the

Roxby Downs Indenture Bill comes in. He has already said that the Government is gung-ho to go on Roxby Downs. Of course we want to get it developed but, at the same time, we will not set it up in such a way that standards are not met. I would be very disturbed—

The Hon. J. E. Dunford interjecting:

The CHAIRMAN: Order!

The Hon. J. E. Dunford interjecting:

The CHAIRMAN: Order! If the Hon. Mr. Dunford does not come to order, I will name him. Members can speak all day, but they will do so one at a time.

The Hon. M. B. CAMERON: I would be very disturbed if the level reached the four working level months. I know it will not. In the meantime we have to accept international standards. We know that the standard will not be a problem at Roxby Downs. It is a pity if this debate degenerates into a fight. The Hon. Dr Cornwall is attempting to set up this Bill as the first step in an attempt to justify his and his Party's stand on the Roxby Downs issue. That is absolute nonsense in regard to this Bill.

The Hon. R. J. RITSON: I feel that the Opposition is losing sight of the purpose of the Bill, which clearly is aimed at establishing medical protection for people subject to risks from ionising radiation, whether it comes from industrial X-ray sources, a radiotherapy department or any other source. The Bill, of course, establishes an expert committee. After all, the effects on the human being are the same whether the radiation comes from an experimental accelerator, a cobalt source, or whatever. That is what we should be talking about.

The Hon. J. R. Cornwall: That is not true. You know the difference.

The Hon. R. J. RITSON: In spite of the interjection, I only want to say that I rather suspect that, if we had brought in a Bill on the structure of chamber pots at this stage, the Opposition would have found some way to promote an anti-uranium argument.

The Hon. J. R. CORNWALL: Of all the people in this Chamber, Dr Ritson knows the different physical characteristics of alpha particles, gamma radiation and X-rays. It is quite wrong for him to stand in this place, as he did, and accuse us of trying to mix them all up. It is the Government that attempted to mix them all up. We should have had two separate Bills, and we could have had two separate Bills. We could have had a Bill based on the report of the working party on human diagnostic radiography, which was in the Minister's hands on 14 April 1980. That set out the grave deficiencies that exist with regard to human diagnostic radiography, particularly patient protection in this State. That should have been a matter of urgency and it could have been handled by amending Part IXB of the Health Act. We could have had quite separate legislation which would have referred to working safety in the uranium industry, because alpha particles (as the Hon. Dr Ritson and the Hon. Mr Cameron know and I suspect that the Hon. Mr Burdett, the Hon. Legh Davis and the Hon. Mr Milne do not know) are entirely different from gamma radiation and X-rays. Alpha particles pass through the bronchial epithelium, the lining of the lungs, or the skin. If it were possible to have workers wearing some sort of respirator or some sort of device provided for them which would prevent the inhalation of radon and radon daughters, then they could spend a lifetime in the industry and there would be no risk. That is entirely different from Dr Ritson's colleagues having defective apparatus in their surgeries and old fashioned Stanford machines 90:30, which they will have to replace. They take it upon themselves to X-ray the pelvis and the chest, and they expose the patient to periods of up to 2½ seconds, or use non-screen X-ray film which bumps up the exposure by a factor of eight. There was quite a push in this State to sell non-screen film for a while, but that is yet another matter.

X-rays and gamma radiation pass through several feet of concrete, and right through the human body. They have enormous penetrating capacities. They induce all sorts of cancer, as the Hon. Dr Ritson would know; for example, cancer of the viscera and cancer of the bone marrow. They also have genetic effects. If the gonads are irradiated, then they have a marked genetic effect. That does not happen with alpha particles. That is what this part of the Bill is all about. The only danger in practical terms from alpha particles is to inhale them; they pass through a very small thickness of the lung lining, the bronchial epithelium, and they cause lung cancer. I hope everybody now understands that, because I have explained it several times in simple terms.

The Hon. Mr Cameron stood in this place and said, very cleverly, that I was trying to politicise this debate. If he had said that in another context I would have been pleased to accept the compliment. However, I found the way that he said it to be offensive. It is a nonsense for him to suggest that I am trying in some way to scare and alarm the populace by amending this Bill to cut the code levels in half. It is also quite strange that he and the Minister should stand in this place and say that the measures obtained in the Whennan Shaft at Olympic Dam are one-thirtieth of the limits set in the Australian Code of Practice.

It is most unlikely that the Hon. Mr Cameron would say that they will go any higher, because there is a relatively small concentration of uranium. If he accepts that and if the Minister accepts that (and clearly he does because he has repeated those levels twice) then the levels that the Opposition is trying to write into this legislation by amendment are absolutely unexceptional. On the Minister's figures (and the Hon. Mr Cameron seems to think that they will never be exceeded) radiation levels measured in the mining shaft would be well below the levels we are being asked to accept in this Bill. Therefore, for the life of me I do not know why the Government will not accept the amendment, unless it has been heavied by the company—and I am sure that is the truth of the matter. I move.

The Hon. J. C. BURDETT: The Hon. Dr Cornwall referred to the wearing of respirators. Of course, it is possible for workers to wear respirators. However, that is not acceptable to the Institute for Engineering Control of the Working Environment. The Bill is designed to provide a mechanism whereby the whole of the working environment can be properly controlled. The Hon. Mr Cameron said, correctly, that the Hon. Dr Cornwall's attitude was absolute nonsense because the limit for radon daughters to be set by legislation is an upper limit which must never be exceeded. That is what this part of the Bill is about. The regulations which are envisaged set out to do that.

The fact that so far all measurements have been low is very pleasing. However, that is no basis for the setting of a lower limit already in general use elsewhere in Australia and overseas. The limit should only be changed on the basis of good scientific evidence. Returning to the question of respirators, I point out that they are worn by many miners in underground uranium mines, specifically in Canada. The Hon. Dr Cornwall has been quoted in the press as follows:

> Alpha radiation from radon gas in uranium mining has very different characteristics from medical X-rays and isotopes.

That requires special legislation.

The Hon. J. R. Cornwall: I repeated that claim this morning. The Minister must be a bit slow witted from last night.

The Hon. J. C. BURDETT: The Hon. Dr Cornwall did repeat that this morning, but I am not sure that he is on the right track. The alpha radiation from radon is no different

from other alpha radiation. Two alpha emitting radionuclides are in widespread use: Americium-241, which is used in ionisation chamber smoke detectors and in a wide range of neutron sources; and Polonium-210, which is used in electrostatic eliminators, in industry, commerce, and scientific research.

Radon itself was used by the Radiotherapy Department of the Royal Adelaide Hospital for the treatment of cancer for the approximate period 1939-1975. Radon is still used in Queensland for radiotherapy. Sources of radon gas exist in places other than uranium mines. For example, in universities and other places with geological sample collections.

This also applies in any place using radium 226 sources. Another radioactive gas, sedon 123, is used in nuclear medicine, so radon is not used in that product, either. I oppose the amendment.

Amendment negatived.

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

After line 38—insert definitions as follows:

'working level' means any combination of radon daughter in one litre of air such that the sum of energies of alpha particles emitted by the complete decay of the daughters is 1.3×10^5 MeV:

'working level month' means a radon daughter exposure of 8.0×10^{10} MeV second/litre.

This amendment spells out in detail these definitions, which are taken directly, again, from the Australian Code of Practice. The phraseology used is such that a person with a knowledge of radiation physics would be able to understand, interpret and use it in a court of law, or anywhere else. We intend to divide on this amendment. I do not think I need go back over all the matters I canvassed previously, but we believe that it is most important that this be spelt out in legislation which eventually emerges from this Council. Indeed, I would go further and say that, if we allow this legislation to go through without inserting the definition of 'working level' and 'working level month', we will be guilty as a Parliament of a gross dereliction of our duty.

The Hon. J. C. BURDETT: Most of this matter has already been canvassed, but this is still a matter of definition, and we are still addressing the question whether the matters we have been talking about ought to be spelt out in an Act of Parliament in that rigid kind of way, or ought to be left to regulation and the codes under the monitoring of the Health Commission, which has been doing very well in this regard so far. I oppose the amendment.

The Hon. J. R. CORNWALL: I must respond to that. The Minister keeps reiterating the Government line, 'We will do it by regulation. You can trust us. You can trust the Health Commission. You can trust Western Mining Corporation. You can trust anybody else involved in the business.' I would not trust the South Australian Health Commission to look after my dog, the way it is currently organised.

The Hon. C. M. Hill: That's a nice thing to say!

The Hon. J. R. CORNWALL: It is a true thing to say, nonetheless. As has been pointed out several times, regulations cannot be altered or amended by this Parliament; they can only be disallowed, so we completely reject that argument.

The Committee divided on the amendment:

Ayes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons. C. W. Creedon and C. J. Sumner. Noes—The Hons. M. B. Dawkins and D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 6 to 8 passed.

Clause 9—'Radiation Protection Committee'.

The Hon. J. R. CORNWALL: I suggest that we debate my amendments to clauses 9, 11 and 14, as they are all consequential and refer to the Radiation Protection Committee and the subcommittee.

The CHAIRMAN: I see no reason why we cannot deal with them all.

The Hon. J. C. BURDETT: Certainly, I have no objection to the honourable member speaking to that group of amendments, but I have a different attitude to the first and second amendments, and I hope that they will be put separately.

The Hon. J. R. CORNWALL: The amendments relating to paragraphs *(ha)* and *(hb)* refer specifically to the Radiation Protection Committee that is to be set up under the proposed legislation. The Opposition has no argument about the nine people that the Government proposes to be on that committee and the qualifications that the Government will ask of them. It is the Opposition's belief that it is imperative that two additional people should be added to that committee, one of whom should be a person with expertise in the field of genetics and with a knowledge of radiation genetics, and that the other should be a person with expertise in the field of epidemiology.

The Hon. J. C. BURDETT: The Government does not oppose the first amendment that there should be a person with expertise in the field of genetics and a knowledge of radiation genetics on the committee. However, I oppose the second amendment that there should be a person with expertise in the field of epidemiology on the committee, for reasons that I will explain later.

The Hon. J. R. CORNWALL: I am thoroughly confused. The Minister indicated that he would be prepared to accept that there should be a person with expertise in the field of genetics and a knowledge of radiation genetics on that committee, but is not prepared to accept that there should be on the committee a person with expertise in the field of epidemiology. I do not want to throw the baby out with the bathwater. The Government is taking half a bite of the cherry.

I do not need to speak at any length on para *(ha)* as it is self-explanatory. The committee is going to be dealing with all aspects of radiation, both ionising and non-ionising. Regarding ionising radiation and, more particularly, with deeply penetrating ionising radiation, namely, gamma and X-rays, it is important that there be a geneticist on the committee.

In the House of Assembly the Opposition moved an amendment to insert an additional person to be on that committee with expertise in the field of radiation genetics. It became clear during the debate in that House that there was only one such person in the State of South Australia. The Opposition therefore proposes that a person with expertise in genetics and a good knowledge of radiation genetics should be on not only the committee but also the subcommittees. I accept the point made in the other place that it would be impractical to tie up the committee and subcommittees by their having to rely on one person who, for a variety of reasons, might not be available at the time that the committee or subcommittees sit. We changed the amendment to its present form for that reason, *vis-a-vis*, the amendment we previously moved in the other House. The Minister has already indicated that he has no argument with it, that we may well have a bipartisan approach on this amendment, which would gladden my heart.

Regarding the Opposition's amendment providing for an additional person with expertise in the field of epidemiology to be on the committee, the Government certainly cannot argue that there are not many experts in that field who

would be available. Indeed, there are numerous people in the commission who have considerable expertise in this field.

Epidemiology in the new sense is a study of the non-infectious diseases as they affect populations at large. It applied originally to the great epidemics in the nineteenth century, and it was then that a study of so-called epidemiology involved a study of epidemics and pandemics as they affected disease when the scourges of the infectious diseases of the time were about. In the new sense, it is a study of the incidence of a variety of major problems in the community, particularly the great scourges of our time—cancer, cardiovascular disease, cerebrovascular disease, strokes, and of course road trauma. We are talking here about a committee that, hopefully, would set up some sort of model to study the long-term effects of X-rays and gamma radiation as it might be used in various forms, both in the medical and industrial areas, and we are talking about the possibility of uranium mining.

It would be my contention that it is absolutely vital that there should be an epidemiologist on the committee and on the appropriate subcommittees to assist the other members of the committee in advising the Government as to the sort of models and studies that should be undertaken regarding the long-term effects and the measuring of the long-term effects of the various tyes of the ionising radiation.

The Hon. J. C. BURDETT: As I have indicated, the Government will accept the amendment in relation to paragraph *(ha)*, providing for one member to be a person with expertise in the field of genetics and a knowledge of radiation genetics. As the Hon. Dr Cornwall has pointed out, in the Lower House a different terminology was used: a person having expertise in radiation genetics. Now the Opposition has got its act together and put the amendment in a form that is acceptable to the Government, it will be accepted. However, we are opposed to paragraph *(hb)*. I have no doubt, Sir, that you will put first the amendment regarding proposed paragraph *(ha)*, and then put proposed paragraph *(hb)* separately. The proposed paragraph *(hb)* provides that one would be a person with expertise in the field of epidemiology, meaning that such a person, under the terms of the Bill, must be included on the committee.

It must be recognised that this Bill is to be administered by what is referred to in it as the Minister, and it is perfectly obvious that it is the intention of the Government that the administration of the Act, if it becomes an Act, would be committed to the Minister of Health; it would be within her jurisdiction. Of course, she will be using the Health Commission, as appears elsewhere in the Bill, as an administrative arm to carry out the administration of the Act. It is a fact—and we cannot ignore these facts—that there is an epidemiology branch within the Health Commission, with a Director, constituted as such, and with adequate staff. There is plenty of epidemiology expertise available to the Health Commission, which will be administering this Act when it becomes an Act. There is no point in putting an epidemiologist necessarily, by definition and by prescription, on to the committee. The Act will be administered by the Minister, using the Health Commission as her mechanism for that purpose, and she has an epidemiological branch, within the Health Commission, with a Director in charge of it, elevated to that level, and with a full staff.

For these reasons, in the view of the Government it is quite unnecessary and, even worse, it is cumbersome, to try to insist that there be an epidemiologist on the committee when the Minister and the commission, who will be administering the Act, have within the commission an epidemiology branch, very well developed, and led by a Director.

The Hon. R. J. RITSON: I support the Minister's recent remarks. Although other members of the board will be dealing with day-to-day affairs, statistical review is very much more a long-term matter. The follow-up of people exposed to radiation hazards is a 20-year to 30-year operation and is much more in the nature of research than will be the day-to-day operations of this advisory board.

As the Minister said, there are already with the Health Commission research institutions, and, of course, other agencies such as the neoplasma register. Although I agree thoroughly with the Hon. Dr. Cornwall that there is a need for statistical research, follow-up and epidemiological observations, these are necessarily a slow and long-term administrative process. I have every confidence that this work will be done, but I agree with the Minister that it is not necessary to legislate for it to be done or to tie that work down to the narrow confines of the membership of the advisory board.

The Hon. J. R. CORNWALL: In view of the Minister's statements about which amendments he will accept, I move:

Page 4, line 20—Leave out 'nine' and insert 'ten'.

Amendment carried

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

Page 4, after line 34—Insert paragraph as follows:

(ha) one shall be a person with expertise in the field of genetics and a knowledge of radiation genetics;

Amendment carried.

The Hon. J. R. CORNWALL: In view of the Minister's comments, I will not proceed with my other amendment on file.

Clause as amended passed.

Clause 10 passed.

Clause 11—'Quorum, etc.'

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

Page 5, line 24—Leave out 'Five' and insert 'Six'.

We now have 10 members comprising the Radiation Protection committee instead of nine members. I would suggest that it is not unreasonable for me to persist with this amendment, which raises the number of members for a quorum from five to six. The principle originally accepted was that there would have to be a majority of members and, by increasing the number of members for a quorum, we are adhering to that same principle.

The Hon. J. C. BURDETT: The Government accepts that.

Amendment carried; clause as amended passed.

Clauses 12 and 13 passed.

Clause 14—'Sub-committees.'

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

Page 6, line 20—Leave out 'and *(g)*' and insert, '*(g)* and *(ha)*'.

New paragraph *(ha)* of clause 9 (2) has just been passed, of course, which refers to a person with expertise in the field of genetics and with a knowledge of radiation gentics being present on one of the subcommittees of the Radiation Protection Committee. In view of the Minister's attitide at present, I imagine that he will find that acceptable.

The Hon. J. C. BURDETT: Indeed.

Amendment carried.

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

Page 6, line 30—Leave out 'and *(e)*' and insert', *(e)*, and *(ha)*.'

Amendment carried; clause as amended passed.

Clause 15 passed.

Clause 16—'Authorised officers.'

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

Page 7, lines 38 and 39—Leave out subclause (2).

We went down this track last night, but I think it is worth repeating. It was my submission then, and it remains my submission that a mines inspector, is not the appropriate person to be in charge of radiation protection of mine workers. A mines inspector primarily has expertise in the field of mining engineering and that covers a whole spectrum

of activities that I will not bother to detail. I am sure that many members would be aware of the whole range of activities, which include mining safety and mining ventilation, and quite appropriately so.

However, a mines inspector trained in the field of mining engineering, by the nature of his or her job does not have training in the area of health physics. I would contend as strongly as I possibly can that it is absolutely imperative that the person in charge of at least the check monitoring, if not the day-to-day monitoring, of radon and radon daughter levels in any uranium mining operation, should be a person with expertise in that field of health physics. However, one does not find them in the Department of Mines and Energy. Hopefully you find them in increasing numbers in the South Australian Health Commission. It is entirely inappropriate to have a mines inspector doing the work which most properly has got to be committed to the South Australian Health Commission. That is what this amendment is all about. I do not think I need to say anymore.

The Hon. J. C. BURDETT: As the Hon. Dr Cornwall said, this matter was canvassed during an earlier part of the sitting. I point out that subclause 16 (2) is seeking to provide that a mining inspector shall, by virtue of his office, be an authorised officer for the purposes of this Act. It is not detracting from what other authorised officers do. I also referred earlier to clause 16 (1). The Hon. Dr Cornwall is quite correct in saying that there are people in the Health Commission who are qualified to carry out the kind of monitoring envisaged. All that this clause is seeking to provide is that authorised officers as well as those approved by the Minister are officers of the commission or of the Public Service. There would also be mines inspectors who, by virtue of their office, shall be authorised persons. There is no limitation in the clause. It is simply an addition so that as well as authorised officers, officers of the Health Commission, there shall be mines inspectors.

The Hon. J. R. CORNWALL: I am indebted to the Minister for drawing my attention to the fact that something has gone drastically wrong in the drafting of the amendments. Somewhere an amendment should appear before this one. It refers to clause 16 (1), lines 36 and 37.

Amendment withdrawn.

The ACTING CHAIRMAN (Hon. J. A. Carnie): We are still dealing with clause 16.

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

Page 7, lines 36 and 37—Leave out 'or an officer of the Public Service of the State.'

If the amendment is carried, clause 16 (1) will read:

The Commission may, with the approval of the Minister, appoint an officer or employee of the Commission to be an authorised officer for the purposes of this Act.

That makes more sense, as not any member of the Public Service should be able to be appointed as an authorised officer for the purposes of this Act. That would be quite wrong. As subclause (1) at present reads, the Minister could appoint anyone. He could appoint someone from the Attorney-General's Department, a fruit fly inspector from the Department of Agriculture, or one of the people in the department of the Minister of Arts about whom I made derogatory remarks last night. I am an unreconstructed philistine and owing to the lateness of the hour last night, I went overboard in regard to those people. I believe I ought to be forgiven.

It brings me back to the fact that the persons who are going to look after the monitoring of the health and safety of the mine workers and any other workers in the industry through milling and further processing should be officers of the South Australian Health Commission. They are people with expertise in the field of health physics, who are detached from the mining operation; they do not have a vested interest, as mines inspectors could perhaps be said to have and certainly as the Department of Mines and Energy could be said to have. Most certainly the Minister of Mines and Energy has a vested interest, because his Act charges him directly with the business of getting into the mining of whatever is about in the most effective way possible. The Mining Act provides that the Minister is charged with the responsibility of literally pushing the business of mining.

It is quite wrong in those circumstances to have somebody from the Department of Mines and Energy acting as the health and safety officer with regard to alpha radiation. That is no reflection on a mines inspector at all; it is simply that such an officer does not have the expertise or training in this area. No matter how good his or her qualifications may be in the field of mining engineering and general mining safety, it would be extremely difficult to find a mining engineer who also had expertise in the area of health physics. If such a person is found, grab him and pop him into the Health Commission.

The Hon. J. C. BURDETT: I oppose the amendment. The Hon. Dr Cornwall may perhaps not be aware of the reason for the inclusion in clause 16(1), of the words 'or an officer of the Public Service of the State'. The reason is simply that there are a number of public servants working within the framework of the Health Commission who are not technically officers or employees of the Commission but who are public servants and come under the jurisdiction of the Public Service Board. For example, Mrs Fitsch and Mr David Hamilton, who have been advising me in regard to this Bill, are not officers or employees of the commission but are public servants, and they, and from other people, would be excluded if this amendment were to pass. There was no sinister connotation involved and no intention of appointing an officer of the Attorney-General's Department or the Department of Arts. The intention is simply that, because there are persons working within the framework of the Health Commission who are public servants, they should be able to be authorised officers.

I think it is appropriate to say that the Bill will be committed to the Minister of Health. The Health Commission will be charged with making the Act, when the Bill becomes an Act, work. To make the Act work, it will approve and appoint appropriate authorised officers. It would be quite contrary to the objectives of the Health Commission to appoint people who are not appropriate, so it would not appoint someone from the Attorney-General's Department or the Department of Arts or anyone of that kind. It will appoint authorised officers who will make the Act work. There is nothing sinister in that.

The reason why the words in question were included was simply so that public servants who are not officers or employees of the commission technically will be able to be appointed as authorised officers. Mrs Fitsch and Mr David Hamilton are two particular examples, but there are many others, and the intention of this provision is simply to make sure that public servants who are working under the structure of the Health Commission should be able to be authorised officers.

Amendment negatived.

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

Page 7, lines 38 and 39—Leave out subclause (2).

I am prepared to go to the barricades on this one. We need an expert in the field of health physics to monitor the health, safety and welfare of workers employed in the industry. I will persist until the bitter end.

The Committee divided on the amendment:

Ayes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons. C. W. Creedon and C. J. Sumner. Noes—The Hons. D. H. Laidlaw and M. B. Dawkins.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 17—'Powers of authorised officers.'

The Hon. J. R. CORNWALL: Regarding subclause (3), I want to ask the Minister a question concerning the word 'authority' which has appeared as if by magic in the Bill as it has come into this place. It is quite different phraseology from that used when the Bill was before the other House. It would seem that this is part of the deal that has been done at the insistence of Western Mining Corporation. It certainly refers to an indenture holder or indenture holders, as I understand it. Can the Minister tell me why we have had this change of heart between the time of introducing this Bill into the House of Assembly and its appearance in its amended form in this place?

The Hon. J. C. BURDETT: The word 'authority' seems to be an appropriate term to use. Subclause (2)*(a)* presently provides for an automatic right for authorised officers to enter the premises or vehicles of holders of licences, certificates of registration or a prescribed mining tenement. Once the joint venturers commit to the project, the special mining lease will come into existence. This is not included in the definition of 'prescribed mining tenement'. This amendment takes account of this situation and guarantees a right of entry for authorised officers in relation to Roxby Downs. That is why the term 'authority' was introduced.

The Hon. J. R. CORNWALL: What the Minister is saying, in effect, is that, despite the fact they prepared this Bill for 18 months, they did not get it right and it had to be corrected after they got it into the House of Assembly.

The Hon. J. C. BURDETT: It is common that when major and complicated Bills of this kind are introduced and are being debated officers confer with their Ministers and that minor tidying up points are inserted in the Bill. There is nothing new about this, and the honourable member knows it.

The Hon. J. R. CORNWALL: My next amendment (page 8, lines 41 to 43—Leave out subclause (4)') again referred to an authorised officer who was a mines inspector. It would have been a consequential amendment on my absolutely correct original intention that a mines inspector had no business monitoring the health of miners or other workers handling radioactive ores. Because the other two attempts I have made have failed, I see little point in persisting with this amendment.

Clause passed.

Clauses 18 to 22 passed.

Clause 23—'General Objective.'

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

Page 10, lines 21 and 22—Leave out ', social and economic factors being taken into account'.

This is a very important amendment. It involves a further watering down of the 'gung ho' sorts of maximum levels of exposure which are being touted about by the Government. As they exist in their present form in the Australian Code of Practice (and that is endorsed, of course, by the Government and has been endorsed throughout the debate in both Houses) they use a figure of four working level months, 120 working level days, or as low as reasonably achievable.

I would have thought that the ALARA principle stands alone. It is a well accepted and wellknown principle in any country in which uranium mining, milling or processing is carried out. For some reason best known to the Government, it has moved to dilute this principle by inserting the words 'social and economic factors being taken into account'.

The Minister of Health in another place stated in explanation of this phrase that the Government would not expect a smaller company to meet the sorts of agreements that it would be inclined to impose on a larger company; regarding social factors, she said one could not expect things to be quite as good in an old operation, in an area surrounded by dwellings, such as Thebarton, as in a new operation that is presumably in some green fields position. We find the words 'social and economic factors being taken into account' quite objectionable.

The Hon. J. C. BURDETT: I oppose the amendment. The *Annals of the I.C.R.P.* (publication No. 26) gives the recommendations of the International Commission on Radiological Protection, which, of course, embody and put forward the ALARA principle. At page 3, paragraph 14 (b), it is stated:

> All exposure shall be kept as low as reasonably achievable—

which is the ALARA principle, of course—

> economic and social factors being taken into account.

The ALARA principle is that exposure shall be kept as low as reasonably achievable, but those principles include the provision that economic and social factors must be taken into account. Surely, it is patently obvious anyway that economic and social factors cannot be ignored. For these reasons, it is unrealistic for the Opposition to seek to delete the words 'social and economic factors being taken into account' from the Bill, and I oppose the amendment.

The Committee divided on the amendment:

Ayes (8)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Noes (9)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons C. W. Creedon and C. J. Sumner. Noes—The Hons M. B. Dawkins and D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 24 and 25 passed.

New clause 25a—'Limits of radon daughter exposure for employees in mining, milling or transport opertions.'

The Hon. J. R. CORNWALL: I move to insert the following new clause:

Page 12, after line 6—

25a. (1) Subject to this section, a person carrying on an operation for the mining, milling or transport of radioactive ores or uranium or thorium shall ensure that no person employed in the operation has, as a result of exposure to ionising radiation in the course of that employment, a total radon daughter exposure level that exceeds the prescribed limit.

(2) Subsection (1) does not apply except in relation to an employee who is required to engage in work of a prescribed class.

(3) For the purposes of subsection (1)—

(a) the level of any radon daughter exposure of a person resulting from exposure of the person to ionising radiation in the course of any employment shall be the level ascertained in relation to that person's employment upon the basis of measurements and assessments carried out in the manner for the time being approved by the Commission;

and

(b) the total radon daughter exposure level of the person shall be determined in accordance with the regulations by reference to any radon daughter exposure level ascertained in accordance with paragraph *(a)* in relation to that employment and any radon daughter exposure levels so ascertained in relation to previous employment of the person and of which the current employer of the person has been given notice by the Commission in accordance with the regulations.

(4) A person does not contravene subsection (1) in circumstances where the total radon daughter exposure level of a person exceeds the prescribed limit as a result of exposure to ionising radiation resulting from a procedure or occurrence of a prescribed class.

(5) Contravention of subsection (1) shall constitute a minor indictable offence.

(6) In this section, 'the prescribed limit' means—

(a) in relation to a continuous period of three months

(i) one working level month;

or

(ii) where a lower limit is fixed by regulation under subsection (8) in relation to a particular operation—in relation to that operation, the limit fixed by regulation;

(b) in relation to a continuous period of twelve months

(i) two working level months;

or

(ii) where a lower limit is fixed by regulation under subsection (8) in relation to a particular operation—in relation to that operation, the limit fixed by regulation;

and

(c) in any case—sixty working level months.

(7) Where the Minister is satisfied, upon the advice of the Committee, that a lower limit than that referred to in subsection (6)*(a)*(i) or *(b)*(i) is reasonably achievable in the circumstances of a particular operation, the Minister may recommend to the Governor that the lower limit be fixed by regulation in relation to that operation.

(8) The Governor may, upon the recommendation of the Minister made pursuant to subsection (7), by regulation, fix a limit in relation to the operation to which the recommendation relates.

This new clause and those to be moved subsequently all refer to worker safety. I challenge the Hon. Mr Milne to stand in his place during the debate and let us know precisely where he stands in relation to worker safety in this hazardous industry. To date he has not risen in his place in the debate. He has been amazingly silent.

The Hon. C. M. Hill: He doesn't have to.

The Hon. J. R. CORNWALL: Indeed, he does not.

The Hon. C. M. Hill: Let him make up his own mind.

The Hon. J. R. CORNWALL: His actions speak loudly enough without the necessity for words. He has supported the Government in everything it has put forward.

The Hon. L. H. Davis: He has a right to do that.

The Hon. J. R. CORNWALL: Indeed, but his Party is grandstanding around the place and saying how truly concerned it is about uranium in general.

The Hon. L. H. Davis interjecting:

The Hon. J. R. CORNWALL: If the honourable member wishes to get on his feet and make a gig of himself, as he did last night, he can participate in the debate. I should like the Minister to comment on the penalties for a minor indictable offence. I seem to recall that such an offence involves a fine of $10 000 or six months imprisonment. In our amendment we have put the upper limit for exposure for a three-month working period at the one w.l.m., or such lower limit as the Government of the day may see fit to prescribe by regulation from time to time. We have left flexibility so that it may be done by regulation. As long as the upper limit is written into the legislation, it is all right for that to be done by regulation.

We have argued consistently that it is not possible to put through a Bill that will become an Act that sets no limits at all. In the infamy of clause 26 it is proposed that, no matter what, the limit should not be greater than those set out in the Environment Protection (Nuclear Codes) Act. We have set up our views in our amendment. A measurement of 60 W.L.M. would be the total, if this is passed, to which a worker would be exposed in a lifetime in the industry. As the alternative Government of South Australia, we believe the workers in the industry must be protected, at least to the level that we envisage. We might talk about codes of practice and all the rest of it, but ultimately we must come down on the side of safety. We believe that that should be 1 W.L.M. for a three-month period, 2 W.L.M. for a 12-month period, or a total lifetime exposure of 60 W.L.M., or as low as is reasonably achievable in the circumstances of a particular operation. We have chosen to use that phraseology rather than talk of economic and social circumstances being taken into account.

The Hon. J. C. BURDETT: Clause 46 (3) provides that a person convicted of an offence against this Act that is a minor indictable offence would be liable to a penalty not exceeding $50 000 or imprisonment for a term not exceeding five years, or both, which was in excess of the amount the honourable member had thought.

[Sitting suspended from 1 to 2.15 p.m.]

The Hon. J. C. BURDETT: The Government opposes the amendment. There are two principles involved. The first is whether or not controls of this kind ought to be written into the legislation. This matter has been addressed last night and today at length, and I do not propose to repeat all the arguments. The argument we have been pursuing is that this is a proper area in which the regulations and the codes should prevail. It is not appropriate and it is counterproductive to be so inflexible as to try to write the actual prescriptions into the Bill.

When I addressed this matter before, I acknowledged its importance. The Hon. Anne Levy raised this as one stage. There is no doubt about its importance, but all health matters are important. However, it is more appropriate that they be provided for by regulation, through the codes and so on. That is the common method adopted and it is how it should happen. As I have said, elsewhere in the health field quite apart from radiation, serious matters, such as food and whether substances are poisonous, harmful or contaminated, are left to regulation. On those grounds I oppose the amendment. The control ought to be outside the legislation and not written in it.

I point out that the line the Opposition has taken is that controls ought to be written into the legislation. The Government's line concerning the details is that it is appropriate that they not be addressed in the Bill but be addressed by regulation or the codes. However, if one looks at the amendment one will see that the Opposition's amendment leaves much to regulation. It seems to be changing its principles altogether and saying, 'While you write certain things into the Bill, you leave a great deal to be included in the regulations.'

The second principle is the issue itself, because the amendment seeks to set limits in regard to exposure to radon daughters at half the limit set in the current code. Whilst we believe that the first reason is sufficient to defeat the amendment, we believe the second matter raised by the Opposition is wrong in seeking to set those limits at half the limit in the current code.

Reverting briefly to the argument in regard to including provisions in the legislation or in regulations, I would say that this is an example of why it is wrong to set matters such as this out in the Act. The Opposition is seeking to set the limit at half that set in the current code. Mistakes are likely to be made in the Act, and it is quite difficult to amend it.

The Opposition amendment further seeks to allow the Governor to determine a lower limit for a specific operation where the Minister, on the advice of the committee, is satisfied that the lower limit can be achieved. This is an inappropriate adaptation into the Act of the ALARA principle. I now turn to the Niosh study, which has been referred to during the debate. The proposal to have the limits for radon daughter exposure appears to be based on reference to a study report of Niosh (the United States National Institute of Occupational Safety and Health) which

evaluated current knowledge related to risks of lung cancer among underground miners exposed to uranium-bearing ores. The study report is dated June 1980. The conclusion of the study was that at levels below the present four working level month limit used by the Mine Safety and Health Administration in the United States an excess risk of lung cancer mortality is evident. Niosh has set up another work group to evaluate the risks more quantitatively and to develop an appropriate recommended standard with supporting criteria covering the exposure limit, medical monitoring, sampling and analytical procedures. The report is still awaited. Thus at this time I suggest it would be premature to recommend a new exposure limit on the basis of the Niosh study.

Since the June 1980 study from Niosh, the I.C.R.P. has reviewed its development of recommended limits. In the review it considered all relevant data. As a result of that review, it determined to recommend that the average limit of exposure to radon daughters be 4.8 working level months. This is just above the standard in the Australian Code of Practice. Both international and Australian code-setting bodies keep their codes constantly under review. It is proposed to set limits of exposure by regulation. These will be taken from recognised Australian or international codes. Incorporation of limits in regulations is far more flexible than having them in the Act, as I have said several times, and allows for rapid alteration.

The Hon. J. R. CORNWALL: I felt I should have jumped to my feet during the tedious repetitive parroting of the Minister and drawn attention to the Standing Order which refers to undue prolixity. For somebody who knows little about what he is talking about, the Minister has gone on at considerable length from the notes prepared for him.

The CHAIRMAN: I hope the Hon. Dr Cornwall will not fall into the same category.

The Hon. J. R. CORNWALL: No, Sir, I will not; mine is all new material. In trying to rebut our argument, the Minister stated that a fixed upper limit should be written in which is sensible although not unduly restrictive. He said that it ought to be done by regulation, because that was done in other areas such as the food area. Anybody who is conversant at present with the regulations applying to food and the general administration of that area in South Australia would know that it is in a terrible mess. In fact, it is under active review presently for that reason.

We have put in a reasonable upper limit and, in a way, I would have thought it was entirely consistent with the argument the Minister has put throughout this debate, whatever other limits may be imposed by regulation.

I would have thought that was consistent with the Minister's philosophy even though it is a substantial modification of the Government's approach to the matter. We simply suggest that an upper limit be imposed and anything above the limit should be regarded as detrimental to the health of workers in the industry. As new information becomes available the Government could move by regulation to impose stricter limits. We believe that is an entirely reasonable approach.

New clause negatived.

New clause 25b—'Medical examination for persons employed in mining, milling or transport operations'.

The Hon. J. R. CORNWALL: I move to insert the following new clause:

25b. (1) In this section—

'employee' means a person employed in an operation for the mining, milling or transport of radioactive ores or uranium or thorium:

'operator' means the person carrying on an operation for the mining, milling or transport of radioactive ores or uranium or thorium:

'prescribed employee' means an employee who is required to engage in work of a precribed class.

(2) Subject to subsection (3), an operator shall ensure that each prescribed employee undergoes a medical examination as required by the Commission—

(a) within a period of four weeks of the date of commencement of his employment as a prescribed employee;

(b) while the person continues to be a prescribed employee, before the expiration of the period of 12 months from the date of commencement of his employment as a prescribed employee and before the expiration of each succeeding period of 12 months;
and

(c) upon the termination of his employment as a prescribed employee.

(3) A prescribed employee is not required to be examined in accordance with subsection 2*(a)* or *(c)* where he has undergone an examination under that subsection during the period of 8 weeks preceding the commencement or, as the case may be, the termination of his employment as a prescribed employee.

(4) An operator shall ensure that employees other than prescribed employees undergo medical examinations as required by the Commission.

(5) An operator shall ensure that any employee who is exposed to ionising radiation in excess of limits fixed by the Commission shall undergo a medical examination as required by the Commission.

(6) Every medical examination conducted pursuant to this section shall include a detailed examination of pulmonary function.

(7) A medical practitioner conducting a medical examination pursuant to this section shall ensure that the person examined is advised, in writing, of the results of the examination and his fitness for work.

(8) The cost of any medical examination conducted pursuant to this section in relation to an employee shall be met by the operator.

I am appalled that there is no reference in this Bill to the health, safety and welfare of workers in relation to medical examinations. If this industry becomes a reality in this State we know as sure as the sun rises and sets that some workers will contract lung cancer. No matter what standards are set or what codes are used there will be an increased incidence, no matter how small or how large, in the incidence of lung cancer contracted by people employed in this industry. Anyone working in the industry for any period of time will be taking a calculated risk. Accordingly, we believe that it is absolutely reasonable to insist by legislation that any company about to employ a worker should be compelled to give him a medical examination in relation to pulmonary function.

The Hon. R. J. Ritson: I hope you don't want annual X-rays.

The Hon. J. R. CORNWALL: Of course not. The Hon. Dr Ritson knows better than that. I am sure the Hon. Dr Ritson is totally *au fait* with the basic tests that I am referring to. It is not very difficult to run these tests in relation to pulmonary function. If I were going to employ someone in the industry who was, for example, a smoker I would want to know how many cigarettes he smoked per day, whether he had bronchitis, and so on. There is a whole range of matters that could be looked at in relation to medical examinations. Further, by re-examining a worker on an annual basis while he was still employed in the industry, and again at the conclusion of his employment in the industry, there would be some record not only of whether he was a suitable person to be employed in the industry—and that is important—but also whether there was any deterioration in the status of his general pulmonary function throughout the period of his employment. We believe that this is a very important provision. Legislation such as this should make provision for medical examinations for workers employed in this type of industry.

The Hon. J. C. BURDETT: I oppose the amendment. The mining and milling code provides for periodical medical examinations and for the nature of the examinations to be determined by the commission. These matters are part of

the philosophical discussion or debate we have been carrying on for some time and are more appropriate for—

The Hon. J. R. Cornwall: We are talking about the safety of workers.

The Hon. J. C. BURDETT: We are talking about the safety of workers, too. What we are saying is that the safety of workers is likely to be better addressed, more flexibly addressed and kept up to date from time to time if we do not write things into the Act (and Acts are difficult to change, we all know) and if they are provided for in regulations and the codes specifically. There are regulation making powers in clause 43 (3)*(g)* which cover these matters. This is largely the same matter that we have been debating in various aspects for some time and, perhaps more than all of the matters involved, this is a matter that ought not to be specifically included in the Act. It ought to be left to regulations and reference to the code.

The Hon. L. H. DAVIS: I also oppose the amendment. The Hon. Dr Cornwall, in his opposition to many parts of this Bill, is seeking to suggest that the Government is not concerned about the health of workers in uranium mines. Of course, that is simply not true. The Minister has just made the point, and made it very well, that in fact there is a code of practice on radiation protection in the mining and milling of radioactive ores. It is worth repeating to the House that that code has been formulated in consultation with all the States. It was brought into operation in September 1980. It is worth remembering, also, that almost certainly the previous Labor Government was associated with the discussions that took place in formulating that code.

For the Hon. Dr Cornwall to suggest that this Government is not concerned with the health of workers is simply not true. For example, under that code, part 5, entitled 'Health Surveillance', the first clause states that each designated employee shall undergo a medical examination as required by the appopriate authority within a period of four weeks of the date of commencement of employment. It is required that any employee terminating his employment will be required to have an examination. It covers many of the aspects which the Hon. Dr Cornwall seeks to have incorporated in the legislation. I do not disagree with the thrust of his amendments; what I do disagree with is the way in which he seeks to have them incorporated into the Bill. It is simply not necessary and is covering ground already covered in the code, which is adopted and accepted by all states in Australia and which is revised from time to time.

The Hon. J. R. CORNWALL: We now have a stark demonstration of the fact that this Government does not give a damn about the health and safety of workers, provided it can keep the companies happy. Of course, they are being supported in this by the old Democrat. It is quite obvious that the Hon. Mr Milne is going to vote against this new clause, which seeks not a great deal but simply an annual extensive medical examination for anybody involved in the industry—an extensive examination which has particular regard to pulmonary function before, during and at the time the worker leaves the industry. I cannot, for the life of me, see why that cannot be written into legislation. I just cannot understand, I cannot begin to comprehend, why it is preferable to do this by regulation. Let us write this power into the legislation. Let it be there for everybody to see, particularly the employers, and to know that there is a statutory requirement for them to arrange an extensive medical examination at the beginning of employment, at the end of every year of employment, and at the time an employee leaves the industry. Nothing, simply nothing, could be easier to spell out. It is not a technical matter at all. The argument that the Minister used with regard to some of the other areas, if it had any validity at all, falls completely to the ground with regard to this proposed new clause.

This is not a technical matter. To state it in very clear, simple and precise English, which I am sure even the Hon. Mr Milne can understand, there will be a requirement for a medical examination every year and at the time a person leaves the industry. I cannot understand why this would not be supported, unless there is an intention on the part of the Government to make the requirements as weak as possible for companies operating in South Australia in the field of mining radioactive ores. I ask honourable members to support my reasonable amendment.

The Hon. R. J. RITSON: This field is not the only field in which people have raised the question of the preventive value of regular medical examinations. The Americans, because of their great love of technology, have, for many decades in various industries and businesses, been fond of extensive annual check-ups, so much so that in large corporations executives have to front up for annual cardiographs, barium meals and barium enemas. Therefore, we have much information about the value of regular medical check-ups.

There have been recent articles in medical journals assessing the value of regular medical check-ups; they have to be assessed in terms of what the outcome would have been if the particular condition had not been discovered until symptoms or signs had drawn attention to the fact that something was wrong. The overwhelming conclusion in medical literature is that there is little or no value in terms of the outcome of a disease by attemtping to detect such a disease at regular medical check-ups.

It is true that smokers with chronic bronchitis have a predisposition to lung cancer. It is likely that excessive exposure to radon may promote neoplasms. One can presume that people with a certain medical history will be, to some indeterminate extent, more vulnerable than others and there may be some value for employers in screening applicants for new employment. Of course, once a neoplasm commences I do not know of any easy way to detect it, until it is massive enough to present on an X-ray scan or until it produces symptoms.

If a massive programme, not only in the mining industry but throughout the community, were undertaken to detect lung cancer early by X-ray, it is unlikely that the fatality rate would alter very much at all. The prognosis is appalling anyway. Although it sounds very nice to talk about regular medical check-ups, societies which have gone overboard in the direction of regular medical check-ups for various reasons have found that they are very wasteful and make very little difference to the outcome of a disease. In other words, whether a disease is discovered at a routine check-up or whether it is discovered by the person becoming ill seems statistically to make very little difference to the end result. If the Hon. Dr Cornwall likes, I will do some research to find papers on the subject and present them to him next week.

The Hon. J. C. BURDETT: I want to give the lie to the Hon. Dr Cornwall, who said that the Government's object is to keep the companies happy. Nothing could be further from the truth. The Government is concerned to see that there is proper and reasonable control of radiation. We have repeatedly said that the best way to do this in in accordance with the practice in other health control areas, which is through regulation and reference to the codes.

The Committee divided on the new clause:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins,

R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

New clause thus negatived.

New clause 25c—'Measurement of radiation exposure resulting from mining, milling or transport operations.'

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

25c. (1) A person who carries on an operation for the mining, milling or transport of radioactive ores or uranium or thorium shall—

(a) provide and maintain such instruments, apparatus or equipment for the measurement and assessment of the levels of ionising radiation to which persons employed in the operation are exposed as a result of the operation;

and

(b) carry out such measurements and assessments of the levels of exposure to ionising radiation of his employees resulting from the operation,

as the commission may require.

(2) A person carrying on an operation referred to in subsection (1) shall—

(a) in accordance with the regulations keep and retain records of the results of measurements and assessments carried out pursuant to subsection (1);

and

(b) provide to an employee or former employee, upon his request, a statement in writing of the results of the measurements and assessments.

New section 25c(1) is consistent with the Minister's philosophy throughout the debate. New subsection (2) also seems to be a perfectly reasonable amendment. Again, we are not specifying in the new clause specifically what the equipment should be, we are just making sure that it will be the employer's responsibility or the corporation's responsibility to provide that equipment. I understand, although I have never seen the equipment needed to measure radon and radon daughters, that it is complicated and expensive equipment that has to be used in a static location. In an operation the size of Roxby Downs one would need many such pieces of apparatus.

The commission has been extraordinary coy about this apparatus. Members of the commission appeared before the Select Committee in 1980. We questioned them specifically about what was being developed in this area. In measuring radon, radon duaghters and alpha particles, the situation is much different from just wearing a small lapel badge which will measure gamma radiation but not alpha radiation. We were told that the apparatus required was complicated and expensive, and would cost between $60 000 and $80 000. In those circumstances, I was amazed to hear the Minister in another place refer to equipment which would be held in the hand like a magic wand to measure radon. She said that it ws not too difficult, did not require too much expertise and that mining inspectors could do it because it was a hand-held device.

The Hon. J. E. Dunford: You can't trust mining inspectors—they're crook.

The Hon. J. R. CORNWALL: I would say in support of my colleague that mining inspectors do not have the expertise—

The Hon. J. E. Dunford: They're not paid enough.

The Hon. J. R. CORNWALL:—and one does not get expertise unless one is willing to pay for it. We do not know what the apparatus is. We have never been invited to the Health Commission to see the apparatus that it was said to be acquiring. We were never given details about it. We were told that it was elaborate, expensive and can work only in a static situation.

Yet, 18 months later the Minister is saying that a small piece of apparatus carried in the hand can be waved about like a wand. There seems to be a remarkable inconsistency. That should not surprise anybody because there has been remarkable inconsistency in the measurements of radon by the commission right throughout the unhappy past 2½ years.

When the Federal member for Hindmarsh, John Scott, first raised the problems at Thebarton (and I recall it clearly—we were in Darwin as a Select Committee at the time), Mr Norton Jackson was most upset about the slurs on Amdel at Thebarton. I made a telephone call to a person from *Nationwide* to check on a document that had come into its possession. It was prepared by an officer of the Health Commission who had gone down to Thebarton. He had some damning things to say about the procedures conducted there. No doubt members recall that document very well. It was a leaked document but was in wide circulation. I did not want to enter the controversy at that stage because I thought the Health Commission would go down there, would take radon measurements regularly with the new equipment it was acquiring and would blow John Scott right out of the water. I thought he would have no credibility left, with all the measurements being taken at Thebarton.

However, no specific measurement or level was ever produced or referred to. There were only vague general statements. The residents in the area were told they had nothing to worry about and that they should not be concerned. They were assured that levels were so low as to be hardly quantifiable or measurable. Never once in the whole on-going debate on Thebarton has any firm evidence been produced to say that on certain dates and at certain times the apparatus has been used and has produced certain readings. No-one has produced the levels and tables in black and white. Day after day and month after month figures should be available.

I am happy to butt into the Thebarton argument now. I am prepared to say publicly and as strongly as I can that I believe the whole Thebarton story has been scandalous. Let the Minister in this debate produce those figures.

The CHAIRMAN: I know the Hon. Dr Cornwall is making some sort of comparison, but there is nothing in this amendment that refers to Thebarton.

The Hon. J. R. CORNWALL: With respect, it has everything to do with it. This amendment refers specifically to acquiring and maintaining this sophisticated equipment, and to obtaining regular measurements with it. To tie in my remarks, I point out that the work being done at Amdel at Thebarton is being done for Western Mining Corporation on samples sent down from Roxby Downs.

The Hon. L. H. Davis: It wasn't scandalous under your Government.

The Hon. J. R. CORNWALL: If this was going on when the Labor Party was in power and had the equipment been available (and I know the Health Commission did not have it at that time), it would have been scandalous. We have been led to believe that the Health Commission has acquired the equipment recently, and that it has only quite recently been developed, as the Hon. Mr Davis would know if he had read the transcript of evidence given by Dr Clarke and Mrs Fitch before the Select Committee. The commission was acquiring that equipment, which had only just become available on the world scene. The Hon. Mr Davis has shown ignorance continually, although he sat on the uranium committee. He still cannot get it through his thick head that there is a difference between alpha particles and gamma radiation.

On the information given to us by the senior health physicist and a qualified medical practitioner in charge at that time in the Environmental Health Division of the Health Commission, that equipment had only recently been developed and was being acquired by the commission. Let the Minister put the matter of Thebarton at rest for all time today when he responds. I ask him to provide the facts and figures and not go on with vague rambling dissertations about how we can hardly pick up any levels, and that the member for Hindmarsh does not know what he is talking about. What are the facts and figures?

The Hon. J. C. BURDETT: The matter of Thebarton is not relevant in regard to this amendment. Apparently the honourable member was not listening earlier. I have already stated today the quantities and type of equipment that the Health Commissioner has available for the measurement of radon daughters. The radon daughter measurements are taken by a known volume of air being drawn through a filter, and the radioactivity on the filter is counted using a special counter pump. The Health Commission has 16 such pumps and eight counting assemblies, and they are all portable.

The Hon. J. R. Cornwall: But they can't be held in a hand, as the Minister said in another place.

The Hon. J. C. BURDETT: In addition, there is an instant working level meter which is suitable for a mines inspector to carry as he makes an inspection.

The Hon. J. R. Cornwall: How does it work?

The Hon. J. C. BURDETT: I do not know; you would not expect me to know. It is in addition to other equipment which the commission has. The Government opposes the amendment because this is part of the general process of trying to write things into the Act when they could more properly be dealt with by regulation and by reference to the codes. This amendment seeks to require operators in mining, milling or transport of radioactive ores to provide such monitoring equipment and to carry out such measurements as the commission may require.

The Hon. J. E. Dunford: Did Western Mining write this for you?

The Hon. J. C. BURDETT: Nothing whatever I have referred to today or in this debate has been written, or in any way prompted, by Western Mining. Provision is made in regulation-making powers for the requirements in question. Similar provisions are made in the mining and milling code. Making these requirements by regulation is far more flexible and provides for detail.

In regard to a matter raised by the Hon. Dr Cornwall, the current Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores, 1980, on page 5, under 'Duties and Responsibilities', states:

> 5. (1) The operator and manager of the mine or mill shall be responsible to ensure that the provisions of the code are applied in the mine or mill.

On page 6, subparagraph (q) states:

> A monitoring programme approved by the appropriate authority is established and carried out. The monitoring programme shall be designed to enable the basic radiation protection standards of clause 7 to be met and the concentrations of contaminants referred to in schedules 5, 6 and 7, the radioactive contamination on surfaces referred to in schedule 8, and the absorbed dose rates in air referred to in schedule 9, to be assessed;

There are similar provisions in other subparagraphs, but I will not read them. The main point is that there are many matters which are better and more flexibly addressed in the regulations and by reference to the codes.

The Hon. J. R. CORNWALL: Since the Health Commission appeared before the Select Committee on Uranium Resources it has been on a real spending spree. In fact, it has quite a gaggle of equipment. Just what has it got?

The Hon. J. C. Burdett: Sixteen pumps and eight counting assemblies. That is the third time I have told you.

The Hon. J. R. CORNWALL: It is important. The Minister has repeated much less important matters on at least five or six occasions. The commission also has hand-held instruments for measuring the working level. Do the hand-held instruments take quantitative measurements or is it simply qualitative? How much did the equipment cost and when was it acquired?

The Hon. J. C. BURDETT: I do not think the cost of the equipment or the date of purchase is relevant to this debate. However, I am quite prepared to make that information available to the honourable member later. The hand-held instruments are inside working level meters, which are designed to provide at least a rough check in relation to work levels. They are the cheapest and simplest devices available. In addition, as I have said, the Health Commission has purchased other much more expensive and sophisticated equipment in large quantities. The hand-held equipment will be used by mining inspectors rather than by Health Commission officers to conduct rough checks. The Health Commission officers will use the more sophisticated equipment. The hand-held equipment cost between $5 000 and $8 000. It is less accurate than the sophisticated equipment, but it is a good guide.

The Hon. J. R. CORNWALL: I am delighted to know that all this equipment has been procured, particularly in these difficult times when money is so tight. Now that all this sophisticated weaponary is available, how many times has it been used at Thebarton over the past 12 months to measure the problems there? Which equipment out of this vast armoury has been used to take measurements at Thebarton and what measurements were taken?

The Hon. J. C. BURDETT: The equipment has been used at Thebarton. However, this amendment and the Bill do not relate specifically to Thebarton. Therefore, it is not surprising that neither I nor my advisers have any details in relation to the readings. I am prepared to make whatever data there is available to the honourable member later.

The Committee divided on the new clause:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

New clause thus negatived.

New clause 25d—'Register of persons involved in mining, milling or transport operations.'

The Hon. J. R. CORNWALL: I move to insert the following new clause:

> 25d. (1) The Commission shall compile and maintain a register of persons employed in the State in operations for the mining, milling and transport of radioactive ores or uranium or thorium.
>
> (2) The Commission shall collect and collate upon an annual basis, and publish in its annual report, data and statistics relating to the morbidity and mortality of persons registered pursuant to subsection (1).

At the moment we have a scandalous situation in this country where there is no register at all for persons involved in the mining, milling, processing, and so on of uranium in Australia. We have a situation at Mary Kathleen, for example, where mining has taken place on an intermittent basis for many years, yet there is no register.

In the Northern Territory, mining has proceeded and milling and processing are currently going on at Nabarlek, but there is no register of those workers at all. We have a much larger operation going on at Ranger where, I understand, there is quite a substantial difficulty at present regarding enforcing safety standards—nobody (and I mean nobody) involved in the Ranger project seems to be taking the matter of worker protection very seriously at all, according to all reports that one hears. The greatest difficulty, as I am informed, at the moment concerns the workers themselves. They cannot smell radon or see it so, as far as they are concerned, it does not exist. There is a certain macho image, as I understand it, in having scant regard to radon and radon daughter inhalation, and this is reflected in the approach of the company.

I have talked to people who have been to Ranger in the past 12 months. It is a new operation and one might expect that everything might be as ideal as possible in the light of the knowledge available to us in the early 1980s, but this is just not happening, despite the fact that we know that some people involved in that industry, particularly those at Mary Kathleen where the conditions are quite appalling, will develop lung cancer at some time in the future; of course there is a long lead time—anything up to 25 years or longer. Despite that, there is no national registry at all. One of the recommendations contained in the Select Committee report was that there should be a national registry. That is not being implemented, and all the rhetoric in the world will not make it happen because people have been talking about a national registry for years.

The Federal Government, so far as we can ascertain, has no intention of establishing a registry. Therefore, it is more important that this Government take it on itself to write into legislation a requirement which says that the commission shall compile and maintain a register of all persons employed in the uranium industry in this State, if it ever proceeds. That would include, of course, those people currently employed in drilling oprations at Roxby Downs, pilot treatment works at Beverley or Honeymoon, those employed at Thebarton, people responsible for the core farm at Lonsdale, or people anywhere else, because there is already a substantial quantity of uranium ore floating around this State.

There is a substantial number of people employed, most of them Western Australians. The net employment for South Australians, after $50 000 000 has been spent to date on Roxby Downs, is probably something fewer than 50 people. It was quite amazing to see the number of the Western Australian number plates when I was at Roxby Downs for the first time something over 12 months ago. It is imperative in these circumstances that there must be not just an intention to keep a register, but that it must be written into the legislation that the commission will keep a register which will be updated annually, and we will then know where those people are at any time, and how long they remain in the industry. From the point of view of epidemiological studies (and we are told that the commission is very strong on those) I am sure there will not be an epidemiologist in the Health Commission who will not support my amendment, and support it enthusiastically.

The Hon. J. C. BURDETT; I oppose the amendment. This, again, is along the lines that there is no point, and it would be wrong and harmful and too restrictive, to put into the Act what is intended to be done by regulation.

The Hon. J. R. Cornwall: You have been pretty slow off the mark. People have been working in the industry now for some years.

The Hon. J. C. BURDETT: We have not got the Bill yet. To start with, in passing I might mention that, in view of the way in which the amendment is drafted, office workers would be involved, and that surely is not appropriate. This amendment seeks to require the commission to maintain a register of employees engaged in mining, milling or transport of radioactive ores. It further requires the commission to collect and publish annually data relating to morbidity and mortality of those employees. Whilst I agree with the intent of this amendment, it is quite inappropriate to put these requirements into the Statute. Provision is made in the regulation-making powers to collect relevant information so that it will be possible for the Commission to complete a register of employees.

I might add that the Health Commission also is strongly supporting moves to establish a national register. A collection of personal information from employees such as is necessary to compile statistics relating to morbidity or mortality and requirements to undergo annual medical examination requires voluntary co-operation to be successful. It does not matter what is written into the Act, the gathering of such data will not be successful unless voluntary co-operation can be obtained in collecting personal data necessary to compile adequate statistics relating to morbidity and mortality, and not only extensive medical details of employees but also the medical history of their families.

The collection and publication of this data could be seen to infringe civil liberties and, in any case, experience has shown that voluntary participation achieves the most complete data. The Health Commission has prepared a questionnaire and medical report form to be completed by all employees and has received the co-operation of companies currently proposing to engage in uranium mining and selling. In addition, the Commonwealth Government is planning a national register and a collection of morbidity and mortality data achieved by voluntary participation through co-operation by companies and employees. As I have said, the Health Commission has strongly supported the establishment of such a register.

As I have also said several times, the gaining of co-operation of employees is absolutely necessary; simply to impose the heavy hand of the law will not be successful—you do have to have co-operation of the employees. I see this amendment as the heavy hand of the law. This is part of the same argument that I think we have been conducting all afternoon. The most effective way to set up such a register is to obtain voluntary co-operation and do it not in a heavy-handed way but in the way the Government does, in fact, have in mind.

The Hon. J. R. CORNWALL: I must say that I am stunned. I was amazed before, but I am now stunned. The Minister does not want the heavy hand of the law to protect workers, but somewhere buried in this Bill there are clauses that refer to battering down doors with axes, breaking into vehicles, and so on—the most Draconian measures that we can imagine. They are all in this Bill. Yet the Minister does not want this sort of thing when it comes to gently saying, 'Do you work in the industry; we want your name and address and we will follow up on an annual basis once you leave the industry.' That, to me, does not seem to be half as Draconian as bashing down doors in the middle of the night, giving people powers to stop vehicles and break open the boot, and all those other Draconian things. The Minister has completely argued against himself.

I might also add that there has been a uranium mining industry in this country, and to a lesser extent in this State, for a long time. Uranium was mined in South Australia in the early 1950s, and, intermittently, people have been engaged in exploration and handling radioactive ores in South Australia for a period of 30 years. However, with conservative Governments, it is never the right time. We are apparently going to get around to it eventually because the Federal Government has made a few noises about it. The Federal Government has been talking about a national

register for years and has done absolutely nothing about it. If this Government stays in office in South Australia, and if mining of uranium is ever to proceed, that will be precisely the position with regard to South Australia. They will go on talking about it, but it is not appropriate, the Minister says, to write it into legislation.

Of course it is appropriate to write it into legislation, because we are dealing with a very special class of employment, and it is absolutely imperative that a register be compiled of everybody who has ever been involved directly in the mining, milling or transport of uranium.

That brings me to the other stupid remark that the Minister made. He says that, if the amendment is adopted, we will have to go through the clerical staff on Greenhill Road and everybody else about the place, and put them on the register.

The Hon. J. C. Burdett: I didn't refer to Greenhill Road.

The Hon. J. R. CORNWALL: You referred to clerical staff and everybody else. The amendment provides that the commission shall compile and maintain a register of persons employed in the State in operations for the mines. Is the Minister saying that he is more learned than the Parliamentary Draftsman? There was a specific instruction and request to the Parliamentary Draftsman to draw that up so that it would encompass people directly involved in the mining, milling or transport of radioactive ores. I do not know where the Minister got that outrageous and outlandish interpretation that it will extend to the clerical staff of Roxby Management Services on Greenhill Road and anybody else who might be involved in the Western Mining Corporation head office in Melbourne. That is a ridiculous conclusion for the Minister to draw.

The Hon. J. C. BURDETT: Concerning the comment that the honourble member made regarding what he determined to be the Draconian powers of search, etc., it is common to provide such provisions in cases where they may be necessary. There are times when it is necessary to have strong powers of search. On the issue of a register, the point I make is that efforts will not be successful unless co-operation can be obtained. The way in which the Government has committed itself to implement a register will be the best way of doing that.

The Hon. L. H. DAVIS: Unlike most of the other amendments that have been proposed by the Hon. Dr Cornwall, I have some sympathy with this amendment because, as we all know, the existing code for practice on radiation protection in the mining and milling of radioactive ores, introduced from 1978 on, does not provide directly for a national register. In fact, as the Hon. Dr Cornwall observed, the national register of radiation workers has been a long time in coming.

However, I understand that the Commonwealth Government plan to establish a national register is well advanced, and I accept the assurances of the Minister that the South Australian Health Commission will take proper steps to monitor workers involved in that industry in the interim period until that national register is established. Accordingly, I cannot support this amendment.

The Committee divided on the new clause;

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

New clause thus negatived.

Clause 26—'Limits of exposure to ionising radiation for mining or milling operations not to be more stringent than limits fixed under certain codes, etc.'

The Hon. K. L. MILNE: I move:

Page 12—

Line 10—Leave out 'limit' and insert 'of all the limits, or less stringent than the least stringent of all the limits,'.

Lines 11 and 12—Leave out 'any code, standard or recommendation' and insert 'the codes, standards and recommendations'.

I agree with the Hon. Dr Cornwall that it would probably have been better if there were two Bills. If there were separate Bills it would have been easier to distinguish in discussion the particular mining venture which seems to have taken up most of the morning and afternoon, and radiation in the general sense throughout the State. Since there is only one Bill, we must make the best of it.

Clause 26 does not seem sinister to me. It neither increases nor decreases the standards set out in the indenture Bill in relation to the joint venture at Roxby Downs. The codes mentioned in the clause are exactly the same four codes referred to in the indenture Bill, although in slightly different words. My amendment should now be inserted in to the indenture Bill, as I believe it was an ommission and an oversight from that indenture.

As clause 26 now stands it says that no regulation shall be made which is more stringent (meaning more stringent in any one or more parameters) than the most stringent of the four codes set out in the clause. Those four codes are respected world wide codes, with good reason, and this obviously gives protection to mining operators so that no irresponsible Government can bring in controls so stringent that they cannot continue to mine.

The Hon. J. E. Dunford: What do you mean by 'irresponsible Government'? Governments are elected by the people.

The Hon. K. L. MILNE: You could have one; we have had it.

The Hon. M. B. Cameron: There would be one if Labor got back.

The Hon. J. E. Dunford: Clarify 'irresponsible'.

The CHAIRMAN: Order!

The Hon. K. L. MILNE: If a project had started, a company would be entitled to that protection.

The Hon. J. E. Dunford: Are you saying what the Hon. Mr Cameron says—if Labor gets back, we will be irresponsible?

The CHAIRMAN: Order!

The Hon. J. E. Dunford: Do you agree with that?

The Hon. K. L. MILNE: I didn't say that. That has set the limit of the most stringent standards of protection but has left wide open the much more important area of the limit of minimum standards. My amendment ensures that a standard for the least acceptable standard of safety is set down. In practice, this would be the same in the four codes referred to.

So far the Opposition has been saying that it is not willing to accept these worldwide codes and wants another code to be established by this Parliament. This would be unwise because so much can be done by this Parliament with its regulations. I trust that the amendment will be accepted, because it will apply to every mine in South Australia, including coal mines and uranium mines at Beverley and Honeymoon, neither of which require indenture Bills and otherwise we will have little or no control over them through the Health Commission.

My opposition to uranium mining and the export of uranium is on entirely different grounds and still persists, but that has nothing to do with this Bill, which is intended to give the Health Commission the power to control all

types of radiation throughout the State. This is progressive legislation, the best legislation in this field in Australia, and I support it.

The Hon. J. C. BURDETT: The Government is willing to support the amendment, which seeks to set out in conjunction with the rest of the Bill, as it now stands, both upper and lower limits. That seems to be reasonable and the Government will support the amendment.

The Hon. J. R. CORNWALL: We have heard from the ghost in the background who says that this Bill has nothing to do with the Roxby Downs Indenture Bill. All the arguments that have raged over the past three days in this Parliament late into the night and again early this morning have confirmed that this Bill, when it becomes an Act, will apply to the mining and milling processes of uranium and uranium oxide at Roxby Downs.

It has been stated repeatedly that it will apply specifically to Roxby Downs, yet the balance of reason in this Committee stands in his place when the debate is almost concluded and when we have come at last to the infamous clause 26 and says that he understands its ramifications. He certainly does, because I explained the clause to him. Now the honourable member has the gall to say that it has absolutely nothing to do with Roxby Downs. It has everything to do with Roxby Downs and mining if it is to proceed there. It will have to proceed according to whatever is laid down in regulations under this Bill.

The Hon. K. L. Milne: So will any other mine—it applies to all mines.

The Hon. J. R. CORNWALL: Of course it does. The most significant mine, if uranium is to be mined in South Australia, will be at Roxby Downs. It will not be for 7 years as proposed for the *in situ* leaching operation at Honeymoon, where there will not be open cut mining or underground mining, and the similar situation at Beverley. If mining proceeds at Roxby Downs it will be a major operation that could occur over the next 100 years. Part of this Bill refers to radon and radon daughters, and that is what it is all about. The Government has made no secret of it. Now the honourable member says that the Bill has nothing to do with Roxby Downs. The honourable member gets paid $41 000 to do that. His attitude is amazing. I do not know whether he simply fails to comprehend, and that is the charitable version; to give the other side would be most unparliamentary. The Bill is all about Roxby Downs. This is a new clause that was not in the Bill when it was introduced in another place. What happened—

The Hon. J. C. Burdett: You don't know.

The Hon. J. R. CORNWALL: I do know, because I was told by an impeccable source. Western Mining Corporation looked at the Bill and quickly obtained legal opinion. It realised immediately that the Bill did apply to Roxby Downs. That was the real significance, because it had potential to over-ride the indenture. The codes of practice and the like are almost word for word the same as what is set out in section 10 of the indenture and I refer the honourable member to it.

The Hon. K. L. Milne: I've seen it.

The Hon. J. R. CORNWALL: It refers to compliance with codes. It refers to the Australian code of practice and various other codes. Section 10(4) states:

> The State shall not, in relation to the initial project or any subsequent project, seek to impose on the joint venturers or any of them or an associated company any standard relating to the mining, treatment, processing, handling, transporting or storage of radioactive ores, residues, effluents, wastes, tailings, concentrates or product which is more stringent than the most stringent standards contained in any of the codes, standards or recommendations referred to in sub-clause (1) of this clause.

The company has negotiated with the Government. Tough negotiation had gone on with officers on behalf of the Government for some months, and I have referred to section 10. Then suddenly up pops a Bill which overides the indenture. Western Mining went into a huddle with its lawyers and got back to the Minister saying that it would not have it and told the Government, 'You cannot do this to us, you cannot produce such a Bill, even though it is proved, even though the knowledge has become available from world literature and we now know that the codes are nowhere near strong enough.' If we had the Bill as introduced in the House of Assembly on the Statute Book, the commission and the Government would have had the power to substantially tighten up by regulation the limits which they could impose on miners, whether they be at Roxby Downs or elsewhere. The company got to the Government quickly and said, 'Do you realise the enormity of what you have done? You have introduced a Bill which overrides the indenture.' The Bill was not an Act at the time the indenture was written. The Government got together hastily and in it came, and it is worth reading this provision in full, because it stands there for all the world to see. This is the infamous clause 26 about which the Hon. Mr Milne knows everything.

He knows very well what it is about and he has done a dirty deal on it. His colleague, the member for Mitcham, knows very well what it is about because I discussed it with him at length the other night and told him what we proposed in this place. Do not let anyone think that the Democrats do not know what clause 26 is about.

The Hon. K. L. Milne: What is worrying me is whether you know.

The Hon. J. R. CORNWALL: I know precisely. I will quote from a letter which I received today from Duncan Sherriff, who was foolish enough to trust the Democrats for some period. The letter states:

> The Democrats betrayed us—

The Hon. K. L. Milne: This is in regard to the I.M.V.S. Bill, isn't it?

The Hon. J. R. CORNWALL: Yes it is. However, it is relevant to the Democrats' public posturing on uranium. The letter states:

> The Democrats betrayed us, which is a salutory demonstration that one should not support a Party for its words but for its deeds.

I cannot put that any better.

The Hon. K. L. MILNE: I rise on a point of order. That letter has nothing to do with this Bill. It refers to the I.M.V.S. Bill and I seek leave to make a personal explanation.

Leave granted.

The Hon. K. L. MILNE: The author of the letter from which Dr Cornwall has quoted is one of the veterinary scientists at the Institute of Medical and Veterinary Science and is an aggrieved person in the organisation. I had a conversation with members of that organisation after the Bill had gone through. The President of the I.M.V.S. thanked Mr Millhouse and me for what we had done for their profession in the negotiations which resulted in the passage of that Bill. I would like to point out that the letter is one opinion at the I.M.V.S. and is not necessarily the opinion of the majority.

The Hon. J. R. CORNWALL: I did not claim that it was the opinion of any person other than Dr Duncan Sherriff. However, it is an opinion which the community ought to know about because it is significant in regard to these phonies—Father Christmas and his colleague. Clause 26 provides:

> Notwithstanding any other provisions of this Act, no limit of exposure to ionising radiation shall be fixed by any regulation or condition made or imposed under this Act in relation to an operation for the mining or milling of radioactive ores that is more stringent than the most stringent limit for the time being fixed in relation to such operations in any code, standard or recommendation approved or published under the *Environment Protection (Nuclear Codes) Act* 1978 of the Commonwealth or any other Act or law

of the Commonwealth or by the National Health and Medical Research Council, the International Commission on Radiological Protection or the International Atomic Energy Agency.

What the company sought and what the company was granted was a situation where the Government or the commission could not require it to meet standards that were more stringent than those written into the indenture. Never mind what world experience might be. We are learning in this area all the time because commercial mining of uranium has not been going on for very long. When we look at the lead time between the commencement of mining and the miners developing lung cancer we are talking about a generation—a period of 25 years or substantially more. So, information is becoming available all the time. What was proposed by Western Mining in the indenture and accepted by the Government would not make it too tough. Then, along came a Bill for an Act which would have allowed the commission or the Government to say that the overwhelming evidence in 1987 or 1989 is that the code of practice is far too high.

It may well be that the Government wants to impose a reasonably stringent upper limit with which the companies must comply. Apparently the companies had said that it is not acceptable and the Government has said, 'Fair enough, we will go along with it'. The Democrats, despite public posturing on uranium, now stand as the real villains because they also say that it seems fair enough. They have said they will not interfere or make life difficult for the Government. However they have come up with a face-saving amendment. They have moved to make it not more stringent or less stringent. We can read the Hon. Mr Milne into that amendment all the way. This is the nub of the whole Bill. We have come at last to the moment of truth for the Hon. Mr Milne when he has to stand up and be counted in this off-Broadway production of the big Roxby Downs Bill in a few months time.

The Hon. L. H. Davis: If this is an off-Broadway production you've only got a bit part.

The Hon. J. R. CORNWALL: I am doing very well. The Democrats suggested that we should take the copper from one corner and leave the uranium in the other corner. That was their stated policy at the 1979 election. Have we heard anything more absurd in our life? They have now come up with a policy that it will not be more stringent or less stringent. It is a phony face-saver. We will not oppose it because it certainly does not do any harm. Marginally it may even add to the infamous clause 26. However, I give notice that once this amendment is accepted, I intend on behalf of the Opposition, to move that clause 26 be deleted.

The Hon. M. B. CAMERON: I have never heard so much rubbish as that. Of course if we peer into what the Hon. Dr Cornwall is saying and find that the company did approach the Government and said that this could be used in some way against it I can understand why they approached the Government. One can imagine that if there is, God help us, a change of Government at the next election the Hon. Dr Cornwall, as Minister of Health, would set a standard and say that there will be no exposure allowed at all. We will have the Cornwallian standards of nil exposure. I am sure anybody from the Health Commission who has watched his posturing over the last two years would feel the same way as I do.

He has set this Cornwallian rate which provides for no exposure. He will tell companies involved in the industry that they are not complying with the radiation levels set so they will not be able to mine. He will then go out into the community and tell them that the mining companies have exceeded the standard imposed by the Government and that will be the end of uranium mining in this State. I can understand the Hon. Mr Milne's amendment, because I think it assists in that situation.

The Opposition could thwart any indenture passed by this Committee simply by setting a ridiculous standard. It is quite acceptable to use an international standard in an indenture and also to ensure that that standard is accepted in this Bill. It is absolutely ridiculous for honourable members opposite to abuse the Hon. Mr Milne and imply that he is doing something dreadful. It does the Hon. Dr Cornwall no credit at all to take that line. Members opposite consistently refer to members on this side as having no tertiary qualifications and say that we cannot understand the difference between alpha and gamma radiation.

The Hon. Frank Blevins: Who said that?

The Hon. M. B. CAMERON: The Hon. Dr Cornwall. The Hon. Dr Cornwall thinks that members on this side, the mining companies and the public of South Australia are gullible and know nothing of what he is talking about or is setting up. We know exactly what he is proposing and we will make sure that it does not happen. I give the Hon. Mr Milne full marks for ensuring that it will not happen.

The Hon. J. R. CORNWALL: It is remarkable to see one of yesterday's heroes coming into battle for the old fellow. I never fail to be amazed at the Hon. Mr Cameron, but on this occasion I am even more amazed than usual. Our contemporary attitude to the maximum applicable levels in relation to the mining and milling of uranium ore, should they occur in the foreseeable future in this State, have been clearly expressed in a whole series of amendments which have been knocked back by the Government with the aid of the Democrat hour after hour over the three days that this Bill has been debated. The standard suggested by the Opposition was not nil.

The Hon. M. B. Cameron: It could be.

The Hon. J. R. CORNWALL: It does the Hon. Mr Cameron no credit at all to rave on with that nonsense.

The Hon. G. L. BRUCE: I reluctantly rise to enter this debate, because I am a man with no knowledge of the technology involved in this industry. I am amazed that members of the Select Committee on Uranium Resources who investigated uranium mining throughout Australia cannot come up with a consensus of opinion in relation to safety procedures for the mining of this product.

The Hon. L. H. Davis: We have the international standard.

The Hon. G. L. BRUCE: We are debating a Bill which protects and safeguards the workers involved in this industry in Australia. I am amazed that the six members who sat on that Select Committee can come in here and argue and debate the safety standards. If members of the community can work it out they are doing a better job than I, because I cannot work it out.

The Hon. R. C. DeGaris: What other standards, other than the international standard, would the Hon. Mr Bruce include in the Bill?

The Hon. G. L. BRUCE: Australia could become one of the major mining companies in the world in relation to uranium mining. Therefore, we should be able to set our own standards. We have been told that we are setting new international standards in relation to workers compensation legislation; we should be able to set new international standards in relation to uranium mining.

The Hon. N. K. FOSTER: I thought I made my attitude perfectly clear last night in a manner which I considered drew no blood.

The Hon. M. B. Cameron: It was a credit to you.

The Hon. N. K. FOSTER: I do not know about that. However, this Bill does not deal exclusively with the mining operation and I bring that fact to the attention of my colleagues. Last night I said that there should be two Bills. If this measure is struck out we will find that we have

weakened the safety standards in other areas of the industry which come into contact with radioactive substances. We could find that radioactive substances in, for instance, a medical area could be taken to the dump and left. In fact, that allegation has already been made.

I believe that all premises coming into contact with radioactive substances should be registered. Monitoring such as that will ensure that everyone will know just where any radioactive substance is at any time. In relation to radiation it may be necessary to identify irradiated substances for a generation or more. The Bill does not have the ability to deal with long-term disposal, nor does the industry. One of the greatest headaches in New South Wales over the last 10 years since the Askin Government was in power has been the disposal of the many thousands of tonnes of partially radioactive waste and industrial waste—

The Hon. G. L. Bruce: Send it to South Australia.

The Hon. N. K. FOSTER: Anyone who suggests that has not thought the matter through properly.

The Hon. G. L. Bruce: It has been suggested.

The Hon. N. K. FOSTER: I do not want radioactive waste dumped in Paradise, Campbelltown or the city of Adelaide. At the last A.L.P. convention I moved a resolution that the whole of the Adelaide Hills zone and our critical water catchment and storage areas, including Mount Gambier, be declared nuclear-free zones.

That motion was carried. I should have moved 'pollution free' with it, but that is rather difficult to apply. We have enough tailings hanging around at the moment. The previous Government, and I would like to think the present Government has the same attitude, when the mistakes of the 1950s were discovered in Port Pirie, had an overlay of oil placed on the tailings to protect the children, who unfortunately had been given access to the dumps because of the ignorance of the 1950s. That is the only thing that could be done. That is not totally satisfactory. Turning to the Rum Jungle, the Federal Government is still considering whether or not to do something about one or two areas where pollutants remain as a result of uranium mining.

I think that this clause is essential. I think it is a clumsy clause and a clumsy Bill, but I do not say that with any disrespect because I do not think that there has been enough off-site experimentation in respect of gases and radioactive substances, nor has there been a simulated test made in respect of them, which would mean a much better Bill could have be produced. If those pilot studies in respect of gases had been conducted it might well have meant we would need to legislate to force a particular type of mining to be undertaken in a particular area, be it for bauxite or radioactive substances such as uranium.

Strike out the clause and you make the Bill stronger for those who want to be villains, and I say that to my colleagues advisedly. I have not paid a great deal of attention to the Bill because I took a course last night, quite bluntly, in respect of it. I would like to see a Bill introduced with a total and absolute prohibition against any unsealed radioactive material. If one goes to Ranger today (and the Minister has been there) what does one find protecting the radioactive substances mined some years ago which are adjacent to the mill? The Minister and I have found, and anyone going there would find, that it is sealed under at least 3 feet of impervious material overlaid with a type of flexible concrete.

The Hon. M. B. Cameron: Do you mean Rum Jungle?

The Hon. N. K. FOSTER: I am talking about Nabarlek, where it is all on the surface and has been for some years. It is not within a building, but within a site.

The Hon. M. B. Cameron: It has concrete over the top.

The Hon. N. K. FOSTER: Yes, flexible concrete over the top. I stood on top of it. I say that the method of holding that uranium ore above ground at Nabarlek, according to infomation I recieved from the Northern Territory a few weeks ago, has not confronted anybody on site (any of the trade unions involved) with any problems at all. However, the tailings dam site at Ranger has. I say, for that reason, that we should be saying that the clause will be passed while sounding the warning I sounded last night for the whole of the Bill, that it has to be looked at in the light of new technology now available in this whole area. I continue to stand on that point.

The Hon. M. B. CAMERON: My remarks are in brief answer to the Hon. Mr Bruce. First, what he said about the uranium Select Committee indicates his lack of knowledge of how that committee operated at the finish. He would have known, had he been there, that that Select Committee would end up with a political result from his Party because those members have a policy of anti-uranium mining; it was very difficult to get over that at any stage. That is not an argument I want to develop now.

I think one of the problems, from listening to the debate on this Bill, that keeps arising is the fact that there is far too much emphasis being placed on the standards that are to be set. Mr Bruce should understand that there is one overriding principle that operates in uranium mining and that is the ALARA principle. I would be far more concerned about how that is monitored and applied by the Health Commission, or anyone else, because the standards are international and ones that we support, and should support. Our standards would be very rarely used, or rarely needed, because there will be this overriding principle of achieving as low as reasonably achievable results, which will mean that we will never see any exposure anywhere near those standards. That is the standard I would be more concerned about than any standard set in the Bill. There is far too much emphasis placed on these standards being applied by the Hon. Mr Cornwall.

Amendments carried.

The Hon. K. L. MILNE: I move:

Page 12, lines 11 and 12—Leave out 'any code, standard or recommendation' and insert 'the codes, standards and recommendations'.

Amendment carried.

The Committee divided on the clause as amended:

Ayes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Noes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. C. J. Sumner.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clauses 27 to 40 passed.

Clause 41—'Review of decisions relating to authorities.'

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

Page 17, line 40—After 'registration' insert 'or an application for a licence or registration'.

This is a drafting amendment to ensure that an application for a licence or a certificate of registration can be a matter which may be reviewed by appeal to the Supreme Court. This amendment is to make clear that it can be so referred.

Amendment carried; clause as amended passed.

Remaining clauses (42 to 50) and title passed.

Bill read a third time and passed.

FISHERIES BILL

Received from the House of Assembly and read a first time.

WORKERS COMPENSATION ACT AMENDMENT BILL

In Committee.
(Continued from 31 March. Page 3787.)

Clause 10—'Amount of compensation where worker dies leaving no dependants.'

The Hon. J. E. DUNFORD: I believe in working a 40-hour week and when you have been sitting for 17 straight hours, you do not know the day or the time. When legislating on important issues, members should be wide awake and concerned.

The Hon. R. C. DeGaris: You're not that even after a rest.

The Hon. J. E. DUNFORD: The honourable member has insulted me for 7 years. The only reason I do not act on it is that he is senior to me. His contribution to the Chamber over the years has been next to nothing and, on behalf of the working class it has been nothing. He is now at odds with the Liberal Party because it has demoted him to the back bench. He has tried to befriend the socialists, and we do not need him. So the Liberal Party does not want him, and we do not want him. My contribution to the debate on behalf of the working class will not be my best effort because of the long hours.

The ACTING CHAIRMAN (Hon. M. B. Dawkins): I draw the attention of the honourable member to the fact that the Hon. Mr Blevins has moved a new subclause (4), and that is the subclause to which the honourable member should now direct his attention.

The Hon. J. E. DUNFORD: In the previous debate the Minister assured me that clause 9 covered the amendment proposed by the Hon. Mr Blevins. Clause 9 does not cover the proposition about which I am concerned. I have given the Minister examples of cases involving working men and working women who are killed at work. If a married man is killed at work his wife would assume that she will be paid workers compensation, but she is not automatically given the $25 000 now provided, as many lawyers carrying cases to the courts can testify. Most wives believe that, whether they are working or not, they will receive compensation under the Act. Indeed, many wives are congratulating the Government on increasing the amount payable from $25 000 to $50 000, but they read only the headlines and do not know the truth.

About 70 workers die each year on the way to or from work or at work. About half of them are single with no dependants, and only funeral and medical benefits apply. One would assume that, in the case of the other half of those dead persons, $25 000 would be payable on death, but that applies only provided their wives are not working and are dependent completely on the married man. In only about 15 cases a year would the payment apply. The Minister will claim that this amendment will put South Australia to the forefront of costs in relation to workers compensation and that industries will move interstate. That was said in 1974 and 1976, but the Hon. Mr Blevins has called the bluff.

The only people making money in South Australia now are furniture removalists taking people elsewhere. The Government has no initiative and no future. Further, I am concerned about workers in the back country. What if a worker falls off a farmer's windmill and is badly injured. It could be in the farmer's interests not to get him help quickly because, if he lives, he could be given costs for $70 000, as set out in the Act, and may also be able to sue him for up to $250 000 if there was a loose or missing step or the like. The farmer would know that he would be up for money and, if it were a single person involved, he may not be in such a rush to get the worker to hospital. Under this Bill, there could be no payment at all.

I refer to the Hon. Mr Blevins' amendment and the position of workers in the back country or industrial areas. If a worker has a heart attack on the job, normally resuscitation equipment would be available to keep him alive. If employers and insurance companies have to pay, they will do something to protect themselves and, unless this amendment is carried, that will not apply. They could let the man die because it would be cheaper. The Minister cannot treat the working classes of Australia in this way. It is unfortunate that the workers do not know the evil intent in this Bill. The Minister is not interested, and the situation is not good enough.

Any person who dies as a result of his work as an employee should have the full amount provided under the Act, and it is here that I believe there is conflict with clause 9. Did the Hon. Mr Burdett misrepresent the situation when we last debated this matter? He told me not to worry, because clause 9 covered the situation. I believe it does not, and we should clear it up once and for all.

Irrespective of whether a person has dependants, in the case of any workman who dies and is covered by the Workers Compensation Act full death payment should be made. The situation is confused in the public mind. Every person at work today believes that, if he dies, he is covered by workers compensation. However, workers without dependants get nothing at all.

I have said some terrible things about the Minister of Industrial Affairs and I have not retracted one of them. When I spoke to him about this matter he appeared very sympathetic. He had never thought of it. I have been talking about it for 25 years and that is why I believe the Minister is incompetent. He did not disagree with anything I said. The Minister has never been a worker. He has never seen his famiiy wrought by the bosses. The class he comes from is covered by insurance.

The Minister suggested that people should get their own insurance to look after them. I am led to believe that, if this amendment is carried, it caters for the position under clause 9. I would seek your guidance, Mr Acting Chairman, whether that is so.

The ACTING CHAIRMAN: It is not up to the Chair to comment on the matter. It is up to the Minister.

The Hon. J. E. DUNFORD: Then I ask the Minister.

The Hon. J. C. BURDETT: The position in regard to a deceased workman at present is that, if he has no spouse or children, even though he may have other relatives dependent on him, they cannot benefit. This general matter was raised by the Deputy Leader of the Opposition in another place and the amendment which I moved to clause 9 was a measure suggested by the Minister of Industrial Affairs to take care of that situation. I believe it does properly take care of it.

The Hon. J. E. Dunford: Not the payment.

The Hon. J. C. BURDETT: It provides that payments can be made.

The Hon. J. E. Dunford: What sort of payments?

The Hon. J. C. BURDETT: Up to $50 000.

The Hon. J. E. Dunford: That is anything from $1 to $50 000.

The ACTING CHAIRMAN: Order! The Hon. Mr Dunford has had his opportunity, and should listen to the reply.

The Hon. J. C. BURDETT: The amendment provides for a substantial extension of the present provision. It is a proper amendment and the Committee agreed with it, as was evident by its passing. We are dealing with workers under the Workers Compensation Act; we are not dealing with a superannuation scheme. The whole point of workers compensation legislation in the first place, going back to its initial introduction in Germany in the early part of this century, was to provide a financial compensation to a worker injured at work or in the event of death. It is a matter of providing compensation in money terms; it is not insurance or superannuation, but is compensation. One has to remember, in dealing with workers compensation legislation, that, unlike laws relating to negligence, it is liability without fault even though the employer is in no way at fault. Under the Act, compensation has to be paid. It is a principle I thoroughly agree with. The principle is that, where the worker is injured at work, he should be compensated in respect of financial loss from the business. It is a business responsibility. Where the worker is killed, his spouse or children are entitled to compensation under the present Act. The amendment which I moved and which has been passed goes further than that and says that, where there are other members of the family dependent on the deceased—

The ACTING CHAIRMAN: Order! The Hon. Mr Dunford should listen to the reply. He is talking far too loudly. He will have an opportunity to speak later if he wishes.

The Hon. J. C. BURDETT: The amendment to clause 9 takes the matter a step further, but still stays within the principle of the compensation legislation and provides compensation where a member of the family, other than a spouse or a child, has suffered financial loss because he or she was dependent on the deceased worker. That is staying within the spirit by which I understand all workers compensation legislation should abide. It is not a national insurance scheme or a superannuation scheme: it is a scheme to provide compensation.

The amendment to clause 10 goes a step further. I do not say that that should not be considered, but it goes beyond mere compensation.

The Hon. J. E. Dunford: How does it go beyond mere compensation?

The Hon. J. C. BURDETT: It goes beyond it because it does not rely on any principle of dependency.

The Hon. J. E. Dunford: There is a dependency; it is all about dependency.

The Hon. J. C. BURDETT: It is not about dependency. It says that, in any event, irrespective of any question of dependency, an amount should be paid into the estate of the deceased worker.

The Hon. J. E. Dunford: You can do that in common law.

The Hon. J. C. BURDETT: Of course that can still be done in common law. This is not common law: it is a compensation Act and the point of it is supposed to be that someone who has suffered financial loss can be compensated.

The Hon. J. E. Dunford: I am talking about people being killed at work.

The Hon. J. C. BURDETT: So am I. My amendment to clause 9 provided that people who suffer financial loss because of a worker's being killed can be compensated. I do not say that this amendment is bad in principle. I am pointing out that the amendment to clause 10 does take the matter beyond the area of compensation, which has been the traditional purview of the Act. It provides that, in any case where there has been no financial loss on the part of the beneficiary of the deceased worker's will, there shall be an amount paid into the estate of the deceased worker. This is the area of insurance and superannuation—an area the Workers Compensation Act has not covered before.

The Hon. J. E. DUNFORD: Mr Chairman, I rise on a point of order. The Minister has misinformed the Committee.

The ACTING CHAIRMAN (Hon. M. B. Dawkins): What is the honourable member's point of order?

The Hon. J. E. DUNFORD: The Minister has misinformed the Committee. He is lying to the Committee.

The ACTING CHAIRMAN: The honourable member should listen—

The Hon. J. E. Dunford: The Minister should be truthful. They don't post you a cheque when your husband or wife dies—you have to take action.

The ACTING CHAIRMAN: Order! The Minister has the floor.

The Hon. J. C. BURDETT: I am telling the truth. I am pointing out that at present dependants other than the spouse or child receive nothing in the event of the death of a worker. My amendment extends that to include members of the family, other than a spouse or child, where there is a dependency. That is the principle behind compensation. I have not been misinforming the Committee. I am not necessarily saying that this amendment is wrong. However, it goes beyond the principle of workers compensation and provides that, in any event, without any question of dependency arising, a sum shall be paid into the estate of a deceased worker.

At present, in the event of the death of a worker, any of his dependants apart from his spouse or children do not receive anything; the second position is provided by my amendment, that is, other dependent members of a worker's family may be compensated; and the third position is proposed in this amendment, that is, irrespective of any question of dependency an amount is to be paid into a deceased worker's estate. At this stage, I suggest that this principle of making payments to persons other than the spouse or child of a deceased worker is a new matter which was raised in another place by the Deputy Leader of the Opposition.

On a point of order, Mr Acting Chairman, I refer to the language used by the Hon. Mr Dunford and I call on him to withdraw.

The Hon. J. E. Dunford: You've got to be joking.

The ACTING CHAIRMAN: Order! The Hon. Mr Dunford has been asked to withdraw.

The Hon. J. E. DUNFORD: How can I withdraw? What I said is true—it is a fact of life. He is trying to sell the people out. The man is an imposter. He is lying to the Committee. He said that this situation is covered in his amendment, but it is not. The man is a joke.

The ACTING CHAIRMAN: Order!

The Hon. J. E. Dunford: You're a disgraceful person.

The ACTING CHAIRMAN: Order! The honourable member will withdraw.

The Hon. J. E. Dunford: For your information, Mr Acting Chairman, the honourable member is not withdrawing.

The Hon. Anne Levy: Withdraw what?

The Hon. J. E. Dunford: Yes, withdraw what? You're a wowser, Mr Acting Chairman.

The Hon. J. C. BURDETT: Mr Acting Chairman, I heard the Hon. Mr Dunford call the Hon. Mr Milne a dog.

The Hon. FRANK BLEVINS: As I understand it—

The ACTING CHAIRMAN: Order! I do not think that the honourable member is in a position to speak to this matter. It is a matter of whether the Hon. Mr Dunford will withdraw.

The Hon. FRANK BLEVINS: I rise on a point of order, Mr Acting Chairman. Are you ruling that the Hon. Mr Dunford's remark is unparliamentary? If the Hon. Mr Dunford must withdraw, apologise, or whatever, surely it is

because you, Mr Acting Chairman, ruled that it is unparliamentary. Mr Acting Chairman, will you please tell the Committee what he said, so that the Committee can then decide whether or not his remark was unparliamentary. I point out that the Minister was speaking when the remark was made; he should have been paying attention to what he was saying, and not meddling in a conversation between other members of the Committee.

The Hon. G. L. BRUCE: Mr Acting Chairman, I also rise on a point of order. Are you ruling that a private conversation between members becomes the public property of this Chamber? On your ruling, Mr Acting Chairman, private conversations between members of this Chamber will become the property of the Chamber.

The Hon. J. C. BURDETT: In order to stop any further delay on this issue, I seek leave to withdraw my request.

The Hon. J. E. DUNFORD: Of course you do, because you agree with me. You know he is a dog and that is why you have withdrawn. You know he is a dog.

The ACTING CHAIRMAN: Order! The honourable member will be seated.

The Hon. J. E. DUNFORD: I called him a dog because he ratted on me and the people of South Australia.

The ACTING CHAIRMAN: Order! The honourable member will be seated.

The Hon. J. E. DUNFORD: Why?

The ACTING CHAIRMAN: Because I said so. Pay attention to the Chair.

The Hon. J. E. DUNFORD: I will not be seated. Now what are you going to do, you wowser?

The ACTING CHAIRMAN: Order! The honourable member will be seated. The Hon. Mr Dunford's remarks, which he has repeated and which I have heard, are derogatory to the Hon. Mr Milne. Standing Order 193 provides:

> The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any member thereof.

The Hon. Mr Dunford made a derogatory remark to another member of this Committee, and I ask him to withdraw it.

The Hon. J. E. DUNFORD: I am not withdrawing. I am sticking by what I said. There is no way that I will withdraw, because he is a dog.

The CHAIRMAN: As I understand it, the Hon. Mr Dunford has been asked to withdraw and has refused to do so. The Hon. Mr Dunford is aware of the consequences, if he does not withdraw when asked to do so. I will have no option but to name him.

The Hon. K. L. MILNE: Mr Chairman, this has gone beyond what we are aiming to do. Last night I referred to a matter taken up with me by the Hon. Mr Dunford. I said that his principle was very good indeed, and I do not withdraw that statement. I am trying to get as far as possible in this Bill in relation to what he seeks. The principle that he wants and the principle that I want is for the employer, having paid an insurance premium—

The CHAIRMAN: Order! I think all members are becoming very confused. The Hon. Mr Dunford has persistently and wilfully refused to obey the direction of the Chair, and I shall report his offence to the Council.

The President having resumed the Chair:

The PRESIDENT: I have to report that the Hon. Mr Dunford has persistently and wilfully refused to obey the direction of the Chairman. As President, I uphold the authority of the Chairman, and therefore name the Hon. Mr Dunford.

The Hon. J. C. BURDETT: In terms of Standing Order 210, I move:

> That such member be suspended from the service of the Council.

The Hon. FRANK BLEVINS: Is it within Standing Orders to debate that motion?

The PRESIDENT: No.

The Hon. FRANK BLEVINS: Surely the honourable member has the right to explain the words used. I strongly object to this procedure. Surely the member who has allegedly offended, if there is any sort of natural justice, should have the right to explain his remarks and, if that satisfies the Council, the motion could be withdrawn. I think the Hon. Mr Dunford, if he has offended—and it was eavesdropping by a Minister who is a total pest in this Council and who has repeatedly—

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: —used his—

The PRESIDENT: Order! The Hon. Mr Blevins will resume his seat. I will read the appropriate Standing Order:

> 210. When any Member shall be so reported by the President a Motion may forthwith be made—'That such Member be suspended from the service of the Council'—and such Motion shall be moved and seconded without discussion and be immediately determined.

The Hon. FRANK BLEVINS: You did forget Tuesday, you bloody—

The PRESIDENT: Order! Does the Hon. Mr Blevins wish to fall into the same category as the Hon. Mr Dunford?

Motion carried.

The PRESIDENT: Amidst all the uproar we have reached the stage where the Hon. Mr Dunford will leave the Chamber.

The Hon. Mr Dunford having withdrawn:

The Chairman having resumed the Chair:

The Hon. J. C. BURDETT: I will refer again to the matter that was last spoken of by the Hon. Lance Milne: he said that he had told the Hon. Mr Dunford that he supported the principle and he thought that the matter should be taken as far as it may be in the legislation. What I have been saying is that this is a comparatively new concept that was raised in the other House. It has been addressed at least part of the way by my amendment to clause 9, which I suggest is as far as it may be taken in the legislation at the present time. The further concept of, without any principle of dependency, making payments into the estate of the deceased workman is taking the matter a step further. I do not think it is fair to expect the Government to be able to deal with the proposition at this time. The matter has been discussed with my colleague, the Minister of Industrial Affairs. He has assured me and I give this assurance to the Committee and to the Hon. Mr Milne that, if the Bill is passed with the amendment to clause 9 but without the amendment to clause 10, this amendment (suggesting making payments without proof of dependency into the estate of the deceased worker) will be considered and examined with a view to whether it ought to be implemented or not. I give this undertaking but continue to oppose the amendment to clause 10.

The Hon. FRANK BLEVINS: I want to recapitulate a little of the history of clause 10 and the issue that brought about my putting this amendment on file and eventually moving it. I think that the problem that clause 10 seeks to solve has been well canvassed so I will not go through all that again. It was very well canvassed by the Hon. Mr Dunford and has been canvassed by me and others earlier in the debate.

What I want to put to the Hon. Lance Milne concerns the occasion when we were last dealing with this clause. Mr Chairman, could I ask for your protection? The Minister of Community Welfare, who is handling this Bill, is not in his seat. He is quite clearly not listening to what I am saying and is impeding the progress of the Committee. I would appreciate it if you would call him to order to enable me to discuss this.

The CHAIRMAN: I do not think the Minister is out of order. I cannot compel him to listen to anything.

The Hon. FRANK BLEVINS: You can compel him not to disrupt the debate.

The CHAIRMAN: I do not think the Minister is disrupting the debate.

The Hon. FRANK BLEVINS: You know he was.

The CHAIRMAN: I do not want the honourable member to take over my affairs. He asked a question and I replied to it.

The Hon. FRANK BLEVINS: All I am trying to do is to get on with the debate and for that I need a Minister listening, so that he can answer some questions. Surely that is not an unreasonable request in the Parliament.

The CHAIRMAN: The honourable member has been going on like this for five minutes.

The Hon. FRANK BLEVINS: All right, we will solve the problem one way or another. The history of this matter is that debate on the principle behind this amendment was held on the previous clause, clause 9. It may well be that out of necessity the Hon. Lance Milne was not in the Chamber during that debate. It was made clear by both me and the Minister, quite properly, that the debate on the principle would be held on clause 9 and that if the amendment to clause 9 was negatived then that would be taken as the finality of the matter, because my amendment, when moved in clause 10, could not then sit compatibly with the Bill: there would have been two conflicting clauses dealing with this matter. However, the Hon. Lance Milne may well have not been here. We got to clause 10 and the Committee divided on my amendment on this particular matter. The Hon. Mr Milne voted with the Government to lose the first part of my amendment. Then we got to the second part of my amendment and the Hon. Lance Milne stood and said he had some sympathy with that amendment, so we went through the process and discussed the amendment. He spoke strongly in favour of that principle. That is where we are at the moment. I want to say to the Hon. Lance Milne that, if he still supports the principle of my amendment, all he has to do is vote for it. If that occurs it will mean that at the end of the Committee stage clauses 9 and 10 will be recommitted, the amendment that was inserted by the Minister will be deleted, the other two parts of my amendment will be inserted, and the whole process will take no more than five minutes.

There is no Parliamentary impediment to our doing that at all. The machinery is here; all we need to activate that machinery is a sufficient number of votes. If the Hon. Mr Milne feels that what the Minister has done is sufficient, that is fine, and he will vote against this amendment. However, if he maintains, as he did the last time the Committee was debating, the stance he clearly took both in the Chamber and in private conversation with at least one member (albeit after missing early debates), then he will vote for this amendment.

It is not too late to carry out my wishes and, hopefully, the wishes of the Hon. Mr Milne. There is no impediment to that whatsoever. All we need is a desire from the Hon. Mr Milne to see that this principle is upheld, which is the principle he stated and supports. If he votes with me it will ensure that the process is put in train.

The Hon. J. C. BURDETT: I have given an undertaking to the Committee, and the Hon. Mr Milne, on behalf of the Minister of Industrial Affairs and the Government that if the Bill is passed without the amendment to clause 10, but with the amendment to clause 9 (which has already been passed), this principle of extending payment on behalf of a deceased worker to his estate, irrespective of the question of dependency, will be closely examined. I give that undertaking again. What the Hon. Mr Blevins said is quite right; there is no denying that. If the Hon. Mr Milne wants to vote for the amendment, he is free to do so, but I ask him to accept the assurance I have given and to accept that the Government has gone as far as it can be expected to go on a new principle and has undertaken to look at the matter further.

The Hon. N. K. FOSTER: Can the Minister inform the Committee when, on occasions when we were in a similar position where an undertaking was given, such an undertaking was carried out. At this stage I do not wish to seek the advice of the clerks, but the Minister has suggested this several times this week. The Minister sits in on all Cabinet meetings and advises Cabinet on such matters, so can he inform the Chamber when such an undertaking was carried into effect.

The Hon. J. C. BURDETT: All undertakings given by the Government are carried out. The undertaking is to give the matter real consideration, and that will be done.

The Hon. N. K. FOSTER: The Minister said that all undertakings would be given consideration. To me this cheapens the amendment which applied to clause 9. The Minister's statement must place members of the Council, particularly the Hon. Mr Milne, in a position where they should rethink the situation. The only way to ensure that the Government is kept honest regarding the matter raised and the proposed amendment is by seeing that the Hon. Mr Blevins's amendment is carried. The Minister says that the Government wants to reconsider it and has further said that he wants to see that the situation is taken care of. The Minister said that the matter of paying into an estate was commendable. The only way the Minister could commend that to himself and to his Government is by way of direct and proper commitment in the proceedings of this Chamber and by accepting the amendment. If the Government will not accept that amendment, then the Hon. Mr Milne should expect that the undertaking given could not possibly be honoured.

My understanding of what the Hon. Mr Milne has said is that he is not going to resile from the fact that the matter ought to be considered. I take it that, when he says that, he means it ought to be considered in a real and proper form. If not, then the Government can short sell the Hon. Mr Milne, and for him to divulge that would be somewhat embarrassing and may not be done. I suggest to the Hon. Mr Milne that he should ensure that his wishes are complied with; he can no longer place any trust in what the Minister said when the matter was discussed in clause 9, when half the proposal was carried. It does not fall in the category that half a loaf of bread is better than none, because without the two halves the whole is never achieved. The whole is the recognition that the estates will benefit from the death of a worker. On the death of a worker his estate should benefit and it should not be deprived. That is what I understand the Hon. Mr Milne wants and the only way to do that is by accepting the amendment of the Hon. Mr Blevins.

The Hon. G. L. BRUCE: I am concerned that a matter of this importance can be debated on this level because surely it is not beyond the realms of the Minister or his department to come in and give us a cost factor on this. We are talking about deceased workers and we know that there is only a small number of workers killed each year in this State. We are talking about whether those workers have dependants.

It would not be hard for the Minister to provide statistical figures on this. I suggest that those statistical figures would not embarrass the insurance companies and not make one iota of difference to the premiums of those companies paying into the scheme. To me it seems completely unfair that the workers think they are covered by compensation

and then suddenly, if one gets killed, there is a sliding scale if the man has a wife who is not dependent. Why should there be a sliding scale? If the worker happens to have a wife who is fully dependent, then compensation is paid. If there is a woman working in industry and she is killed, the husband is looked at and if he is a worker there is a sliding scale; if he is not wholly dependent on the person killed, he will not get the money. Surely he is entitled to the money if he has a family to raise or a commitment to pay off a house. Why should there be fish for one and fowl for another? If the debate at this level is to be conducted on a proper basis, the Minister should be coming in here with the facts and figures and putting them before this Chamber as to the cost of implementation of this scheme and whether it could be afforded at this stage.

The Minister should give the Committee facts and figures. I cannot believe that it cannot be afforded, because it will not make any difference to insurance companies or employers. Insurance companies would have made full provision and, if a worker is killed, the full benefit should be paid. The insurance companies receive a 'skim off' if the benefit is not paid, and the amendment should be passed. There will be no hardship if payment is made and the estate of a worker killed subject to workers compensation should be paid that sum.

No provision is made in regard to workers staying with mothers and parents. A worker in such a situation could provide transport and assist with the shopping and be useful or important in many other ways. Just the mere fact that they are around would be worth thousands of dollars to the wellbeing and peace of mind of people in the household, and that is not even taken into account. Taking an elderly or disabled parent shopping or similar acts are not provided for at all. Why should we not go the full way? If the Minister will not do so, he should support his stance with facts and figures.

The Hon. K. L. MILNE: I agree with what the Hon. Mr Bruce has said and I have agreed with the principle enunciated by Mr Dunford. I do not retract from that. I am aiming at a position where no worker killed, subject to workers compensation provisions, is not paid, but I do not believe that the wording is sufficient to define what we are aiming at.

The Hon. G. L. Bruce: What are you aiming at?

The Hon. K. L. MILNE: That on no occasion when a worker is killed whilst subject to workers compensation provisions will payment not be made. At present, there are occasions when payment is not made. The Hon. Mr Blevins is right. I was not present for all the debate on clause 9, and he has explained the situation to me. The amendments to clause 9 go a long way towards what I was thinking about and what the Hon. Mr Dunford was saying. There are few cases now where the insurance companies would not have to pay out, and it should be done properly.

It is a new concept in workers compensation for a payment to be made every time a worker is killed. I accept the Government's assurance that it will examine this situation properly. I give the Committee an assurance that, if the Government does not have something ready by June, I will join with the Opposition and support a private member's Bill to define the Opposition's view about anyone left out in such circumstances.

The Committee divided on the amendment:

Ayes (8)—The Hons Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, N. K. Foster, Anne Levy, and Barbara Wiese.

Noes (9)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin, C. M. Hill, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. C. J. Sumner. No—The Hon. D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 11—'Compensation for incapacity.'

The Hon. FRANK BLEVINS: I move:

Page 4—Leave out paragraphs *(a)*, *(b)*, *(c)* and *(d)* and insert paragraph as follows:

(a) by inserting after subsection (4) the following subsection:

(4a) For the purpose of applying subsection (4)—

(a) the pecuniary amounts specified in that subsection shall be adjusted by dividing those amounts by the consumer price index for the March quarter 1973 and multiplying the quotient by the consumer price index for the March quarter immediately preceding the financial year in which the incapacity commenced; and

(b) references in that subsection to specified pecuniary amounts shall be read as references to those amounts as adjusted under paragraph *(a)*.

Page 5, lines 3 to 21—Leave out proposed new subsections (7) and (8).

Various matters dealt with in this clause must be canvassed. The Government's Bill attempts to reduce some payments that in the past have been included in average weekly earnings, which is clearly a reduction in the standard set nine years ago. In this clause the Government also seeks to remove the entitlement, if a person retires, to workers compensation. Further, the clause provides for the deduction of 5 per cent from the compensation paid to a person receiving compensation for longer than 12 weeks. That 5 per cent is to be paid into a rehabilitation unit.

These three things are very contentious and I am sure that the debate on them will be quite extensive. The arguments that have gone on over the years on average weekly earnings will all be rehashed again. I regret that and point out to the Committee that the Opposition is making no attempt to increase weekly payments to injured workers. The Government in this Bill is attempting to reduce that payment. The Government has not been prepared at any time to come out honestly and state that proposition during the hours of debate on the workers compensation legislation. It has not been honest enough to say that that is its intention. I leave the Hon. Mr DeGaris out of that criticism because he has stated quite clearly that too much was given to the worker in 1973, that the provisions were too generous and that he agrees with a reduction. That is an honest statement but I find the philosophy behind it appalling. I wonder whether somewhere in this clause we can get some honesty from the Minister as to the real intention behind every clause in this Bill.

The reasons why in 1973 the Labor Government decided that average weekly earnings would be the appropriate weekly payment should be obvious to everybody in the House. They are certainly obvious to everybody in the community. Where a worker earns various amounts over and above the award rate that worker becomes dependent upon that pay coming in every week. There is no way that workers can manage with any dignity on less than the weekly wage. If this provision passes, not only will a worker be injured at work but also, to add insult to injury, he will have his pay reduced. A sick and injured worker will get less now under this provision than if he were at work. That is an appalling provision.

To take a few examples, in many industries the working of overtime is compulsory. In the Hon. Mr Laidlaw's industry, the metal industry, they have a rule that 12 hours overtime is reasonable. Provision is made for reasonable overtime to be worked and it is compulsory; the employee has no choice in the matter. On occasions when this has been tested in the commission, the commission has ruled that that award provision must stand and the workers are

compelled to work that overtime at the pleasure of the employer. The employer sets the standard of living and not the employee. The employee cannot demand overtime but the employer can demand that the employee work it. Having demanded that the employee work the overtime (and in many cases against the worker's will) and having enforced the award provision, when it comes to workers compensation the standard of living that the employer has forced upon the employee is then reduced. I cannot believe that anybody in the community outside the extreme conservatives within the Government would agree with that proposition.

Other payments are compulsory. At the moment a pipeline is being built from Moomba to Stony Point. A site allowance is built into the salary, as is compulsory overtime. The overtime is built into it so that the employers can employ fewer workers. They do not want three shifts, they want two or one and a very long one at that. In some occupations it is compulsory to work 12 hours a day and at times 7 days a week. There is no way the employee can get out of doing that. It is to the benefit of the employer and if necessary it would be enforced by the Arbitration Commission. We can take a whole number of industries where this applies. We can take the question of over award payments which are built into the wage. At times they are arbitrated on by the commission. The commission on occasions decides the level of the over award payment and sometimes the level of bonuses. The commission has stated that it has the right to intervene in this area and set a particular rate. Again, those payments will be excluded. I will not assist to pass this proposition.

I know that Mr Foster and Mr Bruce can also give examples of this nature. An argument has been continually put since the provision of average weekly earnings came in in 1973. The argument is that on occasions an employee can receive more on workers compensation than he can if still at work. I would argue that that is virtually impossible. I will concede that theoretically it is possible but would argue that it is virtually impossible. If the Government feels strongly about this provision and finds it offensive I believe the obligation is on it to come out and outline the magnitude of the problem. Throughout the last nine years I have not been given one example. However, we take the point that theoretically it can happen.

My amendment will ensure that that remote possibility will become even more remote. The average amount payable to a worker for overtime will be assessed on the previous four weeks. It is extremely remote that the overtime position will dramatically alter over a four-week period. I ask the Minister to provide the Committee with the figures and the cost incurred by industry if my amendment is carried. The Opposition is also concerned about the provision in relation to workers who retire while receiving workers compensation. At the moment, workers compensation payments continue to be paid to a retiring worker. This Government wants to chop that out. The moment a worker receiving compensation retires his workers compensation disappears and he is forced on to social security. I look forward to hearing argument from any member who believes that that is a fair proposition. This is a dreadful provision because an injured worker will be forced to lower his standard of living. We should not forget that the injury was incurred in the work place. This provision should be considered carefully by anyone approaching the age of retirement.

It is proposed to reduce workers compensation payments by 5 per cent after 12 weeks. That 5 per cent will be used to establish a workers rehabilitation unit. I have never heard anything as sick as that before; it must be the product of a warped mind. There are at least three parties involved in any situation involving injury to a worker: the injured worker, the insurance company and the employer. Of the three parties involved, the most vulnerable is the injured worker, and it is he who will have to pay for the rehabilitation unit. It will not involve a worker who has been slightly injured; it will affect only workers who have been seriously injured, because it is they whose compensation will extend beyond a 12-week period. It is a minority of workers who are seriously injured, but they will be most affected by this provision.

The Hon. R. C. DeGaris: Would paraplegia be compensable?

The Hon. FRANK BLEVINS: They will have to pay the levy on the compensation they receive.

The Hon. J. C. Burdett: Not on the lump sum.

The Hon. FRANK BLEVINS: No, but they will have to pay the levy on their weekly payments until they receive a lump sum payment. The Opposition strongly supports a rehabilitation provision. We think it is essential that some sensible, effective scheme for the rehabilitation of injured workers should be introduced in this State as soon as possible. However, this is not the way to do it.

The Hon. R. C. DeGaris: Does it apply in any other State?

The Hon. FRANK BLEVINS: I am not sure. I suspect that the provisions in other States are as bad as they are here.

The Hon. R. C. DeGaris: In relation to this 5 per cent scheme?

The Hon. FRANK BLEVINS: I do not know; I am not concerned about the other States. I intend to confine my remarks to this Bill. The Opposition supports an effective rehabilitation programme. I think it is to South Australia's shame that we do not already have such a scheme. The Labor Government is as much to blame as this Government in that regard. However, the Labor Government set up a tripartite committee to look at the whole area of workers compensation. That committee looked very closely at the question of rehabilitation and brought down a very good report.

The Hon. R. J. Ritson: It was a dreadful report.

The Hon. FRANK BLEVINS: That is the Hon. Dr Ritson's opinion. In my opinion it was a very good report. At least the Labor Party attempted to look at all the options in relation to a sensible rehabilitation programme. The provisions contained in this Bill are absolutely ridiculous. I have estimated that this unit will raise between $80 000 and $100 000. In this day and age that is a trivial amount, which will barely employ a typist or provide an office and equipment. This is not a serious attempt to set up a rehabilitation unit.

A rehabilitation programme will be very expensive, indeed. In the long run I believe it will be of benefit to the community, worth far more than the actual cost of rehabilitation. I believe the present provisions are a cost to the community. At the moment, a terrific manpower resource is going to waste. A great deal of misery is being caused because people are not being effectively rehabilitated back into the work force after injury.

The Government is trying to reduce weekly payments to sick and injured workers by excluding certain payments. That will mean that poorer sections of the community, blue collar workers, will suffer. White collar workers, by and large, are on higher salaries, compared to blue collar workers. When they are on workers compensation those high salaries will continue so, again, the poorer section of the work force will be disadvantaged.

Secondly, I maintain that it is quite cruel to an injured worker who is retiring that his workers compensation payments will no longer continue and that it will depend on his own resources whether he has any social security. That, to me, is abominable. This a very weak attempt to set up

a rehabilitation unit and do something serious about rehabilitation. In any event, if something is to be done, I would argue that the people to pay for it are not the sick and injured workers who are the most vulnerable and the poorest in the community. They should not have to pay the cost of that. The suggestion that they should is again, to me, quite unconscionable. We will be developing this argument later in the Committee, but I commend my amendment to honourable members, because it will solve all these problems.

Progress reported; Committee to sit again.

RADIATION PROTECTION AND CONTROL BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ADJOURNMENT

At 5.44 p.m. the Council adjourned until Tuesday 6 April at 11 a.m.