LEGISLATIVE COUNCIL

Wednesday 9 June 1982

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

IRAQI PROJECT

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the South Australian project in Iraq.

Leave granted.

The Hon. B. A. CHATTERTON: All members will be aware of the fact that a war has been going on between Iraq and Iran for some time. Recently, that war became much more intensive with the attack by Iranian forces on Iraq positions and the pushing back of the Iraqi army to the Shatt al Arab waterway. The South Australian Government has a project in Iraq which is, fortunately, a long way from the present area of hostility. I have raised the matter before in the Council as to the security of the South Australian project team involved. I raised it before because I was disturbed that the Chief Overseas Project Officer was involved with the Commonwealth security services, and I felt that that was not the way to provide the necessary protection for our team in the country. The Minister has assured me that that was a mistake and, in fact, the overseas project officer was not involved with ASIO or any other Commonwealth security service. His contacts have been only with the Foreign Affairs Department. I find that a reassurance because it certainly would not improve our relationship with Iraq to have that sort of activity going on.

Since I first raised the matter, the Chief Overseas Project Officer has been to Iraq and has been able to inspect the situation first hand. Several constituents have contacted me to try to find out what is going on—what sort of protection is being afforded to our project team and what contingency plans have been drawn up in case things get difficult in that country. Can the Minister provide an up-to-date report on the situation in Iraq as it applies to the South Australian project team? Will he outline what sort of plans have been drawn up to look after the team if the situation is such that it will have to pull out?

The Hon. J. C. BURDETT: I will refer the matter to my colleague and bring back a reply.

COMPANION ANIMALS

The Hon. J. R. CORNWALL: I ask leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Health, a question about companion animals.

Leave granted.

The Hon. J. R. CORNWALL: Recently there has been a lot of publicity concerning the very real benefits which companion animals, particularly dogs, give to heart patients and the elderly. A pilot project in a nursing home at Caulfield in Victoria has shown that a resident Labrador dog is having a most beneficial and positively therapeutic effect on many of the patients. This Labrador bitch appears to have improved the morale and attitudes of some patients quite dramatically.

The benefits were also highlighted by several speakers at the recent national conference of the Australian Veterinary Association held in Adelaide. Dr Hogarth-Scott, the veterinarian associated with the Caulfield project, was one of the speakers. The special guest speaker on the subject was Dr Mosier, an expert from the United States. In South Australia at present the health regulations prevent such programmes from being established here. That is a great pity and it is a matter which the Government should examine urgently.

I would also like to draw attention to the tragic situation that currently exists in South Australia regarding the prohibition of pets in flats and hostels for the aged. As almost everyone in South Australia knows, with the exception of a small number of acquaintances of the Mayor of Port Pirie, I have been a practising veterinarian for more than 20 years. On many occasions I have been called upon to put perfectly healthy pets to sleep or, in blunter terms, to destroy them, because their owners were moving into flats or hostels for the aged. The time of leaving the family home and all its familiar associations is often traumatic for elderly people, as everyone is aware. This trauma and upset is added to enormously by having to have their dear companion animal put down.

This problem was highlighted for me by a recent experience. During the recent veterinarians conference to which I just referred, I returned to my former practice for a few days to help out while the principal attended the conference. Because its owner was moving into aged cottage accommodation, I had to destroy a small, friendly and inoffensive little dog which was growing old (it was about nine years old) but which was still perfectly healthy.

The owner was a former neighbour of ours, loved by all my family. She is a very dear lady who will be 90 years old next month. She is a delightful person who still has all her faculties. The dog had been a patient of mine since it was a small pup. This is not an isolated story; it is one which is repeated in veterinary surgeries throughout Adelaide every week.

I am not suggesting that every resident in an aged person's complex should be allowed to keep a huge boisterous dog which raids everybody's garbage bin and defecates at random around the complex. However, it should be possible to allow small house-trained pets to be retained by their owners when they move into a complex. It would at least be desirable to have one or two pets which could be shared by the residents.

Will the Minister investigate the health regulations which prohibit the keeping of pets in aged cottage complexes and nursing homes? Will the Minister also initiate discussions with proprietors and organisations conducting the institutions so that a more flexible and humane approach can be adopted?

The Hon. J. C. BURDETT: At least one aged cottage hostel complex of which I know—Perry Park at Noarlunga—has a dog to which the residents have access. I will refer the question to my colleague and bring back a reply.

STATE LIBRARY

The Hon. C. J. SUMNER: Has the Minister of Local Government a reply to a question I asked on 3 June about the State Library?

The Hon. C. M. HILL: It is regrettable that the honourable member asked a question containing a series of matters which have already been resolved following consultation and discussion with the members of the Library staff directly affected. In my answer of 3 June, I pointed out many of the steps that had been taken to overcome the problems raised. These have been very positive steps which have the support of the Library staff and which are now providing the basis for a productive work atmosphere.

I now provide more detailed comments on the questions asked by the honourable member. The problems associated with the introduction of the automated circulation system relate to two main areas. The first of these is concerned

with the computer installation which, contrary to the allegations made by the member, is capable of meeting the number of transactions specified in the original contract. The problems have arisen from the nature of the programme associated with the system. Initially, the response time of the computer when working under peak load was unsatisfactory. Over a period of weeks the computer company has progressively modified the programmes to overcome this response time problem. Initially, to ensure adequate public service, priority was given to the issue and discharge functions, but now as programmes are modified the computer is working closer to specifications over most of its tasks. I believe that within a short time all of the functions will be operating to design specifications. To claim that this is in some way a major error in the choice of a computer system is totally unreasonable and the difficulties that have been experienced are quite frankly no more than might have been expected with the introduction of any new system. Indeed, the honourable member should be aware that the lending services of the State Library are the single largest point of issue and discharge of any library in Australia.

Other matters relating to the introduction of the new system have also been dealt with through lengthy consultation and discussion with staff and prompt action by the department once agreed decisions were taken. In my response of 3 June, I mentioned that staff rosters had been scrutinised and reorganised and additional temporary staff provided while the full ramifications of the system were identified. The point must be made that, from the very initial decision to introduce an automated system, staff representatives have been involved. The details of the computer, the design specifications, the physical arrangements at the front desk and staffing needs were all considered in close consultation. What has occurred is that, like any completely different approach to a task, problems with the system and with the work environment which were not predictable have now been met and largely overcome. The honourable member should have known at the time of his question that the public desks are fully staffed and that neither the public nor staff members are subjected to lengthy delays or unsatisfactory working conditions.

As I mentioned in my earlier reply, a well-regarded officer has been put temporarily in charge of clerical staff until a permanent appointment can be completed. This has led to the development of satisfactory rosters and proper rotation and relief of staff. At the same time the Public Service Board had already approved the advertising of a position for a senior librarian to take complete charge of Lending Services.

The member speaks of the discontinuance of the 'tattletape' surveillance system. On professional advice this system has been discontinued because it was not considered effective in terms of staff time and deployment, when the flow of patrons from the lending stacks through the front desk to the doors can be reasonably monitored. However, the reference service material which will no longer be for loan will retain 'tattle-tape' identification.

The honourable member raised a series of questions relating to the future of lending services and the Youth Lending Service in particular. The Library Services Planning Committee Report, known as the Crawford Report of 1978, recommended strongly that the Adelaide City Council should participate in the provision of library services. As well, a more recent State Library Working Party looking at internal organisation repeated this. There is no intention that the lending services will be transferred to the Adelaide City Council, but there is the desire that the City Council contribute towards the cost of providing these services or other library services within its area. It should be clearly understood that the State Library lending services represent, and will continue to do so, a broader level of service than local government libraries on the whole might be expected to provide.

The Youth Lending Service presently contains a good deal of material which is duplicated in the adult collections and, rather than a cessation of a service to young people, the intention is to develop it as a more appropriate reflection of the information needs of youth. Consequently, it can be expected in the future that young people will be given access to material more closely oriented to the critical problems that face them from time to time. This, I believe, will be a much more valuable approach for young people than the provision of material which is already freely available in the adult areas.

The honourable member raised certain questions relating to the services to country borrowers and to the housebound and those in special need. I assure him that no policy decision to suspend these services has been taken, or is contemplated. Where a public library is established, these responsibilities are normally transferred.

WORK TRAINING

The Hon. M. S. FELEPPA: I direct a question to the Ministers who represent the Minister of Education and the Minister of Indutrial Affairs. How many classes or programmes are available to help unemployed youth in this State to become work ready?

(a) How many are totally funded by the State Government?

(b) If the answer to *(a)* has a result, what proportion of the unemployed youth is involved?

(c) If the answer to *(a)* has not a result, what plans has the State Government considered to rectify these problems, which ones has it adopted, and when and how is the Government going to implement them?

The Hon. C. M. HILL: I will refer those questions to the responsible Ministers and bring back a reply.

COMMONWEALTH-STATE FINANCES

The Hon. C. J. SUMNER: I seek leave to make a brief statement prior to directing a question to the Attorney-General, representing the Premier, on the subject of Commonwealth-State finances.

Leave granted.

The Hon. C. J. SUMNER: In the Budget papers presented to Parliament last year, there was no discussion on the question of Commonwealth-State financial relationships or on the problems that there may be in this particular area. Members will know that this topic is usually given considerable attention in the Budget papers when they are presented so that the Parliament can debate the issue fully. It is quite clear that the problems of Commonwealth-State relations are very significant and very germane to the financial position of this State, given that a fair amount of the funds that the State gets comes from the Commonwealth.

It is also important because I understand that the Premier is about to meet other Premiers and the Prime Minister on the question of the Grants Commission review and the reallocation of moneys to the State of South Australia. In the light of that, it seems to me quite surprising that no information has been presented to the Parliament on this topic over the past nine months since the Budget papers were presented. I say this particularly as the Budget papers stated that a separate paper on Commonwealth-State financial relations would be produced, and I made the point in

my speech at that time that, if such a paper was to be produced, surely there should be an opportunity for Parliament to discuss it.

To my knowledge, no such paper has been presented to Parliament and we have had no opportunity to debate it. I find that approach by the Government in this important area appalling. Certainly, the Government treats the Parliament, which ought to have some knowledge of what the Government is doing in this area, with some contempt. When will the separate paper on Commonwealth-State financial relations as mentioned in the Budget papers last year be presented to the Parliament and, when it is presented, will an opportunity to debate the paper be provided?

The Hon. K. T. GRIFFIN: If there is any paper tabled, the procedures are really under the control of the Council. So far as any paper is concerned, I will refer that question to the Premier.

MOTOR BIKES

The Hon. C. W. CREEDON: I seek leave to make a brief statement before asking the Minister representing the Minister of Transport a question about motor bike wreckers.

Leave granted.

The Hon. C. W. CREEDON: It has been brought to my attention that the reconstruction of motor bikes that have been badly damaged in accidents has taken place. Rebuilt motor bikes are advertised in the newspapers, not cheaply, either. If a would-be purchaser asks questions about previous damage, or whether or not the motor bike is in its original state, or whether a number of bikes were used to make one bike, it is emphatically denied by the salesman that any of these things have happened. A deposit is often required before a test ride and, in one case of which I know, the whole amount of about $1 200 was required as deposit without any guarantee that it would be refunded if the tested bike did not meet the needs of the would-be purchaser. In this latter case an experienced bike owner could see that the tested bike was a composite bike, yet that was certainly denied by the wrecking yard. The question which interests me is whether or not people are licensed, as are car yards, and whether they have to go thorugh the same procedure of displaying notices on motor bikes showing from where they came and their mileage. Is there any control at all over such machines?

The Hon. K. T. GRIFFIN: This question is more appropriate a matter for the Minister of Consumer Affairs. I will ensure, if he does have principal responsibility for it, that a reply is received from him in due course. If some input is required from the Minister of Transport, I will ensure that that is made, too, but in any event I will bring down a reply.

EXERCISE PROGRAMMES

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a question about exercise programmes in primary schools.

Leave granted.

The Hon. L. H. DAVIS: The *Australian* of Monday 24 May 1982 carried a report of a South Australian daily exercise pilot programme for primary schools which produced a significant improvement in the health of the children who took part. Mr Wayne Coonan of the South Australian Education Department said that 934 children from every State and Territory took part in this exercise programme, which took place over 20 weeks and which consisted of 45 minutes of exercise a day, 15 minutes of which was devoted to strenuous activity. It resulted in fitter and faster children who put on less body fat and who were superior in their motor performance.

Teachers claim that the programme increased children's confidence and improved their socialisation and that the children enjoyed school more. More than 75 per cent of parental comments were positive. Mr Coonan also claimed that this South Australian exercise programme could, over six years, improve the now alarming health profile of Australia's schoolchildren. Can the Minister say whether it is intended to extend this or similar exercise programmes to all South Australian primary schools?

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

GROUP APPRENTICESHIP SCHEME

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question on a group apprenticeship scheme.

Leave granted.

The Hon. ANNE LEVY: There has been a good deal of publicity given recently to the concept of group apprenticeship schemes whereby people are not apprenticed to a particular employer but rather to a group of employers, such as the Master Builders Association and so on. One of these schemes is a group apprenticeship scheme with the Western Districts Local Council Group which offers apprenticeships in a number of areas organised through the local council group. My question is in relation to the current policy of encouraging girls to undertake non-traditional areas of employment, including apprenticeships in non-traditional areas. Has the Western Districts Local Council Group apprenticeship scheme made special provisions for encouraging girls to undertake apprenticeships in non-traditional areas or has a quota of apprenticeships been reserved for girls? If the answer to both questions is 'No', will consideration be given to either or both of these suggestions?

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

AUSTRALIAN FISHING INDUSTRY COUNCIL

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Local Government, representing the Minister of Fisheries, a question on support for the Australian Fishing Industry Council.

Leave granted.

The Hon. B. A. CHATTERTON: The South Australian Government supports the Australian Fishing Industry Council through compulsory levying of fees on fishermen—a form of compulsory unionism. That system has been in operation for some period of time. I have had representations from a number of groups of fishermen who have decided to leave the Australian Fishing Industry Council. Their association has, for one reason or another, not agreed with the policies promoted by the council. That is an issue that I do not wish to go into here, other than to say that the association made that decision after an annual general meeting. Yet, it finds that the fees levied by the Government on a compulsory basis are still being paid to the Australian Fishing Industry Council. Has the Minister looked at this situation and has he considered the possibility of paying the fees levied on fishermen to the local association, if that association nominates that it would rather have the fees than have them paid to the Australian Fishing Industry

Council, South Australian Branch? It seems to be an anomalous situation that the association, having decided to leave the South Australian branch of the Australian Fishing Industry Council, should still be required by the Government to pay compulsory fees for its support when the financial situation is serious. Will the Minister look at the situation and ascertain whether there has been any review of the Government's policy?

The Hon. C. M. HILL: I will refer that question to the Minister and bring back a reply.

PIE CART

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Minister of Local Government a question on the pie cart.

Leave granted.

The Hon. N. K. FOSTER: I wish to acquaint the Minister with the document I have which was prepared by Peter Maddern and Associates on behalf of Mr Charles Oram of 15 Yongala Street, Tranmere. It is a large document and deals with the matter of the pie cart relocation. The railroading of the pie cart from the railway station is a matter of concern. The council is not able to prove that the pie cart is causing a disturbance. The evidence in the document states:

At 1.07 a.m. three men and one woman, who were laughing and talking loudly, walked past the Grosvenor Hotel. They had no connection with the pie cart . . .

At the same time a Toyota at the stop lights near the pie cart blew its horn at a teenage girl walking across the road. This had no connection with the pie cart.

At 1.18 a.m. a taxi squealed its tyres as it left the traffic lights near the pie cart, travelling west along North Terrace. This vehicle had no connection with the pie cart.

At 1.23 a.m. there were only five people at the pie cart. It was relatively quiet.

At 1.24 a.m. a taxi at the taxi stand started blowing its horn at the taxi in front. A group of youths started clapping and cheering. Neither the taxi nor the youths had any connection with the pie cart.

At 1.26 a.m. two youths tried to get into the first taxi but the taxi driver refused to take them. They then slammed the door and went to the second taxi, which took them. These youths had no connection with the pie cart.

The document goes on and on. Not one skerrick of evidence exists to lay the blame for the nuisance complained of by the Grosvenor Hotel on the pie cart. A sound study has been done by experts who have found that the background noise is greater than the noise emanating from the pie cart. It is just a stunt to get rid of a business man in that area. I will allow the press to peruse this document. I also have another document which contains the early history of pie carts and the recent history of the Oven Door Pie Cart in regard to denial of natural justice. The attitude displayed by the council is quite frightful. Every small businessman in this city who does not have his hair parted in the right way as far as the council is concerned will be railroaded by the council's bureaucracy. Will the Minister examine the two documents? I am prepared to make the documents available in the interests of justice for the proprietor of the pie cart. The council ought not to move the pie cart.

The Hon. C. M. HILL: I am quite happy to peruse the documents. I will also ascertain whether the Adelaide City Council has had access to them so that the information in those documents, if not already taken into account, can be considered. The council may be interested in looking at the matter further in view of the information which the honourable member has presented.

The Hon. N. K. FOSTER: Will the Minister also ask the council why it has dealt with Mr Oram in such a way when it must have known that he was about to present evidence to the Subordinate Legislation Committee of this Parliament. The city council has denied the right of the committee to hear such evidence.

The Hon. C. M. HILL: I will have that question looked into.

RECOMBINANT D.N.A.

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question on recombinant d.n.a.

Leave granted.

The Hon. ANNE LEVY: As members may be aware, the Department of Science and Technology in Canberra has finally established a committee to monitor recombinant D.N.A. work in the country. This committee has produced a document on the guidelines for small-scale work on recombinant D.N.A. and is now planning further guidelines for commercial and industrial uses of recombinant D.N.A. It is a very detailed pamphlet which gives complete guidelines to anyone wishing to undertake work in the area of recombinant D.N.A., the situations in which people must apply for permission from Canberra, and the situations in which the work can be monitored locally by a bio-safety committee, something which every institution undertaking this work is expected to have. I know that the Minister of Health is aware of the work of this committee. I understand that there has been correspondence between the Federal Government and the State Government on this matter. I also know that the I.M.V.S. has a bio-safety committee and adheres to the guidelines laid down in this document, as it adheres to the ASCORD guidelines set up by the Academy of Science before the Federal Government committee was established. I realise that recombinant D.N.A. work may be undertaken in the future by other Government instrumentalities.

Can the Minister of Health assure us that all Government instrumentalities or departments that may at any time in the future contemplate work with recombinant D.N.A. have agreed to abide by the guidelines laid down by the Canberra committee and will co-operate with it in every possible way?

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

AGRICULTURAL CHEMICALS

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 safety of agricultural chemicals.

Leave granted.

The Hon. B. A. CHATTERTON: I previously raised the matter of putting on labels of agricultural chemicals the name, address and telephone number of some person within the Health Commission so that any person could refer to that source for advice on potential poisoning from that agricultural chemical. I raised this matter because a constituent who had a problem found that local doctors did not know anything about the chemical concerned or what its effects would be. My constituent also found that it was very difficult to contact any person who knew anything about that chemical.

I asked the question about that matter some time ago, and I am disappointed that the Minister has not been able to provide a reply. I would now like to take the matter further. I have also been contacted by someone who, on reading the literature put out by the Department of Agriculture and the suggestions about protective clothing included

in that departmental leaflet, found that it was very difficult to purchase the protective clothing recommended by the department.

Will the Minister contact suppliers of agricultural chemicals which are dangerous and which require protective clothing to be worn when operating with them to ensure that those suppliers have on sale protective clothing that is necessary when people use those chemicals? It seems to me that it is a responsibility that suppliers owe to the community, if they are to sell those chemicals, that they should also have on hand the protective clothing which is necessary.

The Hon. J. C. BURDETT: I will refer that question to my colleague and bring back a reply.

STUART HIGHWAY

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

Leave granted.

The Hon. M. B. DAWKINS: As honourable members know, the amount spent on the construction of the Stuart Highway has been increased considerably over the past two or three years. A sum of $2 500 000 was spent on the road three years ago, whereas about $13 000 000 has been spent in the past financial year. Can the Minister obtain from his colleague a report on the stage of construction of the road and whether the desired schedule of completion can be expected to be implemented?

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

ROYAL SUCCESSION RIGHTS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question about royal succession rights.

Leave granted.

The Hon. ANNE LEVY: The Attorney-General informed the Chamber recently that, when he was in the United Kingdom, he had discussions with the Attorney-General there on a number of matters. I understand that there is currently a private member's Bill before the House of Commons which would remove the discrimination by sex to the succession of the sovereign; in other words, the children of the sovereign would be heirs in order of their birth, regardless of their sex.

Presently, boys take precedence over girls who may be older than them. At the moment, Princess Anne is the second child of Her Majesty but is fourth in succession to the throne because her two younger brothers take precedence over her. I understand that there is a Bill before the House of Commons to remove this discrimination by sex and allow succession to the throne to proceed in order of the birth of the children, regardless of their sex. I further understand that it is expected that discussions will take place with Commonwealth countries before the matter is considered by the House of Commons. I presume that such discussions would involve not only the Australian Government, but the Governments of all the States, seeing that there is a Queen's representative in the States.

Can the Attorney-General say whether this matter was raised with him in discussions with the United Kingdom Attorney-General? If it has been raised with the South Australian Government, what response has the Government given? If it has not yet been raised but will be raised at some time in the future, will Parliament be able to express an opinion on the matter before a view is given to the United Kingdom Government relating to the Bill before the House of Commons?

The Hon. K. T. GRIFFIN: The answer to the first and second questions is 'No'. The answer to the third question is that I would not expect this to be a matter for debate within the Parliament. It would involve consultation, as I understand it, with the respective Governments of Australia and the States.

The Hon. ANNE LEVY: I desire to ask a supplementary question. If the Attorney-General does not intend Parliament to discuss this matter, will he give an indication of his Government's response if such a question were asked (and I hope that it will be in favour of non-discrimination)?

The Hon. K. T. GRIFFIN: I am unable to give any indication, because the matter has not been considered.

CIRCUMCISION

The Hon. G. L. BRUCE: I seek leave to ask the Minister of Community Welfare, representing the Minister of Health, a question about the circumcision of infants.

Leave granted.

The Hon. G. L. BRUCE: Last Sunday night, a segment of the *60 Minutes* television programme dealt with the circumcision of male infants. Circumcision seems to be a very traumatic process. Does the Health Commission supply pregnant women with a pamphlet outlining the pros and cons of circumcision? If not, will it make such a pamphlet available, so that a proper assessment whether or not to have that operation is available to parents and mothers-to-be?

The Hon. J. C. BURDETT: I will refer the question to my colleague and bring down a reply.

LEGAL AID

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

Leave granted.

The Hon. C. J. SUMNER: I have raised before in this Council the question of proper aid for people involved in litigation. The most recent report of the Legal Services Commission indicates that because of a lack of funds, it is not able to provide aid to a number of people. Indeed, it is unable, or has apparently declined, to provide aid to the victims of the Ash Wednesday bush fire in their claims against S. F. Evans and Co. and the Stirling council.

I have also been advised that, because of budget limitations, no legal aid is available to first offenders charged with drink driving, for instance. There is an increasing number of areas in which people cannot obtain legal aid, because inadequate funds are being provided to the Legal Aid Commission. When this issue has been raised previously, the Attorney-General has said that what aid is granted is a matter for the commission. Up to a point that is correct. However, it is not correct to say that the Legal Aid Commission somehow or other generates its own funds. It obtains part of its funds at least from the State Government.

Will the Attorney-General provide Parliament with a report on those categories of applicants who seek and would normally be entitled to receive legal aid but who are refused because of the financial limitations on the Legal Services Commission? Will he take action to improve this situation?

The Hon. K. T. GRIFFIN: I am prepared to provide the Council with some information about this question. Legal aid is always a difficult area, because it can absorb any

funds that any Government makes available to it without any difficulty. The important thing is to ensure that there is a responsible approach to both the provision of funds and the allocation of funds and services to those who seek legal aid.

The Legal Services Commission in this State receives quite substantial funding from the State and Federal Governments. I think the current sum this year is between $3 000 000 and $4 000 000. That is a substantial amount of the people's money being made available for legal aid purposes. I will endeavour to obtain some information for the Council in relation to the question raised by the Leader.

HOMELESS PEOPLE

The Hon. N. K. FOSTER: Is the Minister of Community Welfare aware of the high instance of homeless people in the city of Adelaide, particularly amongst the elderly and the young? In view of the recent bitterly cold snap, when temperatures around zero were recorded, what steps did his department take to ensure that unfortunate members of the community were taken care of? Is the Minister aware of the fact that scores of people are sleeping under bridges and adjacent to churches in the city area? If he is aware of these facts, why did he not make some effort in relation to this problem?

Will the Minister call for an urgent report from his department in relation to this matter, not only in relation to the city area but also in relation to the urban areas of this State and the principal country centres? Will the Minister set in train a programme to ensure that particularly elderly people will not be struck down and face death during a cold snap in this city and in the populated areas of this State?

The Hon. J. C. BURDETT: My department and the Government have always been sympathetic to the plight of the homeless. The extent of homelessness in this State has never really been established, and I believe that some of the publicity about the matter has been exaggerated. The department and the Government, and I am sure all Governments, have always been concerned about this matter. Emergency financial assistance is available to persons who need it. Of course, it would include persons who require such assistance for health reasons, including reasons pertaining to a cold snap as mentioned by the honourable member. That assistance is available from any Community Welfare district office.

This Government particularly has made grants available to the voluntary sector. In fact, the total amount of community welfare grant funds has been almost doubled during this Government's term. Many of the voluntary agencies give substantial assistance in this area by providing blankets and in other ways to help homeless people who suffer during the cold periods. The basic answer to the question is that the facilities of the department are available to people, simply on their going to any district office. Any person needing assistance should do just that.

The Hon. J. R. Cornwall: The offices have no money and very little staff.

The Hon. J. C. BURDETT: That is not true.

The Hon. J. R. Cornwall interjecting:

The Hon. J. C. BURDETT: The field staff of the department has not been cut at all during the current financial year.

The Hon. J. R. Cornwall: During the current financial year?

The Hon. J. C. BURDETT: If the honourable member suggests to the contrary, he is totally wrong. In relation to field staff particularly, the department is well staffed. Emergency financial assistance is available.

The Hon. J. R. Cornwall: You've presided over its destruction.

The Hon. J. C. BURDETT: To suggest that I have presided over the destruction of the Department of Community Welfare is totally and absolutely untrue, and I completely reject it. On the contrary, the Government and I have introduced a number of initiatives in the welfare area. The funding is adequate. The staff is adequate, particularly in regard to field staff. Emergency financial assistance is available. To suggest that it is not is ridiculous and untrue. There was some sort of a crisis in regard to funding in some of the regions recently. I sought and obtained an additional $50 000 to make up the deficiency. The services of the department are available to those who need them, as are the services of the voluntary sector, which receives substantial Government support.

The Hon. N. K. FOSTER: I ask a supplementary question. Does the Minister agree that his department has absolutely failed in the field in respect of these unfortunate members of the community? Secondly, will he immediately set up a support organisation with provision for its own transport to ensure that people who will not, for a number of obvious reasons, make approaches to his department but who nevertheless are in great need will be counselled, particularly those people found in the city after dark? Thirdly, will the Minister immediately consult those organisations that have taken the heavy load that has been imposed on them as a result of the freakish weather? I am referring to those organisations listed in the newspaper and others that most certainly will be in need of funds because they have seen fit to accept people into their shelters, and that includes Mrs Willcox?

The Hon. J. C. BURDETT: The answers to the questions are:

(1) No.

(2) Adequate machinery to give access to the services available is already there.

(3) The department does consult regularly, particularly through SACOSS, the co-ordinating body, with voluntary agencies, and the last such consultation took place yesterday.

HANDICAPPED PERSONS

The Hon. C. J. SUMNER: In June last year, the Handicapped Persons Equal Opportunity Act was passed by the Parliament. That was about 12 months ago and happened in the International Year of the Disabled. The Act was based on a report that had been submitted to a former Attorney-General, Mr Duncan, in 1978. Why has the Act not yet been proclaimed?

The Hon. K. T. GRIFFIN: At the end of last year, I announced publicly (and it was widely publicised) that the Government would bring the Handicapped Persons Equal Opportunity Act into operation on 1 July this year. That is still the intention of the Government. Additional staffing has been made available to the Commissioner for Equal Opportunity to enable her to accept responsibility under that Act, so it has been widely known and I was surprised when the Leader of the Opposition referred to the matter publicly the other day. Obviously, he had not been reading the newspapers, watching television, or listening to the radio, because before Christmas it was announced and publicised. Again, on several occasions during the first five months of this year I indicated publicly that that date still held firm.

The Hon. C. J. SUMNER: I ask a supplementary question. Although the Attorney seems to have announced it on a number of occasions (and I was not entirely unaware of that), why has the proclamation of the Bill been delayed for 12 months?

The Hon. K. T. GRIFFIN: A number of people and groups will be affected by the operation of the legislation.

The Hon. C. J. Sumner: You weren't prepared to provide staff.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: There have been consultations over the past six months with various groups and individuals to ensure that we have smooth implementation of the situation and do not have the difficult situation that arose in the early 1970s when the Sex Discrimination Act was proclaimed to come into effect and came into effect without adequate preparation, so that when that Act came into operation there was a great deal of confusion and uncertainty about its operation. We are attempting to pave the way for the smooth implementation of this legislation, and that is why it was not hastily proclaimed last year.

PENAL REFORM

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

1. Is the Criminal Law and Penal Methods Reform Committee of South Australia still in existence?

2. If so—

(a) What is its membership?

(b) What matters does it have under consideration?

(c) What are the full terms of reference of each matter?

3. At 15 September 1979, what matters had been referred to the committee but had not been reported upon?

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

1. No.

2. Not applicable (see 1.).

3. Aspects of Corporate Crime Mentally Ill Offenders.

LAW REFORM

The Hon. C. J. SUMNER (on notice) asked the Attorney-General: With respect to the work of the South Australian Law Reform Committee will the Minister specify:

1. The subject matter of each report presented since its inception, the date of each report, and the action taken in relation to each of its recommendations?

2. What matters are currently under consideration and when were such matters referred to the committee?

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

1A

LAW REFORM COMMITTEE OF SOUTH AUSTRALIA REPORTS

No.	Subject Matter	Date
1.	Evidence Act, 1929-1968 and the Children's Protection Act, 1936-1961	1969
2.	Oaths Act, 1936	1969
3.	Testator's Family Maintenance Act, 1918-1943	1969
4.	Section 118 of the Motor Vehicles Act, 1959-1968	1969
5.	Arbitration Act, 1891-1935	1969
6.	Section 17 of the Wills Act, 1936-1966	1969
7.	Law relating to Animals	1969
8.	Foreign Judgments Bill	1969
9.	Law relating to Construction of Statutes	1970
10.	Evidence Act—New Part VIA Computer Evidence	1969
11.	Law relating to Women and Women's Rights	1970
12.	Law relating to Limitation of Time for bringing actions	1970
13.	Relating to a Proposed Uniform Anatomical Gifts Act	1972
14.	Suggested amendments to the Law regarding Attempted Suicide	1970
15.	Law relating to the Reform of the Law of Libel and Slander	11 November 1971
16.	Relating to the Law of Sealing of Documents	1971
17.	Concerning the Law relating to Mortgages and the rights of Mortgagees	1971
18.	Relating to Illegitimate Children	1972
19.	Relating to the Adoption of Section 14 of the Trade Descriptions Act 1968 of the Parliament of the United Kingdom	1971
20.	Relating to Section 124 of the Motor Vehicles Act, 1969-1970	1971
21.	Relating to Evidence taken out of the Jurisdiction	1971
22.	Relating to Administration Bonds and to the rights of retainer and preference of personal representatives of deceased persons	1972
23.	Regarding civil actions against witnesses who have committed perjury	1972
24.	Relating to the Reform of the Law of Occupier's Liability	1973
25.	On reform of the law relating to Misfeasance and Nonfeasance	8 May 1974
26.	Concerning the amendment of the Law relating to Fences and Fencing	1972
27.	Relating to the factor of the Remarriage of a widow in assessing damages in fatal accidents under the Wrongs Act	December 1971
28.	Relating to the reform of the Law on Intestacy and Wills	27 September 1974
	Interim Report regarding the Law of Privacy	1973
29.	Relating to the Award of Costs to a litigant appearing in person	1974
30.	Relating to the Reform of the Law on Execution of Civil Judgments	1974
31.	Relating to the Enactment of an Appeal Costs Fund Act	18 January 1974
32.	Relating to the Past Records of Offenders and Other Persons	12 November 1973
33.	Relating to Liability under Part IV of the Motor Vehicles Act, 1959-1974	3 December 1974
34.	Relating to the Repeal of the Statute of Frauds and cognate enactments in South Australia	14 April 1975
35.	Relating to standard terms in tenancy agreements	17 November 1975
36.	Relating to Class Actions	1977.
37.	Relating to the doctrines of frustration and illegality in the law of Contract	30 August 1976
38.	Proposed amendments to the Industrial and Provident Societies Act, 1923-1974	12 May 1977
39.	Relating to the reform of the law of Suretyship	18 November 1976
40.	Relating to the powers of investment of trustees pursuant to the provisions of the Trustee Act	1 October 1976
41.	Relating to the contractual capacity of infants	6 December 1977
42.	Relating to proceedings against and contributions between tortfeasors and other defendants	7 December 1977
43.	Relating to proposed contracts review legislation	29 September 1978
44.	Relating to the effect of divorce upon wills	6 December 1977
45.	Relating to the competence of spouses as witnesses in criminal prosecutions for injuries causing death or serious bodily injury to children	8 September 1978
46.	Relating to the form of oath to be used in courts and other tribunals	29 August 1978

LAW REFORM COMMITTEE OF SOUTH AUSTRALIA
REPORTS

No.	Subject Matter	Date
47.	Powers of Attorney	2 April 1981
48.	*Locus Standi* in Actions in Courts (draft form)	
49.	Proposed Bill regulating Company Takeovers	1980
50.	Data Protection	1 February 1980
51.	Evidence Act (draft form)	
52.	Fire Insurance Law (draft form)	
53.	Securities Industry Bill	9 January 1980
54.	Imperial Statute Law—Property, Trusts, Uses, Equity and Wills	7 March 1980
55.	Imperial Statute Law—Practice and Procedure	22 May 1980
56.	Fatal Accidents Provisions of the Wrongs Act, 1936	3 March 1981
57.	Companies Bill 1980	18 June 1980
58.	Inherited Imperial Law with regard to proceedings in summary jurisdiction	1981
59.	Imperial Laws in relation to the Criminal Law	1 July 1980
60.	*Locus Standi* in Company Law	19 June 1980
61.	Inherited Imperial law and the civil jurisdiction and procedure of Supreme Court	2 July 1980
62.	Company Law relating to Pre-Incorporation Contracts	18 June 1980
63.	Section 125 of the Motor Vehicles Act	1980
64.	Workmen's Liens Act, 1893-1964 (draft form)	
65.	Inherited Imperial Law regarding the Crown	30 June 1981
66.	Dealing with disparate subjects in the inherited Imperial Law (draft form)	
67.	Relating to the Law governing *Locus Standi*—Non-party interventions and *amici curiae*	(Being circulated for signature)
68.	Relating to the Reform of the law of Gaming and Wagering in South Australia	(Report with Government Printer)
69.	Relating to Group Defamation	28 November 1981
70.	Relating to *Locus Standi*—Prisoners' Rights (draft form)	
71.	Frustrated Contracts (draft form)	

1B

Report No.	Action taken
1.	Legislation enacted
2.	Legislation enacted.
3.	Legislation enacted.
4.	Legislation enacted.
5.	Matter with Standing Committee of Attorneys-General.
6.	Legislation enacted.
7.	Report being considered.
8.	Legislation enacted.
9.	No action.
10.	Legislation enacted.
11.	Legislation enacted.
12.	Legislation enacted.
13.	Legislation enacted.
14.	Legislation being drafted.
15.	Report being considered with A.L.R.C. proposals by Standing Committee of Attorneys-General.
16.	Legislation enacted.
17.	Legislation enacted.
18.	Legislation enacted.
19.	Legislation enacted.
20.	Legislation enacted.
21.	Legislation enacted.
22.	Legislation enacted.
23.	Report receiving consideration.
24.	Legislation being drafted.
25.	Legislation being drafted.
26.	Legislation enacted.
27.	Report being considered.
28.	Legislation enacted.
29.	No action.
30.	Legislation enacted.
31.	Legislation enacted.
32.	Matter being considered by Standing Committee of Attorneys-General.
33.	Legislation enacted.
34.	Legislation being drafted.
35.	Legislation enacted.
36.	No action.
37.	Report returned to S.A.L.R.C. for review.
38.	Legislation being drafted.
39.	Report being considered.
40.	Legislation enacted.
41.	Legislation enacted.
42.	Legislation being drafted.
43.	No action.
44.	Legislation being drafted.
45.	No action.
46.	No action.
47.	Legislation being drafted.
49.	Uniform legislation enacted.
50.	Report being considered.
53.	Uniform legislation enacted.
54.	Legislation being drafted.
55.	Legislation being drafted.
56.	No action.
57.	Uniform legislation enacted.
58.	Legislation being drafted.
59.	Legislation being drafted.
60.	No action by South Australian Government—being considered under Uniform Co-operative Scheme.
61.	Report being considered.
62.	Considered with Uniform Companies Legislation.
63.	Legislation being drafted.
65.	Legislation being drafted.
68.	Report being considered.
69.	To be considered by Standing Committee of Attorneys-General with A.L.R.C. proposals.

2. Matters currently under consideration

	Date referred
1. Workmen's Liens	1 October 1968
2. Perpetuities and accumulations	1 October 1968
3. Inherited Imperial Law—remaining topics:	1 October 1968
(i) dealing with disparate subjects in the inherited imperial law	
(ii) statutes to which the Colonial Laws Validity Act applies	
(iii) statutes relating to the Constitution.	
4. Real Property Act	1 October 1968
5. Evidence Act	1 October 1968
6. Administrative Appeals	1 October 1968
7. Options in Leases	January 1969
8. Unregistered Leases	11 June 1975
9. Bill of Rights	14 September 1976
10. Crown Proceedings	1 November 1976
11. Fire Insurance Law	31 May 1977
12. Detinue, Trover and Trespass	2 December 1977
13. *Locus Standi*	14 March 1978
14. Simplified form of Mortgage	24 April 1978
15. Microfilming	27 April 1978
16. Civil Procedure	July 1978
17. Re Products Liability and Consumer Statutes	28 March 1979
18. Civil Rights of Children	12 May 1980
19. Limitation of Actions	18 July 1980
20. Rights of access to neighbouring land	8 January 1981
21. Mistake of Law and Fact	28 January 1981
MATTERS ARISING FROM IMPERIAL LAW REFERENCE	
22. Distress	5 April 1982
23. Escheat	5 April 1982
24. Champerty	5 April 1982
25. Set-off	5 April 1982
26. Administration of estates generally	5 April 1982
27. Estates tail	5 April 1982

28. Rights to dower	5 April 1982
29. Demise of the Crown	5 April 1982
30. Oaths and the Oaths Act	5 April 1982
31. Common informers	5 April 1982
32. Dealing with public offices	5 April 1982
33. Frustrated Contracts Act	20 April 1982
34. Relating to Bills of Sale, stock mortgages, wool liens and liens on fruit	11 May 1982

CRIME STATISTICS

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

1. *(a)* Who replaced Dr P. Grabosky as Director of the Office of Crime Statistics?

(b) What were his/her background and qualifications?

2. Why has the regular quarterly report on crime statistics not been prepared for periods beyond 30 June 1981?

3. The Office of Crime Statistics had indicated 'A study of Aborigines and the Criminal Justice System is planned for 1980'. When will this report be completed?

4. The Office of Crime Statistics has also commenced projects on unemployment and crime, and rape. When will these reports be completed?

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

1. *(a)* Mr A. C. Sutton has replaced Dr P. Grabosky as Director of the Office of Crime Statistics.

(b) Mr Sutton was formerly Social Research Officer (1974-76) then Research Statistician (1976-79) for the Bureau of Crime Statistics and Research in the Department of the Attorney-General and Justice in New South Wales, before taking up a position as Senior Research Officer in New South Wales Department of Corrective Services (1979-1981). Mr Sutton has a B.A. with honours in two subjects, and is currently completing a PhD in sociology at the University of New South Wales.

2. As a result of some backlog it was decided by the Office of Crime Statistics that quarterly figures for July-September 1981 should be included with the figures for October-December 1981.

3. The Office of Crime Statistics has not published a research report on Aboriginal defendants and the criminal justice system, but continues to highlight relevant issues in its regular statistical publications, and in papers written by research staff. The office may issue a separate research report summarising statistics on Aboriginal defendants at some time in the future.

4. The office has not devoted an entire report to unemployment and crime, but it continues to highlight this issue in its regular publications. This issue may be made subject of a separate research publication at some time in the future.

Two studies of rape offenders and victims currently are in progress, both conducted in conjunction with the Police Department. One study will focus on the profile of the rape offender. The other will concentrate on offences and victims.

A completion date cannot yet be given.

CROWN APPEALS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General: Since the Crown has had the right to appeal against sentence on an indictable offence, will the Minister—

1. List the appeals that have been instituted and dates thereof.

2. List the sentence against which the appeal was instituted.

3. List the result of each appeal.

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

1. Appeals instituted and dates thereof:
   1. Berry, John Robert Dean (5/81)—28.1.81
   2. Bitter, Phillip James (6/81)—28.1.81
   3. Nyari, William (24/81)—24.3.81
   4. Walker, Dean Mervyn (34/81)—16.4.81
   5. Hewett, Shane Clement (37/81)—24.4.81
   6. Flaherty, Gregory Raymond (50/81)—5.6.81
   7. Wilton, Wayne Anthony (59/81)—13.7.81
   8. Osenkowski, Eugene Edward (17/82)—12.3.82
   9. Tichy, Ian (29/82)—23.4.82
   10. McKaye, Russell Andrew (44/82)—31.5.82
2. Sentence against which appeal instituted
   1. 12 calendar months imprisonment suspended upon entering into O.P.A. Bond own recognizance $100 good behaviour 18 months.
   2. Released upon entering into O.P.A. Bond own recognizance $100 good behaviour 12 months and come up for sentence if called upon.
   3. Fined $300.
   4. 10 calendar months imprisonment suspended upon entering into O.P.A. Bond own recognizance $10 good behaviour two years; supervision of a probation officer.
   5. One year and three calendar months imprisonment suspended upon entering into O.P.A. Bond $100 good behaviour two years. Drivers licence disqualified for two years.
   6. Fined $1 000. 12 months imprisonment suspended upon entering into O.P.A. Bond $100 good behaviour two years.
   7. 12 calendar months imprisonment suspended upon entering into O.P.A. Bond $100 good behaviour three years; supervision of a probation officer.
   8. Four years imprisonment. Non-parole period 16 calendar months. Sentence to commence 2.2.82.
   9. Four years and eight calendar months imprisonment. Non-parole period 20 months. Sentence to commence 1.1.82.
   10. 10 calendar months imprisonment suspended upon entering into O.P.A. Bond $10 good behaviour 12 months.
3. Results of each appeal
   1. Withdrawn on 8.9.81.
   2. Dismissed on 7.5.81.
   3. Withdrawn on 15.5.81.
   4. Allowed on 14.7.81. Suspension set aside. Original sentence stands as a custodial sentence.
   5. Dismissed on 12.6.81.
   6. Dismissed on 14.9.81.
   7. Allowed on 18.11.81. Suspension set aside. Sentence 12 calendar months imprisonment affirmed. Non-parole period of four calendar months.
   8. Judgment reserved on 19.4.82. Yet to be delivered.
   9. For hearing week commencing 21.6.82.
   10. For hearing week commencing 19.7.82.

COURTS

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

1. Since 30 June 1979, how many new courthouses have been built?

2. Since September 1979, have any courthouses been closed down? If so, will the Minister specify which courts have been closed and when they were closed?

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

1. Courthouses built since 30 June 1979, nil.

2. Courts closed since September 1979, Henley Beach, 28 March 1982; Prospect, 28 March 1982; Unley, 28 March

1982; Darlington (but Glenelg Court sits at Darlington for two days per week), 28 May 1982.

TEA TREE GULLY ZONING

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

That regulations under the Planning and Development Act, 1966-1981, in respect of Metropolitan Development Plan (City of Tea Tree Gully Planning Regulations—Zoning), made on 11 March 1982, and laid on the table of this Council on 23 March 1982, be disallowed.

My motion highlights one of the serious difficulties under which the Joint Committee on Subordinate Legislation labours. The regulations as submitted by the City of Tea Tree Gully are, on the whole, a good set of planning regulations. Amongst those regulations, however, are three areas of concern, but it is not within the committee's power to amend only three regulations: it has to be an all or nothing situation. We can pass all the regulations or disallow them all, but we cannot amend any of them. In passing, it seems that this is a serious liability under which the committee labours and perhaps attention can be given to making relevant alterations to the Standing Orders under which the committee operates.

There were three areas of concern which deal mainly with rezoning to R1 or to district community centre. The report which was given to us by the Corporation of the City of Tea Tree Gully stated that the proposals were also advertised through a circular sent to all 25 000 householders in the city area. The exhibition was also kept open outside normal hours. Evidence which came before the committee indicated that not all householders in the city were notified by means of a circular. It seems that some residents who were most closely affected by these regulations were not advised by circular. These circulars are not required by law. I stress the fact that the Corporation of the City of Tea Tree Gully acted entirely lawfully at all times. It is interesting to note that the people most affected by such changes in zoning were not notified in the same way as the people who were not affected by the zoning regulations.

In fact, this was admitted finally to a resident who wrote to the corporation. In answer to him on 18 May a letter contained the admission that not all residents were advised. The letter states:

Your concerns are perhaps best answered by assuring you of council's intention to advise all residents in the city of moves to amend the zoning regulations. That certain sections of the city were uninformed is regretted. It was clearly not by design.

I take the assurance of the City of Tea Tree Gully that it was not by design but it was ironic that those people most affected by the regulations were the ones who were not advised.

This matter becomes one of some moment and did eventuate in a rather unfortunate exchange in the press between the local member, Mr Scott Ashenden, and some members of the council. Alderman Sinclair told Mr Ashenden to keep his nose out of council business. Surely a local member of Parliament is allowed to act on behalf of his constituents, which was all that Mr Ashenden was doing on this occasion. Mr Ashenden is reported as saying, 'I have been doing my duty as representative of a large number of constituents within my area.' It is unfortunate that attacks like that occur.

The Joint Committee on Subordinate Legislation was asked to take evidence from residents in each of the three areas of concern. One was the enlargement of the St Agnes shopping centre on the corner of Hancock and North-East Roads. One was rezoning in the Holden Hill area and the third was rezoning from R1 to district community centre in Fairview Park on the corner of Hancock and Grenfell Roads. Evidence was given by people from each of those areas. In fairness, the committee then invited the City of Tea Tree Gully to submit evidence. When the City of Tea Tree Gully came to give evidence the Chairman, Mr Evans, expressed concern as follows:

We as a committee do not want to make a quick decision because sometimes that can be the wrong decision. We would like to inspect the area and take further evidence. We want to read all of the submissions and do cross-examination. Where there are areas of dispute such as on the corner of North-East Road and Grand Junction Road, we want to consider other evidence. Our concern is that the regulations are now lawful. If we are concerned that there may be an injustice we would have to consider the matter.

That was said to the council, in part asking them whether it would, if possible, delay hearing any applications for shopping centre construction, and so on. That raised another difficulty which we have to deal with in this case. The council said that it would try to delay any applications but it had no power in law to do so. This was borne out by a letter written by the corporation to the Secretary of the Joint Committee on Subordinate Legislation. The letter states:

On 31 March 1982, when council representatives addressed the committee in relation to gazetted amendments to the planning regulations, the Chairman asked that council advise individuals proposing development in the two disputed areas of Holden Hill and St Agnes to defer their proposals.

Council has received applications for two development proposals in the Holden Hill Neighbourhood Centre. Both applicants were contacted by the town planner and the situation explained. Both decided to continue with their proposals. Whilst appreciating council's position they felt they were legally entitled to proceed, a judgment that could not be denied.

That is perfectly true and does point up the difficulties with regulations such as this. Evidence also exists which, at this stage, is unsubstantiated that developers are being advised that there could be difficulty with these regulations and they are being advised to get their applications in quickly. That makes the matter fairly urgent, if such allegations are true. The committee met yesterday morning simply to discuss this matter and came to the unanimous conclusion (and I stress unanimous) that the regulations be disallowed. All members would appreciate that this is not a step which should be taken lightly and certainly the Subordinate Legislation Committee does not take it lightly. It is a serious matter. However, we do it to allow time for further discussion to take place.

One group, whether by accident or design, was denied the opportunity which other people in the area have. They were not advised. Certainly the council at all times acted lawfully but that does not alter the fact that one group of people were treated differently from the vast number of people in the area. So, the question of natural justice arises. There is no question that natural justice in this case, and in particular dealing with the Fairview Park shopping centre, was denied. Standing Orders for the conduct of the Joint Committee on Subordinate Legislation provide:

The committee shall, with respect to any regulations, consider, among other things, whether the regulations unduly trespass on rights previously established by law.

The committee took the view in this case that there was some evidence that those regulations did trespass on rights previously established by law. For that reason we want the corporation to have time to reconsider these three areas of concern which have been raised. I know what can happen and often does happen: if the Council decides to agree to this motion and disallows the regulations, the corporation could regazette them tomorrow. However, I would appeal to the corporation to not take that step. The old regulations would come back into force if these regulations are disallowed and they would not be disadvantaged. I am sure there is the possibility of compromise in many areas of these three

matters of concern. I would ask that the council and those residents who have expressed concern to the Joint Committee on Subordinate Legislation appear together so that a compromise can be reached and further new regulations can be brought down which are acceptable to all parties. I ask the Council to support the motion.

The Hon. N. K. FOSTER: I support the remarks made by the Hon. Mr Carnie in respect to this matter. Mr President, will you permit me the latitude of an observation in respect to local government generally? The Minister of Local Government in this Chamber yesterday made a statement that local government was closest to the people. I do not disagree with that, but I disagree strongly with any suggestion that it is closest to the people in respect of the people being adequately and properly informed as to what is to happen in their own particular area.

Local government has a very great responsibility, not only a lawful responsibility, but it must have a high moral regard to its responsibility as it affects ratepayers. People who have lived in a residential area for nearly 20 years and have built a home there in the belief that they are in a particular zoned area, which affords them some lifestyle that is dear to them and is a reason why they went to that area originally, should expect some changes when there is an explosion of population, as occurred in the north-eastern areas of Adelaide from the mid 1960s up to this present time.

When people have established a home for 20 years and are advised (or not advised correctly) as to what is to happen in the immediate vicinity, it must be a most traumatic experience. People realise that the heavy hand of big business is usually successful and has the resources to fight any case which may be taken to court initiated by individual owners or small groups of landowners. Re-establishment costs are anything up to $100 000, and people will be offered no more than $30 000 to $40 000 for an existing property. This is a burden few people expect after they have been residents in a particular area for 20 years. Where there are about a dozen properties involved, it only takes the pressure of an offer to an individual which cannot be refused and an acceptance of $70 000 to $100 000 for one property and the rot sets in, but the price, of course, drops.

I do not think that this State will ever see a repetition of the mistake made by one big corporation in respect to the proposed scheme at Queenstown a few years back. Regarding matters like this, residents can contest forthcoming council elections. In Port Adelaide the proposed Myer scheme, which never eventuated, resulted in three councils changing hands as a result of the fighting over that project. The State Government took an attitude in respect to that matter for better or for worse.

The Hon. C. M. Hill interjecting:

The Hon. N. K. FOSTER: I anticipated that the Hon. Mr Hill might want to jump on a political band waggon. This brings me to the point that, in local government, the least amount of politics from any side made in respect to applications of this kind, the better. It is always a boast of the Liberals that they do not enter politics into local government. I do not want to raise hackles by saying that I hope that the Liberals forget the Adelaide City Council, at least in respect to this aspect.

Mr President, you have been a member of the Subordinate Legislation Committee. If my memory serves me correctly, at the time I served on that committee you, Mr President, expressed from time to time the frustration that that committee has to bear. This particular set of regulations for planning is wide and powerful. There is no question about that. The council fell short of its responsibility to inform ratepayers, residents and constituents who were directly affected.

From time to time one wonders whether there is an overabundance of commercial undertakings in an area, particularly when there is growth to the extent which existed a number of years ago in many regions adjacent to the outer boundaries of the metropolitan area. Surely we do not want to see a retail complex on every street corner.

There seems to me to be mad competition between retail outlets to occupy every vacant block on every corner, and regulations seem to allow them to do it. It is time that the regulations were looked at. It is probably not the time to debate that now and I do not want to encroach upon the latitude afforded to me by the President during the last few minutes.

However, I agree entirely with the Hon. Mr Carnie that the council would be well advised, in the interest of democracy and fair play, to give a moral right to the people to mark time at this stage. The council should accept that, although it may have a moral right for its particular point of view, it has denied the right of constituents to voice their opinions in respect to a number of proposals that have been the subject of evidence before the Subordinate Legislation Committee. All the objections are somewhat different because of the different locality and problems of the residents.

It would be wrong if the council were to proceed. I applaud the Government's action in supporting the measure. It is not an easy measure for a Government to take; that ought to be said and recognised. The old saying of saving face is no longer confined, as it used to be many years ago, to the oriental races. It is very much with us. Once a decision has been made we, as people, tend to think that we ought to defend that position because we have made a decision.

I agree with the Hon. Mr Carnie that there ought to be a further look at the matter, particularly in that the council should afford every right to those people who acted as spokespersons to the Subordinate Legislation Committee to reopen their whole field of endeavour.

The Hon. J. C. BURDETT (Minister of Community Welfare): I, too, support the motion. It has been said several times in the past two days that local government is the form of government closest to the people. I believe that that is so. This development plan emanated from the council of the City of Tea Tree Gully, so it did come from local government. We should not lightly interfere with what local government does. Having looked at the evidence, I believe it is clear that the council did go to considerable trouble to make the development plan and regulations public; they were put on public exhibition. Evidence was given to the committee of the objections lodged and the procedures for hearing.

I do not think it can be alleged (and I do not think it has been alleged) that the council acted in any way improperly. As I respect local government, I also respect the Parliamentary procedures and like other honourable members, I also served on the Subordinate Legislation Committee. That committee heard a substantial amount of evidence and it is that committee which has decided to move and support this motion before the Council.

On that basis I particularly support the suggestion made by the Hon. Mr Carnie. I believe that the Hon. Mr Foster also supported this proposition. The disallowance of these regulations will give the council a breathing space to reconsider its position. The council certainly undertook to have considerable consultations, but this will give it an opportunity to undertake further consultations. Because disallowance has been recommended by the Subordinate Legislation Committee, I support the motion.

Motion carried.

PLACES OF PUBLIC ENTERTAINMENT

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

That regulations under the Places of Public Entertainment Act, 1931-1972, relating to revocations, made on 3 December 1981, and laid on the table of this Council on 8 December 1981, be disallowed.

The regulations that I am asking the Council to disallow relate to the licensing of cinematograph projectionists. These projectionists have been licensed in this State since 1913. To obtain such a licence cinematograph projectionists have had to pass an examination. The regulations made on 8 December 1981, which are the subject of my motion, abolished that licensing system and the examination which entitled those projectionists to a licence. In other words, my proposition is that the licensing system should continue.

The Subordinate Legislation Committee examined the regulations and received evidence from supporters of the retention of the projectionists licence and from the Department of Public and Consumer Affairs. That evidence has been tabled by the Hon. Mr Carnie and is available to honourable members to examine should they wish to do so. The committee recommended that no action be taken in relation to the regulations. Therefore, the Hon. Mr Carnie did not move, on behalf of the committee, for the disallowance of the regulations. Therefore, it is a matter for me to do so as a private member.

The basis for the disallowance of the regulations comprises three parts. First, the deregulation of cinematograph projectionists is against the wishes of the industry. Secondly, the deregulation will have an adverse effect on safety in South Australian theatres. I have been told that, as a result of the abolition of licences for cinematograph projectionists, the South Australian public will be at risk in theatres because of inadequate safety training for the personnel employed in these theatres. The third basis for rejection of the regulations is that the removal of this licensing system in effect abolishes a trade certificate for the many cinematograph projectionists who must complete an examination in order to obtain a licence. If this regulation is not disallowed any person anywhere in South Australia can become a cinematograph projectionist in any theatre in this State, including theatres which at times may be packed with members of the public. They are the three basic reasons for the rejection of the Government proposition.

The Government move arose from a report on the deregulation of business. In so far as that report related to places of public entertainment regulations it concluded as follows:

To conclude, whilst we would not wish to detract from the protection given to the public by the licensing board—

that is, the board dealing with cinematograph projectionists—

either as a matter of public safety or consumer protection, we feel that the continued existence of the board will not contribute to either. Accordingly, we recommend that the Department of Public and Consumer Affairs considers abolishing the board.

I emphasise that the report simply recommends consideration of the abolition of the board. The report continues:

In so concluding, we accept that the level of opposition to such a proposal is likely to be quite significant from both the board members and from licence holders themselves. A recent example of such opposition has come from a letter to the *Advertiser* by a member of the licensing board, who alleges, *inter alia*, that 'had it not been for the vigilance of a licensed projectionist we would recently have experienced a major tragedy in a suburban cinema'. If such an event nearly occurred and if it was averted by the skills acquired by the licensing requirements, we accept that it states a case for the maintenance of the control. This is clearly a matter that the department needs to consider closely before arriving at a conclusion.

That recommendation for deregulation was by no means an unqualified recommendation. Indeed, the final part of the report states that if the vigilance of a licensed projectionist meant that a major tragedy was averted then that states a case for the maintenance of the control.

The recommendation was very qualified. First, it stated that the Department of Public and Consumer Affairs should only consider deregulation. Secondly, it stated that if a licensed projectionist averted a major tragedy, that was an argument for the maintenance of the control. I believe that this is a case where the Government has allowed its ideological pre-occupation with deregulation to run away from its concern for public safety.

I think that is quite clear from the deregulation report which I have quoted and which apparently provided the basis for this action by the Government. To deal with the bases for my argument and my objection to this regulation proceeding, I deal first with the wishes of the industry. No-one in the cinematographic industry supports the Government's position. That is why I say that the Government has let its ideological views override those of the public interest.

The Hon. L. H. Davis: What is the position in other States?

The Hon. C. J. SUMNER: In Victoria there is a substantial examination for such a licence and there is regulation. That regulation exists in other States. In one State there is no regulation but I am not sure what other procedures exist there relating to safety in theatres. The point I am making relates to whether the industry wanted this deregulation. The simple fact is that it did not.

The action to deregulate these important functionaries in cinemas was taken despite the fact that the major film exhibitors made recommendations that the regulation be retained. It was also taken despite the fact that the Film Exhibitors Association recommended that the regulation be retained and despite the fact that the board of examiners, which has been responsible for years for carrying out this examination and therefore for the licensing of projectionists, argued that the licences should be retained. The Government acted despite the view of the association that represented the projectionists, the Inner Circle of Motion Picture Projectionists, that the licence should be retained. The deregulation was opposed also by the Theatrical and Amusement Employees Association. It is not possible to find anywhere in the industry a place where this so-called deregulation proposal is supported.

My second point is that the people who are projectionists had done examinations in order to get their licence to work. Now that has been abolished by the Government in one stroke, so inexperienced people, people who have not had to submit themselves to any examination and people who have done no training in the area of how to operate projection equipment or in other matters relating to safety and the like in the theatre, will be able to be employed as projectionists. In effect, the people who had to do the examination have been discriminated against and thrown on to the scrap heap by this Government. They have simply lost their certificates.

The final argument that has been put quite strongly by people concerned in this area is on the question of public safety and it has been put to me that the licensing of these projectionists and the role that they play in protecting the public in cinemas mean that the system of licensing should continue. Evidence was given to the Subordinate Legislation Committee that the proper training of projectionists was a significant factor in the good safety record that South Australia has in this area. Evidence was given by Mr Turner, who was Inspector of Places of Public Entertainment for 27 years and Chairman of the Board of Examiners. In his evidence he stated:

The projectionist has played a significant role in keeping places of public entertainment safe.

The other people concerned in the industry who made submissions to me and to the committee have also emphasised the important aspect of safety.

The Hon. J. C. Burdett: But the film used to be flammable and is no longer flammable.

The Hon. C. J. SUMNER: That is true, but that has only removed one aspect of the safety factor. It has been put to me that projectionists play other roles in the theatre in terms of safety. If something goes wrong with the film, they ensure that there is no panic in the theatre and that the lights are turned on. They ensure that doorways and other emergency exits are clear and, generally, they adopt responsibility for safety in the theatre. That was mentioned by the deregulation committee report that I have quoted. Mr Peter Bowyer, who is a projectionist and has given me some information, has witnessed and heard of situations in this State which could have resulted in major injuries or even loss of life were it not for the swift and efficient actions of projectionists.

He has been a projectionist for 20 years and a member of the examination board for 12 years. He says that the statement that the projectionists have no role in safety matters makes no allowance for audience reaction when the audience is suddenly thrown into total darkness owing to a power or mechanical failure. The projectionist, he has advised me, has only seconds in which to act to prevent a mass panic. There are other examples. Certainly, the evidence from projectionists and others involved in the industry, as I have indicated from evidence given by Mr Turner, is that projectionists have a significant role to play in ensuring safety in the theatres of Adelaide. Now the Government, by this deregulation procedure, wants to place that public safety at risk.

We should agree to the disallowance of this regulation and let the Government take the proposal back to the department and have it reassessed. The recommendations that the Inner Circle of Motion Picture Projectionists in South Australia has made to the Government are, first, that the licence should be reintroduced; secondly, the licence fee should be increased so that there is no drain on public revenue in relation to the matter. The inner circle also recommends that the Board of Examiners be increased, with the board examining the examination material and consulting the film industry on setting standards.

The Inner Circle also recommends that the Government recognise the technical complexity of the cinema projectionist's work and that the Government assist the film industry to establish this profession on an official basis with assistance in training future projectionists. Although I do not necessarily agree on this point, the Inner Circle recommends that the Places of Public Entertainment Act and its administration be returned to direct Ministerial control and that regular inspections of places of public entertainment be reintroduced. If this disallowance motion is carried, as I suggest it should be, it would give the Government the opportunity to review the situation and look at these proposals from this group of projectionists. Indeed, I stress that it could look at the proposals from the whole industry.

In conclusion, I point out that the only group in the community that wants deregulation in this area is the Government: no-one else wants it. The industry does not want it. It is of no cost to the taxpayer and, if there are costs, there should not be any. That is what the Hon. Mr Burdett said, and any costs that might exist do so because the Government kept the fee for such a licence at an artificially low level. That problem can be solved by a proper and economic fee being charged to those people who are licensed under the scheme.

There is no valid reason that I can see for deregulation. The only valid reason is the Government's own ideological predilection.

The Hon. J. C. Burdett: That's not so.

The Hon. C. J. SUMNER: There can be no other logical reason. The industry wants the licence retained. Secondly, the Government has abolished trade certificates and put these people's jobs at risk. Finally, the fact is that deregulation in this area will impose a safety risk on the people of South Australia who frequent cinemas in this State. The situation needs to be reviewed by the Government, and I ask the Council to disallow the regulations to enable the Government to take the matter back to its department to have another look at it.

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

LIBRARIES BILL

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to provide for the administration of public libraries and library services in South Australia; to repeal the Libraries and Institutes Act, 1939-1979, and the Libraries (Subsidies) Act, 1955-1977; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It provides for the administration of public libraries and library services in South Australia. It also repeals the Libraries and Institutes Act, 1939-1979, and the Libraries (Subsidies) Act, 1955-1977. The Bill represents a complete and thorough rewriting of legislation governing public libraries in this State. It is a milestone in the development of a modern public library system in South Australia, and a comprehensive basis for future development of this vital community service.

A comprehensive review of the legislation governing library services was carried out following the 1978 report of the Library Services Planning Committee. The planning committee laid out a development programme for a modern public library system throughout this State. This development programme has been proceeding steadily, as the greatly increased number of public libraries around the State testifies. Many significant changes in both policy and administration have taken place as part of that development programme and this has necessitated legislative revision. The legislative review has been a process of extensive consultation with all interested parties. The working party which prepared the initial brief for this Bill, included representatives of the Libraries Board, the Institutes Association of South Australia and the Local Government Association. Subsequently, all the bodies involved in library services provision have been further consulted and invited to comment on draft legislative provisions.

The principal objectives of this Act are to achieve a co-ordinated system of library services that adequately meets the needs of the whole community; to promote and facilitate the establishment and maintenance of public library services by local government authorities; to promote a co-operative approach to the provision of library services, and to ensure that the community has available to it adequate research and information services through access to resources available within and outside the State. The Libraries Board of South Australia is the body charged with the responsibility for the management and planning of public library services in this State. A significant redefinition of the functions and responsibilities of the Libraries Board is undertaken in this Bill. The responsibilities of the board for policy formulation,

planning, development and promotion of library services are clearly defined and highlighted. The existing legislation refers principally to the management of property and books, but does not encompass the broader role which the Libraries Board now undertakes in the development of the public library system. The Libraries Board will of course retain its powers relating to property management, application of funds voted for library purposes, and the management of the principal public reference and research collections of this State in the State Library.

In the performance of its functions, the Libraries Board will be subject to the general control and direction of the Minister. However, a qualifying clause has been included to clarify that Ministerial direction may not be interpreted to enable any exercise of political control or censorship of the content of the library collections, or access to those library and information resources.

A most important initiative is implemented in this Bill with respect to the composition of the Libraries Board. The Bill provides for three members of the eight-member board to be persons drawn from local government, either elected members or officers. Two of these local government representatives will be nominated by the Local Government Association of South Australia. This gives formal recognition to the vital role and heavy financial input of local government in the provision of public library services, and assures the continued representation of councils' views to the policy-making authority.

The Bill provides for the payment of State Government subsidies to local government authorities or other approved bodies for the establishment and operation of public library services. Subsidy allocations will be approved by the Minister following recommendations by the Libraries Board. The detailed provisions relating to subsidies in the present 'Libraries (Subsidies) Act' have proved somewhat restrictive in recent years in the public library development programme. The Bill therefore provides a broad enabling power for the payment of subsidies as the Minister sees fit, with the objective of providing greater flexibility to enable the most effective use of available funds.

The Bill introduces a historic change with respect to the administration of institutes in South Australia. The Bill effects the transfer of the responsibility for the management of institutes from the Council of the Institutes Association of S.A. to the Libraries Board. The Council of the Institutes Association itself first put forward this proposal in 1973, as the most effective means of co-ordinating all the library facilities of the State under a single administration. For the past 100 years or more, the institutes have fulfilled a vital role in the provision of library and other services to their local communities. However, institutes have increasingly found that they are unable to provide the broad range of services expected of a modern library, and have recognised that available resources should gradually be redirected towards a single public library system. It has been an accepted policy for some years now that institute libraries should be gradually phased out as comprehensive public library services are developed throughout the State.

The assumption by the Libraries Board of the responsibility for institutes is therefore a continuation of the increasing level of co-operation which has developed between institutes and the public library system in recent years. It will integrate all library facilities under one administration, thus facilitating the provision of comprehensive public library services for the people of South Australia. The continuing involvement of institutes in the administration of their affairs is ensured by the creation of the Institutes Standing Committee to the Libraries Board. Half of the members of this committee will be elected by the Institutes Association, and the committee's role will be to advise the board on all matters pertaining to institutes. This will provide a formal avenue for the Institutes Association to present its views.

The Institutes Association will continue as the organisation covering all institutes, but as an unincorporated association. This is because the transfer of responsibility to the Libraries Board involves the vesting of all rights, liabilities and property of the association in the board. This transfer is made with the clear provision that any assets or property must be used by the board for the benefit of institutes. The Bill establishes therefore the broad framework for dealing with the operations of institutes. The majority of the detailed provisions dealing with institutes' operations in the Libraries and Institutes Act have been omitted from this Bill. The intention is that the detailed aspects of the operations of individual institutes should be dealt with by regulation under the Act. Such regulations would be drawn up by the Libraries Board following consultation with the Institutes Standing Committee. The Bill also provides for the provisions of the current legislation to continue to apply to the operations of institutes, until a date to be determined by the board, when new rules could be drawn up if that is seen fit. For the purpose of the continuation of the current provisions, the Libraries Board will assume the functions and responsibilities presently undertaken by the Council of the Institutes Association.

The provisions of the Bill relating to public records form the legislative basis of many of the functions of the South Australian archives. Provisions empower the board to accept public records into its custody and require prior notice to be given to the board by any public office which intends to destroy or dispose of public records. In addition, specific reference is made to the role of the Libraries Board, through the archives, to seek to ensure the efficient management of public records and to select and care for public records worthy of preservation.

The provisions of the Bill are principally an up-dating of current provisions. However, it has been recognised that there is a need for a proper legislative framework to govern the work of the archives, within the context of a comprehensive records management programme throughout government administration. A review of this matter has been initiated, with a view to the possible enactment at a later stage of specific legislation dealing with archival services and related records management functions.

Great advances have been made in recent years in providing modern public library services throughout South Australia. This Bill facilitates the continuation of the public library development programme, and provides for the maintenance and improvement of the central State Library and archival collections. The long planned integration of the administration of institute libraries into the public library structure will now be achieved. The Bill establishes a sound and rational management structure, together with the opportunity for flexibility and innovation in the provision of these community services. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 repeals the Libraries and Institutes Act and the Libraries (Subsidies) Act. Clause 5 contains definitions required for the purposes of the new Act. Clause 6 provides that the new Act binds the Crown. Clause 7 states the objectives of the new legislation.

Clauses 8 to 13 provide for the constitution of the Libraries Board. The board is to consist of eight members. Of these three are to be persons with experience in local government. Clause 14 sets out the functions of the board. Clause 15

provides for the appointment of sub-committees. Clause 16 empowers the board to delegate its powers or functions. Clause 17 provides for the preparation of budgets setting out the proposed expenditure of the board. Clauses 18 to 20 are financial provisions of the usual kind.

Clause 21 provides for the Minister, on the recommendation of the board, to pay subsidies for the establishment, maintenance or extension of public libraries and public library services. Clause 22 provides for the appointment of staff. Clause 23 provides for the constitution of the Institutes Standing Committee. Clause 24 sets out the functions of the standing committee. Clause 25 provides for allowances or expenses for standing committee members.

Clause 26 provides for the constitution of the Institutes Association. Clause 27 sets out the functions of the association. Clauses 28 and 29 deal with the regulation of institutes. Clause 30 exempts land held by or on behalf of an institute from land tax. Clause 31 provides for the deposit of public records with the board. Clause 32 prevents improper dispersion or destruction of public records. Clause 33 empowers a court of summary jurisdiction in certain circumstances to make an order for delivery up of public records.

Clause 34 empowers the board to appoint places for the custody of public records. Clause 35 provides delivery of copies of material published in South Australia to the board and to the Parliamentary Library. Clause 36 provides for the affiliation of certain societies with the board. Clause 37 deals with gifts or bequests to libraries operated under the auspices of the board. Clause 38 empowers the board to provide courses of training in librarianship.

Clause 39 describes penalties for a person who unlawfully damages, removes or interferes with property of the board. Clause 40 provides for the determination of conditions on which library materials are to be lent, fines for contravention and fees for certain services. Clause 41 provides for summary disposal of offences. Clause 42 provides for an annual report on the work of the board. Clause 43 is a regulation-making power.

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

FILM CLASSIFICATION ACT AMENDMENT BILL

In Committee.

(Continued from 8 June. Page 4345.)

Clauses 2 to 8 passed.

Clause 9—'Offence to make unclassified or restricted classification films available for viewing in certain circumstances.'

The Hon. K. T. GRIFFIN: During the second reading debate, the Leader of the Opposition raised some questions about clause 9. It is appropriate for me to explain in a little more detail the current system and the consequences if clause 9 is passed by Parliament. The current system is that films—and this includes video tapes—may be submitted to the Commonwealth Film Censorship Board for classification under the Film Classification Act. It must be remembered that the Commonwealth Film Censorship Board acts as agent for South Australia and for each other State in Australia, and the decision under one Act applies throughout Australia unless the States specifically dissent from the decision of the Commonwealth Film Censorship Board, and that does happen periodically.

The films submitted for classification under the Film Classification Act may be classified G for general exhibition; not recommended for children, which is abbreviated to NRC; M for mature audiences; and R, which is restricted. Those classifications relate to a classification for the purpose of public viewing in commercial premises and in some other areas. The Film Classification Act really deals with classifications of films for exhibition.

The Classification of Publications Board has a responsibility under the Classification of Publications Act for classifying films (mainly 8 mm-type film) and video tapes for sale. So, it is the Classification of Publications Act which applies to classifications for sale of 8 mm-type films and video tapes to the general public. It is accepted almost invariably that these sorts of films submitted to the Classification of Publications Board are more permissive than films which are approved for exhibition under the Film Classification Act. I think that this is mainly because the Classification of Publications Act applies to the sale of publications, films and video tapes for private use. Those materials which are classified under the Classification of Publications Act are generally sold through a sex shop but, in some instances, from under the counter, subject to the conditions imposed by that Act on the availability to minors and also being sold in an appropriate opaque wrapper.

Some films are not classified under the Film Classification Act for exhibition. There are also 8 mm-type films and video tapes which are totally repugnant and which are not classified for private sale. The conditions which the Classification of Publications Board has laid down generally put into that category those publications, films and video tapes which involve child pornography, sexual violence of significance and beastiality, but there are also some other areas which, if they are depicted, will result in the refusal of classification by the board and, of course, in that instance the Police Offences Act, so far as it relates to indecency, will then come into operation.

It ought to be recognised that under successive Governments, both Liberal and Labor, it has been a policy to allow films classified for private sale under the Classification of Publications Act in this State to be shown privately, that is, without any fund raising or commercial overtones. If a person buys a film or a video tape such as one of those which is reasonably well known, like *Debbie Does Dallas*, it may be shown within a person's home to friends without charge or without fear of prosecution. If such films are shown by a licensed club in order to attract patrons, by some sporting club in order to raise funds, by a social club or even in theatres which might be set aside for the viewing of R rated films, a prosecution would be undertaken and, generally speaking, would be successful.

It also has to be remembered that several years ago, before this Government came into office, certain interests which had interstate connections (and those connections were described to me as being gangster-oriented) tried to set up little theatres in Hindley Street and premises with slot machines where people could view these sorts of films on payment of a fee. The Government of the day resisted that strongly and eventually those interests went elsewhere.

The thrust of the policy has been that under successive Governments films which are classified under the Film Classification Act have to meet the conditions laid down under that Act, but material which is classified under the Classification of Publications Act is not available in a commercial context, that is, the showing of films and video tapes for financial consideration or for a commercial purpose.

I suggest that the availability of unclassified material over closed circuit television in motels falls very much into the category of material being available unclassified under the Film Classification Act, even though it may have a classification under the Classification of Publications Act, being made available in a commercial context. That then takes it outside the general policy which successive Governments have supported in this area.

The concern which the Government has is that if that were to be allowed, apart from the other considerations I have already mentioned in the second reading, where does it stop? Does it mean that the small private clubs may make the material available? Does it mean that one can then be more tolerant about unclassified material being exhibited for commercial consideration? I suggest that it is not appropriate to allow that sort of expansion in the opportunity to view in a commercial context what will undoubtedly be pornographic video tapes or films. I hope that that puts this clause into a broader perspective and will assist members of the Committee to understand the reasons why the Government has moved to place a prohibition on proprietors of accommodation businesses from showing unclassified material over their in-house televisions.

The Hon. ANNE LEVY: I thank the Attorney-General for the explanation he has given. I raise one query. Yesterday, in his summing up of the debate, the Attorney-General said that he felt that someone who hired a film in a motel, as a commercial transaction, was in a different category from someone who viewed unclassified material on video machines in a living room.

The Hon. K. T. Griffin: The difference is the commercial content.

The Hon. ANNE LEVY: Clause 9, which inserts new section 9a into the original Act, provides:

> ... the owner or occupier of any premises shall not make an unclassified film or restricted classification film available for viewing in those premises by any other person where the right of that other person to occupy or be present in the premises or to view the film is procured by the payment of money ...

Does this mean that anyone who rents a house would also be precluded from showing a film in his rented living room? I fear that this new section will cover more than is intended by the Attorney-General. Someone who rents premises is present in the premises and his right to be there is procured by the payment of money. Will this clause make a distinction between people who own their own homes and people living in rented homes?

The Hon. K. T. GRIFFIN: That is certainly not the intention. The current definition of 'theatre' can be construed to include motel rooms. That is one area that we have been seeking to clarify through the enactment of this clause. New subsection (2) tends to qualify new subsection (1). The ordinary rules of statutory interpretation require the interpretation of a provision in the context in which it appears. In this instance that context is the whole clause.

The Hon. Anne Levy: New subsection (2) refers only to an R movie.

The Hon. K. T. GRIFFIN: That is correct. The clause is drafted to deal with the occupancy of premises for a fee in the context of the accommodation industry; it is not meant to include rental accommodation.

The Hon. Anne Levy: It doesn't say that.

The Hon. K. T. GRIFFIN: I believe that it does.

The Hon. Frank Blevins: Chris will help you in a moment.

The Hon. K. T. GRIFFIN: That is all right—it is a co-operative effort. I believe that the clause will not be construed to include private homes, rented or otherwise. It was certainly never intended to do that. I would be most surprised if this clause were construed as widely as that.

The Hon. ANNE LEVY: I appreciate that the clause is not meant to include people living in their own homes. However, new subsection (2) only refers to restricted classification films; it does not mention unclassified films. I understood the Attorney to say that there are films which are not classified and which therefore cannot be shown in any commercial situation. Nevertheless, under the Classification of Publications Act such films can be purchased for private showing. However, they are unclassified under the Film Classification Act, although they can be legally purchased in a sex shop. I am concerned that new subsection (2) refers only to restricted classification films and not the other category of blue movies. This clause may prevent people from showing blue movies in the living rooms of rented premises.

The Hon. K. T. GRIFFIN: I do not agree with that. This clause deals with the exhibition of films in the accommodation industry. If someone shows an unclassified film at home and charges a fee to see that film it becomes a question of whether or not that is a public exhibition. That is the relevant criterion in determining whether or not someone is breaching this Act. Whether or not those premises are rented or owned is irrelevant. What is critical is whether admission is gained by the payment of a fee or for other considerations. If someone shows a blue movie in his garage for a fee of $5, that situation is not covered by this clause, but is caught under the definition of 'theatre'.

The Hon. ANNE LEVY: What about someone who rents a room in a private house?

The Hon. G. L. Bruce: What about a boarding house?

The Hon. ANNE LEVY: Yes, a boarding house or a lodger in a private house who lives there permanently. It seems that a lodger could be caught by new section 9d and could be prevented from viewing a blue movie in his rented room.

The Hon. K. T. GRIFFIN: That is not correct. If a landlord installed a television set in a border's room and charged him a fee to view a blue movie it is possible that he would be caught by this clause. However, I believe that is a most unlikely occurrence. How many landlords make television sets available to a lodger and charge a fee to watch blue movies? With respect, I do not believe that is a realistic example.

The Hon. C. J. SUMNER: I am inclined to agree with the Attorney-General. A close reading of the clause indicates that, if a person living in rented premises purchased a blue video movie himself and played it on his own television set, there is no way that he could be caught by new section 9a. The same situation would apply to a lodger in a boarding house. There could be some difficulty under this clause if the owner of the rented premises made a video tape available to a lodger.

The Hon. K. T. Griffin: The film itself must be made available.

The Hon. C. J. SUMNER: In that situation new section 9a could apply. I do not believe that it applies, as it is presently drafted, to a lodger obtaining a film himself and viewing it in that context.

The Hon. G. L. BRUCE: Could there be some confusion if a motel set up video machines in motel rooms and hired films for, say, $3 in the same way as many motels now sell magazines in their foyers?

The Hon. K. T. GRIFFIN: My view is that the provision would deal with that. If it was an unclassified film, that opportunity for the hotel or motel proprietor would not be available.

The Hon. G. L. BRUCE: What happens if they make video machines available? I can see them trying to by-pass this legislation by which you are trying to block a loophole. I see people hiring out restricted movies and the person just gets his movie and brings it back.

The Hon. Anne Levy: What's wrong with that?

The Hon. G. L. BRUCE: I do not say that there is anything wrong with that.

The Hon. K. T. GRIFFIN: I think we are getting into the realms of the ridiculous, with respect, because that would require the motel proprietor to make available a video machine and a television set.

The Hon. Anne Levy: They all have television sets now.

The Hon. K. T. GRIFFIN: Yes, but I cannot see them making available a video cassette that costs $800 or $900 on the off chance that it may be used by a lodger. If there is a video casette hiring facility up the street, people will only be able to hire films classified under the Classification of Publications Act. If a film is hired, classified under the Classification of Publications Act and not under the Classification of Films Act, and if we had these circumstances, that would not be caught by the section.

The Hon. ANNE LEVY: I wonder what the attitude of the Attorney would be to a suggestion that people should be able to view blue movies in their motel room if they specifically request such a movie. I appreciate the intention behind the legislation and the loophole that the Attorney wishes to close and I appreciate that blue movies should not suddenly appear on the screen to be seen by some person of whatever age who does not wish to see such things, but it seems to me to be a different situation if someone requests to see a blue movie, where the initiative has to come from that person.

The Hon. K. T. GRIFFIN: That really deals with what I was trying to deal with when I started speaking in the Committee stage. It brings into the unclassified video area a commercial aspect that may well open the way to other entrepreneurs who may say, 'You are allowing unclassified movies to be available for a consideration in a commercial context for this, so why do you not let us do it in relation to the small coin-operated slot machine or the small theatres in Hindley Street?'

It is a matter of where one should draw the line and my view is that, if a video is unclassified under the Classification of Films Act, even though it has been classified under the Classification of Publications Act, someone can show it in the comfort of that person's own home but cannot exploit it for commercial purposes. It is the commercial aspect in hotel or motel accommodation that crosses that line of what is reasonable and what is not.

The Hon. ANNE LEVY: It seems to me that it is a very subjective judgment. The Attorney is saying that he draws the line where a commercial transaction is involved, but surely buying a film in a sex shop in the first place is a commercial transaction, too. If a person buys a film in a sex shop, the Attorney says, that person can view it in the privacy of his own home but not in the privacy of a motel room, which I thought was his home for the night. He would have paid for the room, and I cannot see where one commercial aspect is all right but the other is not.

The Hon. K. T. GRIFFIN: It is a very delicate and sensitive area and I suppose that many people would want to ban them altogether but I do not believe that is a reasonable or realistic proposition, and it is a matter of judgment. Whether it is subjective or objective is for others to determine. The assessment that the Government has made is that, in the context of motel hiring, if it is feature of the hiring that these unclassified films are available, the line ought to be drawn at that point.

The Hon. FRANK BLEVINS: I had the unfortunate experience when we were in Government of always having to prepare material to oppose the material that the Hon. Mr Burdett seemed to bring in every week. One of the benefits of the Hon. Mr Burdett's being a Minister is that we have not been subjected to this, and, if we are looking for silver linings out of 1979, that was one of them.

Unfortunately, that did not last right to the end. The present Government has brought in this measure and we are forced to debate it. I have no objection to it and I am on record as saying that I do not believe in censorship in any form, for adults or children, regardless of whether it is pictorial or whether material is shown at high noon from the top of the A.M.P. building. It concerns me not at all. However, I went on to say that that was not the attitude of the community. I regret that. I said that by and large I am here to reflect the community attitude, not my attitude, and certainly reflect the attitude of the A.L.P. The A.L.P. policy is that every adult should be able to read, hear and see whatever that person wishes but the material should not be placed in a position where people could be offended by it.

The Hon. R. C. DeGaris: Do you agree with that?

The Hon. FRANK BLEVINS: Yes, I agree with my Party's policy. The A.L.P. has drawn the line and said that all the material will be available, with certain degrees of difficulty in obtaining it. That satisfies me. If someone wants to watch one of these movies in a motel, that will still be possible if the Bill is passed. It is not a restriction on the material as such, and the Bill does not offend me in that area.

It is not a further extension of censorship. It merely makes it more difficult for someone to obtain, but it is there if they want it, and I am not fussed about it at all. I would rather that the Government had not brought in this Bill and left the motels to show the porn. I believe in Whyalla, although I do not know (I have no excuse for going into a hotel in Whyalla at 1 a.m.), the hotel that shows this entertainment on a regular basis does it at 1 a.m.

I see little scope for accidental viewing of this material at 1 a.m. by children. If adults want to stay up until 1 a.m. and view it, that is their choice. Certainly, anything after 10 p.m. is out of the question for me. This does not fuss me at all. Whether we draw the line at showing it in a deli or a restricted area in a book shop or showing it in a motel will be a decision that is viewed differently by people. Wherever the line is drawn, some people will feel cheated and some people will feel that the line is too lax. It is a matter of what an individual feels is sufficiently broad or sufficiently narrow.

I am not fussed about this matter because it does not restrict any more material, and that is essential: the material is still available. For people who want to see it, it will be more difficult now in a motel than previously, but it will still be possible. It would be extremely difficult to show it in a church, but it is a matter of the degree of availability. Certainly, in the last analysis the material is available if the people want it, and that is what I support strongly. In regard to the degree of difficulty I would argue one way and another person would argue another way. What does it matter? It is a subjective opinion, and who is to say who is right?

The Hon. G. L. Bruce: I cannot see anything wrong if someone in a motel asks for an R movie—

The Hon. K. T. Griffin: That can be done, because it would be an unclassified film.

The Hon. C. J. SUMNER: The position has been adequately canvassed and clarified for the benefit of all members. The Hon. Anne Levy suggested that perhaps a motel room is merely an extension of a person's home and that he or she should on request be able to obtain an unclassified film to view. True, there is nothing to stop a person viewing unclassified movies in a motel room if that person brings the material to his room and has a video machine available. Despite suggestions concerning motel proprietors having this material available for people, on reflection, I do not intend to move any amendment in that regard. I will leave it for consideration at a later stage.

Clause passed.

Remaining clauses (10 to 12) and title passed.

Bill read a third time and passed.

ROXBY DOWNS (INDENTURE RATIFICATION) BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

Honourable members will be aware that, at the last election, the Government undertook to 'encourage the full-scale development of the copper/uranium deposits at Roxby Downs'. This was in the context of a well recognised need for major new projects to be encouraged in order to provide the necessary diversity for South Australia's economy to grow and develop, thus ensuring that South Australia shared in the benefits of economic growth taking place elsewhere in Australia.

In furthering this policy, the Government has maintained close and continuous contact with companies involved in exploration for minerals and petroleum, including, of course, the joint venturers involved in Roxby Downs, Western Mining Corporation and B.P. Shortly after coming into office this Government was asked to reaffirm undertakings given by the former Premier, the member for Hartley in another place, when Premier, in May 1979, to the joint venturers. The existence of these undertakings was not known to the Government before it came into office. I table the documents for the information of honourable members. The essence of the undertakings was the recognition of the joint venturers' rights to security of their mining tenements 'until such time as a viable mining operation is proved to the satisfaction of the Minister of Mines and Energy in consultation with Western Mining Corporation Ltd and any other paticipants in the project, taking into account normal commercial considerations and any conditions imposed in the light of Government policy with regard to uranium'. More particularly, the then Government undertook that 'it will further recognise your company's right (and if appropriate, that of any other participants in the project) to acquire a mining and development title over the Olympic Dam project area, under the aegis of a mining and development indenture to be entered into at that time'.

These were significant undertakings from the company's point of view and enabled it to commit to an expenditure of $10 000 000 per annum over the ensuing three years at Olympic Dam and $5 000 000 over three years in relation to exploration licences held over the remaining Stuart Shelf area. In July 1979 agreement was reached between Western Mining Corporation and B.P. for the latter's acquisition of a 49 per cent interest in Olympic Dam and the Stuart Shelf and participation in further exploration and development of those areas. This involved B.P. supplying $50 000 000 for exploration, metallurgical testing and other work at Olympic Dam and funding the further expenditure necessary to bring that deposit into production and $10 000 000 over three years on the Stuart Shelf. After that period B.P. would be able to select up to 10 areas on the Stuart Shelf, each of approximately 65 square kilometres in each of which B.P. would be required to spend a further $10 000 000 to maintain its interest. In entering these commitments, which were (and are) substantial not only by Australian, by also world standards, the joint venturers were no doubt influenced by the nature and significance of the undertakings of the Government of the day. Following the election of 1979, the present Government came to office. As mentioned, the undertakings of the previous Government were reaffirmed.

On 10 February of the following year, the Minister of Mines and Energy outlined the Government's policy with regard to uranium in the following terms:

> The Government believes that mining and processing of uranium should proceed, subject to all environmental impact statement requirements being satisfactorily met and all necessary procedures being followed in production operations to ensure the proper handling of products and the sale of uranium to approved countries.

Subsequently, in May 1980, the joint venturers announced that they would spend an additional $10 000 000 to $15 000 000 constructing an exploration shaft to obtain samples of ore large enough for metallurgical testing. The first such sample has now been obtained.

The indenture and ratifying Bill now placed before Parliament has been negotiated having regard to all aspects of the Government's policy regarding uranium mining reflected in the statement I quoted a moment ago and having regard to the fact that responsibility for uranium sales contracts with overseas customers rests with the Commonwealth Government. The Government's approach to the negotiations was to obtain an agreement which would command the highest possible degree of acceptance from the widest cross section of people.

Before turning to the ratifying Bill and the indenture it seeks to ratify, I believe that it is appropriate that I outline relevant technical aspects regarding the mineralisation at Olympic Dam and the Stuart Shelf. Exploration at Olympic Dam began in May 1975 when Western Mining Corporation Ltd acquired an exploration licence as part of an Australia-wide search for copper, based on theoretical concepts of ore occurrence in sediments. The Stuart Shelf was selected as a target since it was considered to have favourable characteristics analagous to the Zambian copper belt which was regarded as the conceptual model.

Results of the first hole, sited on geophysical anomalies and drilled to provide subsurface geological data, are now legendary. It was not until the tenth hole was drilled, however, that the immense potential of the region was realised. Since that time, the tempo has quickened.

Over the past two years the exploration activity has been intense. A total of nearly 300 diamond drill holes have been drilled to outline a mineralised zone elongated north-west south-east, with dimensions of seven kilometres by four kilometres, at depths below the surface between 350 metres and 1 100 metres. Thus, the deposit ranks among the world's largest concentrations of both copper and uranium, with grades likely to average about 1.5 per cent copper and 0.05 per cent uranium oxide. However, there are significant zones of higher grades of these metals.

This is a remarkable deposit in terms of size of contained metals and mineralogy, and it appears to be unique, genetically it is quite unlike any known orebody. The strata containing copper-uranium-rare earth element mineralisation are widespread, with the ore zones consisting of bornite-chalcopyrite-pyrite, and overlain in parts by a chalcocite-bornite assemblage with gold. Cross cutting fluorite, barite, carbonate and hematite occur throughout the sequence.

As mentioned earlier, the decision was made early in 1980 to sink a shaft to procure bulk samples for metallurgical tests to provide data for evaluation and assessment. Accordingly, a 6 metre by 3.2 metre shaft (Whenan Shaft) is being sunk to an initial target depth of 500 metres—it is currently at a depth of 420 metres. Exploration is proceeding elsewhere on the Stuart Shelf as well as at Olympic Dam—altogether 15 drilling plants are being operated. A camp and facilities for 250 persons including prefabricated accommodation units, mess, ablution, medical and recreation facilities, power and water supplies, and a 1 600 metre airstrip have been established at Olympic Dam. A workshop, plant store, sample preparation block, and drill storage yard have also been constructed.

I now return to the ratifying Bill and the indenture. Detailed discussions regarding an indenture commenced in the middle of last year when the joint venturers placed before the Government proposals for consideration and response. In the negotiations that ensued, the Minister of Mines and Energy was assisted by a committee, co-ordinated by an officer of the Department of Mines and Energy, and comprising representatives of Treasury, the Attorney-General's Department, a town planner seconded from the Department of Environment and Planning and the Deputy Premier's office. When matters of principle relating to matters

such as exploration, mining, royalties, and State taxation arose, it was augmented by the Director-General of Mines and Energy and the Under Treasurer. When matters arose requiring specialist advice from the departments, officers of the relevant department or instrumentality were consulted and often took part in direct negotiations with the joint venturers.

Without seeking to be exhaustive, departments and instrumentalities involved in this way included the Engineering and Water Supply Department, the South Australian Health Commission, the Electricity Trust of South Australia (which, because it is not subject to Ministerial direction, was in many senses involved as a party principal), the Department of Environment and Planning, the South Australian Housing Trust, the Department of Marine and Harbors, the Highways Department and the Department of Local Government. Virtually all departments and instrumentalities were consulted on their needs for infrastructure.

The ratifying Bill and the accompanying indenture are, because of the nature and size of the project that they contemplate, complex documents. This is because of the need of the joint venturers for commercial as well as legal security in a situation where large amounts of money have been spent, and will continue to be spent, by the joint venturers, as I will explain in a moment. I should add, however, that the fact that so many questions of detail have been resolved now will avoid the risk of uncertainty in the future. The main feature of the arrangements before the Council are as follows.

The indenture contemplates a project of up to 150 000 tonnes of copper per annum. It is estimated by the joint venturers that commitment to such a project could involve expenditures well in excess of one billion dollars, employment of 2 000 to 3 000 at the mine site and the establishment of a town of up to 9 000 people. This can either be at Olympic Dam or on the Stuart Shelf although, at present, it is considered that Olympic Dam is the most likely location. The joint venturers are expected to complete their studies regarding the initial project by the end of 1984. In this regard, they undertake to spend an additional $50 000 000 over and above funds already committed and referred to earlier.

Thus, the total prefeasibility expenditure will amount to at least $100 000 000. This expenditure is far greater than any prefeasibility expenditure for a major resource development project in Australia, including the north-west shelf of Western Australia, which was less than half that amount. Having completed their studies, the joint venturers are expected to commit to an initial project by not later than 1987, unless it is not economically practicable to do so at the time. In such circumstances they have the right to postpone their obligations for successive two-year periods, subject to the overriding right of the Minister to refer the question of economic impracticability to an independent expert. In the event that the independent expert should disagree with the joint venturers' assessment and the Minister be of the view that the joint venturers should commit to an initial project, and they not do so, the indenture would terminate. In the event that there is no commitment to an initial project by 1991, all major elements of the indenture (e.g. water, power, roads, royalty) must be renegotiated.

The indenture makes provision for a wide range of matters relating to the initial project. These include environment and radiological protection, water and electricity, roads, infrastructure, exploration and mining licences, township and municipality, royalties and taxes, and local government. The indenture has a number of key features.

Protection of the environment: Adequate protection of the environment is assured. In addition to the normal e.i.s. procedures under State and Commonwealth legislation, the relevant joint venturers, following commitment to an initial project, must provide a programme for protection, management and rehabilitation of the environment for approval by the Government every three years. As well as complying with this overall requirement, an interim report must be provided annually concerning the programme, all relevant raw data must be provided to the Government and, at the end of the three years, a detailed report concerning the programme must be submitted. The indenture contains provision for rectification by the relevant joint venturers, subject to Government approval, in the event of a sudden and unexpected material detriment to the environment occurring as a result of the joint venturers' operations. The ratifying Bill contains provisions for the operation of the Aboriginal Heritage Act in relation to the operations of the joint venturers.

Radiological protection: The standards of radiological protection that must be achieved by the joint venturers are high. In addition to complying with codes set from time to time by the National Health and Medical Research Council, the International Commission of Radiological Protection and the International Atomic Energy Agency, the joint venturers have accepted the obligation to ensure that radiation exposure levels are as low as reasonably achievable. This approach, which is enforceable by the State, is expected to ensure that any levels of radiation to which workers are exposed will be substantially below those permitted by the codes and thus their safety, and that of the community, will be protected. In considering its approach to this matter, the Government has had regard to the views of the select committee of the Legislative Council on uranium resources which reported last year.

Infrastructure: The indenture specifies the range of infrastructure which is to be at cost to the State. This covers basic Government facilities in the town such as the schools, hospital, police station, courtroom, recreation and sporting facilities and the like. The State will bear half the cost of a sealed road from Pimba to Olympic Dam. All other infrastructure, including power lines and water pipelines, roads and other development and subdivision costs in the townsite, will be met by the joint venturers. It is estimated that, for a town of about 9 000 people, the infrastructure costs to be met by the Government would be pro-rated $50 000 000 in today's prices.

The joint venturers would outlay an estimated $150 000 000 on infrastructure (such as power and water supplies, sewerage and roads for the town) for a project of 150 000 tonnes of copper as well, of course, as the cost of the mine and associated facilities which is expected to be, as mentioned earlier, approximately $1 000 000 000 for a project of this size. Many of the facilities to be provided by the joint venturers would normally be supplied by the State. Prior to commitment to a mining prospect, all infrastructure costs will be met by the joint venturers.

I believe these arrangements are financially advantageous to the State. As stated in the second reading speech regarding the Stony Point indenture, the Government's philosophy with regard to infrastructure for major developments is that it should be provided, as far as possible, by the developers concerned. This approach minimises the Government's exposure to risk, ensures that the State's ability to raise finance for other priority works is not reduced and direct or indirect subsidies to specific projects are avoided.

Royalty: The provisions will yield more to the State than would be the case if the Mining Act were applicable and have been carefully designed to ensure an adequate return to the State without operating as a disincentive to the joint venturers. This result is achieved by means of an *ad valorem* royalty and a surplus related royalty. An *ad valorem* royalty of 2½ per cent is payable during the first five years, which increases to 3½ per cent thereafter. Surplus related royalty

is payable from the commencement of commercial production on any surpluses in excess of a threshold level on a sliding scale which commences at zero when the annual return on funds employed is up to 1.2 times the Commonwealth of Australia 10-year bond rate and rising to 15 per cent where the return on funds employed is 2.4 or more times the same bond rate. When returns are such that surplus related royalty is payable the 1 per cent increase in *ad valorem* royalty will be allowable as a deduction from surplus related royalty payments. The State is thus guaranteed a minimum royalty rate of 3½ per cent *ad valorem* after five years. The effect of these provisions is that the people of South Australia will have the opportunity to participate in any substantial surplus of the project.

Water and Power: Charges for services by the E. & W.S. Department and ETSA have been, or are to be, set having regard to the need for adequate cost recovery to them from the joint venturers. In the case of electricity purchased by the joint venturers from ETSA, the indenture makes it clear that there is to be no subsidy between other consumers in the State and the joint venturers. In the case of both water and electricity, provision is made to ensure that the joint venturers' requirements can be accommodated by the relevant system without detriment to other users. In particular, the use of water from the Great Artesian Basin is tightly controlled.

State Preference and Further Processing: Provision is made for State preference in relation to labour, supplies, materials and services in virtually identical terms to the Stony Point indenture. In this regard it is of interest that at the date of the introduction of the indenture to Parliament of the $49 500 000 so far spent by the joint venturers at Olympic Dam, 81 per cent ($39 000 000) has been spent in South Australia. With regard to further processing, there is provision requiring the joint venturers to undertake studies and to give preference to the further processing of the mine's output in the State and, where technically and economically feasible, to encourage and support such further processing. There is appropriate protection for the joint venturers' right to sell product on commercial terms acceptable to them and their freedom of contract with regard to sale of product from the mine subject, of course, to Commonwealth Government requirements. These arrangements reflect the Government's desire to retain the benefits of major resource developments within South Australia to the greatest possible extent. With regard to Commonwealth Government controls, it is required that sales be made within the framework of the Non-Proliferation Treaty, International Atomic Energy Agency surveillance and Bi-lateral safeguards agreements between Australia and customer countries.

Local Government: It is the desire of both the Government and the joint venturers to establish local government over the town as soon as the joint venturers commit to a project. The mine, although it will be located outside the municipality, will make an annual contribution of up to $150 000, indexed in accordance with the c.p.i., to the municipality's revenues. This amount will be pro-rated on the basis of a town of 9 000 people directly and necessarily related to the joint venturers operations.

Exploration and Mining Licences: Provision is made for the joint venturers to apply for a special mining lease under the indenture in relation to Olympic Dam upon commitment to an initial project in that area. Pending such commitment, existing tenements are preserved. Once granted, the special mining lease will last for 50 years with appropriate provision for renewal, provided ore reserves are adequate.

With regard to the Stuart Shelf, the relevant current exploration licences are extended until 1985. The Stuart Shelf joint venturers are then able to apply for up to 10 selected areas, each to be no greater than 65 square kilometres, over which special exploration licences will be granted. These will have a term of 10 years, unless and until there is commitment to an initial project, in which case these special exploration licences will be extended for a further 10 years.

Once the special exploration licences have been granted and the Stuart Shelf joint venturers commit to a project on one or more of the selected areas, the indenture makes provision for them to apply for a special mining lease in the terms outlined a moment ago.

The indenture contains stringent expenditure and relinquishment requirements in relation to the special exploration licences, based on an expenditure per square kilometre of retained area of $5 000 per annum, indexed. The expenditure requirements which are substantially higher than under the Mining Act ensure that potentially valuable ground is actively explored and developed rather than 'warehoused', thus ensuring the maximum benefit to the people of the State from the minerals that the Crown owns on their behalf.

Stamp Duties: An exemption is provided in the indenture from stamp duties on a range of transactions under or related to it. In particular, stamp duties on transactions related to the provision of infrastructure that, in other circumstances, might have been provided by the State have been waived. The exemptions are however, in general, more limited than those made available in recent years for comparable projects in other States. The Government's approach to this matter has been governed by its desire to minimise preferential treatment to large resource projects.

Assignment: The indenture protects the State's interest to the greatest degree possible in the event that the joint venturers wish to assign their interests. While the joint venturers are able to freely assign to each other, in all other cases the consent of the Minister must be obtained. In the case of assignment to subsidiaries, the Minister may satisfy himself as to the ability of the subsidiary to discharge its obligations under the indenture before granting his consent. These provisions ensure that the indenture obligations continue to be met in the event of a change of participants in the activities contemplated by it.

Administrative Procedures: The administrative arrangements set out in the ratification Bill ensure that relevant Ministers and their departments are fully consulted as decisions are taken from time to time in relation to the project. While the joint venturers are given the convenience of a single Minister as the contact point with the Government for the purpose of obtaining approvals, licences, etc., that Minister must obtain the approval of the relevant Minister before issuing the approval, licence, etc., that is being sought. This ensures that technical and policy concerns of Ministers and departments continue to be considered as was the case during the negotiations that led to the indenture.

Those are the main features of the indenture and its ratifying Bill. As I indicated earlier, I believe that it is necessary for all members to study the indenture itself and the ratifying Bill if they are to obtain a full appreciation of their contents. I draw the attention of members to the requirement contained in the indenture that it be ratified by 30 June. The Bill was exhaustively considered by a select committee of the House of Assembly, the report and evidence of which is available to honourable members.

The arrangements before the Council today do, I believe, represent a major opportunity for a most significant development within the State. There is considerable interest throughout Australia and in overseas countries in the development of this unique orebody. Opportunities such as this do not present themselves frequently. The indenture and its ratifying Bill have been exhaustively negotiated having regard to the need to ensure proper protection of community interests and the maximum financial benefit to the people of the State, having regard to their ownership of the minerals

that will be developed as a result of the ratification of this indenture. The events that have led to the introduction of this measure into Council today have included encouragement to the joint venturers from the former, as well as the present, Government. It is very much to be hoped that this support from both sides of this House will be reflected in a positive consideration of this Bill and the innovative arrangements that it seeks to ratify. I commend the Bill to the Council. I seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 contains definitions required for the purposes of the ratifying Act. It also provides that words defined in the indenture have the same meaning in the ratifying Act. Clause 5 provides that the indenture and the ratifying Act bind the Crown.

Clause 6 provides for the ratification and approval of the indenture. It requires the Crown and all other public authorities to carry out their obligations under the indenture and provides against actions that may frustrate implementation of the indenture.

Clause 7 makes modifications to the law of the State that are necessary in view of the provisions of the indenture. Clause 7 of the indenture provides a procedure under which applications for statutory permits, approvals and so on may be made to the Minister. Clause 7 (3) prevents the Minister from granting any such permit or approval without the consent of the Minister within whose portfolio the matter would normally arise.

Clause 8 deals with the minimum standards to be imposed in licences, permits or authorisations relating to the handling of radioactive substances. Clause 9 provides for the application of the Aboriginal Heritage Act to the operations of the joint venturers. The Act will be generally applicable to those operations, but the joint venturers are given certain carefully restricted privileges in relation to the declaration and use of protected areas, and in relation to the exercise of powers under section 26 of that Act.

Clause 10 is a regulation-making power. Clause 11 makes the Crown liable to a decree of specific performance in relation to its obligations under the indenture. Clause 12 provides for the exercise of powers of local government in relation to the municipality to be established for the purposes of the initial project. Local government will be administered, in the first instance, by an administrator and this involves some modifications of the Local Government Act. The clause also makes various other alterations to the Act, in so far as it will apply to the projected new municipality. These reflect the provisions of clause 23 of the indenture.

The PRESIDENT: Does the Attorney-General desire to table the documents that have been referred to?

The Hon. K. T. GRIFFIN: I seek leave to do that.

Leave granted.

The Hon. J. R. CORNWALL: During the past three years there has been a great deal of extravagant rhetoric and bullish posturing from the Tonkin Government on the Roxby Downs prospect. This has now culminated in the signing of an indenture agreement between the Government and the joint venturers, Western Mining Corporation and British Petroleum (Australia), and the current Parliamentary debate on the Bill to ratify that agreement. The level at which the debate on the possible project has been conducted both in and outside the South Australian Parliament by Government members has been abysmally low and disgracefully irresponsible. Perhaps even worse, the third party propaganda campaign currently being conducted by organisations desperate to prop up this Government, a Government which is already moribund, is a gross distortion of the truth and a perversion of the democratic process.

In this contribution I intend to objectively examine the present position at some length, to put the Roxby Downs possibilities and dangers in perspective, to explain the realities and to dispel the myths. The orebody at the Olympic Dam site is deep (more than 300 metres, and up to 1 000 metres underground), complex and relatively low grade. It is very large, occupying an area approximately equal to the square mile of the City of Adelaide plus the North Adelaide area. It contains copper at grades ranging from 1 per cent to 3 per cent but averaging overall close to the lower figure, uranium concentrations between 0.01 per cent and 0.1 per cent averaging approximately 0.013 per cent, some gold and abundant rare earths (for which there is a very limited market). The grades of uranium content tend to rise or fall with the copper grades. The uranium concentrations are such that the blister or smelted copper could not be marketed without removing the uranium content.

If the Roxby Downs prospect becomes commercially viable, I believe it would have an estimated life of between 50 and 100 years. The joint venturers (W.M.C. and BP Australia) estimate, and the indenture agreement contemplates, that at full production it would produce 150 000 tonnes of copper and 2 000 tonnes or 4 000 000 pounds of uranium as yellow-cake a year. This would involve the annual mining of approximately 10 000 000 tonnes of ore.

Because of the remoteness of the area, its location in an arid zone and the depth and complexity of the orebody the cost of production would be high. The estimated capital cost of a commitment to mining is at least $1 200 000 000 in 1981 prices. The projected gross profits on that sort of capital investment would have to be a minimum of $200 000 000 to $250 000 000 per year for the joint venturers to make a commitment. Obviously they are not in a position to do that at this time and, given the very depressed market for metals in general and the uncertainties of the uranium market, nobody in the mining industry expects that they would do so before the end of this decade.

If the Roxby Downs prospect is regarded as a copper mine only—and it is important to remember that it is a prospect, not a project at this stage—it would be necessary for copper prices to exceed $2 800 a tonne to achieve the necessary profitability. Copper has always been subject to price cycles of boom and bust. Three years ago the world price was $A2 300 a tonne; currently it is about $A1 400 a tonne.

The Hon. K. L. Milne: It has gone down a bit more since then.

The Hon. J. R. CORNWALL: That may well be so.

The Hon. K. L. Milne: It is now $A1 328.

The Hon. J. R. CORNWALL: The Hon. Mr Milne tells me that it is now $A1 328. At the moment there is no prospect of the price rising. Given that the grade of the Roxby Downs orebody only averages about 1 per cent, it is unrealistic to suggest it could be viable as a copper mine only. It is obvious that large contracts for the sale of uranium as yellowcake would have to be obtained in the price range $US33 to $US48 per pound for the operation to proceed. Probably the best uranium market information readily available in the world is published in NUEXCO, the Journal of the Nuclear Exchange Corporation. NUEXCO, which is based in Menlo Park, California, offers specialised information and market services to organisations involved in the nuclear fuel industry. Its monthly report summarises world uranium supply and demand and price information, gives information on recent market transactions and comments on events of importance to the nuclear industry. It

is, in fact, an industry journal. A yearly subscription for 12 issues costs $500.

In addition, the Nuclear Exchange Corporation acts as a specialist consultant and prepares price forecasts and marketing and procurement strategies for clients. The May 1982 edition says of uranium prices:

The Exchange Value as of 30 April 1982 is $US20.75 per pound U_3O_8, down $US1.75 from last month's level of $US22.50. This downward adjustment reflects the deteriorating condition of the spot and near-term markets. Trends evident last month accelerated. The ratio of near-term supply to near-term demand widened sharply from 5.2:1 last month to 9.3:1 this month. Not only did supply increase, but demand was reduced as one large order was filled. Also evident was an increased willingness of sellers (both utilities and producers) to cut prices to compete for available business.

In the same journal at page 21 there is a table of Historical Exchange Values, the so-called spot prices. This shows that the value per pound of yellowcake has fallen from a high of $US43.25 in May 1979 to $US20.75 in April 1982. This table is statistical and I seek leave to have it incorporated in *Hansard*.

Leave granted.

TABLE OF HISTORICAL EXCHANGE VALUES

Determined as of the last day of the month indicated (US Dollars/lb. U_3O_8)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1968	—	—	—	—	—	—	—	6.35	6.35	6.40	6.45	6.50
1969	—	6.35	6.10	6.10	6.25	6.25	6.20	6.20	6.15	6.15	6.15	6.20
1970	6.30	6.30	6.30	6.30	6.30	6.30	6.30	6.20	6.15	6.15	6.15	6.15
1971	6.20	6.20	6.20	6.20	6.15	6.05	6.00	5.95	5.95	5.95	5.95	5.95
1972	5.95	5.95	5.95	5.95	5.95	5.95	5.95	5.95	5.95	5.95	5.95	5.95
1973	5.95	6.00	6.10	6.20	6.45	6.50	6.50	6.50	6.50	6.50	6.75	7.00
1974	7.70	7.90	8.00	9.00	9.50	10.50	11.50	12.00	12.50	14.00	14.75	15.00
1975	16.00	16.00	18.00	20.00	21.00	23.00	24.70	26.00	26.00	28.50	30.00	35.00
1976	35.20	37.00	39.25	40.00	40.00	40.00	40.00	40.40	41.00	41.00	41.50	41.00
1977	41.35	41.50	41.60	41.60	42.00	42.25	42.25	42.25	42.40	42.75	43.20	43.20
1978	42.90	43.25	43.25	43.25	43.40	43.40	43.40	43.10	43.25	43.00	43.25	43.25
1979	43.25	43.25	43.25	43.25	43.25	43.00	42.70	42.70	42.20	42.20	41.00	40.75
1980	40.00	38.00	35.00	32.00	32.00	31.50	31.50	30.00	28.50	28.00	28.00	27.00
1981	25.00	25.00	25.00	25.00	25.00	24.25	23.50	23.50	23.50	23.50	23.50	23.50
1982	23.00	23.00	22.50	20.75								

The Hon. J. R. CORNWALL: The Exchange Value is NUEXCO's judgment of the price at which transactions for significant quantities of natural uranium concentrates could be concluded as of the last day of the month. In the same edition, at page 4, the journal states:

Six months ago, in October 1981, the United States Nuclear Regulatory Commission Chairman Palladino stated that he thought up to 20 nuclear power plants could be licensed in 1982. The N.R.C. staff recently reported to the commissioners that there may be only five nuclear power plants licensed in 1982, with a maximum of 20 over the next two years. The difference comes from delays in completion dates by the utilities as well as regulatory problems, as happened with Pacific Gas and Electrics Diablo Canyon 1 Unit.

Clearly the nuclear industry is in severe depression worldwide as well as in the United States. Enclosed with the May 1982 NUEXCO journal is a paper entitled, 'The Uranium Market: Whither Goest the Yellowcake Road'. It was presented by George White Jnr, Senior Vice President of NUEXCO, at the Atomic Industrial Forum Fuel Meeting on 22 March 1982, in New York City. He says:

At the risk of stating the obvious, it must be observed that the long-term health and development of the uranium business depends on the long-term health and development of nuclear power as a source of electric generation. I make this point because there has been a tendency by many of us to pay close attention to the trees and lose sight of the forest. We focused our attention on existing uranium supply agreements. We talked about uranium demand generated by enrichment contracts, by conversion contracts and by fabrication contracts. More generally, we focused on a high uranium demand associated with a thriving nuclear industry. We believed our own optimistic forecasts, because we wanted them to be true.

We ignored the reality. Utilities were getting into financial trouble; load growth levelled out; reserve margins increased; regulatory constraints and nuclear opposition extended completion dates and nuclear plants were being cancelled. We ignored all this because, as the true believers in nuclear power, we just knew that nuclear was the only way that made sense; we were confident that the aforementioned problems were but temporary anomalies that would soon pass as the non-believers saw the true light. So, where are we now? We have a world-wide uranium industry that expanded vigorously to meet a market characterised by a continuing erosion of future demand. Somewhere along the line we took our eyes off the target.

There is an imbalance between uranium production and uranium consumption. It is no secret that more uranium is being produced that is being consumed in reactors. It is true today, both for the United States and the world at large. On a world-wide basis it will still be true in 1990 . . .

Where do we go from here? Given existing conditions and based on the aggregate data discussed earlier, the answer would appear to be 'Not very far and not very fast'.

In evidence produced before the Legislative Council Select Committee on Uranium Resources, much emphasis was placed on the fact that long-term contracts for uranium were being written at much higher prices than ruling spot prices. We were told by several witnesses that contract prices were normally more than 50 per cent higher than the world spot price. There was no comparison, they said, with world prices as they were set for other metals. Even if that was true then, it certainly is not valid in June 1982. I quote again from George White Jnr, Senior Vice-President of the Nuclear Exchange Corporation, as follows:

Most U.S. utilities continue to resist entering longer-term contracts which contain pricing provisions that can operate in such a manner so as to cause them to pay more than spot prices for any considerable period of time . . .

As a consequence a number of recent contracts contain so-called 'walk-away' provisions designed to protect buyer or seller, depending on whether spot prices are too high or too low. We anticipate more such contracting.

Referring specifically to Australia, Mr White says:

Australia is somewhat puzzling. Timely entry was hampered by political events. Once viewed as essential, Australian production is now seen as an interesting alternative, particularly to those buyers intent on diversifying sources of supply. This factor, diversity, accounts for the sales made during the past few years at prices and under terms and conditions not otherwise competitive. Due to the Australian Government's announced floor price policy, further sales appear foreclosed at this time.

In the light of world market conditions and on all the available evidence, the people of South Australia have the right to know (and the Government, Western Mining Corporation and BP Australia have a duty to tell them) that Roxby Downs will not be mined in the 1980s. That is accepted by every informed source in the mining industry throughout Australia. All of the present programme and the indenture agreement make this clear.

The Hon. D. H. Laidlaw: Why did they—

The Hon. J. R. CORNWALL: I repeat, for the benefit of the Hon. Mr Laidlaw, that all of the present programme and the indenture agreement make this clear.

The PRESIDENT: Order! Each honourable member will have a chance to speak.

The Hon. J. R. CORNWALL: The first phase of pre-feasibility exploration and assessment is now being completed at a cost of $50 000 000 to $60 000 000. The second stage will involve spending another $50 000 000 to the end of 1984 or beyond on a final feasibility or developmental study. This would maintain the present work force of 200, the majority of whom came from Western Australia, until its completion. The Roxby Downs indenture and the indenture Bill are obviously written so that a commitment to commercial mining can be deferred for at least a decade. Under the terms of the indenture, the first year in which a commitment has to be made or reviewed and deferred is 1987. This process may be repeated in 1989 and 1991. If there is no notice of intention to proceed by 1991, the indenture may be withdrawn and rewritten or it may be further extended by the Government of the day. It is arguable that subclause 7 of clause 53 could be used to extend the notification date indefinitely. My research officer queried officials in both Treasury and Crown Law on this point. They said that this was probably not the case but they were very reluctant to express an opinion.

Moreover, these dates which extend from 1987 to 1991 and beyond are not commencement dates. Let us be very clear about that. They are merely the dates by which the joint venturers, W.M.C. and BP Australia, are required to give notice to the Government that they intend to proceed with the project. There is no fixed date by which the initial project has to be commenced. Under the terms of the indenture, all the companies are required to do after notification of their commitment is to proceed with 'all reasonable diligence'. This is incredibly vague and no doubt deliberately flexible. Taken together with the indefinite delay mechanism built into the notification date it could mean that the actual 'commencement date' could be almost 20 years away. I repeat that our prognosis is based on the state of the world market for copper combined with the tremendous uncertainty and depression in the uranium industry.

The Hon. L. H. Davis: And the A.L.P. platform.

The Hon. J. R. CORNWALL: Shut up. You are an absolute idiot.

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: It is almost certain that, even if the indenture is ratified by the passage of the indenture Bill, the companies will complete their final feasibility study and then put the prospect on a 'care and maintenance basis' only while they watch world market trends and explore uranium contracts. If it ever does proceed, Roxby Downs is a project for the 1990s or well beyond.

The Hon. M. B. Cameron: If notice is taken of your policy.

The Hon. J. R. CORNWALL: Mr President, this is a very serious business and I would like it noted that some galahs like Davis and Cameron will not let me be heard in silence.

The PRESIDENT: Order! It will not be in complete silence but we will give you a good hearing nevertheless.

The Hon. J. R. CORNWALL: I turn now to a discussion of the employment prospects and perspectives. As I have previously said, ratification of the indenture agreement by passage of the indenture Bill would mean the maintenance of the present 200 temporary jobs to December 1984. However, the joint venturers can certainly complete their final feasibility study and maintain present employment under existing tenures without the indenture. If the indenture is ratified by passage of the Bill, either in its existing form or with the Opposition amendments which I will shortly foreshadow, it will mean:

An estimated 2 000 permanent jobs at peak production. This figure is based on optimistic world market possibilities which would permit its exploitation. It would certainly not occur prior to the period 1992-97. In other words, the realistic lead time for a project of this magnitude is 10 to 15 years even with a 50 per cent increase in world prices.

An additional 1 000 to 1 500 jobs in ancillary and service industries. These figures can be fairly accurately estimated on well established mining operations such as Mount Isa and Broken Hill.

Possibly 2 000 to 3 000 temporary jobs at the peak of construction on a boom-bust development cycle.

The extravagant and cruel distortions which produce 15 000 permanent jobs for propaganda purposes are a disgrace to their perpetrators. The possibility of providing 3 500 permanent jobs is welcomed by the Opposition. We would embrace any responsible and safe industry which would provide desperately needed employment in this State.

However, the overall impact must be measured against the current South Australian unemployment level of 50 000 and a projected unemployment level of 90 000 by 1990 if present Government economic policies are not radically changed. Even on the optimistic projections and short end of the estimated lead time it would only reduce unemployment by about 0.6 per cent using the current unemployment figures and presuming a specialist or transient work force is not imported from interstate and overseas.

I would like to digress briefly, with your indulgence, Mr President, to destroy the malicious lies which have been peddled in the irresponsible propaganda war which paint the A.L.P. as being anti-development. I said earlier that the Labor Party would not only welcome but embrace any responsible and safe industry which would provide desperately needed employment in this State. This is an essential philosophy and policy for any political Party which hopes to gain and retain office in South Australia. In our case it is imperative if our policies to ameliorate the social conditions and improve the living standards of the vast and increasing numbers of South Australians living below the poverty line are to implemented. It is the essential centrepiece for our strategies not only to increase employment but to improve public services as part of restoring faith in the social contract between Government and the people. .

One of the more curious clauses of the indenture concerns protection and management of the environment. There is no overall strategy or requirement spelt out at all regarding the management of radioactive tailings. Yet up to one billion (one thousand million) tonnes of tailings could be produced during the life of the mine. In summary, the indenture simply requires:

Three-year programmes for the protection, management and rehabilitation of the environment 'including arrangements with respect to monitoring and the study of sample areas to ascertain the effectiveness of such programmes'.

That in the event of a sudden or unexpected deterioration in the environment occurring as a result of the operations, the joint venturers will submit a programme 'for the mitigation of such detriment'.

That the joint venturers, in assessing the economic feasibility of the initial or subsequent projects 'will have regard to the laws, regulations or standards . . . relative to the environment existing at the time' project notice is given.

Should any changes to such laws, regulations or standards occur during the currency of the indenture 'the result of which is to impose substantial addi-

tional costs upon the joint venturers ... the State shall, upon request of the ... joint venturers give due consideation to ameliorating the adverse effects of such costs'. This appears to be a dangerous and euphemistic way of saying that, if things go badly wrong, the State should consider picking up most of the tab for additional and probably massive expenses incurred.

The Opposition says that these arrangements for environmental protection and tailings management are almost totally inadequate. We will certainly be moving amendments to very substantially strengthen these arrangements and imposing very heavy penalties for breaching them. The only references to waste management contained in the indenture or the Bill are:

I.A.E.A. regulations and codes for the transport and management of wastes from mining and milling.

A very loose and defective requirement in the second schedule of the indenture that 'The lessees shall observe the provision of all regulations relating to the ... management of waste as provided in the Indenture.'

Yet there are virtually no such regulations to be observed! Many gross deficiencies occur in the clause entitled 'Compliance with codes'. This provision sets permissible levels of radiation exposure based on:

(a) The Australian Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores.

(b) International Atomic Energy Agency Regulations and Codes for Transport and Management of Wastes from Mining and Milling.

(c) National Health and Medical Research Foundation Codes 'presently issued or to be issued from time to time'.

(d) Codes or recommendations issued by the I.C.R.P. or the I.A.E.A.

There is no possibility that, if the indenture Bill is passed in its present form, any more stringent codes for worker protection can ever be imposed. During the recent passage of the radiological protection and control legislation through the South Australian Parliament the Minister of Health inserted an amendment in her own Bill to ensure that it could not be more stringent than any of the codes or regulations contained in the indenture. It is believed this was done at the insistence of the Western Mining Corporation.

There are two further serious omissions in the package before the Council relating to worker protection. In our dissenting report on the Legislative Council Select Committee on Uranium Resources, the Hon. Norman Foster and I specifically recommended that, if uranium mining were ever to proceed in South Australia, it would be essential for a State register to be established and kept of every worker involved in handling radioactive substances during the mining, milling, processing and transport operations. No such provisions have been made. The Minister in charge of this Bill said in another place that the Commonwealth intended to establish an Australia-wide register. The Legislative Council was told this more than two years ago but still nothing has happened. We repeat that, if uranium mining ever proceeds in South Australia, we would insist that a workers' register be established.

We also recommended with vehemence that, if uranium mining proceeded, special long-term workers compensation legislation should be passed. This must include a special long-term indemnity fund for workers who develop lung cancer from radon inhalation, as some of them inevitably must no matter how stringent the safety precautions are. It is absolute nonsense to suggest that the common law provides adequate protection. If that were the case, why did the United Kingdom, the home of the common law, enact special long-term legislation for workers involved in the industry?

Some mention should be made here of the nonsense which has been talked about a uranium enrichment plant at Port Pirie. Enrichment is one of the least dangerous processes in an otherwise extraordinarily dangerous cycle. If the industry were ever proved to be safe and adequately safeguarded I would have little objection on physical or environmental grounds to an enrichment plant being built at Pirie. However, the hard facts of economic life are that, even if we accept the most extravagant and unrealistic projections of the nuclear optimists, a massive over-capacity for enrichment already exists worldwide and will persist for at least two decades.

I now turn to the question of royalties. Again, there have been cruel distortions and crazy auctions about the royalty wealth which would flow to South Australia. We have been asked to believe that we would rival the oil rich sheikhs of the Middle East. That is preposterous nonsense.

The Hon. L. H. Davis: Where did we say that?

The Hon. J. R. CORNWALL: Shut up and listen.

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: The royalties payable—

The PRESIDENT: Order! The Hon. Dr Cornwall should not talk about 'shutting up'.

The Hon. C. J. Sumner: Stop him from interjecting.

The PRESIDENT: I look after that part.

The Hon. J. R. CORNWALL: You're not doing too well.

The PRESIDENT: Order! I consider this to be a serious debate. I do not want interjections from either side, and I do not want the Hon. Dr Cornwall to fly into a rage every time someone opens his mouth.

The Hon. J. R. CORNWALL: The royalties payable are: 2.5 per cent of gross production and sales for five years from the commencement date of commercial mining; 3.5 per cent after the fifth year from commencement and until the year 2005; a surplus related royalty payable on any 'super profits' up to the year 2005, based on profits related to 'total funds invested', and after the year 2005, a figure renegotiated between the Government of the day and the joint venturers. If they are unable to agree on a figure the royalty date will revert to that which exists under the Mining Act at that time. On present figures that would mean a reversion to 2.5 per cent.

To obtain the net value which would accrue to the Treasury (and therefore to the people of South Australia) the annual interest payable on the $50 000 000 which the State has to contribute to the infrastructure costs of the project under the indenture must be subtracted from the gross royalties payable.

Estimates of the net royalties and the peak period during which they are payable are subject to a number of very variable factors. Many permutations and combinations can be used in arriving at what amount at best to guesstimate. The outside limits range from a net loss of $7 000 000 a year to an extraordinarily optimistic $40 000 000. The loss of $7 000 000 annually could arise in the early days of production in a depressed market. At maximum production, presuming a relatively early start to commercial mining in the 1990s and booming world markets, the $40 000 000 a year could apply for up to five years. More realistic estimates are in the range of $8 000 000 to $20 000 000 a year in 1982 dollars—substantially less than the Cooper Basin royalties and between 10 per cent and 25 per cent of the annual budget of the Royal Adelaide Hospital.

Neither the indenture nor the indenture Bill adequately addresses the question of worker safety. As I said earlier, it is noteworthy that the recently passed Radiation Protection and Control Act specifically excludes the possibility of more

stringent worker protection standards being imposed than currently exist in Australian and international codes of practice. Yet there is clear evidence that these levels are too high. The National Institute for Occupational Safety and Health, the peak organisation in its field, which is funded by the United States Federal Government, estimated in its 1980 report on radiation protection that presently accepted levels may be up to four times too high. I will not canvass these arguments at length. They are all recorded in *Hansard* from the previous debate.

However, it should be noted here that radioactive radon gas is constantly emitted during mining. It is certainly possible to reduce the levels of radon which will be inhaled by miners by reducing dust and installing adequate ventilation. However, it is impossible to eliminate it as a problem for miners. No matter how stringent the safety precautions are it is certain that uranium miners will develop lung cancer at two to four times the incidence in the general population with lead times of between 12 and 30 years.

To this point I have examined and dissected the more important aspects of the indenture and the indenture Bill on the basis or the presumption that the nuclear fuel cycle is a safe and safeguarded industry. Of course we do not believe that is so. However, to date, in this contribution every foreshadowed amendment, every criticism, has been based on realistic occupational health premises, on an accurate assessment of the market place, on realistic appraisal of the time scale involved and on normal commercial analyses. Our foreshadowed amendments and the other legislative and administrative arrangements I have indicated we would take, would apply even if our policy and attitudes on the nuclear fuel cycle were positively supportive. I will now turn my attention to the enormous dangers and difficulties which still exist in the nuclear fuel cycle generally.

The pro-uranium lobby consistently tries to make a very clear distinction between the civilian nuclear industry (that is, the use of uranium as a fuel to produce electricity in nuclear reactors) and the military uses for the production of nuclear weapons. In practice that line is very blurred. If Roxby Downs ever does proceed it will produce 4 000 000 pounds of yellowcake a year and up to 400 000 000 pounds during the life of the mine.

In the present world scene some of this must inevitably find its way into nuclear weapons because existing international safeguards arrangements are ineffective and unenforceable. Mr Justice Fox, the Chairman of the Ranger Inquiry and subsequently appointed as Australia's Ambassador at Large on matters of safeguards and non-proliferation, appeared before the Legislative Council Select Committee on Uranium Resources on two occasions. I do not think that anyone would dispute his depth of knowledge or expertise in these areas. Much of his evidence is directly relevant to this debate. He said:

> . . . I have recognised (as I believe most people have) that a safeguards policy is by no means a complete and satisfactory non-proliferation regime.
>
> There may be a change in the stability or otherwise of a purchaser country and these things do happen, as I am sure you know.
>
> In international affairs, when a complaint is made it is likely to remain unresolved for years . . . We would not readily cut off supplies to Euratom because we felt that somewhere in the European economic community something had been done wrongly.
>
> So I come to answer the question: Yes, there is a risk that plutonium produced from uranium supplied by Australia may be diverted for military purposes. I do not think anyone would argue to the contrary.

I stress the importance of the last paragraph. Moreover, Australia's safeguards requirements, first enunciated by Prime Minister Fraser in 1977, have been progressively watered down as sales have become more difficult. The further question arises concerning the overall contribution which South Australia's input would make to the world inventory of uranium supplies. Even if every pound of Roxby Downs uranium was accounted for in the civilian industry, it would still make a massive contribution to the nuclear arms race because every pound imported by a customer country would make another pound mined or imported from other sources available for weapons production.

Proponents of the civilian nuclear industry claim that plutonium produced in reactors can only be converted with great difficulty to weapons grade plutonium. That is nonsense. The Reagan Administration in the United States has recently stated with chilling candour that it will be necessary to use plutonium produced in civilian reactors to supply the needs of its expanded nuclear arms programme. In the respected journal *Science*, Vol. 214, of 16 October 1981 (pages 307 and 308), there is an article by Colin Norman. He says:

> The demand for weapons grade plutonium will rise sharply in the next few years as a result of plans to build a new generation of compact warheads for cruise missiles, neutron weapons, MX missiles and Trident rockets . . .
>
> Defence analysts have warned for some time that weapons grade plutonium may be in short supply in the late 1980s . . .
>
> In particular DOE (the United States Department of Energy) has recently stepped up work on a key programme to separate plutonium isotopes.
>
> By essentially turning its own power reactors into bomb factories, the United States would find it difficult to dissuade other nations from using their peaceful nuclear programmes for military purposes.

The article goes on to say at page 308:

> Another indication of the seriousness with which the idea is being pursued is the recent expansion of a programme at the Lawrence Livermore Laboratory to develop the use of lasers to separate isotopes of plutonium.
>
> The Livermore Programme is an offshoot of an effort to use lasers to separate uranium isotopes. In fiscal year 1980, work on plutonium separation received $6 600 000, but in 1981 it was boosted to $30 500 000, and in 1982 it is scheduled to receive another $25 800 000. The programme is going so well that DOE now expects to have a full scale plutonium separation plant in operation by 1989.

In *Nuclear News*, an industry journal, in January 1982 there is a report of the Atomic Industrial Forum's Conference. Referring to the production of weapons grade plutonium necessary to meet the expanded U.S. programme, a Dr Davis is reported as follows:

> Davis discussed the highly publicised question of using commercial plutonium in the weapons programme. He said it is a question of whether in the long run one should make a clear distinction between civilian and military uses of plutonium. No other weapons state makes such a distinction, he said.
>
> The first order of business, he said, is to determine the 'absolute essentials (for the) national defence of the United States'. We cannot restart the old mothballed production reactors, he said, because they simply will not operate effectively. New production reactors can be built, he said, but this is a time consuming and costly option.
>
> As for the established weapons states, Davis said, there has never been a prohibition against using plutonium from power reactors in weapons. The argument in this country (the U.S.) to the contrary, he said, is a 'myth' that has 'grown up somehow'.
>
> 'We always have said' Davis continued 'that going to weapons through the power route is a costly and inefficient way to go.' But this does not say, he added, 'that once you are a weapons state you should not go that way'.
>
> Davis told the press that the United States is constrained from using commercial plutonium in its weapons only by some public perception that has been built up on this subject. 'But the United States is a weapon State', he said, 'as is Russia, China, the U.K. and France'. None of these countries, he implied, are under any legal or political constraint on the use of its plutonium inventories.

A paper published very recently in AMBIO (Volume 11, No. 1, page 15, 1982), a publication of the Royal Swedish Academy of Science, estimates that the 762 civilian nuclear reactors around the world which are operating or about to be commissioned will produce enough plutonium to manufacture 20 000 nuclear weapons per year. The author, Dr Leonard Solon, is not exactly a fringe dweller in the scientific

or academic world. He is currently Director of the Bureau for Radiation Control at the New York City Department of Health. He also holds an appointment as Associate Professor in the Department of Environmental Medicine at the New York University Medical Centre. Among his prior positions, Dr Solon was Assistant Chief and then Chief of the Radiation Branch of the United States Atomic Energy Commission Health and Safety Laboratory. He was also a member of the Technical Consultants Panel of the Atomic Energy Commission, Division of Military Application. His professional organisations include membership in the Health Physics Society, the American Nuclear Society, the American Association for the Advancement of Science, the American Physical Society, the New York Academy of Sciences and the Conference of Radiation Control Programme Directors. As I said, Dr Solon is not exactly a fringe dweller in the world of science or academia.

Reverting to Roxby Downs in this context, it should be noted that the annual production of 4 000 000 pounds of uranium as yellowcake could produce 400 Hiroshima-size nuclear weapons every year. That is a massive contribution to world destruction.

The question of the safe and peaceful disposal of high-level wastes (that is, the spent fuel from nuclear reactors) also remains unresolved. The waste fuel which comes from the core of nuclear reactors contains plutonium as well as other very high level radioactive wastes. These remain highly radioactive in any time scale that can be comprehended by mankind. They come out of the reactors at a temperature of 400°C and take 50 years to cool down to 100°C.

The pro-nuclear lobby claims that the technology is at hand and that permanent disposal—that is, forever—will be achieved by scientific endeavour. I freely concede that this is entirely possible. I am well aware of the Swedish work, of the vitrification process and of the SYNROC method being developed by Professor Ted Ringwood and his associates at the Australian National University in Canberra. However, the fact remains—and it is uncontested—that not one milligram of high-level waste has been disposed of 'permanently' anywhere in the world. Vast quantities of high-level waste remain in temporary storage waiting for the promised but as yet undemonstrated fool-proof technique.

The question of reactor safety also remains a vexed question. A number of major studies on reactor safety have been made and published. The best known of these are the Rasmussen Report, the report of the Union of Concerned Scientists, and the Mitre Report. All were based on theoretical determinations and were completed before the Three Mile Island accident. There are many types of reactors of varying ages. All have experienced some difficulties and there have been literally hundreds of incidents, although the Three Mile Island (Harrisburg) disaster is certainly the best known.

The most complimentary thing that can be said about this essential phase of the industry is that the present 'state of the art' is somewhere between infancy and adolescence. I would also briefly make the following points. First, the ultimate reactor failure, a core meltdown, would have disastrous consequences of enormous magnitude. Secondly, a nuclear reactor is easily the most complex and dangerous way of boiling water ever devised by mankind. Thirdly, there are numerous unresolved problems concerning the decommissioning of reactors. In estimating the cost of generating electricity from nuclear energy, these are frequently disregarded by proponents of the industry.

There are many people who believe that the uranium deposits at Roxby Downs should never be exploited. Certainly there are many facts which would support that view. Unless the arms race is halted there is abundant evidence that nuclear war is becoming increasingly inevitable. What would the present world situation be if General Galtieri and the Argentinian junta had intercontinental missiles with nuclear warheads? It is a chilling thought that the Argentines are already into reprocessing fissile waste which will soon provide them with a nuclear arms capability. We are literally talking about the future of mankind.

There are others, and I include myself among them, who believe that market forces will prevent the exploitation of the Roxby Downs prospect in the foreseeable future. The story of the collapse of the civilian nuclear industry is well known. Investment advisers in the United States are uanimous in telling their clients not to invest funds in the industry. Faced with all this evidence the Labor Party has adopted a classical conservative position.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: Our policy clearly states that we will not permit the mining, milling, further processing or export of uranium unless and until we are satisfied that it is safe to provide it to customer countries. In other words we have adopted a 'play it safe' or 'wait and see' attitude.

Our political opponents in the Liberal Party, on the other hand, have adopted the morality of the poppy grower who supplies opium to the heroin trade. Their position is, 'If we don't sell it, someone else will.'

It remains to be seen, for the many reasons which I outlined earlier, whether a market will exist by the time commercial mining at Roxby Downs can be seriously contemplated in the 1990s. In the meantime, we are in a unique position to give a lead to the world at a price which, in personal terms for all South Australians, means little or no personal sacrifice. Let us seriously reconsider the Roxby Downs prospect if and when it becomes a firm project to be considered by the Government of the day, whatever its political complexion, in the late 1980s. Let us seriously consider the possible project again if and when problems concerning reactor safety, international safeguards, non-proliferation agreements and disposal of high level waste have a reasonable prospect of being resolved.

I repeat that the Labor Party, as the alternative Government of South Australia, is firmly, indeed absolutely, committed to the responsible exploitation of this State's resources, both renewable and non-renewable, for the maximum benefit of all South Australians. We are unalterably committed to rational development, to job creation and to the restoration of equitable prosperity in this State.

For the following reasons we are prepared to ratify the Roxby Downs indenture by passing the indenture Bill subject to the following amendments:

First, that approval to proceed to exploitation of the project shall be reserved for the Government of the day at the time that a project notice to commit to the initial project is given to the Government by the joint venturers (amendments 8 d (1) and (2));

Secondly, that subject to Government approval being given, the terms of the indenture will apply and an initial 50-year lease will automatically be granted;

Thirdly, that the joint venturers shall be obliged to observe radiological safeguards imposed by or under any other law of the State (amendment 8 (1));

Fourthly, that special workers compensation covering workers' exposure to radiation and the short and long term effects of that radiation shall apply (amendment 8 b);

Fifthly, that detailed proposals for the disposal of wastes and tailings resulting from commercial exploitation of the Roxby Downs prospect be submitted to and approved by the Minister of Health, (amendment 8 (2));

Sixthly, that no special mining lease shall be granted unless there has been a comprehensive public inquiry into the probable effects on the environment of the project;

Finally, that prior to a project notice being given to commit to the initial project, the existing leases and tenements will be subject to periodic review by the Government, in association with the joint venturers, to show why the project should or should not proceed.

The Parliamentary Labor Party, the alternative Government of South Australia, does not believe that most of the decisions regarding Roxby Downs need to be taken or should be taken in 1982. We recognise that this is an orebody in world class which could eventually offer substantial benefits to South Australia. At the same time we acknowledge that there are very real problems, both economic and moral, which cast a shadow over its viability at this time. In a spirit of concern and with a deeply responsible attitude we are prepared to give security of tenure over the orebody to the joint venturers. We are prepared to allow the final decision concerning Government approval to the joint venturers to be given at the time of commitment to the commercial mining of the prospect. Under our amendments that decision will be made by the Government of the day. It will be made at the appropriate time, whether it is 1987 or 1997, not prematurely as a political gimmick in 1982.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: If the Bill does not pass in its amended form it will be due to the bloody-minded political cynicism of the Tonkin Government. It will also represent a significant but not irretrievably missed opportunity for the joint venturers. The Labor Party is prepared to keep the options open for Western Mining and BP. They can certainly complete their final feasibility or developmental study with the security of a 50-year lease. They can then be assured that we will continually review the Roxby Downs prospect in close consultation with them and in the light of world markets and international developments.

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

[Sitting suspended from 6.24 to 8 p.m.]

PASTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 June. Page 4352.)

The Hon. ANNE LEVY: Yesterday when speaking to this Bill I was discussing the state of the arid zones at present and I was presenting evidence that I hoped would convince people that the arid lands are currently showing signs of degradation and that little or nothing is being done about it. We certainly need to worry about our land resources and their management. The Bill does nothing to improve the situation, and probably makes it worse.

It has often been stated that the provisions of the current Pastoral Act have never been made to work and that there has been no attempt to implement provisions in regard to land management (such as they are). It has also been stated that, if people are belatedly attempting to look to our land resources, they could well begin by implementing the current Pastoral Act without suggesting changes to it. I would like to quote from submissions that were made to the Vickery Committee, or the inter-departmental working group that is now commonly known as the Vickery Committee.

The Land Resource Management Division of the C.S.I.R.O. presented a lengthy submission to the Vickery Committee containing numerous recommendations as to the approach it should take. This submission was prepared by Graetz, Wilson and Gibbs, and I would like to draw to the attention of the Council some parts of that submission. First, in regard to what is a resource, it was stated:

> A resource can be defined as anything that may be of use to man now or in the future. Resources are therefore a cultural concept and reflect society's needs, values and attitudes.
>
> This has two important consequences:
>
> (i) because resources are anthropocentric, they are dynamic. As society changes, so will its perception of what constitutes a resource. The value of a resource will be determined by its abundance and accessibility.
>
> (ii) the dynamic nature of the value of a resource to a society requires that resource assessment on behalf of that society be a continual process.

There is certainly no evidence in the Bill of any continual assessment of our land resource. It was further stated:

> LANDSAT imagery, a public information source, clearly shows changes over the last five years in the condition of the land comprising some pastoral leases.

I stress this, because many people have said that the degradation of the pastoral lands that is clearly observable occurred in the late nineteenth century and that these days we have better knowledge and no further degradation is occurring. The evidence from the C.S.I.R.O. LANDSAT work contradicts this notion that, in the past five years, the land has not deteriorated. What should be the goals of land use legislation? The submission states:

> Ideally, any Act relating to the management of renewable resources should contain or represent a clear statement of goals and of the policies to achieve those goals. The latter is not as important as the former, for it is the goals that reflect and contain the value statements; that is, they reflect what the society regards as desirable. Therefore we argue that statutory amendments should be primarily concerned with defining goals for the use and management of the arid lands and that administrative amendments should be primarily concerned with policy, that is, what are acceptable and effective strategies of control.

The submission also states as some of its clear recommendations and as goals for the management of pastoral land, first, that the productivity of the pastoral land in each specific holding in particular be maintained; secondly, that the land surfaces not be degraded or, where degraded, rehabilitated; and, thirdly, that the preservation of examples of arid zone flora and fauna communities, the maintenance of native flora and fauna on all pastoral land in so far as this is consistent with land use and productivity goals, and the control or exclusion of undesirable exotic plants and animals be pursued. Those goals as expressed in the recommendations of the C.S.I.R.O. are in no way translated into the goals of the Bill. That same submission, in regard to the rentals being charged on leases, stated:

> The rental paid by a lessee to the Government is analogous to the royalty paid by another industry for its access to a resource.
>
> Existing rentals are a minor proportion of the costs of a pastoral enterprise and, since there is no local government levy on most of these lands, these rentals are now an inadequate payment to the Crown for use of the land and the provision of expensive services such as roads.

It is suggested that, to preserve some financial equity for society, it could be determined that the total cost of administration and management of the pastoral country by a Government agency should not exceed some set proportion of the total rentals paid, taking cognizance of the absolute costs and returns. There is a clear indication that the C.S.I.R.O. believes that the rentals that have been charged in the past are totally inadequate. Yet suggestions have been made in the debate that rentals should be fixed for all time and should not vary with inflation. When the Vickery Report was first produced, comments were invited from a limited number of people. Some of the people who provided comments were members of a group from the Land Resource Management Division in the C.S.I.R.O. Some of their comments on the Vickery Report should be drawn to the attention of the Council, as follows:

> The significance of the recommendations contained in the report for improved land resource management in the arid lands of

South Australia is very small. Most of that which is promised as flowing from legislative change in the future is now possible with the existing legislation. Therefore we can only presume that what is lacking at the present is the ability to administer the arid lands.

And further:

In our opinion the committee should have ignored allocation and concentrated only on the process of control or management of the lands presently held under pastoral lease.

And again:

The report concentrates on tenure changes but fails to consider in any convincing way how Government will be able to adjust to change. For example, there has been no attempt to promote or facilitate the adjustment of property size to overcome the problems associated with small holdings, yet this problem is cited as the most common cause of land degradation.

In the opinion of the C.S.I.R.O., the goals of the Vickery Report are confused and inconsistent. Again, I quote from the C.S.I.R.O. comments on the Vickery Report, as follows:

The Vickery Report says that one of the aims should be to maintain productivity and minimise degradation.

The C.S.I.R.O. comment on this is as follows:

The Arid Land Authority should have as its primary objective the prevention of land degradation. 'Minimise' suggests that degradation will be allowed to continue to ensure that productivity is maintained. We consider that the authority should attempt to prevent land degradation first and encourage productivity within this constraint.

A second goal in the report is to preserve economic stability. The C.S.I.R.O. comment is as follows:

Economic stability cannot be preserved. Legislation should allow for fluctuating economic conditions and provide mechanisms to help prevent land degradation in hard times. We find the capacity to effectively manage an industry lacking in the provisions of this report. This age-old lesson of allowing for hard times has been learned the hard way by all Governments.

The third goal in the report is to maximise economic efficiency. The C.S.I.R.O. comment on that is as follows:

Land policy should consider both social and economic efficiency and welfare. Any policy designed to 'maximise' economic efficiency could not meet all the other objectives of land management. The report is confused and inconsistent about its objectives.

There are other points in these comments from the C.S.I.R.O. They include the authors' conviction that there is no significant problem in the so-called conflicting interests of tourists and pastoralists. They also conclude that the security of tenure for the pastoralists is not a problem, which is the only argument that the Minister put forward for this legislation.

Security for loans, if that is what is needed, can be achieved in other ways if necessary; this has been suggested by the Opposition. Certainly, not one documented case of difficulty in obtaining a loan due to tenure has been quoted to us. The opinion of many people to whom I have spoken is that, if people have difficulty in securing bank loans, it is because of their lack of economic viability and that tenure of any description will not alter the bank's opinion of their economic viability and hence their ability to obtain a loan.

The Hon. M. B. Cameron: It is fairly obvious that you have never been on a farm—or run a farm.

The Hon. B. A. Chatterton: That is the prime thing banks look for—ability to repay.

The Hon. ANNE LEVY: That is what banks are concerned about, ability to repay, which means economic viability. The Vickery Report, however deficient it was in many respects, had a majority for changing leases on a selective basis only, and this to occur only after a five-year study. The minority report was opposed to any change in the leasing system at all, so the Government has gone completely against the recommendations of its own working party. Gibbs and Graetz say much of the information for this five-year study already exists, although a more detailed inventory is needed to make appropriate management and allocation decisions. I quote from them, as follows:

Such an inventory could be completed in two years by a small team of competent people. The current human resources available to the Department of Lands would not be capable of completing the inventory.

I quote that without additional comment as I think none is necessary. I would like to make one or two further quotes on the recommendations relating to extension services and the assessment of carrying capacity necessary for covenants. With regard to extension services, the C.S.I.R.O. said the following:

What information is it proposed to extend to land users? Neither the Department of Agriculture nor the Department of Lands has enough knowledge, understanding or credibility in the arid areas to offer advice concerning 'good' management which would be effective. There is a need for the knowledge and experience of long-term managers to be collected and combined with the results of supporting scientific studies to promote better management from the relatively inexperienced lessees. Cost effective methods of destruction of vermin and weeds should be promoted.

With regard to carrying capacity the same report states:

Assessment of carrying capacity must take account of factors influencing the ability of stock to use the land. However, the authority should not put too much emphasis on assessed carrying capacity but rather concentrate on assessing the condition of the land as its guide to decision making. There is no scientific guide at present to assess carrying capacity, but there are sound methods to assess land degradation.

That was repeated many times by many people at the Broken Hill conference. What people should be looking at is the condition of the land and how to manage the land rather than placing the emphasis on the stock; this comes second to consideration of the land. I could go on and on regarding the condition of our arid lands and how the legislation before us does nothing whatsoever to solve the problems but may, in fact, make them worse. Despite the criticisms which have been made of the Vickery Report, the Government did not choose to follow the recommendations of its own committee in drawing up the legislation. I am sure that everyone is now well aware of the complete lack of consultation.

All members in this Chamber, I am sure, have received a detailed criticism of the legislation from Professor Kelly of the University of Adelaide. He has carefully documented the inadequacies of the legislation and the procedures by which it was brought into this Council. Although all members will have received it, I do not presuppose that they have all read it, so I intend to quote Professor Kelly's conclusion. He states:

The Pastoral Act Amendment Bill has been introduced without proper consultation with affected parties and without informed public debate. It is in direct opposition to expert advice tendered to the Government by its own experts. It would have the effect of seriously prejudicing the interests of Aboriginals, conservationists, the tourist industry and the general public. It would almost certainly contribute to the desertification of much of South Australia. It would amount to the transfer of large amounts of capital to a small, sectional interest, a gift which neither the Government nor the people it represents can afford to make. Should any pastoral lands be converted in the manner suggested, it should only be done by tender. No amendment should by made to the Pastoral Act until an independent and detailed inquiry of the type envisaged by the interdepartmental working group has been made. Any such inquiry should be conducted in public and with full consultation with interested parties. Only in that way can a proper decision be made on the complex issues which are involved.

Sometimes members forget the consternation which this legislation has caused both in the manner of its presentation and its substance. Criticism of the legislation has been widespread. I seem to spend my time quoting, but I think that this has value in indicating the outrage of so many people in the community about the Bill.

I would like to quote from a statement put out by the Arid Lands Conference, to which I have already referred. It put out a statement covering a wide number of issues, but gave priority to the question of the South Australian legislation. Its press release states:

Conservationists at the Arid Lands Conference in Broken Hill have pinpointed a wide number of special concerns. Members of conservation groups and other voluntary conservationists expressed their concern about several new threats to the arid lands. High on the list were: promised changes in legislation relating to land tenure in the Northern Territory and South Australia, and various forms of nuclear development.

Strong exception was taken by the meeting to the 'indecent haste' with which the South Australian Government was introducing legislation to provide for 'perpetual leases' in the pastoral (arid) lands of South Australia. The meeting called upon the South Australian Government to heed the recommendation of the Vickery Report and to defer legislation. The Vickery Report on the Pastoral Act recommended a five-year study and full public consultation before any consideration was given to provision for perpetual leases.

It also states:

At its close the meeting called upon conservationists everywhere to give a higher priority to soil conservation.

Speakers said the very heavy losses of soil which were occurring in some areas were permanently impairing productivity and undermining the prospects of sustainable development. The meeting 'expressed its conviction that the loss and degradation of Australia's soil is perhaps the major environmental problem in Australia and that Governments and the community as a whole should do all in its power to correct this problem'.

So far I have not said anything about the access provisions of the Bill, but these, too, have caused much concern to many people who have become aware of them. I am willing to bet that the vast majority of people in South Australia are not yet aware that this legislation will severely restrict their right of access to most of South Australia.

The Vickery Committee made a number of recommendations in regard to access which again have not been followed by the Government in its legislation. I would like to quote some of the recommendations of that committee in regard to the access provision. Some can be regarded as non-controversial and were agreed on by all members of the committee and by many others concerned with conservation and tourist facilities. There was a unanimous recommendation that subject to their respect for the rights of other land users, members of the public should be granted the privilege of access on foot to the arid lands. In other words, people on foot should have no restriction placed on them at all. Another recommendation is as follows:

That no person be permitted to camp or loiter within 1 km of a station homestead, shearing shed, crutching shed, outstation, or any other building maintained by a pastoral lessee.

No-one could object to that recommendation. The pastoralist is as entitled to privacy as anyone else. The following recommendation was made in regard to watering holes:

That all people be entitled to take reasonable amounts of water from man-made watering points provided they do not camp or loiter within 500 metres and in line or sight of that watering point and do not introduce soap, pollutants or swim therein without permission of the lessee. Similar principles should also apply to natural watering points when this does not prevent domestic livestock and wildlife from obtaining access to water.

Another viewpoint with regard to access is expressed very clearly in the Vickery Report under the heading 'A minority view'. It is a view which I myself share strongly. It provides:

Hitherto the public have enjoyed a traditional right to use any public roads, paths or ways on pastoral leases. If the key proposals of the group were implemented—

also the proposals of the legislation—

this long-established right would be curtailed and unfettered access for the public will only be available, firstly, over roads maintained by the Highways Department (of which there are very few in the arid zone) and, secondly, over practical routes leading to undefined points of interest.

We have no idea how many there will be. The minority report continues:

Thirdly, over other tracks and roads in undefined situations of emergency. It is believed that the wrong emphasis is evident in these proposals. A traditional right has been withdrawn and the onus is placed on the traveller to justify his use of certain roads and tracks.

It is quite unprecedented to remove people's rights in this way. The report further provides:

The need to protect, as far as possible the interests of pastoralists from the thoughtless, careless, or vandal element is acknowledged, and to this end recommendations relating to prescribed distances around station buildings and other material improvements within which travellers may not loiter or camp, are endorsed.

However, it is believed that at this stage further restrictions are—for the greater part of the arid zone—unnecessary and unwarranted. Concern is also felt that in foreshadowing the possible introduction of a permit and licence system virtually no consideration has been given to the workload involved and the additional resources needed to administer such a potentially cumbersome system; nor to the practicality of enforcing it over an arid zone noted for its size, remoteness, difficult climate and terrain, and sparse population.

The recommendation is as follows:

However, it is believed that, other than the proposed control around station improvements previously mentioned, action likely to restrict existing public access should only be taken: on a regional basis when there is a demonstrable need for intervention; and, after a process of extensive public involvement and consultation.

It also recommends:

maintenance of existing access rights other than in those situations where: a pastoralist's privacy or material improvements require protection; where a demonstrable need for delineation of a public road network exists within a region; comprehensive involvement of the public in any process of delineating public road networks; and, rejection of the concept of a permit system.

So, what does the Government do but bring in legislation which reserves the right of control of access to the lessee, the pastoralists, rather than retaining the right of control of access to the Crown, in a totally unworkable system which will result in a large number of people being unable to visit the arid lands. It is totally impracticable. Even the most well intentioned pastoralist will get quite distracted by large numbers of people requesting to traverse his land, and he is likely to put up a sign saying, 'Don't ask because I will refuse', thereby preventing anyone coming across his lease.

The provision of being able to appeal to the Minister is not, I maintain, a practical one. People will head off to the outback for the school holidays. When they get 500 miles from Adelaide, are they expected to turn around, come back and ask the Minister for permission (and no doubt wait weeks before it is granted) before they can continue on their holiday?

The Hon. B. A. Chatterton: Maybe months, if it is anything like replies to questions.

The Hon. ANNE LEVY: Yes, it may well be months or years before they get permission. One may need to plan holidays three years ahead. It is totally impracticable and unworkable. It will just not be followed; it is not policable. People who are law abiding and who wish to follow the procedures will suffer enormous inconvenience and a restriction of their rights that should not be contemplated. People who do not care about the law will still be able to have their holidays in the outback. I fail to see why the law-abiding citizens should be put to this inconvenience and stress, whereas others will take no notice of it.

It would seem that, where there are problems from heavy tourist use of an area, the way of approaching the question of access is very much as is set out in the extracts from the Vickery Report that I read. Some sort of control may be desirable but it should be done entirely on a regional basis. Until there is evidence of a great problem, no access rights should be diminished. As a fundamental point, the control of access should be reserved to the Crown and not given to the lessees. Their lease gives them the right to use the vegetation and the ground water on the land. It does not give them the right to use the land in any other way. They should not have the ability to control the access of the general public who may wish to profit from visiting the arid lands. I am sure the vast majority of people in Adelaide are

quite unaware of the enormous restriction on their freedom of movement in their own State that this Bill is putting on them. For that reason, if for no other, this Bill should be opposed.

Returning to the principal parts of the legislation, I point out that last year there was a lot of comment in the press regarding the fact that the Pitjantjatjara land rights legislation was giving 10 per cent of South Australia to the Pitjantjatjara, who number about 2 500. No-one has put in the press the fact that this legislation is giving 50 per cent of South Australia to about 250 people. That is five times the area that the Aborigines received, for one-tenth the number of people. It is a free gift which has been recommended by nobody—not a single expert or anyone involved in land management and pastoral areas. The Government's own committee did not make this recommendation. One can only presume that the Government is bowing to a small group of vested interests and is ignoring the general community interest and the public good. I suggest that the Government should go back to the drawing board and start again, having as its fundamental principle the conservation of one of our greatest resources—our land. I oppose the second reading.

The Hon. R. C. DeGARIS: I do not wish to debate the merits of the Bill in any detail, because I believe it is not the Bill's provisions that of prime importance. I believe that political considerations are dominating the stage.

The Hon. C. J. Sumner: What do you mean by that?

The Hon. R. C. DeGARIS: Exactly what I said.

The Hon. C. J. Sumner: What do you mean by 'political considerations'?

The Hon. R. C. DeGARIS: Political considerations and ideology are dominating the stage rather than the merits of the Bill itself. Statements have been made by many people including the Conservation Council, some journalists, and the United Farmers and Stockowners Association. All those statements have added to the confusion. A lot of what has been said is inaccurate and a lot is not expressing what the Bill does.

I was reasonably impressed with the speech made by the Hon. Lance Milne, who opposed the matter as dealt with in the Bill. Emphasis has been placed by many speakers and by many people who have written on this Bill on the question of tenure. To me, the opposition to improved tenure is based on political ideology rather than on pragmatic or logical considerations.

The Hon. Anne Levy: Have a look at the LANDSAT photos. There's no political ideology in them.

The Hon. R. C. DeGARIS: I do not know what that has to do with the question of tenure.

The Hon. Anne Levy: It has a great deal to do with it, if you had listened to what I said.

The Hon. R. C. DeGARIS: It has a lot to do with management and control, but nothing to do with tenure. There are basically three types of tenure that one should consider: freehold, lease in perpetuity (or leases of that type), or terminating leases. It is reasonable to say that freehold tenure would not be politically possible or desirable although, as I have emphasised before, the question of tenure does not unduly bother me. Perpetual leasehold, as provided for in this Bill, has produced opposition from certain groups in the community which may be quite genuine in their opposition, but which have not appreciated that other factors are much more important. The present terminating leases are, in my opinion, unsatisfactory. Change in this area is warranted and should not be so rigidly opposed.

There are good reasons why the tenure argument deserves consideration and many of these arguments have been put to the Chamber during this debate. The question of finance, the encouragement to continuing occupation, overcoming something that occurs as lease terms come close to expiry, changing Governments and political attitudes, are all matters that deserve consideration.

On the question of tenure, the Bill provides for any lessee to apply for his lease to be converted to a perpetual lease under the Pastoral Act. I stress that this is under the Pastoral Act. This provision runs contrary to the recommendation of a departmental report on which the critics of the Bill are placing very great store. The use of the word 'perpetual' in itself causes opposition because of the definition of 'perpetual lease' in another Act. This is a perpetual lease under the Pastoral Act—perhaps a name other than 'perpetual lease' under the Pastoral Act may help to solve one of the problems on that score.

The Hon. Anne Levy: A rose by any other name.

The Hon. R. C. DeGARIS: Yes, a rose by any other name, but it may help. Some of the opponents claim that the issue of perpetual leases should not be dealt with until a major study of arid lands has been undertaken to provide the basis for decisions on applications. Some opponents are asking for a five-year wait before any change in the tenure of leases. This argument appears to me not to oppose the idea of improved tenure, but to ask that the better tenure wait on reports and further studies. Irrespective of the question of tenure, there is nothing to prevent that study being undertaken, whatever the tenure may be.

Previously I have emphasised that the tenure argument is not the real bone of contention and that, with time and information, it would be possible for the Council to be convinced that better tenure for the pastoral areas is a reasonable request. But the Council would need a little time and would need goodwill to reach a satisfactory conclusion on the question of tenure. Tenure, of course, is the first major change made by the Bill.

The second major change is the question of public access. This is a very difficult question. I agree with what has been said by the Hon. Miss Levy that the Vickery Report took a different approach to access from that in the Bill. Regarding access, it appears essential that public roads in pastoral areas need to be defined. This has nothing to do with the question of access, but it is related to it.

At present, pastoralists face serious problems in the use of unregistered motor vehicles and heavy plant on their properties. On many properties there are roads which a court may well find to be public roads for the purpose of the Motor Vehicles Act and the Road Traffic Act but which are not regarded by the pastoralist as public roads. One can readily see the risks of uninsured liabilities in such a situation.

The public should be confined to limited and defined public roads which would include an area on either side of the vehicular track (but excluding man-made waters and other improvements) and to recognised and defined tourist areas. Members of the public should not be permitted anywhere on a pastoralist's land (this expression is used for convenience to indicate the land held under whatever tenure and not in a proprietorial sense), other than defined tourist areas, without consent of the pastoralist.

The Hon. Anne Levy: Even on foot?

The Hon. R. C. DeGARIS: Yes.

The Hon. Anne Levy: The Vickery Report recommended that bush walkers on foot should be able to go anywhere.

The Hon. R. C. DeGARIS: Through the middle of your house, I suppose?

The Hon. Anne Levy: With the exception of one kilometre around the pastoralist's dwelling and any improvements.

The Hon. R. C. DeGARIS: I would think that people on foot walking in the area would be just as big a danger as people driving motor bikes.

The Hon. Anne Levy: Not to the land. What damage can they do to the land?

The Hon. R. C. DeGARIS: Not to the land; there are other questions than that. A pastoralist has the right to know who is on his land, where they are and what they are doing. There are hazards to the public such as old wells, mine shafts, laid baits and so on in the outback area. The pastoralist is also anxious to protect his stock and his improvements. A member of the public whose whereabouts are known is at less risk of accidental death or injury or perishing and less likely to cause problems for the pastoralist (that is, in mounting a search). This question is now being asked in the outback area.

The legal status of anyone present on a pastoralist's land without permission should be that of a trespasser so as to restrict the liability of the pastoralist in regard to this matter. Most pastoralists have arrived at this view reluctantly because by and large they welcome campers and other visitors to their property, but they believe that their legal position with regard to liability should be fully protected and that their stock and other property should also be protected. So also should members of the public wandering about in a harsh environment. It must be admitted that free movement of the public, particularly with the vehicles and equipment now available to the tourist, does cause problems for pastoral property management. These two things, tenure and access, mark the main changes in the legislation.

Another matter that deserves consideration is the general area of administration, control and management. We could argue in detail on this matter for a long time, but I do not see this area as creating any insurmountable difficulties in gaining agreement in the Council. I am optimistic enough to feel that resolutions on the differences of opinions to this Bill in the Chamber are possible and that we can, with goodwill, reach a situation that will be an improvement, if a reasonable time scale is allowed for this Bill to pass.

We have been fortunate in South Australia in the standard of management of our pastoral areas with many of our pastoralists. There are problem areas that one must admit and there always will be problem areas, no matter where the tenure is and no matter what the question of access involves. These problems are capable of resolution, with sound administrative practices and controls. Other States have improved the tenure of pastoral lands with satisfactory results.

The Hon. Anne Levy: Where—western New South Wales? You haven't seen it, we have have been there and looked at it.

The Hon. R. C. DeGARIS: There is the channel country in Queensland. There is, I think, a change of tenure where results can be said to be satisfactory. The point I made earlier is that it is not a question of tenure; it is a question of control and management. That is where the problem lies. One thing we have to be careful about is that some of our better operators may consider moving their operations elsewhere, because of the better tenure available.

The other point I would like to mention is that in changing the tenure, in my opinion, there will be no increment (or if any, very little) in the capital value of pastoral properties. To say that we are going to transfer large sums of money to a certain group of people is just not on. That shows a complete lack of knowledge of how people value pastoral property.

The Hon. Anne Levy: If the leases are changed back to terminating, there would be no grounds for compensation.

The Hon. R. C. DeGARIS: I do not think there would be any grounds for compensation. If a lease is terminating, under the provision of this Bill there would be no case for compensation.

The Hon. Anne Levy: Therefore, if perpetual leases were changed back to terminating there would be no grounds for compensation?

The Hon. R. C. DeGARIS: Under this Bill there are no grounds for compensation.

The Hon. Anne Levy: What if the legislation was changed?

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: It has been said that there will be a vast transfer of capital to certain people's pockets. I am saying that the value of pastoral leases depends on the stock able to be carried on the property. That is the basis of valuation. Whether the lease is of a perpetual nature that can be terminated with covenants or whether it is a terminating lease of 42 years there will be very little difference in the value of those pastoral properties because, as I have said, pastoral properties are valued on their carrying capacity.

The Hon. Anne Levy: If that is how they are valued, why do lessees have trouble obtaining loans?

The Hon. R. C. DeGARIS: If a terminating lease has 10 years to run and the lessee is asking for a $100 000 loan it will not be granted. It is as simple as that. The important point in better tenure is the ability to manage better financially, to provide a better basis for improvement and to provide a higher standard of security for the operator. If the Bill does not pass the second reading, I think this Council would not be fulfilling its role as a House of Review. If it does pass and a move is made to refer the Bill to a select committee, I will support that proposition—if that is the only way available to have the provisions properly examined. If the Bill passes into Committee, I hope that we can discuss its provisions in an atmosphere that will produce a Bill that has received the attention of informed debate in this Chamber. I am quite satisfied that, in the next few days, this Council will reach a resolution of many of the problems associated with this Bill and will produce a Bill of which this State can be proud.

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

DRIED FRUITS ACT AMENDMENT BILL

In Committee.

(Continued from 8 June. Page 4346.)

Clause 2—'Interpretation.'

The Hon. J. C. BURDETT: The Hon. Mr Chatterton has asked a number of questions. I will reply to them at this stage. I will group the questions and give the replies. The first group is as follows:

Question: What inspections and what certificates of inspection are the responsibility of D.P.I.? Which countries demand that such certificates accompany exports?

Answer: Export certificates are considered necessary to ensure the maintenance of markets in a most competitive export industry on an international level. Whilst not necessarily specifically called for by all importing countries, certificates allow the products to be imported and sold with confidence as to their quality.

Question: Has there been any review of the methods of inspection carried out by the Department of Primary Industry? If so, what has been the result of the reviews of the inspection services? Has a cheaper system of random inspection of exports been considered?

Answer: There is currently a review being undertaken on a national level especially in regard to requirements for the domestic market, with the aim of rationalising and reducing inspection procedures.

Question: What is the expected revenue to be raised by the increase in the levy on dried fruits?

Answer: Presently there are two levies. The first on vine fruits and the second on tree fruits. The former product costs less per tonne for inspection for a variety of reasons including the higher processing rate.

The increase in revenue will only be to the extent whereby administration and inspection costs will be recovered. This increase depends on the total local production and the amount of interstate fruit which enters South Australia for processing and packing. This varies with seasonal conditions.

In the 1982 season about $4.50 a tonne for vine fruits and $9.00 a tonne for tree fruits are the expected levies. In 1981 the levies were $3.00 and $6.00 respectively but the board sustained a deficit in the order of $13 000.

Question: Why is the Commonwealth Government seeking full reimbursement of its inspection costs when only half the cost of export inspection is being reimbursed in many other primary industries?

Answer: This is a policy matter of the Commonwealth Department of Primary Industry. It should be noted that the rate of change was phased in. This matter will be raised by the South Australian Government with the Department of Primary Industry.

The questions and answers that I have given all relate to matters within the jurisdiction of the Federal Department of Primary Industry. The replies have been prepared by the South Australian agency, the Dried Fruits Board, from its knowledge of the Federal situation. The following questions and answers relate to the Dried Fruits Board:

Question: What is the cost of operating the Dried Fruits Board?

Answer: The cost of operating the Dried Fruits Board (S.A.), excluding inspection, was about $29 000 for the 1981 season. This included the cost of an examination of the inspection system. The cost of general administration of the Board was aproximately $26 000 for that period. I think the Hon. Mr Chatterton asked for the administrative cost of operating the Dried Fruits Board. The budgeted inspection fee during the 1981 season was $29 997. This figure is still to be finalised for this financial year. The questions and answers continue:

Question: What are the functions of the board?

Answer: The functions include the following: Registration of packing houses; registration of dealers; registration of producers; maintain the regulations under which conditions that fruit may be dried and packed; to maintain the grade standards as prescribed in the sixteenth schedule of the regulations; and power of inspection.

Question: what is its size?

Answer: The South Australian Dried Fruits Board consists of five members. Two members are appointed (Chairman and Deputy Chairman); three members are growers representatives and are elected (two from irrigated areas and one from non-irrigated areas).

Question: Has the cost of the board been reviewed? If it has been reviewed, when was it last reviewed, and by whom?

Answer: It is reviewed annually in that an annual report is produced to the Minister of Agriculture and tabled in Parliament. Board members fees are reviewed by and are in keeping with Public Service Board policy.

Question: Do members of the board travel overseas? If so, how often, to which countries, and for what purposes?

Answer: The South Australian Dried Fruits Board is not a marketing authority.

The Hon. B. A. CHATTERTON: I would like to thank the Minister for providing answers to the questions I raised in the second reading stage. However, while I appreciate the replies and while the Minister has provided those replies to the best of his ability, they certainly have not convinced me that the legislation has been properly thought out. The very point I made in the second reading stage was that it is necessary to look very specifically at the countries to which we export and whether some of these export requirements are still necessary.

The Senate committee determined, in regard to grain exports, when it really got down to the business and pushed the Department of Primary Industry hard, that the practices that that department believes are necessary are not longer necessary. The Minister stated in his reply that the export of fruits is required, but he was not able to be specific as to what the countries actually require. I raised that question, because that is the same situation that the Senate found. The Senate was given the same sorts of answers by the Department of Primary Industry, but when the committee considered the matter, it resolved that this information was not, in fact, correct.

This happens so frequently in regard to our boards and authorities. They go on living in the past. They were set up for a particular purpose, perhaps to export dried fruit to Britain or for some such reason: the market situation changes, the world scene changes, yet they continue as if nothing had altered. This matter should be examined more closely.

On a number of occasions the Government has stated that it is reviewing very actively the number of statutory authorities, what they do, whether they are over-regulating, and so on, and I believe that this is a perfect example of one such authority that requires very thorough investigation. We should be doing that, rather than accepting meekly a very substantial increase in the levy to cover these operations, while not being given any convincing evidence as to the necessity. I am not really convinced by the replies. It is not the Minister's fault, however, because he has replied to the questions that I asked: it is a matter of whether behind the scenes there has been enough investigation into this activity.

The Hon. J. C. BURDETT: I am very pleased to hear that the Hon. Mr Chatterton is evidently a supporter of deregulation, as I am.

The Hon. B. A. Chatterton: I always have been.

The Hon. J. C. BURDETT: It is very good indeed to see that the honourable member is interested in looking at various authorities to see whether their purpose is justified. However, while I have not mentioned the particular countries, I am informed that, because it is considered necessary to ensure the maintenance of markets in a situation where competition is fierce, inspections are carried out to ensure that our products are exported readily without any bugs, and without questions as to quality being raised.

More importantly I believe I told the Hon. Mr Chatterton that inquiries are being made as to the efficacy of different systems of inspection. The question of random inspection is being considered, and I would agree with the honourable member that, if that could be done, if it was found that less expensive inspection procedures are satisfactory, they would be implemented. Of course, the passage of the Bill will not in any way inhibit that investigation or the desire to reduce the cost of inspection, if that can be done without impairing our export market. I am sure that no-one (certainly not this Government) wants to levy heavy inspection costs if they are not necessary and if an effective job can be done in a less expensive way.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 June. Page 4341.)

The Hon. K. T. GRIFFIN (Attorney-General): The Leader of the Opposition has made some very sweeping statements with respect to the impact of this Bill, to such an extent that they would suggest that he does not fully understand its implications. He also criticised the Government in regard to the Victims of Crime Inquiry Committee Report, which was presented to the Government late last year. It is that aspect to which I want to direct my attention principally, although I also want to deal with some of the general criticisms that the Leader made of the legislation in the hope that he may moderate his views about the Bill.

It is important to record that, when the report of the Victims of Crime Inquiry Committee was presented to the Government, some examination of recommendations by various Government and non-government agencies was required. As a result of that report, communications were made with various agencies, such as the Minister of Community Welfare and his department, the Minister of Health and the Health Commission, the Minister of Education, the Commissioner of Police, the Courts Department, and agencies outside the State Government's responsibility, such as the Commonwealth Bureau of Statistics.

When departmental responses were received, the Government was pleased to find that a significant number of the recommendations were accepted for implementation or already had been implemented. A number had also been partially implemented, and others had been adopted. Some recommendations are still the subject of an on-going consideration, and, undoubtedly, when that has been completed, final decisions will be made in that regard. For the record, let me say that 24 recommendations had been implemented or adopted as at 26 November 1981.

We are currently in the process of ascertaining the status of outstanding recommendations with departments and other agencies. As at 26 November 1981, 24 had been implemented or adopted. They were Nos 1, 2, 3, 5, 7, 13, 17, 19, 23, 24, 26, 29, 30, 31, 35, 40, 44, 45, 46, 47, 51, 64, 66, and 67. There were five which had been partly implemented—Nos 4, 14, 48, 50, and 52. There were seven whch required representations to be made to outside bodies—Nos 8, 9, 10, 11, 12, 32, and 65. At the present time there are under consideration or about to be implemented or adopted some 13 recommendations—Nos 6, 15, 16, 28, 34, 36, 37, 54, 57, 58, 60, 61, and 62. That leaves very few recommendations of that committee of inquiry for further consideration by the Government, so it is not as though nothing has been done.

I suggest to the Council that a great deal has been done in picking up the very valuable recommendations of that Victims of Inquiry Committee. There are constant reviews of those policies which might impinge in one way or another on victims of crime, their understanding of the legal system, the case in which they are participating and the complexities of litigation. I must say that there is still very valuable voluntary support being given by the Victims of Crime Assistance Committee, which is the inspiration of Mr Ray Whitrod. There is periodic consultation with him about initiatives the Government believes are relevant or which he or his association believe are relevant in the area of assistance for victims of crime.

There is one matter to which the Leader referred which I believe was a misunderstanding and which I believe needs some clarification. It is also the subject of an amendment I have placed on file. If one reads the second reading explanation one will see that there was no intention in homicide cases of prejudicing spouses and children, or parents of a murder victim. I honestly believe that that remained unaffected by the amendments but, as the Leader drew attention to what he saw as a serious difficulty, I further examined the matter and do admit that it might well not have been as clear as it should have been. That is the reason for the amendments which I have placed on file and which relate to clause 3 so that there will be no doubt at all that, in a homicide case where the spouse, putative spouse, parent or child of a deceased victim has suffered injury or loss, the right to make a claim under the Criminal Injuries Compenstion Act remains.

The Leader made some remarks about my reference in the second reading explanation to abuses of the system and to dubious claims. I have received further advice from the Crown Solicitor's officers who specialise in this area of the law. They are dealing with criminal injury compensation claims on a day-to-day basis. They suggest the central problem which causes them some concern is likely to be met by the amendment in clause 7. The difficulty is that, if there is no report to the police by a victim or a person who claims to be a victim, or if the offence is detected but the alleged victim fails to co-operate in police investigations, there is considerable difficulty in determining whether or not the offence in fact occurred.

The Crown Solicitor's officers have had their suspicions about a number of claims, but only in rare circumstances have they been able to gain sufficient evidence to review the claim which has been made by an alleged victim. Difficulties do exist for the Crown in proving that the claim was ill-founded or falsely reported. Often they place reliance on insurance investigations and workers compensation to be able to check whether the injury was occasioned by criminal activity or whether the complainant had contributed by his or her own conduct to the inflicting of the injury. The existing Act provides that if a person contributes by his conduct to the inflicing of the injury then his claim is affected. If a person is engaged in criminal activity and is injured, for example, in a fight, then the claim by the alleged victim is liable to a reduction in those circumstances where there has been contribution.

It is apparently the case that in some cases the alleged victim knows who has injured him and does not want to give the name of that person, does not want action to be taken against that person, or varies the story given to the police on separate occasions. In those circumstances the person fails to co-operate with the police with a view to their not getting to the truth. That is highly suspicious and there is no reason for the people of South Australia, through the Government, to be required to foot the bill for such a dubious claim.

The Hon. C. J. Sumner: How do you know they are dubious?

The Hon. K. T. GRIFFIN: The Leader was not bothering to listen.

The Hon. C. J. Sumner: Isn't it up to the courts to decide?

The Hon. K. T. GRIFFIN: If there is a failure to co-operate with the police, or if there is a delay in reporting the happening, it makes matters much more difficult.

The Hon. C. J. Sumner: I am not disagreeing with that amendment.

The Hon. K. T. GRIFFIN: I thought you were.

The Hon. C. J. Sumner: What I am concerned about is the appalling definition of 'victim'.

The Hon. K. T. GRIFFIN: I was talking about that and the Leader was not here, so he can talk about that in the Committee stage. There has been a recent case in the last two years where a claim was made by an individual that he had been struck in the face by an unknown assailant, fell backwards through a plate glass partition at a hotel and (he alleged) fractured the glass and received lacerations to his arm. He denied that he had been involved in any argument or fight during the evening and stated that he had not in any way contributed to the assault.

Fortunately, in that instance the Crown was able by its own investigations to identify two witnesses to that incident. The effect of the evidence was that the claimant had been at the hotel during the evening and had become drunk. He had become involved in a fight in which he had been struck in the face and he had fallen to the ground. He had been escorted from the hotel by bouncers. A short time afterwards he returned to the hotel foyer and deliberately punched his fist through the glass partition. In those circumstances the claim was rejected by the court, but it was just good fortune that the Crown was able to identify witnesses who were able to contradict the evidence given by the claimant, and that false claim was defeated. The Leader of the Opposition has made some reference to the alteration in the definition of 'offence'. If one looks carefully at the present definition one will see that in many respects it does not mean anything and cannot be established in law.

One cannot establish in law the basis for acquittal, that is, by having regard to the factors enumerated in the existing Act. The only identifiable basis for acquittal are age and insanity. The definition as presently drafted includes conduct that would constitute an offence but for the age of a defendant or for the existence of the defence of insanity. It goes on to provide for automatism, drunkenness or duress or conduct that would otherwise constitute rape but for the lack of *mens rea*. When a jury has acquitted a person it will in most cases, if not all, be impossible to decide why that person was acquitted.

For example, a person accused of rape may argue that he had a reasonable belief that the victim consented and that there was no penetration anyway. If the jury acquitted on the first ground, an offence would have been committed for the purposes of the Criminal Injuries Compensation Act, but not if the acquittal were on the second ground, but why the jury did acquit will never be known. It is in the light of those uncertainties that the admendment is before us, because it would seem to me and to the advisers who have given advice on this that no injustice is likely to be created by such an amendment.

If the amendment is passed, the only instances where compensation is to be payable when a person has been acquitted are where it is acquittal by reason of age (and that is obvious without having to interrogate the jury) or the existence of a defence of insanity (and again that is obvious without having to interrogate the jury). In each of the cases it will be clear why there has been no conviction because, of course, the Children's Protection and Young Offenders Act provides that a child under 10 cannot commit an offence and, where a person successfully pleads an offence of insanity, the verdict of the jury is that he is not guilty on grounds of insanity.

There has been one hypothetical case presented by the Leader: if a person is raped by a drunkard who it is proven has been incapable of forming an intention to rape, then what is the position? Nevertheless, the ability for the claimant is still there to prove that there was an assault and, if that is established, whether or not it is rape, the claim exists. The information that I have is that since the 1978 amendments were made to this Act there has been no cases involving automatism, duress, insanity or drunkenness. There has been only one case of rape involving lack of *mens rea*, but there the Crown and the parties were able to agree that the basis for acquittal was the lack of *mens rea* in order that a claim could proceed.

So, it is not as though there will be an injustice created by this amendment. It is merely to remove superfluous material from the clause. I do not believe that there is likely to be any case at all where the amendment will deprive persons who otherwise would have been entitled to compensation. I do not place any emphasis on what the Leader has said on that particular point.

The next point is the question of onus of proof. I suggested in the second reading explanation that there could well be an occasion where a person has been acquitted; there was no proof beyond reasonable doubt, but there could be a successful claim on the balance of probabilities that an offence had been committed. The amendment in clause 7 seeks to ensure that there is greater clarity in this area of the standard of proof and, again, it is directed to those sorts of claims that are dubious and doubtful. I remind honourable members that section 8 of the principal Act when amended in subsection (1) will provide:

> Subject to this section, any fact to be proved by a claimant in proceedings under this Act shall be sufficiently proved if it is proved on the balance of probabilities.

In respect of the commission of an offence and a causal connection between the commission of an offence and the injury, that must be proved beyond reasonable doubt; that once the commission of an offence has been established beyond reasonable doubt and there is a causal connection between the commission of the offence and the injury, then the nature of the injury, the extent of the injury and the extent of the loss is to be proved to be only on the balance of probabilities.

The Hon. C. J. Sumner: What a lot of bunk!

The Hon. K. T. GRIFFIN: That is a matter of opinion, and the Leader can express his opinion later. It will not create hardship: it will principally deal with the dubious claims, and the Leader can argue about them as long as he likes.

The Hon. C. J. Sumner: You have not adduced any evidence of dubious claims of any substance.

The Hon. K. T. GRIFFIN: I have given one example and I have given the views of the officers in the Crown Solicitor's office who have to deal with it every day of the week. If one is in private practice or in practice in the Government law office and one is dealing with such matters over a period of time, one quickly comes to be able to make an assessment of whether or not a claim is genuine or whether there is something about it that is dubious.

The Hon. C. J. Sumner: Is not the court rejecting those claims?

The Hon. K. T. GRIFFIN: No, because there is no evidence.

The Hon. C. J. Sumner: You are taking the views of your Crown Law officers over the courts.

The Hon. K. T. GRIFFIN: The Leader does not understand. The court has to have evidence before it, and dubious claims relate principally to those where there is a lack of co-operation with the police or a failure to report or late reporting, and in those circumstances, it is that much more difficult to obtain evidence.

The Hon. C. J. Sumner: Have the courts accepted those claims?

The Hon. K. T. GRIFFIN: There is no alternative if the Crown Solicitor has not be able to obtain evidence.

The Hon. C. J. Sumner: It sounds as if you are—

The Hon. K. T. GRIFFIN: Nonsense! The whole question of proof was raised by Mr Justice Mohr in *Barsch v. McIlroy and the State of South Australia* in which judgement was delivered in June 1980. In that case there was some uncertainty as to the standard of proof. He in fact found that the standard of proof should be beyond reasonable doubt. The amendment is then ensuring that it is much clearer as to what the standard of proof is in these cases. I believe that the amendment, which I have now put on file and which I explained earlier in my reply, will not disadvantage those who have legitimate claims under the Criminal Injuries Compensation Act.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

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

Page 1, lines 17 to 23—Leave out all words in these lines.

I accept nothing of what the Attorney-General said on this topic.

The Hon. K. T. Griffin: That is not unusual.

The Hon. C. J. SUMNER: I do accept some things the Attorney-General says but on this Bill I find his whole attitude completely untenable. He introduced the Bill and gave the impression to the press that it was a Bill to correct some abuse of the legislation. When we look at the Bill more closely we find that it is an incredible restriction on victims' rights and that in fact the abuse he mentions as being the main reason for the introduction of the Bill is hardly substantiated at all. The only evidence he has is apparently some vague idea from his Crown Law Officers that abuses have occurred. If there are abuses, surely Crown Law Officers are able to argue the cases before the courts and convince the courts that the claims are phoney. The courts have accepted the claims. However, the Attorney-General comes to this Council and says that, despite the fact that the courts have accepted these claims, his Crown Law officers believe they are phoney.

The Hon. Frank Blevins: It is a reflection on the courts.

The Hon. C. J. SUMNER: Yes, it is. He has not come to the Council with any definite evidence of malpractice in this area. Ultimately it was always up to the courts to decide whether or not claims were phoney. However, the Attorney-General prefers not to accept the decision of the courts but rather go on some vague notion of his Crown Law Officers. His principal reason for introducing the Bill is specious. I do not believe he has established it—certainly not to my satisfaction or, I would think, to the satisfaction of anyone else in the Council. That was the smokescreen under which this Bill was introduced. The real reason is to restrict the rights of victims of crime.

The Hon. K. T. Griffin: That is nonsense.

The Hon. C. J. SUMNER: It is not nonsense.

The Hon. K. T. Griffin: You have not convinced me.

The Hon. C. J. SUMNER: The Attorney-General has prepared an amendment since then so I must have had some effect. The Bill constitutes a significant decrease in the rights of victims of crime. There can be no explanation for the Attorney-General's move other than the fact that he was worried about the cost to the Government. Rather than look constructively at a method of resolving this by establishing some kind of fund or system whereby there can be other means of recompensing the victims, he has decided to restrict their rights.

One of these restrictions is in the definition of 'offence' which I explained fully in my second reading speech. I believe the definition which currently applies in the Act should remain. A person can go out and get himself blind rotten drunk and not be able to form the intention under the law to assault or murder someone. He can carry out that act and the victim of that crime has no recourse against anyone as a result of that act. That situation at the present time is covered by the legislation. If the Attorney-General's amendment is passed, a person who does that could be acquitted, and the victims or relatives of the victims would have no recourse in law. That is the sort of amendment that the Attorney-General is bringing into this Council.

There are other aspects of this amendment which restrict the definition of 'offence' and confine it virtually to insanity. It excludes the situation that I have put regarding drunkenness. He excludes other situations such as automatism or duress.

The Hon. K. T. Griffin: There is no defence of automatism or drunkenness.

The Hon. C. J. SUMNER: There is. The Attorney-General has obviously not studied recent decisions of the High Court. Whether it is a defence of drunkenness characterised as such or whether it is a defence that that person was unable to form the relative intent is a matter of semantics. I raised the matter in the Council recently and the Attorney-General wrote to me saying that he did not intend to take any action with respect to this topic.

The Hon. K. T. Griffin: Because there is no problem with it.

The Hon. C. J. SUMNER: Right, which means that if a person gets so drunk as to be unable to form an intention to commit a crime, he is entitled to be acquitted. If he does that under the Attorney-General's amendment, the victim is not entitled to any compensation. I believe that the definition of 'offence' as it stood in 1978 ought to remain. The definition which the Attorney-General wants to introduce into the legislation constitutes a restriction on people who may be entitled to compensation as victims of crime. I therefore wish to strike out sub-clause 3(b).

The Hon. K. T. GRIFFIN: There is no defence in law of duress or automatism. The Leader of the Opposition does not understand what this is all about and he does not seem to understand that when a jury acquits, apart from insanity or age, there is no way of telling why a jury did acquit. The provision in the present definition is absolutely useless. The Government is seeking to amend the definition to make it workable and to eliminate redundant, irrelevant and useless material.

As I said earlier, on the information I have there have been no cases involving automatism, duress, insanity or drunkenness since the definition of the offence was redefined in 1978. I do not believe that there will be any difficulty with this or that anyone who might have been entitled to compensation will be disfranchised by this amendment.

The Hon. C. J. SUMNER: The Attorney-General has said that there is no defence of drunkeness. How does he explain the recent High Court decisions which were to the effect that I have described, namely, that if a person is so drunk as to be unable to form an intention to commit a crime, he is entitled to an acquittal?

The Hon. K. T. GRIFFIN: O'Connor's case was a matter to which the standing committee and Attorney-General was addressing some attention, but after it had been examined for some time it was determined that, first, there was no need for any uniformity in the law in that area and, secondly, that the various States could do as they wished with respect to the decision of the High Court. The advice I received was that there was no difficulty at all with the High Court's decision in so far as it affected South Australia, and that there was no need to amend the legislation, because it had never been a problem in this State.

I take the view that, although there was a decision of the High Court in somewhat unique circumstances, there has been no need in South Australia to make any change to the law, either to negate or support the decision of the High Court.

The Hon. C. J. SUMNER: I thank the Attorney-General for that explanation. He has just explained to the Chamber that there is, in effect, a defence of drunkenness, as was decided in the case to which he has referred. This was a case where a person became so drunk that the factual finding was that he was incapable of forming the necessary intent to commit the crime because he was so drunk. If that situation occurs in South Australia once this amendment is passed, the victim of that assault or murder (or whatever it is) will not be entitled to compensation. The fact is as simple as that.

The Hon. K. T. GRIFFIN: With respect, if there is an acquittal of an accused who makes that claim, there would still be no way in which it could be determined that he was acquitted on that ground. That is the whole difficulty with the definition as it exists presently.

The Hon. C. J. Sumner: Of course it can be determined.

The Hon. K. T. GRIFFIN: Can the Leader tell me how the reason for acquittal can be determined when the jury has given its decision? The jury's decision is just 'Guilty', 'Not guilty' or 'Not guilty on the grounds of insanity'. In those circumstances automatism, duress and drunkenness cannot be established.

The Hon. C. J. SUMNER: I do not accept that. The fact is that it can be established by a court assessing whether or not a person is entitled to compensation. There may be some grey areas where there are difficult decisions to be made by the court, but that applies across the board in the law. I do not accept the difficulties that the Attorney-General has proposed in this clause. I maintain my opposition to the clause.

The Committee divided on the amendment:

Ayes (9)—The Hon. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and K. L. Milne.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. K. T. GRIFFIN: I move

Page 1—After line 23 insert new paragraph as follows:

'(ba) by inserting after the definition of "offender" the following definition:

"relative", in relation to a person, means a spouse, putative spouse, parent or child of the person:'.

Whilst the Leader of the Opposition was out and I was replying, I touched on this amendment. He made some statements yesterday which were relevant to persons likely to be entitled to compensation. I believe that parents, spouses and children of a murder victim should be entitled to compensation. There are several reasons for the entitlement of spouses and children put forward in the second reading speech and I confess, as I did earlier today, that I certainly did not believe that we were disfranchising a group of people who ought to be entitled to compensation. In order to ensure that that is absolutely clear, I now bring in this amendment which is to ensure that the putative spouse, parent or child of a homicide victim or a victim who dies, will continue to have a right to make a claim under the Criminal Injuries Compensation Act.

The Hon. C. J. SUMNER: This amendment is totally unacceptable. I am quite appalled at the Attorney-General's attitude to this whole measure. As I have said, in his introduction the Attorney indicated that this Bill would streamline administrative procedures, close up avenues for abuse on the system and ensure the principal objective of the Act was achieved, that is, for the Government to provide as a last resort a monetary sum to a victim by way of contribution towards the cost of injury sustained at the hands of an offender.

There is nothing in the Attorney's general introduction which indicates the incredible restrictions in this Bill on the rights of victims of crimes. We have dealt with one of those restrictions and for some curious reason the Committee decided to go along with the Government to promote a move to save money at the expense of the victims of crime. We now have another example of where the Attorney-General, I think in a more fundamental way, is restricting the rights of victims. He partially took the point that I made yesterday, namely, that this Bill would have excluded the parents or relatives of a murder victim in any claim for compensation. He has now put forward an amendment which he says will entitle to compensation a spouse, putative spouse, parent or child of a person who dies as a result of a criminal act.

Quite frankly, the Attorney-General's amendment is still unacceptable. At present the Act defines a victim as 'a person who suffers injury in consequence of the commission of the offence'. I believe that should be the definition. If a person suffers injury in consequence of the commission of an offence he should be entitled to compensation under this Bill. He must still prove that he has suffered injury and that it was in consequence of the commission of an offence. Surely that is the fundamental objective of this legislation. It is that objective that the Attorney is now attempting to restrict.

The Attorney-General is now saying that the person who may claim compensation is the person against whom the offence was committed or, where the person against whom an offence was committed dies as a result of injury, it means a relative. 'Relative' can mean a spouse, a putative spouse, parent or child of a victim. Any other person who may suffer injury in consequence of the commission of an offence will be excluded. Such people will no longer be entitled to compensation. Therefore, a bystander, for instance—someone who witnesses an armed robbery and consequently suffers severe nervous shock or psychological disturbance—will no longer be entitled to compensation under this Act. Such people will not be entitled to compensation from anyone.

If a person witnesses a bank robbery and as a result becomes involved as a witness that person will not be entitled to compensation. If a person tries to help a victim and thereby becomes psychologically upset that person, under the Attorney-General's amendment, will not be entitled to compensation. At the moment such people are entitled. However, the Attorney-General wants to deprive such people of compensation.

Another important group excluded by the Attorney's amendment are the brothers or sisters of a person who is killed. The Attorney's amendment represents a very serious reduction in the rights of victims. I put this to the Attorney during the second reading debate, but apparently he has chosen to ignore it. The Attorney has catered for the spouse, putative spouse, parent or child of a victim, but he has not catered for the brother or sister of a person who is murdered. It is quite likely that the brother or sister of a young murder victim is more likely to be traumatised than the parents or spouse. However, the Attorney has not sought to include that group in his definition.

What happens in the case of a brother and sister where the sister is brutally murdered and, perhaps, the brother even witnesses that murder? The brother could only be 15 years of age and he may suffer emotionally for the rest of his life, but he will not be entitled to compensation.

The Hon. J. A. Carnie: How do you fix it?

The Hon. C. J. SUMNER: You fix it—it's your Government and your Attorney-General.

The Hon. J. A. Carnie: You're saying money would correct it.

The Hon. C. J. SUMNER: I am not saying money will correct it. What happens if a person suffers nervous shock and carries emotional scars for the rest of his life, as in the example I mentioned? The Attorney is prepared to give compensation to a spouse or a parent but not to another member of the family such as a brother or sister. It may well be the younger members of that family, such as a

brother or a sister, will be gravely affected as a result of the type of violence I have mentioned. The Honourable Mr Carnie's interjection means that he would have nothing to do with this Act at all.

The Hon. K. T. Griffin: He didn't mean that.

The Hon. C. J. SUMNER: That is what he said. He asked what money could do to fix it.

The Hon. J. A. Carnie: That's not what I said.

The Hon. C. J. SUMNER: Well, what was the honourable Mr Carnie's interjection?

The Hon. J. A. Carnie: I said that you are implying that money will correct everything.

The Hon. C. J. SUMNER: I am not suggesting that money will correct everything, not by any means. I am trying to point out that there is a restriction on the people who are entitled to claim compensation under the Attorney-General's amendment. I have given one example of a case which, to my mind, is unjust. The emotional shock to a sibling may be much greater than the shock to a spouse or parent. I cannot understand the Attorney-General, and I am appauled by his attitude. Two 14-year-old twins, for example, may become involved in a violent situation and one of them could witness the other one being murdered. As a result, the survivor might suffer severe shock or emotional disturbance for the rest of his life but, according to the Attorney-General, he is not entitled to compensation.

Make no mistake about this amendment; that is what it does. I believe that we should return to what is already contained in the Act. The definition is quite simple. 'Victim' is defined as 'a person who suffers injury in consequence of the commission of the offence'. That is a simple definition. That person has to establish that he has suffered injury. It does not mean that any emotional disturbance justifies compensation. A victim must prove injury within the normally accepted definition of the word. He must prove some mental disturbance which constituted injury, nervous shock or the like and that it occurred in consequence of an offence. Surely they are the people that this legislation is designed to compensate. It is those people on whom the Attorney-General is now trying to place a restriction. He is excluding brothers and sisters of murder victims; he is excluding bystanders; and he is excluding rescuers.

Quite frankly, I do not find that acceptable. I would be surprised if the Committee found it acceptable, particularly when one considers how the Attorney-General has carried on about victims of crime in the past. I will support the Attorney-General's amendment to the clause, because it improves the situation to some extent, but I will then totally oppose the clause by which he seeks to restrict significantly the definition of 'victim' that already exists in the Act.

The Hon. K. T. GRIFFIN: The Leader of the Opposition talks in theory because, during the operation of the Act, there has been no claim by brothers and sisters that has succeeded under the legislation.

The Hon. C. J. Sumner: Come on! Why don't you give them the opportunity?

The Hon. K. T. GRIFFIN: There has been only one instance of a bystander successfully claiming for nervous shock, as a result of a bank robbery. In all other cases, the only claims that have been successful have been those by victims directly (that is, the victim of the crime), or the parents of a murdered victim. The amendment will not in any way impinge on the rights of the victims.

The Hon. C. J. Sumner: How can you say that? It restricts the victims.

The Hon. K. T. GRIFFIN: I am talking about the victim of the crime. It does not affect him. There was no case, except one involving nervous shock suffered by a bystander, where this amendment would have any impact. The parents, spouses, putative spouses or parents of children, those direct ancestors or descendants, are involved.

The Hon. C. J. Sumner: What about brothers and sisters?

The Hon. K. T. GRIFFIN: They have not ever been successful.

The Hon. C. J. Sumner: So what? Surely they ought to be.

The Hon. K. T. GRIFFIN: The honourable member is talking theory again. He must remember that this relates to criminal injuries compensation, which is established for the purpose of the victims, to give the victim something where the State is a guarantor of last resort, and to make some contribution to the costs incurred and for the loss suffered by a victim as a result of a criminal act. Very few, if any, of those people who ought to be entitled to compensation will be affected.

In relation to bystanders, I have said that there has been only one case in the whole 12 or 13 years of operation of the Act where such a claim has been successful. The principal emphasis is on the victim of the offence, and on the parents, children, spouses, or putative spouses of a person who is a victim and who dies as the result of a criminal act. I believe that this is an appropriate amendment, one of those amendments which tidies up the Bill and brings it into the factual arena, not the theoretical arena.

The Hon. C. J. SUMNER: It may well tidy up the Bill, but, in tidying it up, it excludes a very significant group of people in the community who potentially are victims of a crime.

The Hon. K. T. Griffin: That is nonsense. That is theoretical.

The Hon. C. J. SUMNER: The Attorney-General should not say that that is nonsense. I have already given one example.

The Hon. J. A. Carnie: It is hypothetical.

The Hon. C. J. SUMNER: How? It is hypothetical to introduce the Bill in the first place. One cannot say what offences will be committed against victims. It is not hypothetical in the sense that it could occur. I have asked the Attorney-General whether, if a brother and sister are together somewhere in the city, if one is the subject of an assault which leads to his death, and if the other young person witnesses the assault and murder and suffers severe nervous shock as a result, under the present law, that person will be entitled to compensation if he can establish that factual situation. Secondly, under the Attorney-General's amendment, would that person be entitled to compensation?

The Hon. K. T. GRIFFIN: There have been claims by brothers and sisters of victims who have died, and they have been unsuccessful. It is my view that the sort of question that the Leader of the Opposition is asking is quite hypothetical.

The Hon. C. J. Sumner: You're appalling. Will you answer that factual question?

The Hon. K. T. GRIFFIN: I am answering the question as I want to answer it. I have indicated to the Leader that there have been claims made by brothers and sisters of murder victims, but they have been unsuccessful. I see no point in perpetuating in this Bill a provision that is not effective.

The Hon. C. J. SUMNER: The Attorney-General obviously refuses to answer the question. The fact that there have been claims by these people that have been unsuccessful is not the point. Those claims might have been unsuccessful because a person could not establish an injury under the Act, and that is fair enought—I do not argue with that. Mr Justice Jacobs, as I said in the second reading stage, believed that a payment should be made to the relatives of a victim based on a system of solacium, which applies in a personal

injury claim. The Attorney-General has refused to answer my question, because he knows that it is embarrassing.

The Hon. K. T. Griffin: I am not embarrassed by the question.

The Hon. C. J. SUMNER: The Attorney-General ought to be ashamed, and I am surprised that he is not. He is saying that a young person who suffers nervous shock and who is psychologically disturbed as a result of witnessing the murder of a brother or sister is not to be entitled to compensation in the future, assuming that that person can establish the factual situation—that is, establish an injury. At present, that person would be entitled to compensation. When the Attorney-General's amendment is passed, that person simply will not be entitled to compensation.

I find it astounding that the Attorney-General has introduced that sort of restriction in regard to who is a victim. The definition in the Act is perfectly adequate, and refers to a person who suffers injury in consequence of the commission of the offence, and that is the way it should remain. I am in a bit of difficulty, because the Attorney-General's amendment is a slight improvement on the clause. However, I wish to retain the present definition of 'victim' in the Act.

The Hon. R. C. DeGaris: Vote for the amendment and vote against the clause.

The Hon. C. J. SUMNER: I cannot do that, because the clause contains a number of changes to definitions. Perhaps you, Mr Chairman, may care to consider the situation and explain how we can solve this dilemma.

The CHAIRMAN: If anything new had been said in the past quarter of an hour, I might have something to go on.

The Hon. C. J. SUMNER: That is the sort of statement from the Chair that is absolutely unnecessary. It is not for you, Mr Chairman, to judge whether what members say in this Committee is absolutely necessary, and the sooner you understand that the better.

The CHAIRMAN: If the honourable Leader wants to challenge the Chair on what rulings I can give and what I can say, he can just do it.

The Hon. C. J. SUMNER: I will. The fact is that they were just gratuitous comments criticising honourable members' contributions to a debate.

The CHAIRMAN: The contributions are excellent; it is just the repetition I am concerned about.

The Hon. C. J. Sumner: That was unnecessary, too.

The CHAIRMAN: The position, as I see it, is that the Leader is concerned that if he votes against this clause—

The Hon. C. J. SUMNER: The Attorney-General is attempting to insert a new definition by paragraph *(ba)*. If I vote for that new definition, as I would like to do because it improves the position to some extent, there is no way I can then vote against the whole clause. I do not wish to vote against the whole clause; I wish to vote against some lines in it. I think that the way the matter could be resolved is to either defer the insertion of *(ba)* until later or to vote for it on the understanding that the clause be recommitted if I win later in the vote.

The CHAIRMAN: If a recommittal is agreed to, there is no problem.

Amendment carried.

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

Page 2, lines 3 and 4—Leave out ", means the person against whom the offence was committed" and insert—

"—

(a) means the person against whom the offence was committed; and

(b) where the person against whom an offence was committed dies as a result of the injury suffered by him in consequence of the commission of the offence, means a relative of that person."

These matters are all related to the previous debate.

The Hon. C. J. SUMNER: I do not wish to oppose this amendment; I want to oppose lines 3 and 4 and onwards. I agree with lines 1 and 2. I agree with the amendment moved by the Attorney-General, but only because it improves the clause. Then, I want to vote against the whole of the definition of 'victim'. as set out in the clause.

Amendment carried; clause as amended passed.

Clauses 4 to 6 passed.

Clause 7—'Proof and evidence.'

The Hon. C. J. SUMNER: I oppose this clause, which deals with the onus of proof that is to apply in each case. The position at present is that any claim must be established on the balance of probabilities; that is the normal civil onus and the one that should apply in any situation. The Attorney-General's amendment introduces a hotch-potch where part of the burden is on the balance of probabilities and has a civil onus and the other parts of the burden are beyond reasonable doubt. This argument has been canvassed before. I think that, if the clause is passed in its present form, it will constitute yet another hindrance on victims trying to establish their rights under the legislation.

The Hon. K. T. GRIFFIN: The arguments relating to this clause have been canvassed extensively. I do not believe it will present any problem. What it does is strike out what I believe to be doubtful or dubious claims.

The Hon. C. J. SUMNER: Doubtful or dubious claims have not been established to the satisfaction of this Committee. The fact that the Attorney says that there are such things provides very little evidence of them except on the say-so of his officers. If there are dubious claims they can be sorted out by the court, and that is where they ought to be left.

The Committee divided on the clause:

Ayes—(10) The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (Teller), C. M. Hill, D. H. Laidlaw, and K. L. Milne.

Noes—(9) The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, C. J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. R. J. Ritson. No—The Hon. N. K. Foster.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 8 passed.

Clause 9—'Legal costs.'

The Hon. C. J. SUMNER: My concern under this clause is what costs. The clause provides that costs awarded in proceedings under this Act shall not exceed the amount allowable under the prescribed scale—a proposition with which I have some sympathy. The only question is what will be the prescribed scale. Who will determine it and will it be enough to ensure that victims have adequate legal representation?

The Hon. K. T. GRIFFIN: There has been some concern that the scale has not been reviewed for some time. I have instituted a review which I understand is well advanced. There has been some consultation with the Law Society and, principally, with the senior judge of the District Court. I would expect the prescribed scale to be certainly higher than the allowable fees at the present time, and one sufficient to ensure that practitioners do take those cases without finanical loss.

There has been a move recently in several cases for the court itself to take a decision as to costs (which of course will not be prejudiced by this amendment) and award costs in excess of the scale, that is, of fees on the Supreme Court scale to be taxed. There is a recognition that the current fees are too low, and the review of those is well in hand.

Clause passed.
Clause 10 and title passed.
Bill reported with amendments.
Bill recommitted.
Clause 3—'Interpretation'—reconsidered.

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

Page 2, lines 1 to 4—Strike out paragraph *(c)*.

This amendment deals with the definition of 'victim'. The definition has been amended to some extent to make it slightly more acceptable, but I believe that the definition in the principal Act should stand and my amendment would allow that.

The Hon K. T. GRIFFIN: The reasons have been adequately canvassed. I missed some of the Leader's comments, but I presume that, if he is successful with his amendment, further amendment will be necessary.

The Committee divided on the amendment:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, K. L. Milne, C. J. Sumner (teller), 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 D. H. Laidlaw.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. R. J. Ritson.

Majority of 1 for the Ayes.

Amendment thus carried.

Bill reported with a further amendment.
Bill further recommitted.
Clause 3—'Interpretation'—further reconsidered.

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

Page 1, after line 23—strike out new paragraph *(ba)*.

The Hon. K. T. GRIFFIN: I wish to indicate that I am not going to divide on the amendment. It is consequential on the last amendment to delete sub-clause *3(c)*.

Amendment carried; clause as further amended passed.
Bill reported with further amendments; Committee's reports adopted.

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

That this Bill be now read a third time.

The Hon. C. J. SUMNER (Leader of the Opposition): I am at a loss as to how to vote on the third reading. I do not think there is anything in the Bill of benefit to victims of crime. It only constitutes a tightening up in their rights. There are technical amendments in the Bill which one would agree with. The most obnoxious part of the Bill has now been deleted despite the position which the Government adopted. Had that not been deleted I would have had no compunction about dividing on the third reading of the Bill. As it stands at the moment the Bill constitutes a restriction on victims' rights in one respect at least compared to what exists at the present time.

To balance that up, there are certain technical administrative arrangements which may be of benefit to the administration of the Act. I certainly do not believe they are of any benefit to victims. In all, I do not find the Bill worthwhile. It is certainly better than it was when introduced. There seems to be nothing in it which can in any way be construed as expanding the rights or improving the position of crime victims in our society. Accordingly I oppose the Bill at the third reading.

Bill read a third time and passed.

CARRICK HILL VESTING ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 2 June. Page 4233.)

The Hon. ANNE LEVY: The Opposition supports this Bill, which is a very simple measure. People are aware of the history of the benefaction given to the State by Sir Edward and Lady Hayward. In 1971 a trust deed was set up which gave the property of Carrick Hill to the State to be used for one or more of four specific purposes. The Government then brought in legislation and accepted the gift, naming only one purpose in the legislation. At the time there were suggestions querying why only one of the four possible options was included in the Bill. In fact, the Hon. Mr DeGaris said at the time:

> There is probably a very good reason why one purpose is specified in the Bill but the deed mentions other purposes. I think we are justified in asking why only one purpose is mentioned in the Bill.

I assume he answered his own question when he went on to say:

> I assume the Government has decided that the one purpose is a residence for his Excellency the Governor.

The Hon. R. C. DeGaris: That is the only way you get an answer in this place sometimes.

The Hon. ANNE LEVY: Certainly no answer was given in any other speech at the time. To some extent it was a rhetorical question, as the legislation itself answered the question. As the Hon. Mr DeGaris said in answering his own question, he did at least get an answer, which is not always forthcoming in this place as I have noted, particularly over the last three years.

I am grateful to an honourable member in another place for information regarding the history of individuals attempting to give or sell their properties to the Government for public purposes. The Hon. D. J. Hopgood has found references to a number of people who have tried to either give or sell their property to the Government at various times. In particular he quoted W. G. Duncan (later Sir Walter Duncan) who wished to sell the estate of his father to the State for the purpose of establishing a new Viceregal residence. At the time the Hon. W. G. Duncan was a member of this Chamber and it was ruled that this was a conflict of interest and the necessary legislation could not proceed. It is interesting that a conflict of interest has been raised in this Chamber and has prevented legislation proceeding.

I am not aware of any such occasion having arisen in my time in this Chamber, and I wonder how far back one has to go to find precedents of a conflict of interest being declared and affecting the passage of legislation. Obviously back in 1925 there were no qualms about the declaration of interests and one wonders whether at that time legislation for public declaration of interests of members of Parliament might have been more successful than it has been in recent times. However, all that aside, the Bill is very simple: it allows for Carrick Hill, when acquired eventually by the Government, to have any one of four purposes, which are as a residence for the Governor, as a museum, as an art gallery or as a botanic garden or for any combination of these four purposes.

When the property comes into the hands of the State it will be up to the Government of the day to decide which purpose or combination of purposes is most appropriate. Times change and needs change and we certainly have no objection to the four purposes named as being options for the Government of the day when Carrick Hill becomes vested in the State. I support the second reading.

Bill read a second time.
In Committee.

The Hon. C. J. SUMNER: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Clauses 1 and 2 and title passed.
Bill read a third time and passed.

DAIRY INDUSTRY ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 2 June. Page 4207.)

The Hon. B. A. CHATTERTON: I agree with the Minister that the most important provision in this Bill is that dairy farmers no longer have to have a bull licence. As the Minister said, this was inequitable. If other members of the community do not have to have a bull licence, why should dairy farmers? I accept the Minister's argument that this is probably the most important provision in this piece of legislation: the previous situation was inequitable and should be repealed.

Other than that, the Bill makes a number of smaller amendments to the legislation tidying up various provisions which have become redundant over the years and which need to be changed because of changing technology in the industry. The third major aspect of the Bill is to repeal provisions which have become superseded because of changes in the national dairy marketing arrangement. The old arrangement required State complementary legislation to set quotas for butter and cheese; this was required in terms of the national dairy marketing arrangement. Those arrangements have now been superseded by a new scheme, not that it has done the industry any particular good.

The new scheme is really in no way greatly superior to the old dairy marketing arrangement. It is an example of the way that the political power of farmers has been subverted in terms of establishing a national dairy marketing scheme which has little in it for dairy farmers, but does a great deal for the dairy factories. It is a pity when this sort of thing happens—where farmers originally started off with an ideal, and they wished to have a system of marketing their product where they were not in ruthless competition with each other but instead could co-operate to try and get the best possible price for their product. This does not just apply within the dairy industry, but to many other areas of primary production.

That original idea falls down when that primary product is further processed at a secondary stage. That does not happen in the wheat or wool industry. In the dairy industry the initial product is further processed into cheese, butter, yoghurt or a whole range of other products. At that stage the processing industry seems to have used the original scheme to remove all competition, with very serious consequences. The consequences are that marketing becomes very lax, the product quality becomes very lax, and we have a situation where nearly 40 per cent of the cheese market has been taken over by imports. That has occurred because of the complete failure of the Australian industry to compete.

The Australian industry has not competed because the scheme does not give it any incentive to do so. There is a whole series of equalisation payments and various other payments within the Australian dairy industry which make it unnecessary for Australian manufacturers to compete. If Australian producers sell their product on any market of their choosing they receive the same return. If they attempt to produce a special cheese of a higher quality they are usually penalised. Therefore, it is not surprising that imported cheeses have taken such a large proportion of the Australian market. It is a direct result of the failure of the Australian marketing system to cope with a situation where the product is highly differentiated and where quality standards, marketability and so on are extremely important.

If one took an analogy it could be said that the wine industry is very similar in many ways to the dairy industry in terms of the change that takes place between the basic product (the grapes) and the end product (the bottles of wine). If the situation in the dairy industry applied in the wine industry I am sure that only bulk wine would be produced, with no distinguishable qualities, trade marks, attempts at quality or specific differentiation. However, it is all those qualities that have really made the wine industry successful. The wineries compete to obtain a larger share of the market. They try to compete to produce a specific product that has particular consumer appeal. That is why the wine industry has continued to expand and has been successful. It has not been so successful from the grapegrowers' point of view, but it has certainly been successful for winemakers. That has not applied in the dairy industry because of the various marketing arrangements.

Many people in the dairy industry suggest even further controls on imported cheeses rather than trying to compete with them. They have suggested further controls and further regulations. When an industry gets itself into a rut where it can only think in terms of further controls and further regulation it is very difficult for it to look at the system from a completely fresh point of view. The dairy industry certainly needs a fresh approach. It is not as if there has not been sufficient review activity. However, that review activity has not been effective. Over the last four years there have been attempts to review certain aspects of the dairy industry, but they have met with very little success and with very little co-operation from the industry itself.

The industry views change with great suspicion, because it will upset the very cosy arrangements that it has enjoyed for a long time. Those cosy arrangements have meant that there is no need to compete and no need to produce a product for consumers. I am not suggesting that that applies to all members of the dairy industry. I am well aware that a number of innovative people have tried very constructively to compete with imported cheeses and other products. Unfortunately, those people are very much in the minority, certainly in terms of the Australian dairy industry as a whole. We are fortunate in South Australia that we seem to have a higher proportion of innovative people in this State who have been able to look at the industry in an attempt to fill some of the gaps that are not filled by the very large producers. The dairy industry as a whole is dominated by Victoria, particularly the Murray-Goulburn Co-operative. That organisation has not been very innovative in its approach to marketing and producing new products. In fact, during periods of milk shortage that company has starved some of the lines that have produced higher returns for dairy producers, because it suited a particular factory to keep operating in a particular way rather than producing the best mix of products to produce the highest return for the farmer shareholders.

As I have said, the Bill makes several minor amendments to the legislation which have become necessary due to new technology within the industry and the need to bring in other animals besides cattle. That particularly applies to sheep and goats. It is very interesting that this Bill introduces sheep and goats, because a recent study by Department of Agriculture officers involved in research into goats concluded that, while the industry at the moment could not satisfy the demand for goat milk, they did not really believe that producers should get into goat milk production. Therefore, the left hand and the right hand of the Department of Agriculture are not really in accord in relation to this legislation, which actually brings sheep and goats under the control of the Dairy Industry Act. I support the Bill.

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

STATUTES AMENDMENT (PLANNING) BILL

Adjourned debate on second reading.
(Continued from 2 June. Page 4249.)

The Hon. ANNE LEVY: We quite frequently deal with legislation that can be described as rats and mice; I think this Bill comes into the category of a tiny squeak from a tiny mouse. It amends 15 different Acts as a result of the new Planning Act, which was passed earlier in this session. Each of those Acts contains reference to the Planning and Development Act and will now refer to the Planning Act.

There are other minor changes to the fifteen Acts, all consequential on the passing of the Planning Act earlier this session. I am not quite sure why this could not have been done in the Planning Act at the time, but in this case it is obviously necessary and the less time that is taken up for such consequential and, on the face of it, inconsequential legislation, the better. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Schedule.

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

Page 5—After subsection (4) in Part IX of the Schedule insert subsection as follows:

(5) A reference in any Act, regulation, rule or by-law to the metropolitan planning area as constituted under the repealed Act shall be read and construed as a reference to metropolitan Adelaide as defined in the development plan.

The Hon. Miss Levy said quite correctly that this Bill falls well and truly within the category of rats and mice, or even the squeak of a mouse, but still there is an amendment. Because some Acts, regulations or rules (for example, the residential tenancies regulations) refer to the metropolitan planning area, it is necessary to make it appear whether in such references we mean metropolitan Adelaide as now defined in the development plan.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.8 p.m. the Council adjourned until Thursday 10 June at 2.15 p.m.