LEGISLATIVE COUNCIL

Wednesday 18 August 1982

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

PERSONAL EXPLANATION: ADELAIDE CITY COUNCIL

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

Leave granted.

The Hon. C. M. HILL: Yesterday, during the debate on the Local Government Act Amendment Bill (No. 2), I provided some statistical information regarding Government assistance to the Adelaide City Council for the operation of the Rundle Mall Committee. In 1980-81 the Department of Local Government made a contribution of $16 500 to the Adelaide City Council towards the general administrative costs of the Rundle Mall Committee. The amount of $18 000 I quoted yesterday was a preliminary figure being considered by departmental officers during the framing stages of the 1981-82 Budget. Following the decision to repeal the Rundle Mall Act, no funds were provided in 1981-82.

QUESTIONS

ETHNIC AFFAIRS COMMISSION

The Hon. C. J. SUMNER: I seek leave to a make a brief explanation before asking a question of the Minister Assisting the Premier in Ethnic Affairs on the subject of the Ethnic Affairs Commission.

The PRESIDENT: Is leave granted?

The Hon. N. K. Foster: No.

The PRESIDENT: Leave is not granted.

The Hon. C. J. SUMNER: My questions to the Minister are, first, why did the Government discriminate against the members of larger ethnic groups when it appointed the Chairman of the Ethnic Affairs Commission and, in particular, why were Greek and Italian applicants excluded from serious consideration? Secondly, did the Minister announce a policy to the State Council of the Liberal Party in 1978 or early 1979—a copy of which speech has been made available to me—as follows:

> An important point to note is that the departmental head in Victoria, and the senior officer in Western Australia, are not from large or major ethnic groups. In South Australia the head of the Ethnic Affairs Department is from the Italian community, the largest ethnic group.
>
> The policies on this point in Victoria and in Western Australia, and within our organisation, are fully supported by my committee, for we know that serious misunderstandings occur if the senior officer in those departments—whether we are talking about departmental head, an Ethnic Affairs Commission Chairman, or our Party's senior ethnic affairs representative, is a member of one of the very large ethnic communities.

Thirdly, is the Minister aware that in any event his arguments were nonsense, as there is a very successful Chairman of the New South Wales Ethnic Affairs Commission, Mr Paolo Toturo, who is a person of Italian origin? Fourthly, why were these individuals of Greek and Italian extraction who applied for this job not given a fair go, because of Government policy, clearly stated by the Minister in a speech to the Liberal Party Council in 1978 or 1979, that the Chairman of the Ethnic Affairs Commission should not be from one of the major groups, that is, from the Greek or Italian community?

The Hon. C. M. Hill: You should be ashamed of yourself, you know.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: It was your speech to the Liberal Party Council in 1978 or 1979—

The PRESIDENT: Order!

The Hon. C. J. SUMNER: —a copy of which I have, that announced—

The PRESIDENT: Order! The Hon. Mr Sumner will come to order.

The Hon. C. J. SUMNER: It was his interjection—

The PRESIDENT: I do not care what the Minister said: I have asked the honourable Leader to come to order. I want to make the point quite clearly that there will be no discussion or argument across the floor during Question Time. Also, the Leader should phrase his question more directly and more briefly, since he was not granted leave.

The Hon. C. J. SUMNER: Thank you, Sir. It was not my interjection but an interjection from the Hon. Mr Hill. I shall repeat my question. Why were those individuals of Greek and Italian extraction who applied for the job not given a fair go, because of the Government policy announced by the Minister before the last election? Why did the Liberal Party adopt the policy of not appointing the Chairman of the Ethnic Affairs Commission from one of the (to quote the Hon. Mr Hill directly) larger or major ethnic groups? Finally, how does the Minister justify this discrimination against the individuals from those groups who applied for the position?

The Hon. C. M. HILL: I have always thought during the 17 years that I have been here that one of the worst things that a Parliamentarian can do is to develop class feeling and bitterness within the community.

The Hon. C. J. Sumner: Did you make this statement?

The PRESIDENT: Order!

The Hon. C. M. HILL: The second worst thing that a Parliamentarian can do—and this has emerged in recent years because of the advent of the ethnic communities in our society—is to develop feeling between those individual communities. I believe that that is what the Leader is doing. He is trying to set off one community against the other and to develop some kind of competition on the floor of this House, and publicly as well, on this question.

The Hon. C. J. Sumner: Did you make that statement?

The Hon. C. M. HILL: I shall answer the question in a moment. Keep calm. The first point is that it does no good to the South Australian community to start setting off against one another the leaders or the communities among our migrant friends in South Australia, and I counsel the Leader of the Opposition to be most careful in trying to avoid that situation. The second point that I make is that the Leader somehow has got a copy of a statement I made to the policy-making body of my Party organisation. What he does not appreciate is that, in my Party, members of Parliament are given freedom to finally decide and bring down as election policy the policy which they themselves decide. We are not answerable to our masters outside of the Parliamentary Party, as are members opposite. We are not bound by any written pledge to abide by the forums of our national body—

Members interjecting:

The PRESIDENT: Order!

The Hon. C. M. HILL: —or of the State body. We do not fear being kicked out of our Party if we make up our minds.

I point out to the honourable member that because a statement was made explaining my feelings at the time (and I believe we are discussing 1978) it does not mean in any way at all that I am bound as a Parliamentarian to the decisions of that particular—

The Hon. C. J. Sumner: That's your statement.

The Hon. C. M. HILL: Yes, of course.

The PRESIDENT: Order!

The Hon. C. M. HILL: Our policy on ethnic affairs has been in a state of change for the last 10 years, and why not? Why should not we listen to our ethnic communities? As those communities grow and make their voices heard on particular issues at a specific time, why should not we meet their wishes and amend our policies from time to time? Of course we should. We are not bound by this iron-clad discipline.

The Hon. C. J. Sumner: This is your statement, though.

The PRESIDENT: Order!

The Hon. C. M. HILL: That discipline is all that honourable members opposite understand.

The Hon. Anne Levy: It was not a Party statement—it was your statement.

The PRESIDENT: Order! The honourable member has asked a question; I ask the Minister to reply to the question and I ask members of the Opposition to stop interjecting.

The Hon. C. M. HILL: The honourable member asked me why I was discriminating against the Greek and Italian communities in not appointing one of their members—

The Hon. C. J. Sumner: No, I said that you were not giving individuals from those communities a fair go.

The Hon. C. M. HILL: What is the difference? The honourable member is so—

The Hon. C. J. Sumner: They should have been appointed on merit, not on the basis—

The Hon. C. M. HILL: They were appointed on merit.

The PRESIDENT: Order! There must be some order. I ask the honourable member to show some decorum and listen to the reply. Honourable members must stop shouting at each other across the floor, otherwise I will be forced to take action.

The Hon. C. M. HILL: There was no discrimination at all against any person or against any community when the present Government faced up to the challenge of appointing the Ethnic Affairs Commission Chairman. For months and months I wrestled with the problem of who might be the best person for that particular task. As it happened, the person appointed has made a tremendous success of the job. I am indeed delighted that the Government finally chose that particular man for that task. He has the respect of all communities.

The Hon. L. H. Davis: The Opposition is casting a slur on him.

The PRESIDENT: Order!

The Hon. C. M. HILL: It is not true that in any final deliberation on this question I excluded from this particular role any particular ethnic group or any particular person because of his ethnic origin. Let me be perfectly clear about that. For years and years I discussed within my Party how we should go about choosing members of the commission and the Chairman. It is perfectly normal for me to explain to members of my Party what the situation had been interstate. I was very interested in the concept of the Ethnic Affairs Commission. After all, the concept was conceived in this State by the then Opposition, which is now in Government. We conceived the idea of the Ethnic Affairs Commission; Mr Wran in New South Wales followed it.

The Hon. C. J. Sumner: That's just not true.

The Hon. C. M. HILL: It is true. We went to the people with the policy before Mr Wran appointed his Ethnic Affairs Commission.

The Hon. C. J. Sumner: That's not true.

The Hon. C. M. HILL: It is true. I am saying that we went to the people with a policy of appointing an Ethnic Affairs Commission before there was a commission in Australia. That is true.

The Hon. C. J. Sumner: Wran announced his before your policy.

The Hon. C. M. HILL: That is not right. The honourable member's question is linked somewhat with the actual choice of members of the commission. Whilst it decided to appoint members to the commission based on a regional concept throughout the whole world scene, the Government specifically excluded from that the Greek and Italian communities because of their numbers and because the first two appointments were representatives specifically of those two communities.

Surely that is proof that we have not got any of the feelings alleged by members opposite, nor have we discriminated whatsoever against the Italian and Greek community.

The Hon. C. J. Sumner: What does this mean?

The Hon. C. M. HILL: The honourable member can jump up and down as much as he wants, but he is not going to drive a wedge between this Government and the tremendously strong and fruitful relationships which we enjoy with the Greek and Italian communities in South Australia. Having made that explanation of our appointment on a regional basis, I do not know whether the honourable member wants me to expand that any further—

The PRESIDENT: I do not think that he would at this stage.

The Hon. Anne Levy: It's been nine minutes.

The Hon. C. M. HILL: You asked for it. Representatives from those communities were not excluded in our specific deliberations on that choice. The document that the Leader with great relish is waving about in this Chamber now was not the election policy of this Government. The Leader is living in the past and has suddenly found something which he thinks is a big issue. Obviously he and his Party cannot find any more important matters to raise as Her Majesty's Opposition in this Parliament. Because the Leader has something that was apparently mentioned at the Liberal Council—

The Hon. C. J. Sumner: It was your speech!

The Hon. C. M. HILL: I have not seen it, and for the honourable member to try to sheet home some claim of discrimination is something which I refute totally. If the honourable member wants our current policy, I shall be pleased to give him a copy of that, and any other documents that we may have in relation to that policy, because he might learn something from it.

The Hon. Frank Blevins: You misled them at the election.

The Hon. C. M. HILL: There was no misleading at the election. There is not any need for me to expand any further other than to simply—

The Hon. D. H. Laidlaw: 'Repeat'!

The Hon. C. M. HILL: —repeat what I have said and deny any insinuation that this Government excluded from consideration, when it had to choose the Chairman of the Ethnic Affairs Commission, any Italian or Greek person, or any other person, because of that person's involvement with any specific community group. We did as we have done since we have been in Government in choosing members of committees: we chose the best person for the job. I believe that our experience has borne out that we were wise and successful in that appointment. In future, I would like to see the Leader pulling a little more with the whole ethnic question and with the Government in trying to help these people, rather than trying to cause arguments and dissension within the community generally.

The Hon. M. S. FELEPPA: I desire to ask a supplementary question. I refer to the Minister's statement that the appointment was based 'on the merits of the candidates'. Is that to say that there was no suitable person for that position from the major ethnic communities?

The Hon. C. M. HILL: Applications were called for the position and there were people from several of the communities, just speaking from memory. There were about seven or 10 applicants for the position, and it was then simply a case of disregarding the communities from which those people came and deciding who we thought was the best of the applicants. In all these things one has to make a final decision. One weighs up a great deal about qualifications and needs and so forth, and in the end a final decision has got to be made. That is exactly what we did.

It might well be that, had we chosen somebody else for this position, he would have been able to do the job in practice (now that we can look back with hindsight) as well as the present Chairman. I must say that we are very satisfied with the manner in which the present Chairman, Mr Krumins, is facing up to a most difficult task. His is in a most difficult position and I am pleased that the Government finally decided to appoint him to the position under discussion.

HEALTH INSURANCE

The Hon. R. J. RITSON: I seek leave to make a brief explanation prior to directing a question to the Minister of Community Welfare, representing the Minister of Health, on the subject of bizarre health insurance. I indicate that my explanation may take as long as three minutes.

Leave granted.

The Hon. R. J. RITSON: I am in receipt of a representation from a constituent who has written to me to explain her attempts to obtain family health cover. The health problem this family has relates to the fact that two members of the family are insulin-dependent diabetics. As a result of that, they need supplies of insulin and syringes for life. The family are certainly not seeking charity, and in the letter to me they have detailed their attempts to obtain full medical cover, which I will outline. The costs are as follows: the quarterly figure for the N.H.S.A. for full medical insurance is $91.20 and for full hospital insurance $100.00. The basic anc. rate is $41.20, the F.S.M.A. cost $2.60 and the lodge cost $2.60—a total of $237.60 a quarter or $950.40 annually.

The concern of these people is that, in addition to that insurance outlay, they have to spend about $150 a year on disposable syringes for the administration of insulin because the health insurance cover apparently does not extend to syringes. When I opened todays *News* and looked at pages 70 and 71 I found a feature article on the health insurance industry. That article deals with two major insurers. I will read to the Council a small paragraph from that article dealing with Mutual Health, which states:

> Mutual Health is the only registered health fund in South Australia to arrange general insurance.
>
> Car, home, contents, personal property, pleasure craft and caravan insurances are available at extremely competitive rates.
>
> Mutual Health's competitive rates and benefits, wide range of excellent services and convenient locations reflect their aim of keeping things 'easy'.
>
> The fund seems set to continue its spectacular growth in the future.

The astonishment I experienced on reading the N.H.S.A. package knew no bounds because that package leaves Mutual Health for dead. Under the N.H.S.A. headline, we find that there are houseboat holidays on N.H.S.A.'s own houseboats on the Murray River, high interest is paid on savings either for a home or a holiday, there are credit facilities from personal loans to bill paying services, and there are subsidies schemes for senior members to enjoy their later lives in ease. Children in their accident prone years are not forgotten with special insurance and there are—wait for this—discounted rates for members at N.H.S.A.'s holiday homes in popular resorts.

I am sure that the family who wrote to me are not interested in holiday homes, discount rates or houseboats on the Murray: they want to insure for their essential health costs. The family are paying $950 a year for health cover and they cannot obtain insulin syringes under that insurance. The family have made every attempt to help themselves and I was shocked to pick up this newspaper this afternoon and to find that the organisations that are not providing for insulin syringes under the top premium packages are talking about competing with banks and credit unions, offering houseboat cruises on the Murray, and concessions at holiday homes.

The Hon. Anne Levy: You have been five minutes, Bob.

The Hon. J. R. Cornwall: You get right into them, Bob; you are doing a good job.

The PRESIDENT: Order!

The Hon. R. J. RITSON: I realise that the Government does not purport to interfere at the State level in the management of these funds. If the Minister of Health agrees with my attitude on this matter, will she express to the health funds in the strongest possible terms that perhaps the health funds are not doing the job that they purport to do. Will the Minister urge these health funds to include (amongst the houseboats and discount holidays) syringes for the administration of insulin?

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

FUEL TAX

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 tax on farm fuels.

Leave granted.

The Hon. B. A. CHATTERTON: In the Budget brought down last night by the Federal Treasurer one of the interesting new arrangements was that the concession of 6.1c per litre on fuel used on farms by farmers was withdrawn.

The Hon. D. H. Laidlaw: That is not right.

The Hon. B. A. CHATTERTON: It is right; it was withdrawn. The previous arrangement was that primary producers who held an exemption certificate did not have to pay fuel tax. That has been replaced by another system whereby farmers will have to claim a rebate equivalent to the amount of tax which they would have previously paid. Of course, this will be much more bureaucratic, not only for the Government but for farmers, who will have to fill out many claim forms. I understand that the arrangements are that a farmer can claim whenever his fuel tax is more than $100, so that a farmer can accumulate amounts of tax on the fuel he has purchased, for which he has had to pay tax, until he reaches an amount of $100. At that stage the farmers can then put in a claim to the Commonwealth Government.

My calculations are that that means that a farmer has to purchase more than 1 600 litres of fuel before he is in a position to claim that extra $100. Many farmers would be purchasing quantities less than this because of the size of their farm fuel storage tanks. At the last State election the Minister of Agriculture, as part of the Government's policy at that election, said that a Liberal Government would be encouraging farmers to have additional farm fuel storage.

It is obvious from the new arrangements that have been worked out at the Commonwealth level that this additional farm fuel storage will be needed to simplify the methods of claiming back the fuel tax. On the last occasion I asked the

Minister how he was implementing that policy of encouraging additional farm fuel storage, the Minister gave the rather facetious reply that he was doing it by telling farmers that he had a policy on this matter. How successful has this policy been in encouraging farmers to have additional fuel storage? What additional storage is now available on farms? What part of this additional storage is due to the policies of the Government?

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

PENSIONER DENTAL SERVICES

The Hon. M. S. FELEPPA: As a preamble to my question to the Minister representing the Minister of Health, I seek leave to read a letter from the Health Commission and to make some other comments in regard to it on the subject of pensioner dental services.

Leave granted.

The Hon. M. S. FELEPPA: The letter reads as follows:

During the past two years the State Government has taken a number of steps to improve dental services for pensioners. In particular, we are acting to reduce the waiting lists for dentures which were unacceptably long when the Government came to office. Following discussions with the South Australian Branch of the Australian Dental Association regarding the provision of treatment at reduced fees, I am pleased to advise that the Government has introduced a scheme which will allow pensioners on the waiting list to have their dentures made by a private dentist.

As a requirement of the scheme, participating pensioners will be expected to contribute a small amount towards the cost of treatment as follows:

Full upper and full lower dentures	$25
Full upper or full lower dentures	$15
Denture reline	$10
Partial dentures	$10-$15

If you are one of the few people who require partial dentures or who require additional treatment before receiving dentures, your dentist will explain the scheme in further detail. Records show that your name is on the waiting list. In order to obtain treatment you are requested to hand this letter to the private dentist of your choice. If you do not have a regular dentist or your dentist does not participate in the scheme, you are invited to telephone the Australian Dental Association (79 7878) for advice. I hope the above arrangements are helpful to you and that you are able to receive the dental care that you require.

Yours sincerely,

Jennifer Adamson,
Minister of Health

The pensioner who received this letter had his name on the waiting list for dental treatment. When he received the letter, he felt that the contribution of the money requested was reasonable when compared with the service he was receiving. However, what appeared to be a very generous offer from the Health Commission soon proved to be a rather disappointing shock. What the letter does not say is that any other expenses incurred in the process of obtaining the denture must be borne by the patient. In this case the pensioner's dentist advised him that he would have to remove the remaining teeth before fitting him with a full upper denture. The cost of this work made it impossible for him to take advantage of the apparent concession by the commission, and it seems obvious to me that the letter from the commission is incomplete and inaccurate.

One of the consequences is that, by the time the patient has discovered how the scheme works, he may have already undergone at least one consultation for which he would become liable. To say simply that the scheme has been introduced to eliminate the waiting time, which is currently 12 months, is not saying much when a pensioner is confronted with aching teeth. Given that the scheme covers only the purchase of dentures, what is there for pensioners who need dental intervention because of bad teeth? If they have not got the money, they must wait for 12 months. Does the Minister understand what that means for a pensioner who is in pain? Therefore, I suggest to the Minister that, while the scheme is commendable, it needs to be rectified and the whole service needs to be upgraded so that our pensioners are treated with the dignity they deserve.

Accordingly, I ask my questions. First, will the Minister consider reviewing the letter quoted above so that it clearly states the limits of the concession and the responsibility that is left with the patient for payment of all other work done outside of the one case specifically mentioned in the letter? Secondly, will the Minister consider reviewing the provision of dental services for pensioners so that, first, the waiting time is drastically reduced and, secondly, pensioners in need of emergency dental treatment can receive treatment immediately and without cost to them, either through the Health Commission or by agreement between the Health Commission and the private dentist?

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

LANGUAGE PROGRAMMES

The Hon. BARBARA WIESE: Has the Minister of Local Government a reply to a question I asked on 28 July concerning language programmes?

The Hon. C. M. HILL: The Department of Technical and Further Education currently offers language courses with a conversational emphasis in Arabic, Dutch, Chinese, Croatian/Serbian, French, German, Greek, Indonesian, Italian, Japanese, Polish, Russian, Spanish, and Vietnamese. The department is aware that there is a number of business people who wish to be introduced to, or further their skills in, a foreign language for business purposes. The diversity of needs with regard to languages and levels combine to make it difficult to arrange classes of viable sizes. In 1983, the Open College of Technical and Further Education plans to offer two courses in the languages most commonly requested. These courses are 'Italian for the Tourist Industry' and 'French for Trade and Commerce'. The business community's response to these courses will indicate the level of demand.

LOCAL GOVERNMENT RATES

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Minister of Local Government a question about local government rates.

Leave granted.

The Hon. FRANK BLEVINS: I hope the reply I receive will be as brief as my explanation. All honourable members will be aware of the Government's policy of not paying rates on the property it owns in local government areas. I am sure all members have been contacted at some time by councils about this rather vexed question. For people who do not know about this situation, it is rather anomalous that a State or Federal Government can go into a particular location, buy property and conduct its affairs without having to contribute in any way to the local community by paying rates on that property. What is the Government's policy in relation to the rating of property it uses in local government areas? Does the Government intend to pay rates on the property it owns in local government areas?

The Hon. C. M. HILL: The Government sympathises with those councils that have raised this matter with us. As yet, the Government has not been able to see its way clear to depart from the policy previously administered by the Labor Government. That policy has been that Government departments and Governments generally are not liable to

pay rates to local government on their properties. A committee is looking at this question and deliberating to see whether some compromise can be found. As yet, the committee has not made a decision.

The Hon. FRANK BLEVINS: What is the nature of that committee and who are its members?

The Hon. C. M. HILL: The committee consists of Ministers whose departments own properties in local government areas, for example, the Minister of Agriculture, who is in charge of the Woods and Forests Department. Members would know that that department owns extensive property for the growing of forests. Another member of the committee is the Minister of Public Works because, naturally, his department is closely associated with the management of Government properties. From memory, there is one other Minister, I think, the Minister of Transport; no doubt he is a member because the Highways Department owns so many properties. It is a Ministerial committee. Incidentally, a committee meeting is set down for later today to deliberate further on this question.

COUNCIL PROSECUTIONS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Local Government a question about council prosecutions.

Leave granted.

The Hon. ANNE LEVY: It has come to my attention that some time ago a district council took action in the Tanunda Magistrates Court against a resident for dumping household rubbish on a public road. The person charged refused to pay an expiation fine and pleaded guilty in court. He was convicted without penalty because the magistrate said that he felt that the offence was trivial and that the council should not waste its time prosecuting such offences.

I believe this is rather antisocial and indicates the magistrate's rather than the community's priorities. I understand that the Local Government Association was to make representations to relevant Ministers with the idea of amending the appropriate legislation so that a minimum as well as a maximum penalty would apply: that would prevent a magistrate from exercising his personal prejudices. I assume that the relevant Ministers would be the Minister of Local Government, the Minister of Environment and Planning and the Attorney-General, all of whom are represented in this Chamber.

I do not know whether the Minister of Environment and Planning is the best Minister to whom to address this question. It may be that approaches have been made to the Attorney-General or to the Minister of Local Government. Has this matter been referred to the Minister of Local Government and does he agree that perhaps minimum penalties should be specified in the legislation so that individual prejudices of a magistrate do not override the wishes of Parliament? Will the Minister bring forward the appropriate amending legislation?

The Hon. C. M. HILL: I am aware of the matters raised by the honourable member. I point out that the Local Government Association, over a period of time, has been making suggestions about the penalties imposed by courts in relation to offences under the Local Government Act. Two recent cases have been publicised in the press, one relating to the littering offence in the Barossa Valley mentioned by the honourable member. In that case the magistrate deemed the offence to be trivial. The other offence was dealt with in the Darlington Magistrates Court, where substantial penalties were imposed. I propose to have discussions with the Attorney-General about this matter. Following those discussions, I shall be pleased to bring down a further report for the honourable member.

KEROSENE PRICING

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about kerosene pricing.

The PRESIDENT: Is leave granted?

The Hon. N. K. Foster: No.

The PRESIDENT: Leave is not granted.

The Hon. C. J. SUMNER: It seems that once again the honourable member is not interested in a matter of considerable personal concern for many people, particularly pensioners, in this community. Does the Minister recall that on 7 August last year I raised the question of excessive kerosene prices in this State? I pointed out that pensioners have approached me complaining that they could not afford to heat their houses properly, that kerosene was more expensive than petrol (at least some brands), and that retail price control or all price control was removed from kerosene in January 1980.

Is the Minister aware that the price of kerosene has more than doubled since January 1980, when retail price control was removed from kerosene? At that time the price was 22c a litre. Does the Minister know that the price is now over 40c a litre? I have received information that some brands are selling at 45c a litre. In view of the price of gas and electricity and the fact that pensioners rely on kerosene heating, will the Minister institute an immediate inquiry into the price of kerosene and, if necessary, impose price control?

The Hon. J. C. BURDETT: I do recall the Leader's having asked the question some time ago. The reason for the increased price of kerosene compared with that of petrol is that there is a small and decreasing throughput of kerosene. Fewer and fewer people use kerosene for any purpose, and therefore the cost of storing and retailing kerosene has increased. I will look into the matter.

PLANT QUARANTINE OFFICERS

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister for Community Welfare, representing the Minister of Health, a question about plant quarantine officers.

Leave granted.

The Hon. B. A. CHATTERTON: I understand that between 1979 and 1982, 13 people who were employed by the Department of Agriculture as inspectors of plant quarantine have left the department and that only five people have been employed to replace those inspectors. That means a net run-down in the effective effort of the department in this area. The funding of inspectors for plant quarantine is by the Commonwealth Government, which reimburses the State for the full cost of that inspection service for plant quarantine. It is surprising that there should be this run-down in view of the importance placed on plant quarantine in Australia to protect us from the introduction of plant diseases. In fact, the Commonwealth Government has recently run a substantial publicity campaign pointing out the dangers associated with importing plant and animal material into Australia. Can the Minister say why the State Government has run down the Department of Agriculture's effort in the area of plant quarantine? Have adequate funds been made available from the Commonwealth to pay the wages of these inspectors? If they have been, why has the State not done so?

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

ABORTION STATISTICS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Health, a question about the committee reporting on abortion statistics.

The PRESIDENT: The honourable member has only one minute left in Question Time.

Leave granted.

The Hon. ANNE LEVY: In the past few years the reports of the Government committee reporting on abortions have been tabled in Parliament at a later and later date. In 1971, 1972 and 1974 they were presented in April, in May in 1973, in August in 1975 (late due to the election), in June in 1976 and July in 1977 and 1978. With the change of Government, there was a considerable change with reports not being presented until October and September, and last year was the record of all time, with the report not being presented until the middle of November in regard to the figures for the preceding year.

We are now in the middle of August and for eight of the last 11 eleven years the report would have already been presented to Parliament. Has Professor Cox's committee presented to the Minister of Health its report on abortions carried out in this State in 1981? If the report has been presented to the Minister, when can we expect it to be presented to Parliament?

The PRESIDENT: Order! I have given the honourable member plenty of time. We must now proceed with the Orders of the Day.

SUPPLY BILL (No. 2)

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.

This Bill provides $340 000 000 to enable the Public Service to carry out its normal functions until assent is received to the Appropriation Bill. Honourable members will recall that it is usual for the Government to introduce two Supply Bills each year. The earlier Bill was for $290 000 000 and was designed to cover expenditure for about the first two months of the year. This second Bill is for $340 000 000, which is expected to be sufficient to cover expenditure until early November, by which time debate on the Appropriation Bill is expected to be complete and assent received. Clause 1 is formal. Clause 2 provides for the issue and application of up to $340 000 000. Clause 3 imposes limitations on the issue and application of this amount.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935-1981. Read a first time.

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

That this Bill be now read a second time.

In South Australia suicide is a felony, often called self-murder, and attempted suicide is a misdemeanour punishable by a term of imprisonment not exceeding two years. Survivors of suicide pacts are also guilty of murder. In 1970 the Law Reform Committee, in its fourteenth report, recommended that attempted suicide should no longer be a crime and in 1977 the Criminal Law and Penal Methods Reform Committee, in its fourth report, recommended that neither suicide nor attempted suicide should be a crime.

To regard suicide as a form of homicide is an intellectually neat classification but the killing of a person by himself raises very different social and ethical considerations from the killing of a person by another. The fact that suicide is an offence is immaterial to the person who is at once the perpetrator and the victim of crime. However, the fact that suicide is an offence casts an unnecessary extra burden of shame and grief on the suicide's family. There are no good reasons for retaining suicide as an offence and it should cease to be one, as is the position in the United Kingdom, New Zealand, Queensland, Western Australia, Tasmania and Victoria.

There has been no prosecution for attempted suicide in this State for many years. The fact that attempted suicide is an offence increases the stigma associated with those who attempt suicide. It is sometimes suggested that the crime should remain on the statute book because some persons, who have no firm intention of committing suicide, nevertheless make what appear to be attempts in order to attract attention, and it is desirable to retain some means of dealing with them under the criminal law. There is no evidence that the prosecution of such persons for attempted suicide acts as a deterrent either to them or to others of a like mind. There can be no case for treating this supreme manifestation of human misery as an offence against the criminal law.

Where two people enter into an agreement to commit suicide and one person kills the other but himself survives, the survivor is guilty of murder. Sometimes the circumstances surrounding the survivor are tragic and it would be unrealistic to expect a jury to find the survivor guilty of murder. Accordingly, provision is made in the Bill for a jury to bring in a verdict of manslaughter in those circumstances if they believe that the accused was a party to a genuine suicide pact. The judge will then be able to impose an appropriate sentence based on the facts surrounding the suicide.

While the Government believes that neither suicide nor attempted suicide should be an offence it does not believe that people should be free to incite others to commit suicide or bring pressure to bear on them to commit suicide. The Bill makes it an offence to aid, abet or counsel the suicide of another and a person who by fraud, duress or undue influence procures the suicide of another will be guilty of murder. I seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts in the principal Act a new section 13a. Subclause (1) of the proposed new section provides that it is no longer to be an offence to commit or attempt to commit suicide. Subclause (2) provides that a person who finds another committing or about to commit an act which he believes upon reasonable grounds would, if committed or completed, result in suicide is justified in using reasonable force to prevent the commission or completion of the act. The effect of this subclause is to retain the present position whereby resonable force may be used to prevent the commission of a felony, suicide being presently

a felony. Subclause (3) provides that a homicide that would constitute murder is reduced to manslaughter if the killing was done in pursuance of a suicide pact. This would also apply in relation to an accomplice to a homicide if the accomplice acted in pursuance of a suicide pact.

'Suicide pact' is defined in subclause (11) as an agreement between two or more persons having for its object the death of all of them whether or not each is to take his own life. Under that subclause, a person is not to be regarded as acting in pursuance of a suicide pact unless he was acting at a time when he had a settled intention of dying in pursuance of the pact. Subclause (4) fixes the penalty where an attempt to kill is reduced under subclause (3) from attempted murder to attempted manslaughter. The penalty is fixed at a term of imprisonment not exceeding 12 years. This penalty is in line with the penalty fixed by section 270a of the principal Act for an attempt to commit an offence that carries a penalty the same as that for manslaughter, namely, life imprisonment. Subclause (5) of proposed new section 13a provides that where a person is killed in pursuance of a suicide pact, an accomplice to the killing shall, if he was not himself a party to the suicide pact, continue to be guilty of murder even though the offence of the principal offender is reduced by subclause (3) from murder to manslaughter.

Subclause (6) provides that a person who aids, abets or counsels the suicide of another or an attempt by another to commit suicide is guilty of an indictable offence. Subclause (7) fixes the penalty for such an offence. This is fixed at a term of imprisonment not exceeding fourteen years where suicide was committed, and at a maximum of eight years imprisonment where suicide was attempted. Where a person convicted of an offence against subclause (6) is found to have acted in pursuance of a suicide pact, the penalty is fixed at a maximum of five years imprisonment where suicide was committed, and at a maximum of two years imprisonment where suicide was attempted. The penalties fixed by subclause (7) where suicide was attempted reflect the penalties fixed for corresponding attempts under section 270a of the principal Act.

Subclause (8) provides that a person who by fraud, duress or undue influence procures the suicide of another, or an attempt by another to commit suicide, shall be guilty of murder or attempted murder, as the case may require. Subclause (9) provides that a person charged with murder or manslaughter, or attempted murder or manslaughter, may if the jury so finds, instead be convicted of an offence against subclause (6). Subclause (10) places the burden of proving the existence of a suicide pact and that he was acting in pursuance of the pact upon the accused. Subclause (11) provides the definitions outlined above. Subclause (12) provides that where a person induced another to enter into a suicide pact by means of fraud, duress or undue influence, the person is not entitled in relation to an offence against the other to any mitigation of criminal liability or penalty based upon the existence of the suicide pact.

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

SURVIVAL OF CAUSES OF ACTION ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Survival of Causes of Action Act, 1940. Read a first time.

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

That this Bill be now read a second time.

This Bill proposes a single amendment to the Survival of Causes of Action Act. The High Court of Australia recently decided in the case of *Fitch v. Hyde-Cates* that where, under the New South Wales equivalent of section 3 of the Survival of Causes of Action Act, a person is killed as a result of a wrongful act, his estate can recover damages which include a component for the deceased's loss of future earning capacity.

The result of this decision is that the person whose wrongful act caused the death can in some situations be liable twice. First, the estate can bring an action claiming loss of future earning capacity and, secondly, any dependants left by the deceased can bring an action which is also based on the future earning capacity of the deceased. Where the beneficiaries under the estate are not the dependants, or where the beneficiaries who are also dependants would receive shares under a will which does not reflect their respective dependancies, the wrongdoer is liable to satisfy two claims for the same loss. The object of this Bill is to exclude from the damages which an estate may recover the loss of the deceased's future earning capacity, leaving the dependant's respective claims unaffected. I seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends paragraph *(a)* of section 3 of the principal Act. In addition to the exclusions which were previously contained in paragraph *(a)* the clause excludes from the damages recoverable by an estate the loss of capacity to earn or the loss of probable future earnings, in respect of the period for which the deceased would have survived were it not for the act or omission which gave rise to the cause of action. The clause also includes a transitional provision which limits the amendment only to those actions in which a judgment has not been given before the commencement of the amendment, whether or not that judgment has been appealed from.

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

ROYAL COMMISSIONS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Royal Commissions Act, 1917-1980. Read a first time.

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

That this Bill be now read a second time.

This Bill makes an amendment to the Royal Commissions Act providing that witnesses and Commissioners are to have the same protection and immunities in relation to things said and done by them during the course of a royal commission as witnesses and judges in proceedings before the Supreme Court. It had been supposed, until a recent decision of Her Honour Justice Mitchell in the matter of *Douglass v. Lewis*, that witnesses and Commissioners were protected in respect of statements made by them during the course of a royal commission from liability for defamation. Proceedings before the Supreme Court are the subject of absolute privilege in this respect and it was thought that the same protection existed in the case of a royal commission. However, in her judgment in the case of *Douglass v. Lewis* Her Honour Justice Mitchell was required to determine, as a preliminary point of law, whether absolute privilege applies

to royal commissions in this State and, after an exhaustive examination of the authorities, concluded that it does not.

Her Honour noted that absolute privilege exists by virtue of the Royal Commissions Act, 1902, in respect of royal commissions of the Commonwealth, and similarly the Royal Commissions Act, 1923, of New South Wales, confers absolute privilege in relation to royal commissions in that State.

It is desirable that the South Australian position be brought into line with the position in other States. If royal commissions are to conduct comprehensive inquiries into matters of public controversy, it is essential that their proceedings should not be hampered by the possibility of actions of defamation being brought in relation to the findings of the commission or the evidence given before the commission. The purpose of the present Bill is to confer the necessary protections on the commissioners and witnesses.

Clause 1 is formal. Clause 2 effects the proposed amendments. It confers on a Royal Commissioner the protection and immunities of a judge of the Supreme Court and on a witness the protection and immunities of a witness before the Supreme Court.

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

NORTH HAVEN DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 August. Page 500.)

The Hon. BARBARA WIESE: The Opposition supports this Bill. There seems to be very little to say about it because all of the parties in the community who may have had some interest in it, and members of Parliament who had a specific interest in the measure, have had an opportunity to discuss it fully. It appears that there is universal agreement amongst those people that this measure is desirable.

As the Bill was a hybrid measure, it was referred to a select committee of the House of Assembly, and that committee comprised members from the Government, the Opposition and an independent member from the House of Assembly who also was the local member for the electorate concerned. The committee took evidence from people in the community who had some interest in the matter and that included representatives from the North Haven Trust (which is playing an important role in developing the North Haven area, particularly around the marina and harbor), the North Haven Residents Association, the Department of Marine and Harbors, and the A.M.P. Society. All parties agreed with the terms of the Bill, and the select committee subsequently recommended that it be passed. I guess one could not ask for a more desirable situation than that.

However, there are a couple of matters I would like to refer to briefly. The first matter I wish to raise relates to the deletion of clause 16 and clause 26 from the original indenture. Those two clauses dealt with the A.M.P. Society's first option to exercise development rights over Government-owned land on the LeFevre Peninsula and the North Haven harbor area. Apparently the A.M.P. Society no longer wishes to have any major involvement in those development areas, and the clauses therefore hindered commercial negotiations being undertaken by the Department of Marine and Harbors and the North Haven Trust.

These clauses particularly interest me because I recently had cause to become better informed about the developments at North Haven, particularly around the marina and harbor. I presume that the complex being developed in that area is one of the projects which has been hampered by the provisions of the old indenture. The marina project at North Haven has been—and everyone would agree—a startling success. When the project was originally proposed it was claimed by some critics that it would never work, that the costs would be too great, that Adelaide was not big enough for such a facility, that there would not be sufficient demand for such services and, generally, that it was too much of a speculative gamble.

It is clear now that the critics were quite wrong. Recently I visited the Cruising Yacht Club to look at things for myself. It is interesting to note that that club is thriving.

The Hon. L. H. Davis: Pleasant?

The Hon. BARBARA WIESE: Very pleasant, yes. The berths for yachts were sold to yacht owners long before being constructed. When the restaurant and club facilities are completed, as they are intended to be by early next year, the increase in amenities in the area will be very considerable. Although the Cruising Yacht Club is very expensive for moored boats, it is relatively cheap for owners of trailer boats.

In fact, the facilities at North Haven are so good and the moorings so conveniently located that a number of boat owners have shifted their yachts from the moorings at the Royal Yacht Squadron at Outer Harbor to that facility. In passing, I mention that the Cruising Yacht Club has a more enlightened view about the rights of women in the community than does the Royal Yacht Squadron.

The Hon. J. A. Carnie interjecting:

The Hon. BARBARA WIESE: Yes, it has. I bet that there are a few. The Cruising Yacht Club allows women to take out full-time membership, so one can expect that we will see a big boost in the number of feminist 'boaties' who will be transferring the mooring of their yachts to the Cruising Yacht Club facilities. In addition, the public launching ramp at North Haven is excellent. I am told that the only problem boat owners are confronted with when using the ramp at North Haven is the strong westerly wind which has caused considerable surge, thereby making launching difficult. However, I understand that a new breakwater is planned which will overcome that problem. When this happens the North Haven launching area will undoubtedly be the best boat launching facility along the coast.

I imagine that the progress on these kinds of improvements will be hastened by the arrangements provided in the Bill, which will release the A.M.P. Society from having any direct involvement in the marina area. This is obviously highly desirable to allow development to proceed at its own pace.

The second point I want to raise is really a point of clarification. I am sorry that the Minister is not here to hear what I have to say.

The Hon. J. C. Burdett interjecting:

The Hon. BARBARA WIESE: Good. Perhaps the Minister will be able to help me in his reply. I want to take up a point raised by my colleague, the member for Baudin, in another place, relating to the possibility of the A.M.P. Society requesting a rezoning of a section of land near the marina. The arrangements apparently are that in the event of such a request, the Government would not oppose the application. Apparently, the deed provides for areas D and E to be subject to such an agreement but, during the course of giving evidence, a representative from the A.M.P. Society said that it was the society's intention to apply for rezoning only of area E and not area D. In other words, the indenture incorrectly recorded the society's intentions.

My colleague in another place asked the Minister in that place how this matter would be handled and, as he saw it, there were three options that could be pursued. The first was to do nothing and to treat the clause as an enabling provision, with the understanding that nothing would happen to area D; the second was to make provision in the Bill for

the deed to be amended but to exclude area D from consideration for rezoning; the third was to introduce another Bill to ratify the change to that deed. In reply to the questions raised by my colleague the Minister in another place replied as follows:

> Following receipt of that letter—

that is a letter from the A.M.P. Society which confirmed that the society was planning to rezone only area E—

> the matter was taken up with the A.M.P. by members of my department and a member of the trust to ascertain the best way of dealing with it. It was felt (and I think advice was sought) that it was not necessary to amend the deed, or the legislation, because it was only an enabling provision.
>
> I regret that I do not have with me in the House the evidence that was given to me in writing. I know that the matter was looked at closely and that that was the advice that was given. I am prepared to give an assurance to the House that, if that is not the case, we will certainly seek to make an amendment in another place, if members who have spoken on this matter are agreeable to that.

I note that there is in fact no change to the Bill before us, and although I presume that this means the provision in the deed is being treated as an enabling provision, I wonder whether the Minister, when he replies, will clarify that matter for me.

In conclusion, I am happy to say that the Opposition is pleased to assist the passage of this Bill, which revises the agreements which were made between the previous Labor Government and the A.M.P. Society some 10 years ago but which are now no longer satisfactory in some respects because of changed circumstances. I think that all members of the Parliament will agree that the North Haven project has been an outstanding success and, hopefully, these amendments will assist in furthering the development of that area.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable member for her contribution. I am not aware of the activities of the Cruising Yacht Club, and I was not aware that women are admitted to its membership, but those facts indeed are most enlightening. In regard to the matter of an application and the areas mentioned, the undertaking given by the Minister in another place was simply that the Government will not object to any such application. It means that, and that only, and nothing more nor less. It means that any application will have to go through all the processes, will have to go to local government, and will have to be decided. The only undertaking that the Government has given is that it will not object. In regard to the other matter raised by the honourable member and the Minister's understanding at the time when he replied in another place, that understanding was correct, and nothing further needs to be done in that regard.

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

ADJOURNMENT

At 3.45 p.m. the Council adjourned until Thursday 19 August at 2.15 p.m.