LEGISLATIVE COUNCIL

Thursday 26 August 1982

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

OLD REYNELLA TOWNSHIP SEWERAGE SCHEME

The PRESIDENT laid on the table the following report by the Standing Committee on Public Works, together with minutes of evidence:

Old Reynella Township Sewerage Scheme

PAPERS TABLED

The following papers were laid on the table:

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

By command—

Estimates of Payments, 1982-1983.

Estimates of Receipts, 1982-1983.

Financial Statement of Premier and Treasurer, with Appendices.

The South Australian Economy.

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

By command—

Agreement between the Commonwealth of Australia and the States to form the organisation to be known as the Australian Bureau of Criminal Intelligence.

MINISTERIAL STATEMENT: PARLIAMENTARY SUPERANNUATION

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

Leave granted.

The Hon. K. T. GRIFFIN: In answer to a question asked by the Hon. Martin Cameron yesterday, I undertook to provide information about the conditions applying to the Parliamentary pension received by the former Premier, D. A. Dunstan. Both I and the Government have been surprised to note the undue prominence given to this matter in the press and especially the suggestion of a Government 'probe' into Mr Dunstan's entitlements. No such probe was envisaged by me or even suggested.

I have now taken advice. There is no provision in the Parliamentary Superannuation Act to cease paying superannuation to a retired member except in limited circumstances of appointment to the office of judge in this State or the Commonwealth, or in the event of the retired member again becoming a member of any State Parliament or the Federal Parliament, or for any other office prescribed by regulation. No other offices have been prescribed. Thus in most cases former members of Parliament receiving superannuation are free to decide for themselves what occupations, if any, they will take up following their retirement, without affecting their superannuation entitlements in any way.

QUESTIONS

WINE GRAPE PRICES

The Hon. B. A. CHATTERTON: Has the Minister of Consumer Affairs a reply to the question I asked on 27 July about wine grape prices?

The Hon. J. C. BURDETT: I have not received any specific recommendations from the Acting Prices Commissioner as to how minimum wine grape prices can be better enforced. The prices order that fixes the minimum wine grape prices also sets out the terms of payment and interest rates payable by purchasers for late payments. Irrespective of the above provisions, growers have the normal debt collection process to recover outstanding debts. Furthermore, I repeat what I have said before, that, if people have complaints about the actual enforcement of price orders, they should make those complaints directly to the Acting Prices Commissioner so that action may be taken.

OMBUDSMAN

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking a question of you, Mr President, regarding the Ombudsman Act.

Leave granted.

The Hon. J. R. CORNWALL: Members will be aware that recently the Ombudsman publicly complained about constraints placed on him by section 18 (1) of the Ombudsman Act, which states:

> Before commencing an investigation relating to an administrative act alleged to have been done by or on the part of a Department, Authority or proclaimed Council, the Ombudsman shall inform the principal officer thereof of his intention to conduct such an investigation.

The Ombudsman's complaints related to the way in which this section severely constrained him in his investigation of complaints concerning the prison system and, more particularly, individual complaints lodged with him by prisoners. Recently it was brought to my attention that the same problems exist regarding complaints against Hillcrest and Glenside Hospitals. The mental health area is very vexed. Fortunately, in South Australia the Mental Health Act, which was passed some years ago by the then Labor Government, is regarded as one of the best and most enlightened pieces of mental health legislation in the world. However, because of the very nature of the area with which it deals, its administration will always be difficult.

There are still numerous complaints from the relatives of individual patients about their management or treatment. I have personally received several complaints each month for the past 18 months. It is quite impossible for a member of Parliament to check the complaints adequately or to have the expertise to form an opinion as to their validity.

For these reasons, I have referred complaints and complainants to the Ombudsman. I understand that, after considerable resistance and suspicion, the authorities at both Glenside and Hillcrest Hospitals are now co-operating quite well with the Ombudsman. However, in some cases the provisions of section 18 (1) hinder the Ombudsman in his investigations. It is most unlikely that individual complaints can be substantiated while the Ombudsman is required to give notice in writing of his intention to investigate. To conduct successful investigations in the case of complaints by individual patients, the Ombudsman clearly needs the right to enter these institutions without notice.

Mr President, you will be aware that the Ombudsman Act, because of its very nature, is not committed to any Minister of the Crown. The Ombudsman is responsible directly to Parliament. I therefore ask you, Mr President, whether you will confer with the Speaker in another place and consider amending section 18 (1) of the Ombudsman Act to exclude mental health facilities.

The PRESIDENT: Most certainly I will discuss this matter with my colleague and look at the section to which the honourable member has referred.

COLIN CREED

The Hon. R. J. RITSON: Has the Minister of Local Government a reply to a question I asked on 10 August regarding former policeman Colin Creed?

The Hon. C. M. HILL: Up to 1977 psychological assessment of police officers was limited. In that year, however, a Psychological Unit was established within the department. The unit is currently staffed by three registered psychologists who keep constantly in touch with police operational problems. The on-going involvement of the unit in operational areas is considered essential to the development of effective assessment and screening procedures to cover a wide range of police personnel from recruit level through to commissioned officers.

An essential component of the screening process is concerned with the psychological testing and assessment of the emotional stability of potential candidates for operational duties.

With regard to screening of police officers in incidents of violent behaviour, police, by the nature of their occupation, do become involved in violent situations from time to time. Where it appears an individual may have become abnormally affected, either attitudinally or as a direct victim of violence, he or she is afforded professional assistance and counselling from a police psychologist, a police welfare officer or a police medical officer, as appropriate. If necessary, referral to an external agency may be made. In appropriate cases, it may be considered necessary to transfer a member to duties in a support area where he or she is unlikely to be exposed to violent situations.

Also, social welfare support and psychological support are offered to members with personal problems through the Police Welfare Office and the Police Psychology Unit, respectively. The police medical officer provides a back-up support in these areas. There is extensive counselling and other forms of support provided within the Police Department. The senior welfare officer is a qualified and experienced counsellor and the three members of the Psychology Unit are registered psychologists. The police medical officer is an additional resource in appropriate cases. As mentioned earlier, assistance is not limited to departmental resources and referrals to other specialist agencies are made in appropriate circumstances.

SEWERAGE RATES

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking a question of the Minister of Local Government, representing the Minister of Water Resources, on the question of sewerage charges.

Leave granted.

The Hon. FRANK BLEVINS: I do not know how many members of the Council are aware that in the country cities of South Australia a 25 per cent surcharge applies to sewerage rates, which means 25 per cent more than the rate applying in the metropolitan area. This seems to me an undue and quite unnecessary burden on country people, one that I feel the Government should consider removing. When Governments talk about decentralisation, as they often do, I wonder how serious they are when a business, for example, wanting to establish itself in a provincial city must face this additional cost. I have said many times in this place that country residents are already disadvantaged in comparison with residents of the metropolitan area by the very fact of being so far removed from the city and its facilities. It seems quite unnecessary that any Government should apply a loading on any charge to be paid by country residents. It could be argued, I suppose, that it costs more to install these facilities in country areas, but sewerage is very much a health question, and it seems ridiculous, when the health of residents of provincial cities is concerned, that they have to pay a 25 per cent surcharge as compared with residents in the metropolitan area. My questions are these: has the Government considered reducing the surcharge applicable on sewerage rates to residents of South Australian provincial cities; if not, will it do so?

The Hon. C. M. HILL: I shall be pleased to refer those questions to my colleague in another place and to bring back his replies.

ABORTION

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about an abortion study.

Leave granted.

The Hon. ANNE LEVY: In February this year a group of people produced a report entitled 'An examination of services in South Australia for therapeutic termination of pregnancy in the first trimester, 1980-81'. It is a detailed study of people referred for abortions to both public and private hospitals in this State. It particularly comments on some of the waiting times which occur between the time a decision is made to have an abortion and the time when the operation is actually performed. The report was sent to many people involved in the health service area, including the Minister of Health, the Health Commission and the administrators and boards of many hospitals involved in the provision of this service.

Furthermore, I understand that the people associated with the analysis of the data and the preparation of the report wished to have a meeting with people associated with the provision of such services, both in the Health Commission and in various hospitals. They certainly requested meetings with people from the Health Commission, if not with the Minister herself. Did any such meeting occur between the Minister or members of the Health Commission and the authors of this report? If there was a meeting, what was the result of the discussions with the authors of the report? Can we expect any changes to prevent delays in obtaining abortions once a decision has been reached?

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

DEPARTMENT OF AGRICULTURE

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 Department of Agriculture's corporate plan.

Leave granted.

The Hon. B. A. CHATTERTON: Last year the Director-General of Agriculture circulated through his department a number of circulars requesting people's participation in the development of a corporate plan for the department which would give people some idea of the department's direction over the next few years. From memory, those circulars were sent through the department more than 12 months ago. I believe that the development of that corporate plan should by now be well under way, if not completed. Has the corporate plan for the Department of Agriculture been completed and, if so, will copies of the corporate plan be made available to members of Parliament?

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

REPETITION INJURIES

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Health, a question concerning repetition injuries.

Leave granted.

The Hon. J. R. CORNWALL: Repetition injury, or process worker's arm, is a common, very painful and disabling condition particularly affecting female workers employed in occupations requiring rapid repetitive movements. It can involve a range of damage to tendons, muscles and nerves in the hand, the wrist, the arm, the elbow, the shoulder and neck, and I am sure that the Hon. Dr Ritson is acutely aware of the problem and could tell the Council much more about the technical and medical aspects of it.

The Hon. R. J. Ritson interjecting:

The Hon. J. R. CORNWALL: It is clear that the Hon. Dr Ritson—

The PRESIDENT: Order! The Hon. Dr Cornwall need not reply to everything that the Hon. Dr Ritson says. He should ask his question.

The Hon. J. R. CORNWALL: I can tell the Council that an enormous amount of publicity has been given to this problem recently in the Eastern States. Of course, there was a paper written by a group of doctors working in the Workers Health Centre in Sydney particularly concerning repetition injury. In one of its worst forms, known as carpal tunnel syndrome, there is a change in the bone structure of the wrist which causes nerve depression. I am surprised that the Hon. Dr Ritson does not know a good deal more about it—it may be that he does. The disease has reached epedemic proportions in blue and white collar industries throughout Australia.

Unfortunately, statistics on the problem in South Australia are very poor. However, we do know that in one large Adelaide factory alone, hundreds of female employees have been affected. Process workers and data process operators are particularly affected. However, it can also affect such a diverse group as cleaners, food packers, electrical assemblers, mail sorters, and bank clerks who count large amounts of money, and even garbage collectors.

Migrant women are particularly susceptible. A recent interstate survey has shown that 90 per cent of patients with repetition injuries were born outside Australia, that 88 per cent were female, and that 83 per cent were process workers. Many migrant women afflicted with the condition are unable to work in similar jobs again and, because they lack other job skills or job training, they are effectively unemployable.

The Hon. Frank Blevins: There is a lack of jobs.

The Hon. J. R. CORNWALL: Certainly, there is a lack of other jobs that they can perform.

The PRESIDENT: Is this part of the explanation?

The Hon. J. R. CORNWALL: Yes, indeed it is. Interstate and overseas experience shows that there are often problems concerning the ability of doctors to recognise the condition and, perhaps even more importantly, willing to diagnose it. Some male doctors approach the females' problems as being not real, implying that they are psychological. They assume the women are malingering or imagining the symptoms. Others do not always know enough about the injuries to recognise them. They often diagnose rheumatism or arthritis.

What actions, if any, are being taken to collect statistics on the incidence of repetition injuries in the South Australian work force? What actions, if any, are being taken to educate employees, employers, doctors, and members of Parliament about the problem? Is any action being taken to devise acceptable work speeds, patterns and rosters to prevent the injuries?

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

MURRAY RIVER SALINITY

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking the Minister of Local Government, representing the Minister of Water Resources, a question about the reduction of Murray River salinity.

Leave granted.

The Hon. M. B. DAWKINS: Honourable members will be aware of the proposals now being implemented to reduce salinity in Murray River water by measures to relieve salinity at Rufus River, adjacent to Lake Victoria in New South Wales, and of the provision of the Noora Basin, about 20 kilometres south of the river in what is known in South Australia as part of the Upper Murray area. Is the Minister able to obtain from his colleague in another place a progress report on the stage that these most necessary improvements have reached and when they are expected to be in operation?

The Hon. C. M. HILL: I will get a full report on both the interstate scheme and the scheme at Noora and bring back that information for the honourable member.

PARLIAMENTARY SUPERANNUATION

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to directing a question to the Attorney-General about Parliamentary superannuation.

Leave granted.

The Hon. C. J. SUMNER: Honourable members will recall that yesterday the Hon. Mr Cameron raised the question of former Premier Dunstan taking a job with the Victorian Tourist Commission whilst still receiving his Parliamentary superannuation. It is interesting to note that the shadow spokesman for tourism for the Liberal Party in Victoria described the acquisition of Mr Dunstan by the Victorian Government as Chairman of the Victorian Tourist Authority as a coup and was quite complementary about the fact that Mr Dunstan had been appointed to that position. When this question was raised yesterday I asked the Attorney-General whether he could also obtain similar information relating to Mr Ross Story (a former member of this Parliament), and, from the Federal Government, similar information relating to Mr John McLeay. I should have also added Mr Garland and Senator Cotton to that list.

The Hon. L. H. Davis: And Mr Justice Murphy.

The Hon. C. J. SUMNER: As I understand, judges, as the Attorney-General explained earlier today, are not entitled to both a judge's salary and a Parliamentary pension. I could well have added one or two other names. The Attorney-General's response yesterday was as follows:

> Obviously there are a number of areas where this question has some relevance and I will have some general inquiries made and bring back a reply.

In his Ministerial statement earlier today the Attorney-General explained the position relating to the publicity in today's *News* which, in a report, indicated quite clearly that any inquiry was only in relation to Mr Dunstan. The article in the *News* states:

> Mr Griffin said the inquiry would be in response to a question from Mr Martin Cameron (Liberal) in the Legislative Council yesterday.

What the Attorney-General apparently did not tell the *News* journalist was that the name of Mr Ross Story was raised at the same time and in the same context as Mr Dunstan's name, and that the Attorney-General undertook to inquire into the matter in relation to Mr Story as well.

The fact is that Mr Story has been on the South Australian Government pay-roll since at least 1978 as Executive Assistant to the Premier. He was also Executive Assistant to Dr Tonkin when he was Leader of the Opposition. Mr Story was a member of the Legislative Council for well over 10 years and a Minister in a Liberal Government for at least two years. First, why did the Attorney-General not indicate to the *News* that questions relating to this matter were also asked about Mr Ross Story and, at the Federal level, Mr John McLeay, and that these matters were to be inquired into by him as well? Secondly, what salary does Mr Ross Story now receive, for how long has he been employed on the Premier's personal staff, and what is or was his entitlement to Parliamentary superannuation?

The Hon. K. T. GRIFFIN: The second question has been asked previously and information has been provided to this Council.

The Hon. C. J. Sumner: That is not right.

The Hon. K. T. GRIFFIN: That is certainly right in respect of Mr Story's salary, and that information has been provided quite willingly.

The Hon. C. J. Sumner: Let's have the lot.

The Hon. K. T. GRIFFIN: I do not think Mr Story has anything to hide. I will certainly make some inquiries, although I must confess I have to be careful in using the word 'inquiry'; otherwise, what I say will be blown up out of all proportion to what is intended. I will (as a better way of putting it) seek information about this matter for the honourable member. The simple answer to the question concerning the *News* is that the reporter did not ask and obviously was not interested. All I sought to do with respect to the *News* when the journalist made inquiries of me was to try to put the matter in perspective and to indicate that I did not regard the seeking of information requested by the Hon. Martin Cameron as a matter to which I would give high priority.

LANGUAGE PROGRAMMES

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before directing a question to the Minister of Local Government, representing the Minister of Education, about language programmes.

Leave granted.

The Hon. BARBARA WIESE: On 28 July I asked the Minister a question about the desirability of providing language programmes through the Department of Technical and Further Education to assist business people in their work. The Minister replied on 18 August that he was aware that there was considerable demand in the business community for language courses to meet this need.

The Minister also advised that the Open College of Technical and Further Education would be offering two courses in 1983 and that the business community's response to those courses would indicate the level of demand that exists in the South Australian community. I suggest that that is not quite good enough. If people do not apply for those two courses at the Open College (namely, 'Italian for the tourist industry' and 'French for trade and commerce') then I think that that indicates nothing except that those two courses do not meet the needs of business people in the community. For example, we know that considerable trade is conducted with Japan, and one would have thought that there would be considerable demand for language courses in Japanese. The courses that will be offered next year will hardly meet the needs of those people.

An honourable member: That is a matter of opinion, is it not?

The Hon. BARBARA WIESE: Italian will be pretty useless for people dealing with people in Japan. Has the Department of Technical and Further Education conducted a survey of members of the Chamber of Commerce to ascertain language course needs? If not, will the Minister see that such a survey is conducted?

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

CHILD CARE

The Hon. K. L. MILNE: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about the Office of Child Care.

Leave granted.

The Hon. Frank Blevins: Is there something you are not telling us?

The Hon. K. L. MILNE: I am not sure yet. When I know definitely I will tell you. Until recently, all applications for grants of money under the control of the Federal Office of Child Care were processed by the Childhood Services Council. That council has now been disbanded and the advisory section of its work is carried out by two advisory committees, one under the control of the Minister of Community Welfare and the other under the control of the Minister of Education. It is not clear which body will carry on the grants function of the Childhood Services Council. It is the grants that are causing the difficulty.

Urgent clarification is needed because, as I understand it, grants are being made on a first-come first-serve basis. Will the Minister make known, as a matter of urgency, the procedure to be followed by South Australian organisations wishing to apply for grants from the Office of Child Care?

The Hon. J. C. BURDETT: I will supply the honourable member with a full reply to this question later. There really is no confusion. The reason why the Childhood Services Council was first set up was that at that time most of the funding of the Office of Child Care was Federal. More recently, about 80 per cent of the funding has been directly from the State Government. In the circumstances, there did not seem to be any reason to continue the Childhood Services Council, since most of the money was coming from the State.

About 85 per cent of the money administered by the Childhood Services Council was for education, 15 per cent for community welfare, and a very small amount for health. The Office of Child Care is Federal, and very little Federal money is involved at present. Broadly speaking, the Federal money is going directly to the various agencies involved. There is not much need for clarification, but so that the honourable member and his constituents—who undoubtedly requested him to ask the question—can be perfectly clear, I shall bring back a detailed and complete answer.

IRAQI PROJECT

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 South Australian project in Iraq.

Leave granted.

The Hon. B. A. CHATTERTON: Earlier this week, a report in the country edition of the *Advertiser* outlined some of the progress that had been made on the South Australian project in Iraq. One of the things mentioned in this report was the great success of the Circle Valley cultivar of medic on this project. The Iraqi Government has asked the South Australian Government to help it in multiplying this cultivar,

which has been very successful in Iraq. There are, of course, people who say that this would interfere with the markets for South Australian seed. I know that a South Australian Government department has had consultations with a number of groups representing seed growers in this State. In particular there have been discussions with the South Australian Seedgrowers Co-operative and with the seed section of United Farmers and Stockowners.

What is the final result of these discussions? Does the South Australian Government intend to help the Iraqi Government to produce seed of this cultivar, and what is the Government's attitude to this request from the Iraqi Government?

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

GROCERY PRICES

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about grocery prices.

Leave granted.

The Hon. M. B. Cameron: Did you do the shopping this week?

The Hon. FRANK BLEVINS: It is just as well I did not, and I will now tell you why. In the press from time to time special promotions are organised by food chains and retailers in general, where certain special items are offered, allegedly at a considerable reduction in price. To this end, full page advertisements are taken out in newspapers and television is also involved in special promotions. A great hoo-hah is made by the retailers concerned.

My attention was drawn to one such promotion towards the end of last month by the Foodland chain under the Advance Australia symbol (and I was surprised to see that symbol associated with a campaign of this nature). This promotion was going on in South Australia and Victoria simultaneously. What attracted me to it was the discrepancies in some of the prices of the goods in the two States.

The Melbourne *Sun* of 27 July contained a large full-page advertisement of specials offered by the Foodland chain. In the advertisement a 500 gram packet of Coon cheese was offered for $1.39. Also, in the same advertisement, a 340 gram can of John West asparagus spears was offered for 99c. These prices were apparently a considerable saving on the regular price of those two items.

The following day the Adelaide *Advertiser* (28 July) contained an extensive advertisement, virtually identical word for word and picture for picture to that in the Melbourne *Sun*. For the two items I mentioned as advertised in the Melbourne *Sun*, the price in South Australia for the 500 gram packet of Coon cheese was $1.75 (the Melbourne price was $1.39), and for the 340 gram can of John West asparagus spears, the price was $1.35 (Melbourne price 99c).

The Hon. C. J. Sumner: The same chain?

The Hon. FRANK BLEVINS: Yes, the same chain and the same advertisements, only the Adelaide advertisement was a day later. I know that it could be argued that there are extra freight charges involved between Victoria and South Australia, but at most that could account for only a few cents, certainly not nearly a difference in price of this magnitude. Reasonable people can only arrive at the conclusion that this Foodland chain was either ripping off the South Australian consumer, or was subsidising the prices in Victoria to the detriment of consumers in South Australia, and that amounts to the same thing.

I ask the Minister of Consumer Affairs, who is supposed to be protecting the consumers in this State, whether he will have an investigation made into this promotion and advise the Chamber of the reason for the large difference in the prices quoted as between Melbourne and Adelaide.

The Hon. J. C. BURDETT: I will do exactly as the honourable member has asked, and have some investigation made. I think he may have been selective in his quoting of the various grocery items, and he may well find with the same chain, Foodland, when he looks on another occasion, that the price differential is the other way. There is a policy of that sort.

SUPERMARKETS

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before directing a question to the Minister of Consumer Affairs on the matter of shelf space in supermarkets.

Leave granted.

The Hon. B. A. CHATTERTON: Recently, I was consulted by a processor of food in South Australia (and I will not say which type of food, because it would be possible then to identify the person concerned and I think action could be taken against him if he were identified) who renders rural produce into processed form and sells it through supermarkets in Australia. He informed me that, in order to get his product on to a supermarket shelf through a large chain of supermarkets, he had to make an initial payment to the supermarket to stock his product on its shelves. That is called payment for an initial allocation of shelf space. Subsequently, he was required to make regular loyalty payments to ensure that the chain continued to stock his product and give it prominence in its supermarkets.

Will the Minister say whether it is common practice within the supermarket chains to demand that sort of payment from processors of food and, if it is a common practice, is it one that concerns him? It seems to have implications that make it very difficult for small people to enter the retailing of food in this way.

The Hon. J. C. BURDETT: I am not aware of this practice, but I will make inquiries and bring back a reply to the honourable member. Whether anything could be done about the practice if it does exist is another matter.

WATER CHARGES

The Hon. ANNE LEVY: I seek leave to make a brief statement before directing a question to the Minister of Local Government, representing the Minister of Water Resources, in relation to water charges.

Leave granted.

The Hon. ANNE LEVY: Back in March, I asked a question of the Minister relating to accounts for excess water or any other accounts from the Engineering and Water Supply Department where the sums involved were trivial. I had had representation made to me by a constituent who had received an excess water bill for $1.60 and who felt that the expense involved in processing such an account—in sending it out, receiving payment, and processing the payment—was doubtless more than the $1.60 charged. In May, the Minister replied to me indicating that the Engineering and Water Supply Department had had a policy of not requiring people to make specific payments where an account was for less than $1, but that this amount would then be added to the next bill sent, rather than go through all the procedures required for an account for as little as $1 or less.

I understand that this policy was set a long time ago. Owing to the declining value of money, it may well be that the value below which payment should not be requested

should be altered. At the time, the Minister told me that an investigation was being undertaken to see whether the value of $1 fixed some time ago should be changed. Will he now say whether this investigation has been completed and whether, in the interests of saving money for the State, any decision has been made regarding the E. & W.S. Department's sending out accounts below a certain figure?

The Hon. C. M. HILL: I can recall the honourable member's question and the reply that I brought down on behalf of the Minister of Water Resources. I can recall, too, that he indicated that he would have a further look at the issue to see whether an adjustment could be made on this minimum amount. I shall refer the matter to him again and endeavour to obtain the information that the honourable member seeks.

WHYALLA THEATRE

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking a question of the Minister of Arts in relation to the Whyalla cultural centre.

Leave granted.

The Hon. FRANK BLEVINS: I am not sure whether the Council will recall that, over a period of time, I have been endeavouring to get some straight answers from the Minister of Arts regarding the very long and drawn-out saga of the cultural complex that was to have been built at Whyalla. In case members do not recall them, I shall recap some of the salient points of this long saga, which is also very important to the people of Whyalla, who have been culturally deprived for many years, particularly over the past three years because of the total inaction of this Government.

The Minister will recall that, when he took office, a number of steps had been taken to enable the community at Whyalla to have a cultural centre. Money had been allocated, a trust had been set up, plans for the structure had been drawn, and so on. With the change of Government, it was obvious that this Minister and his Government had no intention of laying one brick in Whyalla to benefit the cultural climate of the city. They shilly-shallied around the project until the Minister made the infamous announcement that the project had been abandoned in favour of water filtration, an absolutely ridiculous statement—one thing had no connection with the other. However, that is the type of thing we have come to expect from this Government. The upshot of this tale is that the Government apparently has decided to encourage the people of Whyalla to believe that they are to get a new theatre. That is some advance on the previous position, although the theatre has no car parking and no dressing rooms; even so, a theatre apparently is contemplated.

On reading the local newspaper last week I found that tenders had been called for this theatre. On the surface, it appears that something is actually going to happen, but I wonder. After all this time, I am afraid that I am becoming a bit cynical about this Government and its inaction in relation to this proposal. Does the fact that tenders have been called mean that Cabinet has decided to go ahead and finance the building of this new theatre at Whyalla?

The Hon. C. M. HILL: The tender prices are considered by the local cultural centre trust and the Government's approval must ultimately be sought before the tender favoured by the trust is accepted. I cannot quite understand the honourable member's approach to this whole question. I went into the matter in great detail only a couple of weeks ago. One surprising feature that is causing me to become rather alarmed is the number of letters to the Editor in the local press at Whyalla, the authors of which are very critical of this theatre. I know that the honourable member lives at Whyalla and I hope he is speaking for the vast majority of his constituents in that area when he pursues this question in this manner.

As I said before, the position is quite clear. The Government believes that, rather than proceed with the original plan, which was to provide facilities comparable to the $6 790 000 centre at Port Pirie, since all the facilities of a centre are already available at Whyalla (apart from the one principal theatre), the proper use of public funds is simply to build the theatre alongside the TAFE facilities.

Once again, as he did previously, the honourable member has raised the red herring of dressing rooms and such facilities not being provided in the new theatre plan. As I said before, the dressing rooms and comparable facilities are already available in the TAFE complex to serve the smaller theatre already in that complex. The siting on the plan of the new theatre immediately alongside the smaller existing theatre means that those same dressing room facilities can be used. I fail to understand why the honourable member cannot comprehend the plain English I have used in expressing to him and to the Council the situation in relation to this matter. If it is a procedural issue that is worrying him—

The Hon. Frank Blevins: Has Cabinet decided to build the theatre?

The Hon. C. M. HILL: Obviously, the honourable member does not understand the normal procedure associated with matters of this kind. The normal procedure is—

The Hon. D. H. Laidlaw: Cabinet must have the final say.

The Hon. C. M. HILL: Exactly, Cabinet must always have the final say, and that applies to any Government. If members opposite eventually form a Government in this State in the distant future and make decisions before local organisations consider these vital questions, they will be in serious trouble as a Government.

The Hon. Frank Blevins: Have you decided to build?

The Hon. C. M. HILL: We have agreed in principle for a theatre to be built there.

The Hon. D. H. Laidlaw: The tender price might be too high.

The Hon. C. M. HILL: Exactly—we want to know what it will cost. That is one issue.

The Hon. Frank Blevins interjecting:

The PRESIDENT: Order! The Hon. Mr Blevins should listen to the answer.

The Hon. C. M. HILL: We want to approve the plan; that is quite basic to proper Government. Ultimately, when the trust sends the Government a proposition, a plan which it favours and the lowest tender price, the Government will consider the question whether or not it proceeds with that plan. The final decision in these matters must rest with the Government. There has been no undue delay by the Government whatsoever.

The Hon. Frank Blevins: I'm not suggesting that.

The Hon. J. C. Burdett: What's he suggesting?

The Hon. C. M. HILL: I do not know. I think he runs out of questions, and then he picks up a little slip of paper that has written on it 'Whyalla Cultural Centre'. I hope the honourable member puts it back in his drawer and leaves it there for quite some time.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 August. Page 549.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition supports this Bill, or at least the principle it deals with, that is, to decriminalise the offences of suicide and attempted suicide. The Bill arises from recommendations initially contained in a report by the Law Reform Committee of South Australia in 1970. Those recommendations were later reaffirmed, in substance at least, in the Mitchell Committee's Fourth Report. The Bill before us does not follow exactly the recommendations contained in those two reports, but the principles embodied in them are similar to those in this Bill; the Opposition certainly supports those principles.

The Opposition's only argument relates to certain drafting matters. The reform contained in this Bill has already been carried out in a number of other Commonwealth jurisdictions, and there should be no substantial opposition to its being incorporated into the law in South Australia. As I have said, my queries relate to the drafting and the means by which the reforms have been carried out. I do not believe the drafting of this Bill follows the recommendations of the 1970 Law Reform Committee Report or the recommendations of the Mitchell Committee.

My first query relates to clause 2 and proposed new section 13a (3), because that drafting is considerably different from the drafting suggested in the other reports. That new subsection deals with the situation of a suicide pact and provides that a person who is involved in a suicide pact (the survivor) would not be liable to be convicted of murder but would be liable for the conviction of manslaughter and, in this draft, attempted manslaughter, which I imagine is an offence created by this amendment.

The formulation in the Law Reform Committee Report and also in the Mitchell Committee Report seems to be based on the United Kingdom Suicide Act 1961, and the Victorian Crimes Act 1958, and provides, I understand, that in the circumstances I have outlined of a suicide pact the jury shall bring down a lesser verdict, that is, a verdict of manslaughter if the accused can establish, on the balance of probabilities, that the act was carried out as the consequence of a suicide pact. The word 'shall' is used in the Victorian legislation, yet in this Bill the provision is not mandatory, and it is possible that the provision could be interpreted to mean that a jury could, in the circumstances of a suicide pact, still bring in a verdict of murder or attempted murder, which is certainly not the situation that would apply under the Victorian legislation.

I would like the Attorney to advise the Council why the different drafting was decided on, and I would like him to explain why there is a mandatory requirement for a verdict of manslaughter in the case of the Victorian legislation, but no such mandatory requirement in this Bill. Also, there is no reference in the Bill to the balance of probabilities, that is, the onus of proof which rests on the accused in these circumstances, where that is specifically referred to in the Victorian legislation. As I said, it was the Victorian legislation which formed the basis of the recommendations of both the 1970 Law Reform Committee Report and the 1977 Mitchell Committee Report.

My second query is in relation to new section 13a (6). When a person aids, abets or counsels the suicide of another person, this is still constituted as an offence. The draft suggested by the Law Reform Committee referred to other situations: it appears to be much broader than aiding, abetting or counselling and uses such terms as 'solicits, encourages, persuades or endeavours to persuade any person to commit suicide'. Of course, that is a different formulation from that contained in this Bill.

The Victorian legislation refers also to the question of 'inciting', which is not mentioned in this draft now before us. Also, the Law Reform Committee Report has another clause dealing with a person who 'conspires, confederates or agrees with any other person to procure the suicide of another person', and constitutes that as an offence, a misdemeanour leading to substantial gaol sentencing.

The Hon. K. T. Griffin: That would be covered by the general law relating to conspiracy.

The Hon. C. J. SUMNER: That may be the Attorney's answer. I am saying that in 1970 the Law Reform Committee, headed by Mr Justice Zelling, thought it was necessary to refer specifically to the situation of conspiracy, soliciting, encouraging, persuading or endeavouring to persuade a person to commit a suicide. None of those terms is used in this Bill.

I do not have any specific amendments now, but the departure in this area, as in the previous area, from the recommendations contained in the two reports to which I have referred should be explained by the Attorney.

My third query—and I certainly agree that this is a reasonable proposition—is in relation to proposed new clause 13a (8), which provides that a person who 'by fraud, duress or undue influence procures the suicide of another person' shall also be guilty of an offence. That provision is not mentioned by the Law Reform Committee, and does not appear to be in the Victorian legislation, so I seek some explanation of that. With what are really three drafting queries, I support the Bill and believe that the reforms that it contains are desirable.

The Hon. ANNE LEVY: I, too, support the second reading. This is a worthwhile piece of legislation. The idea that suicide should be a crime doubtless derives from the medieval notion that suicide is a sin. In medieval times there was a complete integration of church and State, so that whatever was regarded as sinful was also defined as a crime in the criminal Statutes.

Suicide may or may not be regarded as a sin any more but, with the separation of church and State that we have in this country, it is most inappropriate that it should be regarded as a crime. Moreover, it has led to the situation whereby it can be said that suicide is the one crime where prosecution can only occur if the criminal is unsuccessful. Obviously, only the unsuccessful 'criminal' can be prosecuted. Certainly, it is time that such an anomaly was removed from our law.

The separation of the mediaeval notion of suicide being a sin and therefore a crime began earlier in our Statutes in the Coroners Act, which in 1935 abolished the *felo de se* under which, prior to that time, it was possible that a suicide victim could be refused the right of Christian burial, and all his property and goods forfeited to the Crown.

That, while it may not be a deterrent to the individual concerned, would considerably add to the distress of the relatives of the suicide victim. The *felo de se* was abolished in 1935, but suicide has remained a crime on our Statute Books until now and it is more than time that it was abolished. I am indebted to an interesting publication called *Suicide in South Australia*, by W. Clifford and J. Marjoram for a great deal of information on suicide as it affects our community. This very complete study was carried out for the Australian Institute of Criminology and published in 1979.

From that report I note that the first recorded suicide in South Australia was on 31 March 1839. The first woman to commit suicide in South Australia killed herself on 3 December 1839. Therefore, suicides have been around for as long as the colony has been established. The first recorded suicide is recorded as having been achieved by using poison. The other one I mentioned was classified as the victim having 'killed herself in a state of temporary derangement'.

It is also interesting to note that the first census in South Australia, which was published in 1844, gave a suicide rate of 12.9 persons per 100 000 individuals in South Australia, which is very much of the same order of magnitude as

applies to the suicide rate today. There were a number of studies of suicide in Australia in the late nineteenth century and the early twentieth century. Some of the conclusions drawn have been common to these studies, although separated by periods of many years.

It certainly seems that the suicide rate is highest in times of what was called 'excessive speculation'; in other words, the busts following the booms in the late nineteenth century and the depression years of the 1930s. Some people have postulated a cycle of 17 years for suicide rates, but I doubt that later data is bearing that out. Certainly, from the earliest times in this country, Victoria has shown the lowest suicide rate and South Australia a fairly low rate, with Queensland and Tasmania having the highest rates. In 1965 Saint deduced from his data that the male suicide rate tends to reflect the political and economic pressures of the community whereas the female suicide rate is less influenced by such changing socio-economic conditions and remains more or less static. A hundred years ago the male suicide rate was five times that of the female rate. The same results are obtained from surveys today. It is true that figures on suicide rates dated many years ago can be unreliable as, indeed, they may still be today because, for the sake of relatives, suicides may sometimes be classified as accidents. Removal of suicide as a crime will not affect that fact, I am sure.

The different classification of a death is probably more related to consideration for the relatives than whether the particular event was a crime or not. It is also interesting to note that in the last century the methods of suicide were not very different from those of today. For women, the favourite methods of suicide were poison and drowning, whereas for males it was poisoning, drowning, shooting and hanging. The same can be said today. In South Australia the lowest reported suicide rate was 5.4 per 100 000 in 1942. The highest recorded suicide rate was 15.1 suicides per 100 000 people in 1905. It has been found that there have been low suicide rates during war time and in early post-war years. The most current estimates of the suicide rate in South Australia are derived from the years 1970 to 1977 and show a rate of 15.7 per 100 000 for males and 6.3 per 100 000 for females, about a three-fold greater incidence for males than for females.

Internationally there have also been numerous studies done of suicide rates and the variation between countries. While there are limitations on the reliability of data, the World Health Organisation and the United Nations agencies have attempted to collect data over the years and have produced tables of suicide rates for different countries. From those tables we can see that South Australia is classified as a medium/high community so far as the suicide rate is concerned but that we are well below the suicide rate in some countries. Nevertheless, we are very much above the figure in some other countries. I have a table showing the average annual suicide rate for selected countries for the years 1970 to 1975. It is purely statistical and I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

AVERAGE ANNUAL SUICIDE RATES* FOR SELECTED COUNTRIES, 1970-1975

Country	Suicide Rate	Rank	Country	Suicide Rate	Rank
Hungary	37.3	1	Netherlands	8.6	27
Czechoslovakia	24.1+	2	Portugal	8.4	28
Denmark	24.0	3	Trinidad/Tobago	8.1#	29
Austria	23.3	4	Scotland	8.0	30
Finland	23.1	5	England/Wales	7.9#	31
Federal Republic of Germany	20.8#	6	•Venezuela	5.9#	32
Sweden	20.5	7	Israel	5.7#	33.5
Sri Lanka	20.2	8	Italy	5.7#	33.5
Switzerland	19.7	9	Chile	5.3#	35
Japan	16.2	10	Mauritius	4.4	36
France	15.6#	11.5	•Thailand	4.3	37
Belgium	15.6	11.5	Spain	4.2#	38
Cuba	14.4+	13	Northern Ireland	3.7	39
Luxembourg	13.4	14	Guatemala	3.4**	40
Australia	12.2	15	West Malaysia	3.3+	41.5
Canada	12.1#	16.5	Costa Rica	3.3	41.5
Bulgaria	12.1	16.5	Greece	3.1	43
United States of America	11.9	18	Ireland	3.0#	44
Poland	11.6	19	•Ecuador	2.7#	45.5
Hong Kong	11.4	20	•Panama	2.7#	45.5
Uruguay	10.7#	21	Dominican Republic	2.6#	47
Singapore	10.5	22	•Paraguay	2.2**	48
Iceland	10.1	23	•Peru	2.1**	49
Norway	9.1	24.5	Mexico	1.1#	50
Puerto Rico	9.1	24.5	•Philippines	0.9#	51
New Zealand	8.9#	26	Malta	0.6+	52
			Jordan	0.1#	53

Notes: * Rate per 100 000 population
• Countries with data of 'unknown reliability'
** Data available for three years only.
+ Data available for four years only.
# Data available for five years only.
Source: United Nations *Demographic Yearbook* U.N. New York 1970-75.
W.H.O. *World Health Statistics Annual*, W.H.O. Geneva 1970-76.

The Hon. ANNE LEVY: One can see from this table that Australia ranks fifteenth in a list of 53 countries with a suicide rate of 12.2 per 100 000. This puts Australia in much the same league as the United States, Poland, Hong Kong and Uruguay, but well below the maximum suicide rate countries which, according to this table, are Hungary with 37.3 suicides per 100 000; Czechoslovakia with 24.1 suicides per 100 000; Denmark with 24.0 suicides per 100 000; and Austria with 23.3 suicides per 100 000.

On the other hand, Australia is well above the lowest recorded suicide rates, according to this table, and those countries' figures per 100 000 are Mexico with 1.1; Philippines with 0.9; Malta with 0.6; and Jordan with 0.1. The United Nations indicated that the data for some of these countries was less reliable than for others.

Contrary to impressions which many people have, suicide is not a condition which mainly affects young people. The South Australian data indicate that the most susceptible ages for suicide for males is in the 45 to 54 year old age bracket, and also in males above 65 years of age. For females the ages most liable to suicide are also the 45 to 54 year old age group and the 55 to 64 year old age group.

Currently suicides account for 1.5 per cent of all deaths in South Australia, that is, 1.8 per cent of all the male deaths and 1.0 per cent of all the female deaths. If we compare South Australian figures with those of other States, we see that Queensland has the highest suicide rate in Australia of 15.1 suicides per 100 000; New South Wales is second with 14.0 suicides per 100 000; Western Australia is third with 12.5 suicides per 100 000; South Australia is fourth with 12.0 suicides per 100 000; Tasmania is fifth with 11.8 suicides per 100 000; and Victoria is sixth with 11.1 suicides per 100 000. The Northern Territory is even lower with 10.4 suicides per 100 000, and the Australian Capital Territory is the lowest, with only 9.3 suicides per 100 000.

The study carried out for the Australian Institute of Criminology looked at suicides in South Australia from a number of different points of view. One view was the spatial distribution of suicides around the State, which showed that the highest suicide rate occurs in the far northern areas of the State, with urban Adelaide being the area with the second highest suicide rate. The lowest suicide for this State occurs on Kangaroo Island.

The male suicide rates are generally higher in the country than in the city, whereas the female suicide rates are generally higher in the city than in the country. This is the view for most age groups. Within metropolitan Adelaide the highest suicide rate is in the Adelaide local government authority area and the lowest is in the Tea Tree Gully local government authority area; that is, if we are considering the suicide rate per hundred thousand of population.

However, if we look at the number of suicides per thousand deaths, we see that the highest suicide rate is in Elizabeth and the lowest rates are in Hindmarsh and Unley; that is, in the inner metropolitan area there are more suicides per head of population, but as a relative cause of death suicide is more significant as we go away from the centre of the city.

This is quite explicable if we think of the age distributions of population in various suburbs. As I said, suicide is far more common amongst older people than younger people and the outer suburban areas will have a lower proportion of old people than do the inner suburbs. So, one might well expect the higher suicide rate in the inner areas, if we are taking it as a rate per head of population.

Clifford and Marjoram conducted a detailed study of all the suicides which occurred in South Australia during 1978, or at least all the suicides on which they could obtain information, which was over 90 per cent of those recorded. That study showed that the suicide rate is much higher for people who are divorced and separated than it is for any other groups, as indicated by their marital status. Single people had a higher suicide rate than married people, although the difference was not very great. Widowed people had the lowest suicide rate of all.

There is an indication in the data that the conclusions I have quoted are more true for females than for males although, as suicide rates for females are so much lower than for males, there are far fewer females in the sample before us. To me, the limited data suggested that women were more likely to suicide if married than if not married. This study of 1978 suicides confirmed what has been found in other studies, namely, that contrary to popular belief the lowest suicide rates by far occur amongst young people and the suicide rate rises considerably with age.

By occupation, the greatest suicide rate by far occurred amongst miners, followed by those in the transport industry, after them process workers and labourers, and then service workers and professionals. The highest incidence of suicides amongst miners would reflect the very high suicide rate found in the Far North of the State, seeing that that would be the area where most miners would be found. The lowest suicide rate was found amongst clerical workers. It looks as though young female clerical workers are the safest of all groups.

If we look at the data by employment status, we find some very interesting results. Unemployed people had by far the highest rate of suicides. The suicide rate amongst the unemployed was up to five times as great as the suicide rate for the other groups.

This was true for both males and females, although the usual difference between males and females in suicide rate was observed. If we look at the category of those not in the labour force—that is, students, pensioners, or people who classify themselves as home duties—these people have a higher suicide rate than have those who have employment, although nowhere near as high as those who are unemployed.

The study I am quoting further looked as far as was possible at the causes of people committing suicide. This was determined by examining police records, interviewing medical practitioners and relatives, and examining suicide notes where these were left, as apparently occurs in about one-third of all suicides. The greatest cause of suicide in the main was that classified as depression. This far outweighed any other causes.

However, I was very concerned to see that the second most common cause of suicide was constant pain. I think there is a considerable message for the medical profession in these data. This was particularly true for the older age groups, and the fact that constant pain can drive and has driven many people to suicide I feel is an indication that perhaps the medical profession is falling down in helping those people who suffer great pain or are extremely depressed. It may be that the depression is not being detected when it should be. It may be that pain is not being treated seriously by the medical profession. I know that we have a pain clinic set up at Flinders Medical Centre, and various doctors have told me that there is no pain that cannot be controlled by suitable medication. I hope that is true, but it would appear, from the large number of suicides for whom it may be deduced that pain was the main cause leading to their suicide, that pain is not being adequately coped with by the medical profession.

One interesting observation comes not from the study I have quoted but from another study carried out by Professor Saint, of the University of Western Australia, in 1965. In his study, Professor Saint calculated the number of years of life lost from various causes of death and showed that the number of years of life lost due to suicide and accidents (occupational, domestic and vehicular) was greater than the number of years of life lost from cancer and heart disease.

This is primarily because accidents tend to occur to younger people, and although I have stated that suicides are not common in young people but more common in the older age groups, nevertheless the average age of suicides is well below the average age of death from cancer or heart disease. So, although accidents and suicides account for fewer deaths than do cancer and heart disease, nevertheless the number of years of life lost is much greater from these causes. It is interesting that medical research funds in our community are not allocated according to this criterion. We all know that very large sums of money go to research into cancer and heart disease but very little into the prevention of accidents and the prevention of suicides.

Turning to the Bill, the Hon. Mr Sumner has commented on some of the clauses, and I should like to add a comment on new section 13a (6) in the principal Act, where it is stated that a person who aids, abets or counsels the suicide of another or an attempt by another to commit suicide shall be guilty of an indictable offence. I am not in any way opposing this clause, but it seems to have a slightly odd logic to it.

One could postulate a situation where individual A counsels individual B to commit suicide. According to the legislation, he has committed an offence. If individual B does commit suicide, individual A is liable to 14 years in gaol. If individual B attempts suicide but does not quite make it, individual A is liable to eight years in gaol. However, if individual B does nothing at all, then there is no penalty whatever for individual A; in other words, the penalty for individual A depends on the actions of individual B, even though individual A's actions are identical in all three situations.

It seems strange in logic that one course of action could have three different penalties which depend not on the person who carries out that criminal action, but on another individual. It is rather like saying that although going through a 'Stop' sign on the road is illegal, the penalty will vary according to whether an accident occurred, whether a near accident occurred, or whether nothing occurred. In this, I am ignoring other possible charges, such as dangerous driving, which of course can apply in the road situation. The fact that these various penalties range from zero to 14 years imprisonment gives an enormous range, and such a range of penalty for any other criminal situation would, I am sure, be classed as ridiculous.

I am not opposed to this clause, as it is rather hard to see how one can avoid having it, but I feel that the logic behind it is an odd one, speaking not as a lawyer but as a lay person. While lawyers may be able to accommodate such logic, it seems to me odd that the penalty imposed on individual A for an action of individual B does not depend on individual A himself but on what individual B may or may not do.

Of course, new subsection (6) is the logical provision to amend if some form of euthanasia were ever legalised in this State. That would be done through an amendment, which would presumably allow exceptions in certain cases. Those who attempt suicide and do not succeed need help, not punishment. As it stands, the law has never been a deterrent to suicide. I was disturbed to read of a survey carried out in the Royal Adelaide Hospital in 1980 that showed that medical and para-medical staff who deal with attempted suicides there were less sympathetic and understanding to those patients than they are to other patients.

It has been shown that people who have attempted suicide and failed, frequently make further attempts. It seems that without sympathetic care and attention the probability of this occurring will increase. I heartily endorse the suggestions that have been made by researchers in this area that there should be special training for medical and para-medical personnel who deal with attempted suicides, to change the attitudes of the personnel, thereby enabling them to deal more sympathetically with these patients. That would help these patients regain some interest in life, a feeling of self-worth and of being able to take their place as valued members of society, rather than being driven to making further attempts at suicide.

Undoubtedly, we need change in the social circumstances that lead a person to suicide. From the study by Clifford and Marjoram one can see that we will achieve this if we have less unemployment, less social isolation and better treatment and recognition of depression and pain amongst individuals in society. This Bill will not achieve those aims, but it is a sensible first step and I hope that it will be followed up by other Government measures to alleviate the social circumstances which give rise to the tragedy of suicide. I support the second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I am pleased that honourable members opposite have indicated their support for the principle of this legislation. The Leader of the Opposition has referred to several drafting matters. I will attempt to deal with them now, but if he wishes in Committee to pursue certain aspects of my response I will certainly be happy to endeavour to answer any questions raised by him and the Hon. Miss Levy at that stage. The Leader referred to new section 13a (3). He referred to Victorian legislation which makes it mandatory that the verdict be a verdict of an offence less than murder if a jury is satisfied that a suicide pact was agreed and that that was established on the balance of probabilities.

I will deal first with the question of the onus of proof. If the Leader looks at proposed subsection (10) he will see that the onus of proving the existence of a pact lies with an accused. In the ordinary practice of the law, that is the onus on the balance of probabilities. That is a well established principle and I hope it answers the Leader's difficulty in relation to that particular point. The more significant point raised by the Leader is that, if a suicide pact is thus established, it is mandatory for a verdict of something less than murder to be brought in. The difficulty that I had with that is that it does not recognise the discretion which a jury must have in determining innocence or guilt and, if guilt, then of what offence.

It may be that a jury will acquit. I think the mandatory provision in the Victorian legislation has been broadly interpreted as giving a jury a discretion. If we were to provide for a mandatory verdict of something less than murder, it raises the question of whether or not a jury then has a discretion to enter a verdict of innocence. The other problem is that there may be other defences available which might also lead to a jury reaching a conclusion of innocence rather than guilt, even if it be innocence of an offence less than murder.

The Hon. C. J. Sumner: Are you satisfied that the drafting precludes a verdict of guilt of murder in those circumstances?

The Hon. K. T. GRIFFIN: No, I am not satisfied. It was deliberately drafted on the basis that a jury should have a discretion. Certainly, there is a strong intention that, if a suicide pact is established, in this case on the balance of probabilities, then a jury will bring in a verdict of less than murder. It may also bring in a verdict of not guilty.

The Hon. C. J. Sumner: It may also bring in a verdict of murder.

The Hon. K. T. GRIFFIN: Yes, that is a possibility.

The Hon. C. J. Sumner: Why don't you clear it up?

The Hon. K. T. GRIFFIN: It must always be a matter of discretion for a jury.

The Hon. C. J. Sumner: No, it need not.

The Hon. K. T. GRIFFIN: If the Leader disagrees, I am certainly prepared to explore the matter further in Committee. I have an open mind about it. On advice I have received and from my own interpretation I am satisfied that it gives a jury a flexible discretion. I turn now to new section 13a (6). The Leader of the Opposition has raised questions about the omission from the Bill of words such as 'counselling', 'persuading', 'soliciting', and 'procuring' and the fact that any reference to conspiracy is omitted. The offence of conspiracy is still available, even if it is not specifically provided in the Bill. I am satisfied that the opportunity to prosecute for conspiracy remains. The other aspect relates to drafting. In some respects it is a matter of determining

whether or not the present drafting is sufficient to encompass persuasion or soliciting for the commission of an offence.

Modern drafting, in the form in which it appears in this Bill is, in my view, and on the advice that I have received, sufficient to encompass persuasion or soliciting, even within the words 'aids, abets or counsels'. The provision in new subsection (8) which refers to, 'fraud, duress or undue influence' being used to procure the suicide of another is again sufficient to deal with the difference in drafting, since the word 'procure' is omitted and is therefore inconsistent with the Victorian draft and the Law Reform Committee draft. I believe that the drafting is adequate. There again, if a difficulty remains, as the Leader believes, I shall be happy to explore it in Committee.

That deals with the Leader's main points but, if there are any others, we can discuss them in Committee as well. I now wish to refer to one of the points made towards the end of the Hon. Anne Levy's speech and her reference to an amendment to new subsection (6) which might be made at some future time to deal with the question of euthanasia.

The Hon. Anne Levy: It wasn't my main point.

The Hon. K. T. GRIFFIN: It was a point which to me had significance. I interjected that I certainly would not support that at any time in the future. I suggest that it is merely a red herring, although it can be perhaps regarded as a passing observation. This Bill is not in any way directed towards the concept of euthanasia. I hope that what I had to say in answer to the Leader's comments would have assisted the Hon. Miss Levy in the points that she made about that provision but, if she wants me to explore the matter in greater detail, I shall be happy to do that in the later stages. I appreciate that the Opposition has indicated support for this long, overdue reform.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

SURVIVAL OF CAUSES OF ACTION ACT AMENDMENT BILL

In Committee.

(Continued from 25 August. Page 700.)

Clause 2—'Damages in actions which survive under this Act.'

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

Page 1, lines 10 to 20—Leave out paragraph *(a)*.

My amendment to this clause was explained fully during the second reading debate. It seeks to retain the right for an estate to continue a cause of action which a deceased person had, including the right to damages for future loss of earning capacity, but states that such a claim by the estate shall be subject to any claim which the dependants have successfully pursued or may in the future pursue in relation to the same incident which caused the death of the deceased.

In other words, it does away with the question of double liability, which is now a possibility as a result of the High Court decision in the Fitch case. But it does not do away with the right of an estate and the beneficiaries to continue with a cause of action, including a cause of action which involves future loss of earnings. As I explained, the Government Bill completely deprives the estate of any right to continue a cause of action for damages for future earnings.

That is a right which citizens in this community now have. The Government's Bill deprives them of that right, and my amendment would ensure that the right is still in existence but subject to the prior claim of any dependants.

The Hon. K. T. GRIFFIN: I responded yesterday to the points which the Leader made by saying this: until the case of *Fitch v Hyde-Cates* it had not been understood that there would be liability for damages for loss of future earning capacity. In fact, that had not really been explored until that High Court case.

The Hon. C. J. Sumner: There was reference to it in the High Court's decision and the English decisions.

The Hon. K. T. GRIFFIN: That was not the position in Australia. Until that case, it was not accepted that there was a right for deceased estates to claim for loss of future earnings, and the fact that this legislation is retrospective, except in those cases where judgment has been recorded, whether or not there is an appeal, is no prejudice to estates, where previously it would not have been dealt with.

It is not as though any long-established right is being withdrawn: it is really returning to what is believed to be the position before the High Court made its decision in the *Fitch v Hyde-Cates* case. It ought to be stressed that dependants do not suffer in any way as a result of this Bill. The Leader made one other comment, and I did undertake to examine the question concerning what was meant in respect to the term 'judgment', but that deals with his second amendment.

The Committee divided on the amendment:

Ayes (8)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, 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, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 2 for the Noes.

Amendment thus negatived.

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

Page 1, after line 22—Insert subsection as follows:

(1a) In assessing damages for loss of capacity to earn, or loss of future earnings, in respect of a period for which the deceased person would have survived but for the act or omission that gave rise to the cause of action, the court shall take into account the damages that dependants of the deceased person have received, or to which they are entitled, from the tortfeasor in consequence of the death of the deceased, and the extent to which those damages reflect that loss of capacity to earn, or loss of future earnings.

Lines 23 to 26 and page 2, lines 1 to 3—Leave out subsection (2) and insert subsections as follow:

(2) This section, as in force before the commencement of the Survival of Causes Act Amendment Act, 1982, applies in respect of causes of action arising before the commencement of that amending Act.

(3) This section, as amended by the Survival of Causes of Action Amendment Act, 1982, applies in respect of causes of action arising on or after the commencement of that amending Act.

This Bill, in effect, cancels out any proceedings which have been issued or any claims an estate might have as a result of the decision in Fitch's case, except in the case where a judgment has been given. As I pointed out during the second reading debate, this is a quite Draconian law. It is certainly retrospective in that it cancels out rights that people have previously had. As I pointed out before, members opposite have, on numerous occasions in this Chamber, complained bitterly about legislation which interferes with existing rights or, worse than that, rights which may well have been activated by court proceedings having already been commenced.

What this provision does is say that in all cases, except those where judgment has been given, the estates have no right to pursue claims for damages for future earning loss in relation to a deceased person, even though proceedings may have been commenced and even though a person may have a right to commence proceedings. I can imagine in

other contexts that, if this proposition was brought forward, members opposite would be jumping up and down and screaming blue murder, but in this case they seem to be quite sanguine about it. Make no mistake about what this law does, because it does constitute a barrier to anyone proceeding with legal action which may well have already been started and, indeed, which may have been fully argued through the courts, with only the judgment remaining to be given by the court. Those proceedings will be blocked, too, and of no effect once this legislation is passed. While I accept that in certain circumstances what may be called retrospective legislation is justifiable, I think that there has to be an exceptionally good case made out for it. I do not believe that that case has been made out in this situation as it is applying even where court proceedings may have been commenced.

The Hon. K. T. GRIFFIN: Again, this is related to the earlier points I made that, until the case of *Fitch v Hyde-Cates*, it was not accepted that the section of the Survival of Causes of Action Act in this State, which is almost identical to that in New South Wales on which the High Court ruled, did allow damages to be established for loss of future earning capacity of a deceased person. Until that case, there was no suggestion at all that it could be claimed. Since that case, there may well have been some actions taken on this point, but not a significant number of them, if any at all.

All this legislation does is return to a pre High Court decision situation all those cases which have not yet been the subject of a judgment. I indicated to the Leader that I would look at what is meant by the word 'judgment' in the Bill. I am satisfied that that is a judgment in the question of liability; even damages have to be assessed. There is no doubt in my mind, or in the minds of my advisers, that that is still a judgment. In those circumstances, this Bill will have no impact on the assessment of those damages so there is no need to further clarify that point in the drafting. That position is established by various cases in the textbooks, and I can give the Leader particular references if he wants them. However, I have had the matter researched and am satisfied that damages are still to be assessed, and where judgment has been given on the question of liability those cases are not caught by this Bill.

The Hon. C. J. SUMNER: As the Attorney opposes my amendment on the same basis as he opposed my previous amendment, which was lost on division, I will be calling for my amendment but not calling for a division, because the principle is the same and I lost the previous division.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

WRONGS ACT AMENDMENT BILL

In Committee.

(Continued from 25 August. Page 702.)

Clause 2 passed.

Clause 3—'Privilege of newspaper, radio or television reports of proceedings of public meetings and of certain bodies and persons.'

The Hon. K. T. GRIFFIN: The Leader of the Opposition asked why contemporaneous reports from either House of Parliament had previously not been included in this Act. In the time available to me I have not obtained an answer to that question. I suggest that, because it is not an integral part of the considerations of the merits of the clause, I make further inquiries and let the Leader have an answer by letter. It does not seem to me that the answer goes to anything other than the history of this proposition.

Clause passed.

Clause 4 passed.

Clause 5—'Defence in action against a newspaper or radio or television station for libel.'

The Hon. K. T. GRIFFIN: The Leader of the Opposition raised the question whether or not radio and television broadcasts were libel or slander.

The Hon. C. J. Sumner: Not all of them.

The Hon. K. T. GRIFFIN: No. We then went on to discuss the possibility that those broadcasts which had been recorded in a permanent form were in fact libel, and the question remained whether or not the others were libel or slander. Research I have undertaken to the present time indicates that section 124 of the Federal Broadcasting and Television Act provides that all broadcasts are deemed to be 'publication in permanent form' for the purposes of the law of defamation.

Further research indicates that the intention behind this provision was to make any defamatory broadcast a libel rather than a slander, so as to remove the need for any person defamed in a broadcast to prove special damage to himself or herself. I understand that the effectiveness of section 124 has been considered in a number of cases with particular reference as to whether or not it extended to make them liable for the purposes of State law. But those cases determined that the section effectively made defamatory broadcasts a libel for the purposes of State laws relating to defamation.

The Hon. C. J. Sumner: No matter in what form?

The Hon. K. T. GRIFFIN: It does not matter. So, whether or not the broadcast is recorded or live, it is a libel for the purposes of defamation.

The Hon. C. J. Sumner: And accepted as such in South Australia?

The Hon. K. T. GRIFFIN: Accepted as such within State jurisdications for the purposes of the law relating to defamation within the various States.

The Hon. C. J. Sumner: Has it actually been accepted in South Australia?

The Hon. K. T. GRIFFIN: I have no information readily available which indicates that there are any cases on that point in South Australia, but I have certainly drawn the conclusion from cases determined in other States that that is the position in South Australia. I am not in any doubt as to the status of defamatory broadcasts. All the information available to me indicates that they are, for the purpose of defamation law in this State, libels and not slanders. Therefore, the amendments which are being made are adequate to cover the points which quite properly the Leader of the Opposition raised in debate yesterday.

Clause passed.

Remaining clauses (6 and 7) and title passed.

Bill read a third time and passed.

FISHERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 August. Page 695.)

The Hon. B. A. CHATTERTON: I support this Bill, which has been before the Parliament in one form or another three times. It was introduced originally in the House of Assembly, and then the 1982 Fisheries Bill was introduced, incorporating this Bill as part of that legislation. That was passed by the Parliament earlier this year, and now we find that the Bill has been introduced again as a separate piece of legislation.

The Hon. C. J. Sumner interjecting:

The Hon. B. A. CHATTERTON: No, it is rather a confused situation, because apparently the Crown Law Department has advised that this Bill cannot be proclaimed as merely a section of the 1982 fisheries legislation, and that difficulty would be overcome by this Bill. There are some complications of crossing over of definitions, so that this piece of legislation has been introduced as a separate measure and I suppose will have a short life because, once the 1982 Fisheries Act has been proclaimed—and it cannot be proclaimed because of the need to draw up regulations—

The Hon. C. J. Sumner: You would think they would have thought of that before.

The Hon. B. A. CHATTERTON: I would have thought that someone would anticipate this situation and would save a considerable amount of paper, if nothing else. The Bill itself has been before Parliament three times. It covers the new arrangement between the State and the Commonwealth in relation to the management of fisheries in South Australia. I have previously expressed my concern about these arrangements. Although I support the new arrangements, I express some concern about the joint authorities to be established under this Bill and the Commonwealth legislation. These joint authorities are completely new executive bodies that have never existed in Australia previously. They consist of State and Commonwealth Ministers meeting and making decisions which then become binding on the State Governments and the Commonwealth. It is a new form of executive government in Australia, and I cannot see any alternative to it, but I express some concern because it is remote from any Parliamentary responsibility.

The joint authorities are not answerable to a Parliamentary system, they do not have to answer questions, and they do not act in that sort of Parliamentary arena in which the Executive of a State or Commonwealth has to act. State Cabinet and Commonwealth Cabinet members are responsible to a Parliament for their decisions, but this new hybrid institution, this joint authority, operates in a quite different constitutional framework and in terms of being responsible to the constituency it is operating in a vacuum.

I have already expressed those fears and the need that will become obvious to have good communications with the fishing industry and others who will be affected by the decisions of these joint authorities. I have expressed those views in the earlier debate on the 1982 fisheries legislation, and I see no need to repeat those remarks. I support the Bill.

The Hon. C. M. HILL (Minister of Local Government): I thank the Hon. Mr Chatterton for his support of the measure. As he said, it has become quite a complex issue. All of the provisions in the Bill before us were passed by Parliament earlier this year in the 1982 fisheries legislation, but it seems that it has been necessary to bring forward this separate measure because there is an urgent need (and I stress that) for all the States to come into line with the Commonwealth. The Commonwealth has passed its legislation, and each State will have its own complementary legislation with the passing of this measure. Whilst that could have taken place eventually under the earlier legislation, there would have been a considerable delay in the regulation-making arrangements under that Bill.

Because of that delay, it was thought prudent, on advice, to bring this Bill before the Parliament. I can understand the Hon. Mr Chatterton's concern in relation to the joint authorities. They are new, and I recall his comments about them in this House earlier this year. As I said in the second reading explanation, it is not envisaged that the joint authority arrangements involving this State will come into existence from some time, and I suggest that he and the Parliament, and I am sure the Minister in another place, will watch the points that he has raised in relation to the joint authorities and, if some of the concerns he has expressed prove with the passing of time to be well founded, no doubt the question of amendment of the legislation can be considered. I thank the honourable member for his support.

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

REFERENDUM (DAYLIGHT SAVING) BILL

Adjourned debate on second reading.

(Continued from 25 August. Page 692.)

The Hon. FRANK BLEVINS: Before indicating the Opposition's position—

The Hon. C. M. Hill: Tell us what the people on Eyre Peninsula want, because you come from there.

The Hon. FRANK BLEVINS: Mr President, I have only just begun my speech and the Minister has already become quite unruly. He obviously wants to waste the Council's time. Mr President, I appeal to you to bring him back into line. Before indicating the Opposition's opinion on this Bill I will give the Council a little bit of background to daylight saving throughout the Commonwealth. I believe it may be of some interest and it will put the debate into some kind of context. My information is that the originator of daylight saving is purported to be an Englishman, William Willett, who, in 1906, calculated that 154 hours of sunlight were wasted behind drawn blinds after daybreak by every person each year.

He wrote to every member of Parliament pointing out how much this would total in lost hours by the nation in work and relaxation, but it was not until the war, when Germany gave the lead, that daylight saving was adopted. Daylight saving of one hour was enforced in Australia during the two World Wars, first by Commonwealth Act No. 40 of 1916 (repealed 1917) from 1 January to 25 March 1917 and, secondly, by Statutory Rule No. 323, 1941 (National Security Regulations) from 1 January to 29 March 1942; 27 September 1942 to 28 March 1943; and in all States except Western Australia from 3 October 1943 to 26 March 1944. The 1944 Premiers Conference unanimously decided not to renew daylight saving in 1945.

In Western Australia, as an emergency measure during the rail strike of 1946, a Bill authorising daylight saving of up to two hours was passed by both Houses of Parliament. The Bill, which applied within a 35-mile radius of Perth, was not opposed in either House but was never proclaimed. Two days after it was passed the rail strike ceased. Perhaps it frightened the Western Australian railwaymen that much that they decided to return to work. Tasmania reintroduced daylight saving in 1967, ostensibly to reduce the use of electric power. In 1968 a select committee of the Tasmanian Legislative Council inquired into all matters incidental to the Daylight Saving Bill and recommended a further two-year trial period.

In July 1971 the responsible Ministers of Victoria, New South Wales, Queensland, Australian Capital Territory and Tasmania agreed to introduce one hour of daylight saving during the 1971-72 summer. South Australia had little alternative but to follow suit, which it did by Act No. 54 of 1971. In 1972 all States except Queensland reintroduced daylight saving for the 1972-73 summer. In 1973 a Queensland Government committee recommended that the State should not adopt summer time. Accordingly, it has not done so since 1971-72.

In 1974 Western Australia adopted daylight saving, leaving only Queensland and the Northern Territory operating on Eastern and Central Standard Times, respectively. In this

same year, 1974, Senator Murphy foreshadowed possible Commonwealth legislation (within the Commonwealth's constitutional superintendance of weights and measures) to avoid State differences occurring in the same time zones. To date, however, the Commonwealth has not acted on the matter. In 1975 Western Australian voters rejected daylight saving at a referendum. Supporters totalled 46.34 per cent of the electorate; opponents totalled 53.66 per cent of the electorate. My information is that, to date, the Western Australian Government has decided not to act on this referendum result.

I think that shows that the question of daylight saving has been around for a long time, that it has been a contentious issue and that it has been the subject of a referendum in at least one other State. However, I understand that the results of that referendum were ignored because the right result was not forthcoming. The Opposition supports this Bill, but we have no doubt whatsoever that it is totally unnecessary. I suggest that its result is a foregone conclusion. The overwhelming majority of people in South Australia, according to all the opinion polls, are in favour of daylight saving.

If ever a Government had a clear indication of the wishes of the people on any question, surely daylight saving is it. Referendums are usually held in relation to highly contentious issues where the wishes of the people may not be clear. In that respect, I support referendums. In this case the opinion of the overwhelming majority of the people is quite clearly known; therefore, the referendum is really a waste of time, paper and money. However, not a great deal of money will be spent on this occasion because the referendum is to be held in conjunction with a State election. That is really the only sensible thing about this whole exercise.

I am sure that every member of this Council believes that the referendum will be passed overwhelmingly and the reasons for that are quite easy to list. There is no doubt that for most people additional daylight at the end of the day rather than when they are in bed early in the mornings gives a pleasant lifestyle. When most people arrive home from work it is not long before darkness falls, but with daylight saving there is an extra hour of daylight which enables them to engage in sport, gardening (which is a very pleasant summer pastime) and visiting the beach on a nice, bright summer evening (which is a pleasure that we have all experienced).

The fact that we will have a further hour to engage in leisure and recreation is a very great benefit. It will also benefit the tourist industry of this State, which is under some severe competition, particularly from Victoria. Anything we can do to make the lot of tourists more pleasurable and ensure that they return to this State is to be desired. There is no doubt that tourists are not very happy if it grows dark earlier than is absolutely necessary. Again, daylight saving does have a beneficial effect on the tourist industry. There is also the more utilitarian benefit of the cost saving in relation to electricity. There is a saving because the lights may be turned on an hour later than usual. I suggest that this is not balanced by the extra hour of darkness in the morning because most of us are fast asleep at that early hour during the summer.

In general, the benefits are easy to list and they suggest themselves readily to members of the Council. However, there are some minuses: it is not just a case of all pluses. The Opposition recognises that certain regions of the State are further west and already have a measure of daylight saving compared, for example, with the Adelaide metropolitan area. I can agree completely with some of the arguments of people in rural areas who argue against daylight saving. The argument to which I give weight concerns the transporting of schoolchildren long distances in country areas to area schools.

Having to do that during darkness in the early morning is unfair to the children, the parents, and it is dangerous. That argument holds some force with me. As I live in the country, I have much sympathy for the things that country people have to put up with compared with people living in the metropolitan area. Indeed, if metropolitan residents were aware of the disadvantages facing country people it would help to establish a much closer community.

Certainly the objection of country people to children being taken to school in periods of darkness is substantial, but I believe that the way to solve it, or one way to solve it, is to adjust school hours. Whilst the problem is very real, it involves only a small percentage of the community and, if it can be solved in some other way (as I believe it can), rather than asking the entire community to go without daylight saving, that is how it should be solved.

I hope that country schools confronted by this problem, or those who believe it is a problem because of the distances involved, can take up the matter with the Minister of Education and have some adjustment made to school hours to resolve this problem. Apart from believing that this referendum is totally unwarranted, one other matter dealt with in the Bill does give the Opposition cause for concern, that is, that the arguments for and against the proposition, which is simple and clear (and I commend the Government for that), are to be drawn up by the Electoral Commissioner and distributed to all households.

I know the Electoral Commissioner, who is a well respected person, but I am not sure what qualifications he has for drawing up such arguments. In the case of referendums it is usual for arguments for and against to be drawn up and put by people who have a strong commitment to one side of the argument. The A.L.P. makes no bones about it: it strongly supports daylight saving for all the reasons that I have mentioned, whilst not being unmindful of the problems that it might cause in country areas. It believes that a group such as the A.L.P. should be responsible for drawing up the 'Yes' case.

I am sure that there are many other members who represent country areas where country people feel disadvantaged by daylight saving and who could put up a strong 'No' case to the electorate. In all fairness, we should follow that procedure and have a group of individuals or political Parties and the like, but certainly people who are biased in favour of the case that is being put. They should be the people who draw up the proposition to be circulated by the Electoral Office.

completely neutral on all matters and, from what I have seen over the past 17 years in South Australia, it has performed its duties absolutely impeccably in regard to bias. There has not been any. Therefore, it is onerous to ask the Electoral Commissioner to dredge up arguments from around the place to put together both the cases. It is not the way to go about it, and it is the wrong approach.

The Labor Party would be willing to take over the task and supply the Commissioner with the case for the 'Yes' vote. Once the referendum is held (and it is obvious that it will be held, even though it is a waste of time), further consideration of daylight saving should involve whether or not we should extend it. There is no doubt that in March South Australia has pleasant weather indeed. The severe heat that we occasionally experience in summer is on the wane, and March evenings are beautiful. Therefore, we should consider extending daylight saving throughout March and the benefits that would accrue to the community as a whole.

I suggest that one good example which has already been given concerns the Festival of Arts. This year it was held during particularly superb weather and there must have been 100 000 people at the opening of the festival by the

Torrens, and to have had that opening during daylight would also have been superb, especially as there would have been present so many visitors to South Australia. Any Government should look at that proposition.

Certainly, the opportunity provided itself when the New South Wales Government extended daylight saving for economic reasons in March last year. It was for three weeks or perhaps four (I stand to be corrected), but it was during March when the period was extended, and I would have been happy for South Australia to do the same and, if necessary, use the New South Wales position as an excuse. It would have then given South Australia that period during the festival when daylight saving would have applied.

One other matter should be considered after the referendum is passed, that is, the question of the time difference between South Australia and the Eastern States, where the majority of our markets exist. It is a nuisance to business to have this curtailment of time when one can be in telephone contact with the Eastern States. Perhaps it is not just a nuisance, because it also costs time and money. The Government should consider bringing our time into line with that in the Eastern States. In effect, it would give us half an hour of daylight saving all the year round. I am not concerned so much about what happens at the referendum, because that is a foregone conclusion.

We should be thinking beyond the referendum and about what we should do about daylight saving after the referendum is passed. In summary, the A.L.P. strongly supports daylight saving. We consider the referendum to be a total waste of time, and we are not happy about the way that the cases are to be put. We object to not being able to put the case to the Electoral Office ourselves. Also, I cannot resist pointing out that one clause in the Bill is a sunset clause, which is very appropriate. Apparently, as soon as the referendum is over, the Bill self-destructs, which is a wonderful thing.

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

TRAVELLING STOCK RESERVE

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That portions of the travelling stock reserve, sections 292 and 293, hundred of Copley, and sections 255, 256, 257, 258, 263, 264, hundred of Gillen, as shown on the plan laid before Parliament on 23 June 1981, be resumed in terms of section 136 of the Pastoral Act, 1936-1977.

WATER RESERVE No. 87

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That Water Reserve No. 87, section 1172, out of hundreds (Ooldea), as shown on the plan laid before Parliament on 23 June 1981, be resumed in terms of section 136 of the Pastoral Act, 1936-1977.

STATUTES AMENDMENT (ENFORCEMENT OF CONTRACTS) BILL

Returned from the House of Assembly without amendment.

DEVELOPMENT PLAN

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That, pursuant to section 40 of the Planning Act, 1982, the development plan laid before Parliament on 17 August 1982 is approved.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That the resolution be agreed to.

Section 40 of the Planning Act, 1982, provides for the preparation of the development plan, which is to be the primary reference for the exercise of development control under that Act. Section 40, subsection (2), sets out the basis for the compilation of the development plan, which is to be 'based upon' specified provisions of all development plans and planning regulations authorised under the Planning and Development Act, 1966-1981, and also requires the plan to be in a form 'approved by resolution of both Houses of Parliament'.

The Planning Act, 1982, and regulations thereunder, can take full effect only when the development plan has been so approved. During the last six months, officers of the Department of Environment and Planning have been engaged in the compilation of the draft development plan, copies of which were tabled yesterday. In the process of preparing this admittedly massive document, consultation has occurred with every council in the State, such consultation taking the form of referral of the relevant draft sections of the plan to each council for comment. Additionally, copies of all sections of the plan have progressively been made available for public inspection at various metropolitan and country centres.

Close consultation has also taken place with the Local Government Association and its planning consultants, and the detailed comments of the association and individual councils have been taken into account in the compilation of the final draft document. The development plan consists of 13 parts, the first part relating to policies having State-wide application, the others containing policies having application to the 12 planning areas into which the State has been divided. Within each of these planning area parts, subsections contain all policies applicable to individual council areas. In case honourable members are deterred by the size of the document, let me emphasise straight away that very few individuals or organisations would have cause to use the plan as an entity. More typically, those sections of the plan which relate to an individual local government area, together with the relevant State and planning area policies, would together constitute the document likely to be used on a day-to-day basis in various parts of the State, and it will be possible for interested organisations or individuals to purchase only those parts of the plan relevant to their interest.

In the course of discussions with the Local Government Association and other interested bodies regarding the draft plan, concern has been expressed that potential exists for legal challenges to the validity of the plan to be mounted. This concern stems from the vagueness of the term 'based upon' in section 40 of the Act. To ensure that any doubt concerning the status of the development plan as the principal source of policy under the new Act is removed, it is intended, following approval of the development plan by Parliament, to introduce a Bill to amend the Planning Act, 1982, by repealing subsection (2) of section 40 of the Act and replacing it with the words:

The development plan is, subject to amendment under this Part, the document declared by resolution of both Houses of Parliament to be the development plan.

The same Bill will also contain proposed amendments to section 42 of the Act, to rectify anomalies created by the disallowance of the Murray River Valley and Tea Tree Gully zoning regulations subsequent to the compilation of the development plan. If this section is not amended, the plan, at the time the full Act is proclaimed, will have to contain policy which has already been disallowed by the Parliament.

In seeking the approval of this Chamber to the form of the development plan, I wish to make it clear that the policies contained therein have variously been authorised by the Governor-in-Council over the past 15 years, and are not new policies. Furthermore, I should emphasise that mechanisms exist in the new Act for me to rectify errors in the plan by gazettal of amendments, and that changes to policy can be effected by councils (for individual local government areas) or by the Minister (for greater areas) by the preparation of supplementary development plans in accordance with the provisions of section 41 of the Act. In this regard, I wish to reiterate a commitment which was included in a recent letter to all councils in the State that he will be willing to consider any representations they may wish to make concerning necessary or desirable amendments to the development plan as it applies to their areas. Accordingly, this Council is not being asked to endorse the policies in the development plan, but merely to endorse its general form, arrangement, and structure as a basis for the ongoing process of review and amendment which necessarily (and desirably) accompanies the making of planning policy.

The Hon. G. L. BRUCE secured the adjournment of the debate.

SUPREME COURT ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 5.20 p.m. the Council adjourned until Tuesday 31 August at 2.15 p.m.