LEGISLATIVE COUNCIL

Wednesday 16 March 1983

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

QUESTIONS

STATE TAXES AND CHARGES

The Hon. M.B. CAMERON: I seek leave to make an explanation prior to asking the Attorney-General a question on the matter of State taxes and charges.

Leave granted.

The Hon. M.B. CAMERON: The wage freeze has now been operating for nearly three months. It has been suggested by the new Prime Minister that he might seek an extension of the freeze beyond 30 June, which is the current deadline. The President of the A.C.T.U. has not ruled out the possibility of union support for such an extension, so one would assume that it has some possibility of coming into effect. The community has the right to expect that the State Government will not increase State taxes and charges during a time when the community is exercising wage restraint. If the wage freeze is extended in any way, the State should give a commitment not to increase State taxes and charges during the extension period. Will the Government give an assurance that there will be no increases in State taxes and charges for the duration of the present wage freeze and, should the freeze be extended, that there will be no increases in State taxes and charges during such extension period?

The Hon. C.J. SUMNER: As I understand the position, as part of the wage pause position the Government undertook not to increase State charges. As far as I am aware, that is being adhered to.

The question of State taxes has been raised in recent times, as honourable members would know, as a result of the deteriorating financial and budgetary situation in the State. I understand that the Premier has indicated that he does not wish to increase taxes during the period of the wage pause. At the present time the wage pause extends, I think, until the end of June, and as to what will happen in the future, I do not know and neither does the honourable member. I am willing to supplement the information that I have given the honourable member today by referring the matter to the Premier, but what I have indicated to the Council is my understanding of the position.

STAMP DUTY

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Consumer and Corporate Affairs a question about credit unions and the stamp duty threshold.

Leave granted.

The Hon. J.C. BURDETT: The Credit Union Association has distributed to its members an information circular on this subject. On the bottom it is indicated that a copy is to be made available to the Minister of Consumer and Corporate Affairs and the shadow Minister. This document certainly did not fall off the back of a truck. Among other things, the circular states:

> Please notice that, if your credit union continues to charge a loan rate in excess of 19 per cent on new loans, then you will be liable to pay duty at the rate of 1.8 per cent of the loan. The duty does not apply to existing loans.

Then part of the Act is cited, and the circular continues:

> ... the duty will apply in the very common circumstances where a credit union 'tops up' an existing loan at a new rate in excess of 19 per cent.

The circular continues:

> I should like you to know that the new Government did not consult the association before this decision was made, and that our attempts to have the decision reviewed have been futile. I was unable to see the Premier on the subject (although I met with his personal economic adviser), and have not received replies to either of the attached letters.
>
> May I remind you that the State Government undertook not to increase taxation in its first term of office. If your credit union cannot afford to lower its loan rate to 19 per cent or less, and is required therefore to pass on the duty to its members, you may consider informing them that the additional charge is a Government tax, not a credit union surcharge.
>
> In the association's view it is patently absurd to lower interest rates prematurely. Quite apart from the impact on credit union margins (which is explained in the attached correspondence), the effect of an interest surcharge of 1.8 per cent on new loans will depress asset growth still further, and will be entirely counter-productive to the Government's stated intention of promoting economic recovery. The association will continue to press this view upon both Government and Opposition members.

Since that time I understand that there has been a useful discussion between a Treasury official and the association on the possibility of reducing the margin still further, because this has been suggested (that the stamp duty threshold be still further reduced), and there has been a useful discussion on this point. However, as of noon today, neither of the letters referred to in the circular has been replied to.

The letters were dated 14 February 1983 (to the Premier) and 18 February 1983 (to the Minister). These matters are of some importance and urgency to the association, particularly because there is the suggestion of a still further reduction in the stamp duty threshold. When will the Minister reply to the letters?

The Hon. C.J. SUMNER: There was some suggestion from what the honourable member said that perhaps the threshold rate for the payment of stamp duty should not be reduced in line with the general reduction in interest rates. I find that proposition—

An honourable member: No.

The Hon. C.J. SUMNER: There was a suggestion that that should not happen. I think the words used were 'There should not be any precipitate reduction in interest rates'. That statement was contained in the letter read out by the honourable member. I believe that the whole community would like a reduction in interest rates, including the honourable member, the Credit Union Association and other financial institutions. I do not believe that the community wants the current level of interest rates to continue.

The honourable member would be aware that there has been a reduction, an easing, in interest rates over the past three or four months and the Government felt that it should be reflected in the threshold, which makes stamp duty applicable. As a result of that reduction in the threshold, certain representations were made to the Government by the credit unions. In relation to the correspondence from that body, I imagine that letters have not been replied to because there have been discussions between the Credit Union Association and the Director.

The Hon. J.C. Burdett: On one occasion.

The Hon. C.J. SUMNER: That is not the information I have. The information that I have sought about this matter over the past three weeks and the response that I have had indicates that there have been discussions between Treasury officials and the Credit Union Association. If there is any suggestion of a further reduction in the threshold interest rate, it will be discussed with the credit unions before it occurs. I was given that information about two or three weeks ago. Presumably, that resulted from discussions between Treasury officers and the Credit Union Association. If the honourable member desires, I will check that infor-

mation, but that is what I was advised. There was a problem (I acknowledge that) from the credit unions' point of view: they wanted to discuss the question of the threshold rate. Officers were made available for them to discuss the matter. As a result of those discussions, if any further reduction in the threshold was contemplated, the Credit Union Association was to be consulted. While those discussions were proceeding I understand that contact was made with the Credit Union Association and there was no immediate necessity to respond to the correspondence. I imagine that that is why there has been no response to the correspondence.

I was informed that, for the time being at least, the matter had been resolved to the satisfaction of the Credit Union Association. If that is not the case, I am perfectly happy to have a discussion with Mr Loughlin about this matter if he desires, or to facilitate further discussions between him and Treasury officers to resolve the matter. In conclusion, as I understand it, the credit unions saw some problems; there were discussions and the end result was that, if there was to be a further reduction in the threshold interest rate, that matter would be taken up with the Credit Union Association.

The Hon. J.C. BURDETT: I desire to ask a supplementary question. The final sentence of the association's letter seeks the Minister's advice, and I am informed that the Credit Union Association expects a reply to its letter. When will the Minister reply?

The Hon. C.J. SUMNER: I will attend to this as a matter of urgency, as the issue seems to be causing the honourable member so much worry and concern.

The Hon. L.H. Davis: It is not concerning me as much as it is the credit unions.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I repeat that during this period there have been discussions between Treasury officials and the Credit Union Association. That is the information that I have received. All I can advise the honourable member is that I have made inquiries about this matter on several occasions over the past three or four weeks since I was alerted to the problem, and I have been advised on each occasion that there have been discussions with the Credit Union Association and that, for the time being, there is no difficulty but that, if there is to be a further reduction in the threshold level, the matter will be discussed with the credit unions.

That is my understanding of the position from inquiries that I have made. If the honourable member wants a formal reply to be sent to the correspondent, I will certainly arrange that. However, I repeat that this action was not taken because discussions were proceeding between the Government and the Credit Union Association.

LEGAL SERVICES COMMISSION

The Hon. K.T. GRIFFIN: Will the Attorney-General say whether the Government has made any change in the amount of money available to the Legal Services Commission in the 1982-83 Budget, namely, $607 000? If it has, what change is being made, and when will it be made? Has the Government made available to the Legal Services Commission any funds to finance community legal aid centres beyond the amounts provided in the commission's 1982-83 budget?

The Hon. C.J. SUMNER: I understand that, to this point, no change has been made in the budgetary amount for 1982-83. However, as I advised the honourable member yesterday by letter, in fact, the Legal Aid Commission has a surplus in excess of $200 000, in relation to State matters. As a result, the commission has considered what that excess should be used for. I understand that there are several options. Some of the money could be applied to computerisation of records on a national basis, details of which I could make available to the honourable member if he would like them; the other suggestion is that some of the money could be made available for the funding of community legal centres. There are also other matters that the commission can consider.

In addition, the Government has requested that $100 000 of that surplus be made available or returned to the Treasury, in effect, to cover part of the costs of the Splatt Royal Commission. I have asked the commission to agree to such action following discussions between the Government, the Chairman of the commission and me. Honourable members will recall that the Splatt Royal Commission was set up following a report that was obtained by the Legal Services Commission. The commission took an active interest in Mr Splatt's representations to the previous Government and, as a result, the Legal Services Commission requested the report from Mr Moran, Q.C. That report took some time to produce.

The Hon. K.T. Griffin: I think it took 18 months.

The Hon. C.J. SUMNER: The former Attorney-General informs me that it took some 18 months. He is probably more aware of the time than I am as he was no doubt actively involved in trying to get the matter resolved. Nevertheless, the report was received by the Legal Services Commission and, as a result of its considerations, I understand by the full commission, it decided to provide funds for Splatt to instruct solicitors, which he did. Those solicitors obtained further information, including a number of reports from eminent scientists, one of whom was Sir Geoffrey Badger, and from other people of that status and calibre in the community. It was as a result of those solicitors preparing a report, which was delivered to the previous Government and subsequently acted upon by the new Government, that the royal commission was established.

So, the position is that that money has been returned to the Government for the time being to defray some of the costs of the Splatt Royal Commission. However, the Government has indicated to the Legal Services Commission that should there be difficulties in the future it will view sympathetically a request for the return of those funds. I emphasise that the surplus that the commission has is in relation to State matters and, as the former Attorney-General would understand, that is because there is, at the moment, an increase in the number of Commonwealth matters being considered by the commission and the funding that the commission receives from the Commonwealth. Due to the increase in unemployment and the like more people can be categorised as being involved in Commonwealth matters and receiving assistance from the Commonwealth.

So, decisions had to be made as to what to do with the surplus that the commission had on State matters. I indicated a couple of options that are available apart from the refund to the Government to assist in the Splatt case. I have been concerned for some time about funding arrangements in this State for general legal aid matters. There is now a new Federal Government and it may be that, as a result of that, there can be discussions between the State and Federal Governments about the funding arrangements for the Legal Services Commission.

I have asked that a review be carried out in conjunction with the commission as to the funding arrangements and as to how we can more effectively rationalise legal aid to service delivery in this State between the Legal Services Commission and community legal services and, indeed, between the other services that are operated by the Law Society, for instance. When that review has been completed and discussions with the Commonwealth Government have been held I will be in a position to report more fully to the Council.

The Hon. K.T. GRIFFIN: I have a supplementary question. Is not the surplus to which the Attorney-General referred in fact cash reserves accumulated by the commission over a period of time? Are not those reserves in fact set aside to meet liabilities entered into by the commission with private practitioners, with payment not falling due until some time in the future?

The Hon. C.J. SUMNER: Not as I understand it. I am happy to obtain further information for the honourable member. The information I received from the commission was that it did have that surplus, which was in excess of $200 000, on State matters this financial year. In fact, the commission had a surplus last year which, I understand, the former Attorney-General claimed on behalf of the Government and which was used to transfer to the payments for criminal injuries compensation.

I do not recall exactly the amount on that occasion, but I think that it was in excess of $100 000. Nevertheless, in the previous Budget there was a surplus, and the Hon. Mr Griffin claimed the money from the Legal Services Commission and allocated it.

The Hon. K.T. Griffin: Not the surpluses of reserves.

The Hon. C.J. SUMNER: I will check the honourable member's question in relation to reserves. I know that I received advice from the commission that there was a surplus of $200 000-odd on State matters in this financial year. I can obtain the precise figure for the honourable member, but I understand that it was in correspondence that I sent to him. So, I cannot take the answer any further than that at this stage. I will check the matter that the honourable member raised, but I do not believe that what he says is a fact.

MIGRANT POLICE REPORT

The Hon. M.S. FELEPPA: I seek leave to make a brief explanation before asking the Attorney-General a question about a migrant police report.

Leave granted.

The Hon. M.S. FELEPPA: The Council will certainly remember my questions relating to this matter. Therefore, there is no need for me to go back through the details of the situation. First, can the Attorney-General tell this Council whether such a report has been considered by the South Australian Ethnic Affairs Commission, as was reported on 17 August in this Chamber by the Hon. Murray Hill, the then Minister? Secondly, when is the report likely to be released, and from where may a copy be obtained?

The Hon. C.J. SUMNER: The answer to the first question is, 'Yes, it has been considered by the Ethnic Affairs Commission.' The matter at this stage is with the Government, and I expect Cabinet to consider it within the next week or so. My anticipation is that it will be released, although Cabinet has made no final decision on that. However, I expect that decision to be made in the reasonably near future and, of course, when it is released a copy can be made available to the honourable member.

FIRE DEFENSIVE HOUSING SYSTEM

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Local Government, a question about fire defensive housing.

Leave granted.

The Hon. DIANA LAIDLAW: On 27 February, following the disastrous bushfires earlier in the week, the *Sunday Mail* published an article featuring a design by architect, Mr Geoff Nairne, for a fire defensive housing system. Mr Nairne said that the design was a concept only—something to start with and to make people think. Certainly the effects of the fire give warnings to heed and design alternatives that require consideration in areas of high fire risk. I recognise that the February bushfires were of such intensity that possibly no design or use of materials could have prevented houses burning and lives being lost. However, there are many lesser fires which cause great damage, suffering and cost. The house by Mr Nairne was unusual-looking by our present architectural standards, rather like houses bordering the Mediterranean with a flat concrete roof and shutters. I ask the Minister whether the Building Advisory Committee is giving, or will give, consideration to the following:

1. A requirement that houses to be built in bushfire-prone areas be constructed of materials that on the exterior are fire resistant, incorporating non-combustible, collapsible shutters over windows and glass doors?

2. That owners have swimming pools or concrete tanks situated adjacent to the houses, with water from this supply connected to a protected diesel-powered pump so that high pressure jets of water could be sprayed from nozzles mounted on the high points of the house.

If such measures are adopted, these protective devices will involve additional cost to the owner. In this situation, will the Minister be prepared to recommend that rebates be allowed to those owners in high risk areas who incorporate such fire proofing measures when constructing or altering their houses?

The Hon. J.R. CORNWALL: The honourable member raises a number of very interesting, topical and sensible matters, some of which might well fall into the area of the Minister of Agriculture's portfolio, but the majority of which, I am sure, do rest with the Minister of Local Government. I shall be pleased to refer those questions to the Minister and bring back a reply.

The PRESIDENT: Does the Minister of Agriculture wish to reply to the previous question?

The Hon. B.A. CHATTERTON: Yes, Sir. A number of things that the honourable member raised have already been taken up by the C.F.S. in discussion with me. The C.F.S. will assess the effectiveness of some of the fire preventive measures that were undertaken before the disastrous Adelaide bushfires to see whether it can incorporate those and adopt them into building codes. Discussions have already been held with the C.F.S., and the C.F.S. will take up the matter with local government bodies.

The Hon. C.J. SUMNER: I, too, can assist the honourable member in the matter. I can report to the Council that an inquest will be held into the fires and the deaths that occurred during the fires. Because of that, the Coroner has publicly advertised for evidence and submissions, and he will also take up some of the matters that the honourable member has raised in relation to the future and what action can be taken to assist with measures in any future disasters.

SCIENTIFIC STUDY

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Mines and Energy, a question about a scientific study.

Leave granted.

The Hon. ANNE LEVY: The Electricity Trust of South Australia has commissioned a zoologist to carry out a study or survey in the northern Spencer Gulf waters on the seasonal distribution of marine life there. The scientist concerned has been conducting this survey for the past 12 years, I understand, and has a considerable body of results. The

survey was, as I said, commissioned by the Electricity Trust, which will not at this stage permit the results of the survey to be published. It is prepared to release a list of the species detected in the survey but, of course, the major scientific and environmental interest lies in the seasonal variation which has been found in the study. Detailed data of this kind are very rare in marine research and would undoubtedly be of very great theoretical and practical interest to marine scientists throughout Australia.

I believe that this has been discussed by scientists from all around Australia, including those at the Australian Marine Science Technology Council meeting which was held in Adelaide late last year. Having inquired whether ETSA would be willing to release the results of the study because of its great scientific interest, I was advised that the trust was unwilling to do so at this stage, as it was still considering the conclusions and recommendations that arise from it. Also, I understand that the trust would be willing to allow researchers to have access to the study in due course. Therefore, will the Minister inquire from ETSA at what stage it expects to be able to release this report for researchers in the field, and can he use his good offices to encourage ETSA to release this data as soon as possible?

The Hon. B.A. CHATTERTON: I will refer the honourable member's question to the Minister of Mines and Energy and bring down a reply as soon as possible.

AGENT-GENERAL

The Hon. M.B. CAMERON: Can the Attorney-General, on behalf of the Government, confirm or deny that the Government has recalled from London the Agent-General, Mr John Rundle?

The Hon. C.J. SUMNER: No, I cannot confirm or deny that because I have no knowledge of it.

HEALTH LEVY

The Hon. R. J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about the health levy.

Leave granted.

The Hon. R.J. RITSON: In recent months the Minister of Health has stated that a Government levy on health insurance funds would be instituted in South Australia, and he has indicated publicly that the purpose of such a levy or tax would be to recoup administrative and collection costs incurred in billing insured patients who attend public hospitals. I must confess that I found it difficult to see the necessity for such a move because, certainly, private practitioners charging fee for service find it practicable to carry their overheads, including collection costs and bad debts, within their fee structure.

My question relates primarily to future State A.L.P. policy on this matter after the commencement of Labor's new Medicare plan. Taxpayers all pay a progressive income tax so that those on higher incomes pay more than their share in the first instance. In the second instance, a Federal Medicare tax would be progressive as a percentage of each taxable income and would be a form of double taxation. The introduction of a State health tax or health fund levy on top of that would amount to a third tier of taxation. After Medicare is introduced (with presumably no accounts being rendered by public hospitals), the stated reasons for South Australia's proposed health tax would disappear.

Furthermore, those people living within rural districts would seldom be able to utilise routinely the public hospital system and would be paying a triple tax (they would be paying three times) for a service that they may not be able to use. Will the Minister assure the Council and the South Australian public that, in the event of the introduction of a national Medicare health plan, there will be absolutely no State health tax or levy against any of the private health insurance funds which might survive the upheaval created by Dr Blewett?

The Hon. J.R. CORNWALL: I point out to the honourable member in reply that the question of levying the health insurance funds was not simply to cover administration and collection costs. It would have been to collect what we are currently collecting—possibly more or possibly less—depending entirely on the level we had set the levy. If I might explain by example, the Hon. Dr Ritson, like many people in South Australia, did not understand what the levy was about.

If we are collecting $8 000 000 a year currently in the outpatients departments of our public hospitals, that proportion of the money which is being collected by insured patients, then we can levy the funds at precisely that amount—$8 000 000, in which case no additional money would be required from the contributors at all. Alternatively, it could be set at $6 000 000, $12 000 000 or any figure that one cares to consider within reason. There was never any intention to levy the contributors directly. The intention in Victoria and New South Wales, and as we thought about it here, was to levy the funds.

The Hon. R.J. Ritson: Would that have been instead of charging fees?

The Hon. Anne Levy: Yes.

The Hon. J.R. CORNWALL: Instead of charging fees to insured outpatients let me make that clear: there was not an enormous impost that would go to the Government from the funds. That was widely misunderstood in Whyalla in some beat-up story as recently as last Monday.

Secondly, the honourable member said that private practitioners are currently able to meet administration and collection costs without difficulty, and he asked therefore why we are concerned about those costs in public hospitals. The fact is that private practitioners do not see uninsured patients, of whom there are currently about 200 000 in South Australia at the most recent estimate, and they are turning up mostly in our public hospitals. Logically, that would be so. At Royal Adelaide Hospital about 150 people a week are currently giving false names in the out-patients department, and that makes our task very difficult.

They are not doing this by and large because they are crooks, or because they are grossly dishonest—they are doing it because they are, generally speaking, that class of people who fall just outside the income limits. They cannot afford to pay under the present user-pays system, and they do not qualify for a health card. That is why they are doing it. We are facing an enormous shortfall. I have spoken about this before, and I am pleased that I now have an opportunity to have another chop at it.

The very rubbery figures produced in the Budget Estimates last year indicated that $125 000 000 would be the total income. The then Federal Government, which was also shonky on its figures, as has been shown, was pressing the then Tonkin Government to put the estimate at $130 000 000. By the time the Labor Government took over in November the projected amount was not $130 000 000 or $125 000 000 but $105 000 000. In fact, it now looks like it could be up to $109 000 000, perhaps as a result of the increase in hospital fees that had to be imposed on 1 February. I can assure the honourable member that the whole system was literally breaking down.

In regard to the next nine months, I want to say that I am very disturbed about it, because there is no chance, with the sort of reorganisation that must occur and the things

that must be put in place, that Medicare will be in place before 1 January 1984. In the meantime, I suspect that there will be a continuing fall in the anticipated amounts of money that we will collect by way of income from insured patients.

Human nature being what it is, there will also be a disinclination on the part of some clerical staff in public hospitals to chase relatively small amounts of money from out-patients. That will be a practical problem. I am not moralising on that or politicising it one way or the other: I am simply stating the fact that we will have a major problem in that area of collecting fees in the next nine months.

I now refer to the question of people in non-metropolitan areas paying twice. The honourable member suggested three times, but I cannot work that out, so I will deal now with the question of people paying twice.

That is a strange myth which, I think, was first promulgated by the Hon. Mr Gilfillan. The position under a levy system would be no different from that which presently exists. We do not have public outpatient departments in non-metropolitan areas because the medical profession in those areas will not co-operate. At the moment, people living in the metropolitan area can go to a public hospital and attend a public outpatients department. That facility is not available to people who live outside the metropolitan area. I suppose that members opposite can follow that.

If we levy health insurance funds to collect what we are currently collecting from the public hospitals, and if people living in the metropolitan area continue to go to metropolitan hospitals, nothing will change.

The Hon. J.C. Burdett: If you put on a levy it will only exacerbate the situation.

The Hon. J.R. CORNWALL: It will not 'exacerbate the situation', as the honourable member put it. I want to put this matter to rest for all time, because it is a nonsense. It is a complete nonsense.

The Hon. J.C. Burdett interjecting:

The Hon. J.R. CORNWALL: I am sure that I can with the more intelligent members. The current situation is that a person who attends at a metropolitan teaching hospital will be seen and will have all the advantages that are available at that hospital. We cannot run a comparable service outside the metropolitan area because the medicos in places like Mount Gambier, Whyalla, Port Pirie, Port Augusta and Port Lincoln will not co-operate in such a scheme. The Hon. Mr Burdett should speak to his colleague the former Minister of Health about this matter, because she tried very hard to get the Mount Gambier doctors, for example, to co-operate, and more power to her. However, they would not do so.

The present system of collecting a fee for service or modified fee for service from all patients suits doctors very well. That is the situation as it presently exists. Had we gone to a levy from the funds the situation would have been no different. If we are currently collecting $8 000 000 from insured patients who attend teaching hospitals in Adelaide and we then changed the system and levied the funds for $8 000 000 in lieu of collecting that money, there would be no difference at all.

The Hon. J.C. Burdett: Except that you will collect more.

The Hon. J.R. CORNWALL: I am sure that the Hon. Mr Gilfillan and most honourable members can follow what I am saying, but the Hon. Mr Burdett appears to be having some difficulty.

Members interjecting:

The Hon. J.R. CORNWALL: I assure the honourable member that, following a happy event last Saturday week, when the Federal Labor Government was elected to office with an overwhelming majority, the fraud that had gone on under the Fraser Government for so long, the distortion of the political process and the six or seven changes in the provision of health care are now behind us. I understand that as from 1 January 1984 we are going back to Medicare. There ought to be much rejoicing and I for one will be holding a street party on that date, because we will be returning to universal cover. At present 200 000 people in South Australia are uninsured. The 2 000 000 people in this country who are uninsured at the moment will be covered like everyone else from 1 January. It seems to me that—

The Hon. R.J. Ritson: Will there be a levy?

The Hon. J.R. CORNWALL: There will be no necessity for a levy and I will be recommending to my Cabinet colleagues that we do not continue with it because, I am pleased to say, it is not necessary in the long term.

ROXBY DOWNS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Mines and Energy, a question about Roxby Downs.

Leave granted.

The Hon. I. GILFILLAN: The reply I received to a question on notice that I asked yesterday was inadequate. The reply referred to a letter that was written to me on 25 May 1982 outlining the reasons why the then Minister of Mines and Energy refused to disclose the royalty calculations that applied to the Roxby Downs mining venture. The letter referred to both the negotiations and the calculations together and argued that the negotiations could not be released because they were delicate.

The question that I asked yesterday and the question that I am now asking are not directed at the negotiations (I accept that it may be necessary to keep them confidential). However, I can see no justification for not releasing details of the royalty calculations; they are within parameters that should be available to anyone. Those calculations should be available to anyone who is interested, curious or cares enough to ask for them. I ask my question hoping to receive a more satisfactory answer from the Minister. Will the Minister release the royalty calculations covering the range of possibilities in connection with the Roxby Downs mining venture as mentioned in a letter forwarded to me on 25 May 1982 from the previous Minister of Mines and Energy, Mr Goldsworthy, and, if not, why not?

The Hon. B.A. CHATTERTON: I will take up the matter with my colleague, the Minister of Mines and Energy, and bring down a reply.

BARLEY MARKETING

The Hon. H.P.K. DUNN: Has the Minister of Agriculture a reply to my question dated 15 December 1982 about barley marketing?

The Hon. B.A. CHATTERTON: The Barley Marketing Act, 1947-1980 requires that 'a person shall not sell or deliver barley to any person other than the board'. The right of sole acquisition granted to the Australian Barley Board by this provision is subject to five exceptions—two of which allow for barley to be sold with the approval of the board. However, the board will only give such approval if the barley concerned is unmarketable or to be sold for seed purposes.

The board considers it must handle all barley of marketable quality produced in the State to maintain stability in the market to protect growers' returns. Nevertheless, it realises that some flexibility is required, provided it does not upset the market or grower returns, and has provided for a system known as 'grower-to-buyer' sales. Under this system the

grower can sell direct to a buyer at the price and on the conditions set by the board. Although the barley is not delivered into a silo the grower is deemed to have delivered the barley to the board and the board has sold barley to the buyer. The grower in this case receives:

(1) the first advance for the particular grade less:
  (i) freight to nearest terminal port from the nearest silo to his farm;
  (ii) a bulk handling charge of $6.40 per tonne;
  (iii) the barley research levy of 20c per tonne;
(2) the subsequent pool payments.

The buyer pays the board's ruling price for the grade concerned on a terminal port basis less the freight to terminal port from the nearest silo to the grower's farm.

The board believes the price charged to the buyer should be its then current price for the particular grade of barley—it does not consider the best interests of the industry would be served by allowing growers and buyers to set their own price under these arrangements as this would undermine the prices set by the board.

In the case cited by the honourable members the price charged to the buyers was $142.20, being $156.00 terminal port price less $13.80 freight from Buckleboo silo to Port Lincoln, the nearest terminal. They were charged the same price as any other buyer who took delivery from that silo.

As stated earlier, the grower is deemed to have delivered his barley to the board, and the growers in question will be paid as follows:

	Per tonne $	Per tonne $
First Advance No. 3 grade ..		112.00
Less freight	13.55	
Bulk handling charge	6.40	
Barley research levy	0.20	20.15
Net First Advance		91.85
Plus estimated subsequent payments		21.00
Estimated net total return .		$112.85

In the case of growers, freight is deducted to cover the cost of transporting the barley to the terminal silos. Admittedly, in this instance the barley was not delivered into the silo system; nevertheless, the freight was allowed to the buyer to adjust the selling price from a terminal basis to a Buckleboo basis.

At this juncture there is an obvious point of contention over the charging of freight on a transaction involving adjoining property holders. I think that point might be conceded were it not for the general principle of the barley pooling system, whereby growers of the same barley grade receive the same price. This in turn implies, as far as is possible and practicable, that they meet an equal share of the costs.

There is a further point concerning 'administration' charges of $6.50 per tonne when, for all practical purposes, no service was given. That figure relates to bulk handling fees and it should be clarified from the outset that, if the barley had been received at the silo, a deduction of $10.95 per tonne would have been made. In the case of grower-to-buyer sales, only $6.40 is charged to cover the capital and maintenance cost on the silos and such revenue is paid to S.A. Co-operative Bulk Handling.

In this instance the Australian Barley Board argues that, while silo operating costs have not been deducted, it is appropriate to charge capital and maintenance costs, because silos have been constructed to receive growers' barley for storage until it can be moved to market. Those silos are available for this purpose each season and, regardless of whether growers utilise them, the capital and maintenance costs have been incurred. Accordingly, the board considers it is inappropriate for a grower to deliver direct to a buyer and not bear part of the costs of the bulk handling facilities which are there for his use each year. In my interim reply of 15 December, I touched on the barley research levy, which, as the honourable member knows, is imposed by Federal legislation and is payable regardless of whether the barley is delivered to the board or sold privately.

To summarise, the Australian Barley Board is very conscious of the need to treat all growers fairly. If a grower sold privately and avoided all board charges, there would be a greater burden for those who support the system. While accommodating some flexibility in the system, the board believes it to be both fair and equitable that growers who utilise the grower-to-buyer system bear some of the costs; and that is the basis on which various charges were made to the persons in question.

JULIA FARR CENTRE

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health a question about the Julia Farr Centre.

Leave granted.

The Hon. L.H. DAVIS: In his Ministerial statement yesterday on the Julia Farr Centre, the Minister of Health stated that he had been concerned about the lack of consultation between the board of management and the patients regarding the relocation of a large number of the centre's residents. The Minister stated that on Monday 7 March he spoke to the Chairman of the board, Mr Ringwood, expressing his concern, and that Mr Ringwood gave the Minister an undertaking that the Julia Farr Centre management would not proceed with further moves without proper consultation between the Minister and the board. The Hon. Dr Cornwall claimed:

> ... statements have been made and positions taken which indicate a refusal to acknowledge the advice from me and from Health Commission officers.

However, Mr Ringwood, who is the Chairman of the board and a respected person in the business community, claimed in the *Advertiser* of this morning:

> There is no question of the board or the administration of the centre going back on any undertaking given to the Minister by me on 7 March as seems to be implied in the Minister's statement.

In view of Mr Ringwood's strong denial of the Minister's claim, does the Minister agree with Mr Ringwood's claim that the undertaking has been observed? Secondly, in view of Dr Cornwall's emphasis on the need for proper consultation, did the Minister discuss his claims with the Chairman of the board, Mr Ringwood, before making his statement of 15 March? Will the Minister advise the Council when he last talked to Mr Ringwood about this matter? Will the Minister advise whether any relocation of patients has taken place since 7 March and, if so, how many have been relocated?

The Hon. J.R. CORNWALL: Now that the Hon. Mr Davis has blundered into the minefield, I believe that I should be given the opportunity to blow him up. It is entirely regrettable that, at one minute before the expiry of Question Time, a back-bencher seeks to politicise the matter of the Julia Farr Centre. It is disgraceful to do it in this way.

The Hon. K.T. Griffin: You are subject to Parliamentary scrutiny, as is any other Minister.

The Hon. J.R. CORNWALL: If members opposite want it, they can cop it between the ears.

The PRESIDENT: Order! If the Minister wishes to answer the question, perhaps Question Time could be extended. Does the Attorney-General care to extend Question Time?

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

That Standing Orders be so far suspended as to enable the Minister of Health to reply to the question asked by the Hon. Mr Davis.

Motion carried.

The Hon. J.R. CORNWALL: As I recall, the honourable member asked whether I agree with Mr Ringwood's statement. Regrettably, I cannot agree with that statement, although I suspect that Mr Ringwood may have made that statement more in ignorance than with any degree of malice. I was forced to intervene in the events that occurred at the Julia Farr Centre on Monday 7 March, because there was very clear evidence that many long-term residents and patients were feeling quite destabilised with what was happening. Certainly, numerous complaints were directed to my office by patients, relatives, and staff, and by 'staff' I mean everyone from domestics to nursing staff to part-time hairdressers—a full range of people who have been at the centre for quite a long time. Regrettably, I was forced to intervene.

Honourable members would be aware that very grave doubts had been cast on the efficiency and proficiency of the Julia Farr Centre for quite a long time. In fact, the previous Minister was deeply concerned, so much so that she set up a cost allocation study, some results of which I was able to relate to the Council last year when I was still in Opposition. I could not, in good conscience, allow that situation to persist. I spoke to Mr Ringwood and I received certain undertakings from him. It may be that Mr Ringwood and some members believe in good faith that those undertakings have been met. In fact, the undertakings have not been met. The Director of Nursing and certain senior supervisors at the Julia Farr Centre have blatantly and quite deliberately broken the spirit and intent of those directions.

The Hon. L.H. Davis: Has there been a relocation?

The Hon. J.R. CORNWALL: To the best of my knowledge, there has been no relocation, but let me tell the honourable member the sorts of things that have been happening. The senior staff at the centre instructed the other staff not to unpack the cases that had been packed on Monday 7 March for transfer on 8 March, because the undertakings did not mean too much—they were only a temporary hiccough, and the staff should not take too much notice of what was coming from the Health Commissioner or the Minister of Health, because the relocations would proceed regardless.

I was told that in the past week the spirit at the centre has been dramatically bad. I have heard from innumerable sources (which I have absolutely no reason to doubt) that all sorts of threats have been flying around. Quite frankly, the situation is completely unsatisfactory. Therefore, I was forced to intervene yesterday. There has certainly been no proper consultation as promised. In fact, an undertaking was given that that would occur. People who have attempted to attend some of the forums have been quite deliberately victimised and threatened.

One of the people who complained yesterday described the situation as a regime or a reign of terror. That may be taking the matter a little too far, but there is no doubt at all that the situation at the Julia Farr Centre could not be allowed to persist in the interests of the patients. I make that absolutely clear. What I have done, what I have been forced to do, was in the interests of the patients, and it would have been a complete dereliction of my duty as Minister of Health not to have taken that course.

I assure the honourable member that I intend to persist in this way and to ensure that the centre is put back on the track, as it should be. The centre has a long and previously proud history, and it is important that it be put back on the track and that the rights and interests of the patients and the residents be protected.

The Hon. L.H. Davis: What about the question of consultation with Mr Ringwood? When did you last speak to him?

The Hon. J.R. CORNWALL: I last spoke to him personally on Monday 7 March. I had one of my officers—

The Hon. L.H. Davis: That is incredible.

The Hon. J.R. CORNWALL: It is not incredible at all. I was given undertakings and those undertakings were not met. When I decided to move yesterday, I moved quickly. I make no apologies for it.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I was thinking of the well-being of the patients. You are trying to play petty politics in the most disgusting way possible. That is what you are doing.

The PRESIDENT: Order! An answer is being given by the Minister in the time extended for him to give the answer. Mr Minister, have you finished your answer?

The Hon. J.R. CORNWALL: Yes, I have finished.

BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 December. Page 147.)

The Hon. C.J. SUMNER (Minister of Consumer and Corporate Affairs): The Government in principle supports both the amendment to the Builders Licensing Act and the consequential amendment to the Consumer Transactions Act introduced last December as two private members Bills by the Hon. J.C. Burdett. This matter has had a protracted history, commencing with an amendment to the Act in 1974 establishing a 'Building Indemnity Fund', which was never proclaimed.

This amendment was introduced by the Hon. Murray Hill and made the Builders Licensing Board entirely responsible for the administration by way of the levying of a fixed amount on all builders. No promise was made for the scheme to be underwritten and the board could therefore only satisfy claims to the extent that the fund was sufficiently buoyant to allow it. This was not regarded as a desirable method of providing indemnity for consumers and was not proceeded with.

The Government recognises the need to protect home buyers in cases where the builder has died, disappeared or become insolvent and it is confident that the basic framework of the present Builders Licensing Act amendment can achieve this end. However, the creation of the scheme through legislation is only the first stage, as honourable members will appreciate. Indeed, a number of additional preparations will need to occur. In particular, the administration of the fund will need to be settled by regulation if this amendment is not to share the same fate as the never proclaimed 1974 scheme. At this stage, the Government will be looking very carefully at the administration of the proposal in order to establish it and to have it operating as soon as practical.

The Government also recognises the need to monitor the scheme to ensure that it is working both efficiently and in the interests of consumers. To this end, the regulations will prescribe the format of the policy required to be taken out under the Act and ensure that it is written in a form sufficient to safeguard consumers interests. The proposed

premium will also be a matter which the Government would wish to consider carefully. As matters stand, it is envisaged that they should be between $100 and $150 for each dwelling. Additionally, in order to keep the cost of premiums as low as possible, a minimum threshold for claims will need to be determined. A figure of $5 000 has been suggested, and we will be considering this. If necessary the Government can enforce these requirements by regulation or in the prescribed form of the contract once they have been agreed upon.

The possibility of there being only one administrator for the scheme is of concern to the Government. This is one aspect that we propose looking at very closely and we will consider pursuading other insurers to take part in the scheme as it would be highly desirable for at least a second insurer to become involved. However, in making this point the Government is aware that there may be a reluctance on the part of many insurers to take part.

The scheme proposes that the indemnity scheme will be policed by requiring councils to sight the policy of insurance taken out in respect of a particular dwelling at the time approval is being sought for it under the Building Act. This will require some amendment to the regulations under that Act to ensure that this operates efficiently. To ensure this and to ensure also that burdens are not imposed unduly on councils, officers of the Department of Public and Consumer Affairs are currently engaged in discussions with local government.

Accordingly, the Government's view is that the Bill should be supported because it provides the framework for a scheme which will protect home buyers by effectively guaranteeing them a right of redress either against the builder or against the insurer if the builder dies, disappears or becomes insolvent. Because there is clearly some urgency in this matter, the Government will support the honourable member's Bills. However, I should make it clear that we propose to examine the administration of the scheme in detail and will ensure above all that the consumer is protected to the fullest by the proposal.

It is necessary, I believe, to approve the Bill in principle at this stage because, until that approval in principle is forthcoming from Parliament, there cannot be any further work carried out on setting up the details of the scheme. I believe that the approval in principle will then enable there to be a commitment to work on the detailed establishment of the scheme by the Government and by the industry associations concerned—the M.B.A. and the Housing Industry Association. So, it is important that the Bill be approved in principle at this stage so that those parties concerned know that the scheme has the support of the South Australian Parliament.

However, I emphasise that, as a result of further discussions, there may be some need to amend the legislation at some time in the future. While the discussions are proceeding as to the precise arrangements for the Bill, there may be issues that come to the attention of the Government that should be drawn to the attention of the Parliament for amendment. One of those matters involves the fact that the Bill is silent on the question of which authority is to adjudicate upon disputes that may arise under the scheme.

An earlier draft of the Bill provided for this role to be conferred on the Commercial Tribunal. However, this is now being further considered in the context of the future of the Builders Licensing Board and the Builders Appellate and Disciplinary Tribunal and I can foreshadow that a further amendment will be introduced by the Government when this has been resolved.

I support the second reading of the Bill. I believe that the Government can make time available to ensure the passage of it through the Council and through the House of Assembly and I will, at the appropriate time, ask the Government to take the necessary steps to have time made available for the Bill in the Council and the House of Assembly.

The Hon. J.C. BURDETT: I thank the Attorney-General for his support of this Bill. At the appropriate stage I propose to move that it be made an Order of the Day: Government Business, on what I understand is an undertaking by the Minister to see that the matter is promptly dealt with.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

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

That this Order of the Day, Private Business, be now made an Order of the Day, Government Business.

As I suggested in my second reading reply, the reason for doing this is that it may be necessary to have the advantage of Government time in the House of Assembly to see that this Bill can be proceeded with and passed during the session. The Attorney-General, in his second reading speech, pointed out the urgency for the Bill, particularly with regard to the builders' indemnity fund. He pointed out that the industry is anxious to have this Bill and to have the provisions of the fund as soon as possible. What is perhaps more important is that the consumers have the benefit of the protection as soon as possible. I gladly accept the indication which the Attorney-General has given that he is prepared to deal with the matter promptly. For that matter, I have moved this motion to enable the reason to be dealt with in the other place.

The Hon. C.J. SUMNER (Minister of Consumer and Corporate Affairs): I second the motion, and indicate that if this becomes Government business as suggested by the honourable member it can proceed in the House of Assembly, and my understanding is that there should be no difficulties in making Government time available in the Assembly when other matters being dealt with at the moment, such as the Address in Reply, are dealt with. I am happy to support the motion that the honourable member has moved, and appreciate the fact that he has done it.

The PRESIDENT: If the Hon. Mr Burdett's motion is agreed to, the Minister will then take charge of the Bill.

Motion carried.

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 December. Page 148.)

The Hon. C.J. SUMNER (Minister of Consumer and Corporate Affairs): This Bill is consequential upon the Bill which we have just considered, and I have therefore already directed my remarks to it. I ask the Council to adopt the same procedure in relation to it as it has on the previous matter.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

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

That this Order of the Day, Private Business, be now made an Order of the Day, Government Business.

I do this for the same reasons as indicated in connection with the previous Bill.

Motion carried.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 December. Page 149.)

The Hon. C.J. SUMNER (Attorney-General): This Bill was introduced by the Hon. Mr Griffin as Attorney-General last year. At that time I responded during the second reading debate and made a number of points about the Bill and its drafting, and my recollection is that it did not proceed beyond that.

The Hon. K.T. Griffin: It went down to the Assembly.

The Hon. C.J. SUMNER: The Hon. Mr Griffin has indicated that the matter passed this House and went to the Assembly, but did not proceed further because of the prorogation of Parliament. At that time the Bill had the support of the then Opposition. I spoke in general terms in support of the Bill, although I had some queries that I wished to raise in relation to it. The position is that the Government is now prepared to support this private member's Bill, and I believe that at the appropriate time a similar procedure can be adopted as was adopted with the Bill of the Hon. Mr Burdett. I feel that Government time can be made available in the House of Assembly to ensure its passage. However, at this stage I ask the honourable member in charge of the Bill to consider the comments that I have to make in relation to it. They do not affect the principle of the Bill, but deal with certain drafting matters which have been drawn to my attention. He can consider those matters and further debate them in Committee.

Clause 2 (3) provides that the jury may bring in a verdict of attempted manslaughter against a person involved in an unsuccessful suicide pact. Subclause (4) provides that the penalty for the offence of attempted manslaughter shall be imprisonment for a term not exceeding 12 years. There is controversy as to whether there is an offence of attempted manslaughter. In a 1975 South Australian case *R. v. Scott* the trial judge ruled that evidence of provocation is admissible on a charge of attempted murder, and that, if the jury finds provocation but is otherwise satisfied of the defendant's guilt, the proper verdict is attempted manslaughter.

The trial judge based himself upon section 32 of the Acts Interpretation Act, which provides that, where an offence is created, unless the contrary intention appears, an attempt to commit such offence shall also be an offence. Reading this with section 13 of the Criminal Law Consolidation Act, which imposes punishment for manslaughter, the trial judge considered there was an offence of attempted manslaughter.

There must be some doubt that section 13 of the Criminal Law Consolidation Act is a provision constituting an offence within the meaning of section 32 of the Acts Interpretation Act. There are conceptual difficulties with an offence of attempted manslaughter. Manslaughter is either a reduced form of murder, in which case any attempt involved would have been attempted murder, or else homicide by criminal negligence or by an unlawful and dangerous act, neither of which categories accommodates the purpose element in attempt. Nevertheless, the Mitchell Committee in its fourth report, 'The Substantive Criminal Law', said it could see no reason in principle why there should not be an offence of attempted manslaughter to accommodate such unusual situations as the one that arose in *R v. Scott* above.

In view of the doubt as to whether there is an offence of attempted manslaughter, the Parliamentary Counsel has removed the reference to attempted manslaughter in subclause (3) and inserted a new section 170ab creating the substantive offence of attempted manslaughter. Subclause (4) is consequentially deleted.

There are those who would argue, and Mr Justice Wells is one, to call the offence attempted manslaughter is to show your ignorance of the concept of murder and manslaughter. I take the point but do not think it matters what you call the offence and attempted manslaughter is as good as anything.

The Parliamentary Counsel has also drafted another new provision, a new section 285a. This allows a person to be convicted on a plea of guilty of an offence other than that with which he was charged, that is, a survivor of a suicide pact charged with murder can plead guilty to manslaughter. While it is common for a person to plead guilty to a lesser offence than the one with which he is charged, there have long been doubts as to whether it is really possible. This new section makes clear that it is.

These amendments have not yet been discussed with the Hon. Mr Griffin, and I raise them now for his consideration prior to the Committee stage. There were certain other issues that I raised during the debate of the Bill last year. In fact, I raised the question why the proposed new section 13a(3) did provide that the survivor of a suicide pact could be found guilty of murder, whereas the Victorian legislation provided for a verdict not of murder but only of manslaughter. The Bill introduced by the former Attorney does pick up that issue. That suggestion has been picked up by the Hon. Mr Griffin in his Bill. The other queries that I raised have been adequately catered for but, should that not be the case, I will take them up in Committee.

The Hon. K.T. GRIFFIN: I appreciate that the Attorney-General is going to support the Bill. I would have been surprised if he had not because, when the matter was last before Parliament, he made some observations on the Bill which I had introduced and it did pass with one amendment that the Hon. Mr Sumner had proposed. That amendment, as the Attorney has just said, has been incorporated in the Bill that I have introduced. Also, I appreciate that the Attorney has offered to take over the responsibility of the Bill at the appropriate time to ensure that it does pass through the Parliament and is not met with any hurdles, as was the case in the last Parliament.

The Hon. C.J. Sumner: What was that?

The Hon. K.T. GRIFFIN: Prorogation. I am not criticising anyone. I would like to see this Bill pass into law, because it really originated in the 1970 Law Reform Committee Report. About 13 years have passed since that recommendation was made by that committee, and it is about time that the recommendations were put into effect. I am pleased that the Attorney-General will support the Bill in this way. I will give attention to the amendments that he is proposing when they become available. Certainly, I want to see the best possible result from this Council going to another place.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

TRANSPLANTATION AND ANATOMY BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to make provision for and in relation to the removal of human tissues for transplantation, for post-mortem examinations, and for the regulation of schools of anatomy; to repeal the Anatomy Act, 1884-1974, the Sale of Human Blood Act, 1962, and the Transplantation of Human Tissue Act, 1974; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

The variety of therapeutic measures available today offering alternatives to severe debility or handicap, or to premature death present the community with a variety of moral, legal and ethical issues. Some procedures have minimal ethical implications. Others raise profoundly difficult moral and legal issues. The insertion of artificial heart valves and pacemakers, hip replacements, using metal and plastic materials, are commonplace. They raise no greater moral questions than those raised in relation to other operative procedures.

Human tissue transplantation, on the other hand, necessarily touches human emotion. Moral, legal and ethical dilemmas are presented for the medical profession and for the community at large. Modern medical techniques enable the transplantation of many types of tissue, both regenerative and non-regenerative, from one human being (whether alive or dead) to another. Skin, blood, bone marrow, kidneys, corneas, hearts, bone, parts of the ear, glands, livers, lungs, cartilage, intestine, and blood vessels, are all transplantable tissue.

Inherent in the transplant issue are questions about the determination of death itself, now that respiration and blood circulation can be maintained by artificial means. Other significant issues include the removal of tissue from living minors and others lacking legal capacity; the removal of tissues from normal living adults and the retention and use of tissues which are necessarily removed for examination during autopsy.

In 1976, the then Federal Attorney-General of Australia referred to the Australian Law Reform Commission the subject of the appropriate legislative means of providing laws in the Australian Capital Territory for the preservation and use of human bodies and for the removal, preservation and use of organs and tissues for the purposes of surgery, medical therapy, transplantation, education, and research.

The Hon. Mr Justice Kirby, when addressing a transplantation symposium in Adelaide in December 1981, said:

> The examination of the legal implications of human tissue transplantation by the Law Reform Commission was a timely project of great interest and sensitivity. It was a species of a wider genus of categories of the law that had remained unattended, whilst medical science and technology have advanced. It permitted the Australian Law Reform Commission to embark upon the task of designing laws which could be used as a model in the several jurisdictions of Australia. It encouraged us to develop a technique that may be specifically useful in addressing the profound ethical and legal questions which our society will have to face as medical techniques develop.
>
> Moreover, it allowed us the opportunity of consulting widely, including with the community, upon difficult subjects, in which the man and woman in the street have a legitimate concern. Neglect of the need to carry the community with the scientific world in technical advances which raise anxieties and pose moral dilemmas, will ultimately result in community resistance to scientific developments and legislative impediments that may be cumbersome and obstructive.

The Law Reform Commission presented its findings in its Report No. 7, *Human Tissue Transplants*, in 1977. In summary, the commission found that:

> The laws of Australia are not adequate. All the Australian States have laws which regulate the removal of tissue for transplant from dead persons. None deals with live donations. None deals with 'brain death'. The common law offers no clear principles which can assist.

The commission's recommendations therefore aimed at creating an efficient mechanism for the donation and use of all tissues (except foetal tissue) removed from living persons and dead persons for transplantation. The recommendations also covered the performance of non-coronial autopsies, donations for anatomical purposes, schools of anatomy, prohibition of trading in tissue, offences in relation to removal of tissue and disclosure of information, and legal liability of medical personnel.

One matter of particular importance is the definition of death, which is dealt with by reference to cessation of brain function, as well as the traditional criterion of cessation of circulation of the blood. Legislation based on the Law Reform Commission's recommendations has been introduced in a number of other States, and has been under consideration in South Australia for some time. The Government believes that the introduction of legislation based on the Law Reform Commission's recommendations will assist in achieving basic uniformity of legislation in Australia relating to the fundamental issues underlying modern transplantation techniques. It provides the opportunity to consolidate and improve existing South Australian legislation and, at the same time, ensure respect for individual dignity.

This Bill closely follows the Australian Law Reform Commission's recommendations as to statutory guidelines for the medical profession and others faced with difficult decisions in a sensitive area. The Bill will repeal the existing Transplantation of Human Tissue Act, 1974, which does not provide procedures for removal from live donors. The Anatomy Act, 1884-1974, and the Sale of Human Blood Act, 1962, will also be repealed, and this Bill will set out the law of this State as it applies to the donation of tissue by living persons for transplantation or for other therapeutic, medical or scientific purposes, the removal of tissue for such purposes from the bodies of deceased persons, the circumstances under which bodies may be used for post-mortem examinations and by schools of anatomy, and the law relating to the buying and selling of human tissue.

The first object of the Bill is to clarify the law as to the removal and transplantation of human tissue. In line with the Law Reform Commission's recommendations foetal tissue, spermatozoa and ova are specifically excluded. So far as the donation or use of tissue is concerned, the provisions of the Bill fall into two broad categories:

1. Donations of Tissue by Living Persons

The first category is donations by living persons. For the purposes of such donations, the Bill distinguishes between donations of non-regenerative and regenerative tissue. Donations of non-regenerative tissue by children will be absolutely prohibited under the Bill. The model Bill included provisions to permit such donations under certain conditions. However, this was a matter which a minority of the Law Reform Commission itself did not support, and of the legislation introduced in Australia so far, only the A.C.T. provides for such donation to occur.

The Government, in coming to a decision on this matter, gave careful consideration to all the issues involved. It sought advice on the effects of such a preclusion, and I quote from a letter from a recognised expert in the field, Dr Tim Mathew, Director of the Renal Unit at the Queen Elizabeth Hospital, as follows:

> The original recommendations of the Law Reform Commission on human tissue transplantation were that such donation should be allowed to proceed with careful and rigorous safeguards being established to protect the donor. The strongest argument in favour of this would be the case of a 17 year old mature identical twin. Here, if the twin with kidney failure is in danger of dying despite dialysis and other medical treatment it was argued that it was unfair (and possibly deleterious to the mental health of the would-be donor) to preclude donation as the operation would not only be life saving but would offer virtually 100 per cent chance of success. The likelihood of this situation is remote (only two identical twin transplants of any age have been performed in the first 2 500 renal transplants in Australia) and with modern technology virtually no-one fails to thrive on one or another form of dialysis.
>
> The arguments against minors offering non-regenerative tissue centre on the difficulty of being certain that the minor fully understands his actions and in avoiding pressures which might be brought to bear on the minor to proceed with such a donation. As siblings are usually clustered together within a decade, it is pertinent to look at the incidence of renal disease in children where this question of minors offering non-regenerative tissue would accordingly most often arise. The incidence (Australian and world wide) of renal failure is accepted to be approximately

3 000 000 a year. This contrasts with the adult presentation rate of 35 000 000 to 40 000 000 a year. As living donors are possible in about one case in three, it is likely that approximately one child a year in Adelaide might be slightly disadvantaged by this preclusion.

In the absence of his/her siblings being able to offer a kidney, transplantation would occur from parents or from a cadaver source. These are perfectly satisfactory alternatives to sibling donation. The net effect is, in my view, that little disadvantage will come to South Australian patients with this preclusion.

The Government, in the light of that advice, has therefore taken the decision to prohibit donations of non-regenerative tissue by children. Donations of regenerative tissue by children will be permitted provided that a parent consents after medical advice has been given to the parent and child as to the nature and effect of the matter, and the child is capable of understanding the nature and effect, and has agreed to the removal.

As an added protection for children, such donations of regenerative tissue by children will also be required to be subject to the scrutiny and approval of a Ministerial committee. An adult, of course, may consent to the removal of either non-regenerative or regenerative material in the light of medical advice as to the nature and effect of the matter.

Where non-regenerative tissue is involved, the consent of the donor will be of no effect for 24 hours, thus giving him an opportunity to think over the decision and to change his mind if he does not wish to proceed with the donation.

The Bill contains a number of specific provisions relating to donations of blood. In brief, it provides that an adult may consent to the removal of blood from his body for the purpose of a blood transfusion or for other therapeutic, medical or scientific purposes.

A parent of a child may also consent to the removal of blood from the child for one of the abovementioned purposes, provided that a medical practitioner advises that such removal is not likely to be prejudicial to the health of the child and the child agrees to the removal. Nothing in this Bill will prevent an emergency blood transfusion to a child in accordance with the Emergency Medical Treatment of Children Act.

The Bill also prohibits the sale of blood and other tissue unless a permit authorising the purchase of tissue has been granted by the Minister because of special circumstances. Advertising in relation to the selling or buying of tissue will be prohibited unless the proposed advertisement has been approved by the Minister and contains a statement to that effect.

2. Donation of tissue after death

In the case of such donations, there is the difficult problem of balancing the desires of the deceased, the interests of the next of kin and the needs of the medical profession and of the community. The Bill provides that if the body of a deceased person is in a hospital and that person had during his lifetime expressed a wish for, or consented to, the removal of tissue from his body after death, such wish or consent will constitute a sufficient basis for a designated officer of that hospital to authorise the removal of tissue from the body of that person for transplantation or for other therapeutic, medical or scientific purposes.

A 'designated officer' for a hospital is defined as a medical practitioner appointed as such by the Minister, on the recommendation of the Director-General of Medical Services or his delegate. In other cases, the senior available next of kin will be able to give the consent to the removal of tissue from the body.

The Bill provides that, where the designated officer is unable to ascertain the whereabouts of the next of kin, and has no reason to believe that the deceased had expressed an objection to the removal of tissue, he may authorise the removal of tissue for the abovementioned purposes. If the body of the deceased is elsewhere than in a hospital the removal of tissue may be authorised by the senior available next of kin, provided that the deceased has not objected to such removal during his lifetime, or another next of kin of the same or higher order does not object to the removal of tissue from the body.

Honourable members may be aware that the National Health and Medical Research Council has recently developed a code of practice for transplantation of cadaveric organs. The code was developed for use by relevant professional groups, particularly medical, nursing and administrative staff in hospitals where removal of organs from bodies for the purpose of transplantation takes place. The purpose of the code is to clarify procedures relating to transplantation (for example, legal and administrative measures). It is my intention to request the South Australian Health Commission to ensure that hospitals involved in transplantation have regard to the National Health and Medical Research Council guidelines.

The Hon. R.C. DeGaris: Will you have to legislate for that?

The Hon. J.R. CORNWALL: That is not my intention at this time. We can talk about that in Committee.

3. Definition of Death

One of the inherent problems with the donation of tissue after death is the determination of death itself, now that respiration and blood circulation can be maintained by artificial means. This Bill therefore enables removal of tissue in that situation after two medical practitioners of five years standing have, upon clinical examination by each, declared that irreversible cessation of all brain functioning has occurred.

It follows that, just as there is a need to determine that death has taken place, it becomes necessary to specify in the legislation the criteria for establishing death. The Law Reform Commission identified the following criteria:

(a) irreversible cessation of all function of the brain of the person;

or

(b) irreversible cessation of circulation of blood in the body of the person.

Notwithstanding that some other States have included this definition in their transplant legislation, it seems that, since the definition of death has wider application than just in relation to matters of transplantation, it should be enshrined in separate legislation. Accordingly, a short 'Death (Definition) Bill' is proposed, to proceed concurrently with this Bill.

4. Post-mortem examinations and donation of bodies for anatomical purposes.

The second object of the Bill is to codify and to update the law regarding the conduct of post-mortem examinations and the donation of bodies for anatomical purposes. Autopsies, of course, are very important in establishing the actual cause of death, for medical training and for the advancement of medical knowledge, and it is neither the wish nor the intention of the Government to unnecessarily impede the carrying out of autopsies in this State. This Bill will clarify rather than impede.

Under the Bill, a post-mortem examination may be authorised by the designated officer of a hospital if the deceased had expressed the wish for, or consented to, a post-mortem in writing during his lifetime. In other instances, the senior available next of kin may consent to an autopsy, but an autopsy may not be authorised if the deceased had objected during his lifetime.

The Bill adopts a similar approach in respect to the donation of bodies to schools of anatomy. The Government believes the proposed Bill will assist in achieving basic uniformity of legislation in Australia relating to the funda-

mental issues underlying modern transplantation techniques. It provides an opportunity to improve existing South Australian legislation and ensure respect for individual dignity in a sensitive area. I commend the Bill to the Council, and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Under the clause, different provisions of the measure may be brought into operation on different dates. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Anatomy Act, 1884-1974, the Sale of Human Blood Act, 1962, and the Transplantation of Human Tissue Act, 1974.

Clause 5 sets out definitions of terms used in the measure. Clause 6 provides for the appointment of a medical practitioner to be a designated officer of a hospital for the purposes of the measure. Part II (comprising clauses 7 to 20 inclusive) provides for the donation of tissue by living persons. Clause 7 provides that in this part a reference to tissue does not include a reference to foetal tissue, spermatozoa or ova. Clause 8 provides that nothing in clauses 9 or 10 prevents the removal of blood in accordance with clauses 18 to 20 of the measure.

Clause 9 provides for an adult to give his consent to the removal of regenerative tissue from his body for transplantation to the body of another living person or for use for other therapeutic, medical or scientific purposes. Regenerative tissue is defined by clause 5 to mean tissue that, after injury or removal, is replaced in the body by natural processes. The consent provided for under the clause must be in writing, must be signed otherwise than in the presence of a member of the person's family, and may only be given by a person who, in the light of medical advice furnished to him, understands the nature and effect of the removal of the tissue. Under subclause (2), a person may revoke his consent, either orally or in writing.

Clause 10 provides for an adult to consent to the removal of non-regenerative tissue from his body for transplantation to the body of another living person. The consent under this clause must be in writing, must be signed otherwise than in the presence of a member of the person's family, and may only be given by a person who, in the light of medical advice furnished to him, understands the nature and effect of the removal of the tissue and the transplantation. Under this clause, the removal of tissue, that is, non-regenerative tissue, must not take place until 24 hours have elapsed from the time when the consent was given. Under subclause (2), a consent under the clause may be revoked, either orally or in writing, by the person who gave the consent.

Clause 11 provides that nothing in clauses 12, 13 or 14, dealing with donations of tissue from children, affects the removal of blood in accordance with clauses 18 to 20. Clause 12 provides that it is not lawful to remove non-regenerative tissue from the body of a living child for transplantation, or to remove regenerative tissue except as provided by Part II.

Clause 13 provides for consent to be given for the removal of regenerative tissue from the body of a living child for transplantation to the body of another living person. Under the clause, consent may be given by a parent of the child, parent being defined by clause 5 to include a guardian of a child. The parent and the child must each, in the light of medical advice furnished to them, understand the nature and effect of the removal and the transplantation. The child must also agree to the removal and transplantation. The consent must be in writing and specify the person who is to receive the transplantation. In addition, under subclauses (3) to (5), a consent to a donation from a child must also receive the unanimous approval of a three-member committee to be appointed by the Minister. This committee is to be comprised of a legal practitioner of at least seven years standing, a medical practitioner and either a social worker or psychologist. At least one member of the committee is to be a woman and at least one is to be a man.

Clause 14 provides that a parent who has given a consent to the removal of tissue from his child may revoke the consent, or the child may revoke his agreement to the removal. This may be done either orally or in writing. Clauses 15, 16 and 17 ensure that the consents referred to in clauses 9, 10 and 13 have full legal effect. The clauses do, however, add the qualification that the medical advice as to the nature and effect of the removal must be furnished by a medical practitioner other than the medical practitioner who is to perform the operation for the removal of the tissue.

Clause 18 provides for an adult to consent to the removal of blood for transfusion or for other therapeutic, medical or scientific purposes. Clause 19 provides for a child's parent to consent to the removal of blood from the child for a use referred to in clause 18 if a medical practitioner advises that the removal should not be prejudicial to the child's health and the child agrees to the removal. Clause 20 provides that a consent under clause 18 or 19 is to have full legal effect. Part III (comprising clauses 21 to 24 inclusive) deals with donation of tissue after death.

Clause 21 provides for a person who is the designated officer for a hospital under clause 6 to authorise the removal of tissue from the body of a person who has died in the hospital or whose dead body is in the hospital. Under the clause, the tissue may be removed for transplantation to the body of a living person or for other therapeutic, medical or scientific purposes. The designated officer may authorise removal of tissue from a dead person's body if he has reason to believe after making reasonable inquiries that the person had expressed the wish that this happen on his death and had not subsequently expressed any contrary wish. The designated officer may also authorise removal if, after making reasonable inquiries, he has no reason to believe either that the deceased had expressed any objection to such removal or that the senior available next of kin of the deceased has an objection to such removal. Under the clause, where a person is unconscious before death, the person's senior available next of kin may indicate that he has no objection to the removal of tissue and that may then be relied upon unless the person recovers consciousness again before his death.

Clause 22 provides for authority for the removal of tissue for a purpose referred to in clause 21 where the body of the dead person is not in a hospital. In that case, under the clause, the removal may take place if the deceased had expressed the wish that it take place and had not subsequently expressed any contrary wish, or if the senior available next of kin has no reason to believe that the deceased objected to such removal and that next of kin authorises the removal. Clause 23 provides for the Coroner's consent to the removal of tissue from the body of a dead person where an inquest may be held into the death.

Clause 24 provides for the legal effect of authorities given under this part. Under the clause, a designated officer who gives an authority may not act upon the authority himself. Under subclause (2), where a person's blood circulation is being maintained by artificial means, tissue shall not be removed from the person's body unless two medical practitioners, each of whom has been qualified as such for not

less than five years, have declared that irreversible cessation of brain function has occurred. Under the clause, a medical practitioner who has made such a declaration in relation to a person is not entitled to act upon an authority given in relation to the person. Part IV (comprising clauses 25 to 28 inclusive) deals with post-mortem examinations.

Clause 25 provides that the designated officer for a hospital may authorise a post-mortem examination of the body of a person who has died in the hospital or whose dead body is in the hospital. The authority may be given in the same circumstances as those provided for by clause 21 in relation to the removal of tissue from the body of a person who died in a hospital or whose dead body is in a hospital. Clause 26 provides for authority for the post-mortem examination of the body of a dead person where the body is not in a hospital. The provisions of this clause are also in the same terms as the corresponding provision, clause 22, relating to the removal of tissue from a body that is not in a hospital.

Clause 27 provides for the Coroner's consent to a post-mortem examination of the body of a person where an inquest may be held into the person's death. Clause 28 provides for the legal effect of an authority for a post-mortem examination. Under the clause, where a post-mortem examination is carried out with authority under Part IV, tissue may be removed for the purposes of the examination or for therapeutic, medical or scientific purposes. Under the clause, where a post-mortem examination is carried out pursuant to a direction of a coroner under the Coroners Act, tissue removed for the purposes of the examination may, subject to any contrary directions of the Coroner, be used for therapeutic, medical or scientific purposes.

Part V (comprising clauses 29 to 32 inclusive) provides for authorities for the use of a body after death for the purpose of anatomical examination or the teaching of anatomy in a school of anatomy established under Part VI or under a corresponding law of the Commonwealth or another State or Territory. The clauses relating to such authorities correspond to those of Parts III and IV relating to authorities for the removal of tissue after death and post-mortem examinations, respectively. Part VI (comprising clauses 33 and 34) provides for schools of anatomy.

Clause 33 provides for the establishment, with the authority of the Minister, of schools of anatomy within institutions prescribed by regulation and provides for the carrying out of anatomical examinations and the teaching of anatomy at such schools or other places with the authority of the Minister.

Clause 34 provides for the making of regulations relating to schools of anatomy and the conduct of anatomical examinations and teaching of anatomy. Part VII (comprising clause 35) prohibits contracts entered into for valuable consideration for the sale or supply of human tissue or authorising the post-mortem or anatomical examination of a person's body. This prohibition does not apply in relation to tissue that has been subjected to processing or treatment where the tissue is sold or supplied for use in accordance with the directions of a medical practitioner for therapeutic, medical or scientific purposes. Under the clause, the Minister may approve the entering into of such contracts, in which case, the clause does not apply. Part VIII (comprising clauses 36 to 41 inclusive) deals with miscellaneous matters.

Clause 36 provides that a person is not liable in any proceedings, whether civil or criminal, for any act done in pursuance of a consent or authority given, or purporting to have been given, in pursuance of the measure where the act is done without negligence and in good faith. Clause 37 provides that the measure does not apply in relation to the removal of tissue from the body of a living person in the interests of the person's health with express or implied consent given by him or on his behalf, or in circumstances necessary for the preservation of his life; to the use of tissue so removed; to the embalming of the body of a deceased person; or to the preparation of the body of a deceased person for interment or cremation.

Clause 38 provides that it is to be an offence punishable by a fine not exceeding $2 000 to carry out any operation or procedure for which authority may be given under Parts II to VI unless such authority has been given. Clause 39 prohibits the disclosure of information whereby the identity of a person whose body has been subjected to an operation or procedure provided for by the measure may become publicly known. Subclause (2) provides appropriate exceptions to this prohibition.

Clause 40 provides for offences against the measure to be disposed of summarily. Clause 41 provides for the making of regulations. The clause makes provision for regulations providing for notices setting out information relating to the operation and effect of the measure and for the furnishing of such notices to persons prior to their giving any consent or agreement under the measure.

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

DEATH (DEFINITION) BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to provide a definition of death for the purposes of the law of South Australia. Read a first time.

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

That this Bill be now read a second time.

This short Bill defines death for the purposes of the law of the State. It is complementary to the Transplantation and Anatomy Bill, which I have introduced today. As I indicated in my second reading explanation of that Bill, the definition of 'death' arises out of the recommendations of the Australian Law Reform Commission in its Report No. 7, 'Human Tissue Transplants'. The Law Reform Commission defined death as occurring when there had been:

(a) irreversible cessation of all function of the brain of the person; or

(b) irreversible cessation of circulation of blood in the body of the person.

While this definition has obvious relevance in relation to transplantation, it also has wider general application. Accordingly, the Government proposes that it should be enshrined in separate legislation.

Clause 1 is formal. Clause 2 provides that for the purposes of the law of South Australia a person has died when there has occurred irreversible cessation of all function of the brain of the person or irreversible cessation of circulation of blood in the body of the person.

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

LAW COURTS (MAINTENANCE OF ORDER) ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Law Courts (Maintenance of Order) Act, 1928. Read a first time.

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

That this Bill be now read a second time.

It is principally concerned with the replacement of police orderlies engaged in courts of summary jurisdiction in the metropolitan area with civilian court orderlies and the con-

fering on them of appropriate authority to carry out their duties.

The implementation of a civilian orderly scheme will release police officers from the courts to perform duties for which they have been trained and thereby achieve greater police efficiency. The Police Commissioner, in a report to the Director-General of the Law Department, said that the release of police personnel from court orderly duties would increase their capability of maintaining law and order.

The first intake of civilian court orderlies was to the Adelaide Magistrates Court in August 1982. The second intake was in January of this year, when some of the first group were allocated suburban courts of summary jurisdiction and the new recruits began their service at the Adelaide Magistrates Court.

It is intended that the Sheriff will be the officer responsible for the recruitment and implementation of the scheme, upon the direction of the Attorney-General. The scheme will be similar to the civilian orderly service operating at the criminal sittings of the Supreme Court and district courts. To facilitate the implementation of the scheme, it will be necessary for the Sheriff to have appropriate authority and for civilian orderlies to be adequately trained and empowered for the proper performance of their duties.

The amendment to the Law Courts (Maintenance of Order) Act, 1928, is the appropriate vehicle to introduce the proposal and creates a standard approach between the existing civilian orderly service in the criminal courts and the proposed service. The standardisation of the two services will result in greater flexibility and efficiency of operation. Sixteen full-time equivalent police officers will be replaced in this scheme by 29 civilian orderlies (three of whom are women) who will be rostered on a call system and engaged on the casual rates under guidelines established by the Public Service Board. It is expected that there will be a cost saving which will result from the civilian orderlies being engaged on casual rates when compared with the full-time salaries of the police officers who will be released for police duties. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends the long title of the principal Act to provide for mention of the appointment of court orderlies under the Act. Clause 4 inserts a heading before section 1 of the principal Act.

Clause 5 provides for the new arrangement of the principal Act. The Act is now to be arranged into three Parts, 'Preliminary'; 'Power of Court to Refuse to Hear Persons in Certain Cases'; and, 'Court Orderlies'. Clause 6 inserts a new heading before section 2 of the principal Act, 'Power of Court to Refuse to Hear Persons in Certain Cases'. Clause 7 substitutes the word 'Part' for the word 'Act' in section 2 of the principal Act.

Clause 8 provides for an amendment to section 4 of the principal Act. This provision accords section 4 with the proposed new arrangement of the Act, and also revamps the section. Clause 9 substitutes the word 'Part' for the word 'Act' in section 5 of the principal Act. Clause 10 inserts a new Part III in the principal Act, 'Court Orderlies'. New section 6 provides for the definitions required in this Part. The Part is to apply to the Supreme Court, District Courts, the Children's Court and Magistrates Courts.

New section 7 provides that the Sheriff is to be responsible to the Attorney-General for the assignment of court orderlies to courts, as occasion requires, and the supervision of their work. Section 8 provides for the appointment of court orderlies, either under the Public Service Act, 1967-1981, or by the Sheriff on terms and conditions approved by the Attorney-General. New section 9 sets out the duties and powers of court orderlies appointed under the Act.

New section 10 provides that it is an offence to hinder or resist a court orderly in the performance of his duties. New section 11 provides for the personal immunity of court orderlies in the course of performing their duties; liability is to rest with the Crown. New section 12 confirms that court orderlies may hold other offices. New section 13 provides for regulation-making powers, including regulations for the supervision, training and discipline of court orderlies.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Evidence Act, 1929-1982. Read a first time.

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

That this Bill be now read a second time.

It is in similar terms to one introduced by me while in Opposition. It gives effect to the recommendations of the Select Committee of the Legislative Council on the Unsworn Statement and Related Matters, a report which I commend to the attention of honourable members. The committee recommended that the unsworn statement should be retained, but that reforms should be made with respect to it. The reforms suggested by the committee were that the unsworn statement should be made subject to the general rules of evidence applying to sworn evidence except those relating to cross examination, that section 34 (i) of the Evidence Act should cover assertions in unsworn statements, that the prosecution should have the right to rebut any new matters raised in an unsworn statement, and that section 18 VI *(b)* be amended to define more clearly the circumstances in which previous convictions or character of a defendant can be brought before the court. Because the report is readily accessible to honourable members, I need not repeat the arguments for the proposed reforms. The Bill also contains two changes to the Select Committee's Bill of a minor technical nature. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 18 by providing that the protection against evidence of character is lost only if the defendant places his own character in issue or if imputations are made against Crown witnesses which would not necessarily arise from a proper presentation of the defence. Subparagraph 18 VI *(a)* is redrafted to make it consistent with the paragraph as a whole.

Clause 3 inserts a new section 18a in the principal Act which affirms the right to make an unsworn statement but prohibits assertions in the unsworn statement which would be inadmissible if given as evidence on oath; affirms that evidence may be given in rebuttal and provides that evidence of character and previous convictions may be given if in the unsworn statement the defendant makes assertions establishing his own good character or makes imputations on the character of the prosecutor or witnesses for the prosecution which would subject him to cross examination on character if such evidence had been given on oath; it makes clear that a person is not entitled to make both an unsworn statement and give sworn evidence. The clause

retains other rules of common law relating to unsworn statements.

Clause 4 amends section 34i to ensure that assertions made in the unsworn statement are governed by the provisions of section 34i relating to prior sexual history. Clause 5 amends section 68 to ensure that the existing judge's discretion to prohibit publication of evidence contained in section 69 also includes any statement made before the court. This gives effect to recommendation 8 in the report. Although this recommendation referred to an amendment to section 69, the recommendation has in fact been given effect to by this amendment to section 68. This is in line with a proposal made in a report on victims of crime and will make it clear that a judge's discretion to prohibit publication extends to any material in an unsworn statement or any other statements made during the trial.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

STATUTES AMENDMENT (COMMERCIAL TRIBUNAL—CREDIT JURISDICTION) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Consumner Credit Act, 1972-1982, the Consumer Transactions Act, 1972-1982, the Credit Unions Act, 1976-1982, and the Fair Credit Reports Act, 1974-1975. Read a first time.

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

That this Bill be now read a second time.

The primary purpose of this Bill is to transfer the jurisdiction of the Credit Tribunal to the Commercial Tribunal. The Commercial Tribunal Act, which provided for the establishment of the Commercial Tribunal, was passed in April 1982 and assented to on 22 April 1982, but it has yet to be proclaimed. The Act did not, of itself, confer jurisdiction on the new tribunal. This is to be effected by amendments to the other Acts that established the various boards and tribunals which are to be replaced. The intention is that over a period of time each of the relevant Acts will be amended to abolish the separate boards and tribunals and transfer their jurisdiction to the Commercial Tribunal. Particular matters relating to the jurisdiction under each Act are to continue to be dealt with in that Act. For example, the criteria to be satisfied by applicants for licences and the grounds upon which disciplinary action may be taken against the licensee will remain in the relevant Act regulating that particular occupation.

The Credit Tribunal is established under the Consumer Credit Act. As well as exercising jurisdiction conferred on it under that Act, it exercises jurisdiction under the Consumer Transactions Act, the Credit Unions Act and the Fair Credit Reports Act. This Bill repeals the provisions of the Consumer Credit Act relating to the establishment, constitution, powers and procedures of the Credit Tribunal and replaces references to that tribunal with references to the Commercial Tribunal. In addition, the Bill effects a number of amendments to the Consumer Credit Act which are considered necessary in order to introduce a standard licensing system and procedure for all the occupational groups controlled by the Commercial Tribunal.

In relation to the disciplinary powers of the tribunal presently exercised under section 36 of the Consumer Credit Act, these powers are amended and replaced with provisions which will form a common framework for disciplinary action to be taken by the tribunal against persons licensed by it. Section 15 of the Consumer Transactions Act enables the tribunal to declare that rescission of a consumer contract by a consumer is not an appropriate remedy and subsection (6) provides that there be no appeal in respect of any such declaration. The denial of a right of appeal in these circumstances is considered inappropriate, and subsection (6) is therefore repealed. The balance of the amendments in the Bill provide for the transfer of jurisdiction of the Credit Tribunal under the Consumer Transactions Act, Credit Unions Act and the Fair Credit Reports Act to the Commercial Tribunal. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 sets out the arrangement of the Bill. Part I is preliminary, Part II deals with amendments to the Consumer Credit Act, 1972-1982, Part III amends the Consumer Transactions Act, 1972-1982, Part IV amends the Credit Unions Act, 1976-1982, and Part V amends the Fair Credit Reports Act, 1974-1975.

Clause 4 is preliminary to the amendments to the Consumer Credit Act, 1972-1982. Clause 5 provides a consequential amendment to that section of the principal Act which deals with its arrangement; reference to the Credit Tribunal is to be deleted. Clause 6 amends the interpretation provision, so that the registrar under the Act is to be the commercial registrar under the Commercial Tribunal Act, 1982, and the tribunal is to be the Commercial Tribunal. Clause 7 deals with the repeal of sections 13 to 27 (inclusive) of the principal Act. These provisions provide for the constitution and powers of the Credit Tribunal, which is to become defunct.

Clause 8 provides for the repeal of sections 29 to 31 (inclusive) of the principal Act, and the substitution of new sections. As part of the exercise of transferring jurisdiction in credit matters to the Credit Tribunal, new provisions dealing with licences have been prepared. Express provision is now made for the lodging of objections to licence applications, and the commissioner is given a more significant role in the proceedings. Where an objection is lodged, the Commercial Tribunal must hold a hearing of the application and give interested parties appropriate notice. The new section 29 also encompasses the present section 30, which deals with entitlement to be granted a licence. The grounds upon which a licence may be granted are transposed into the proposed new provision. The proposed new section 30 provides a continuous licensing system. A licence is to remain in force until surrendered, or until the holder dies or, in the case of a body corporate, is dissolved. Annual fees are payable and the Registrar is to notify licence holders in cases of default. If the annual fee is not paid within the specified periods, the licence is cancelled.

Clause 9 provides for a proposed new section 32a, which empowers the tribunal or the registrar to demand the return of a suspended or cancelled licence. Clause 10 repeals sections 34 to 36 (inclusive) of the principal Act and inserts four sections in substitution. The proposed new section 34 extends the operation of this division to revolving charge accounts. The proposed new section 35 recasts the provision dealing with the commissioner's powers of investigation. The new section provides that not only may an investigation be conducted into any matter relevant to proceedings before the tribunal (the present position), but the commissioner may also investigate any matter that might institute cause for disciplinary action. The investigation is to be initiated at the request of the registrar, and the Commissioner of Police may also act. The proposed new section 36 revamps the provisions dealing with disciplinary action. The new provision will apply not only to the holders of licences, but

also to persons who have been licensed under the Act. Disciplinary action is to be commenced upon complaint, and where the tribunal considers that an inquiry is warranted the licence holder is to be given reasonable notice. These provisions are more detailed than the present provisions. Furthermore, the tribunal will have greater flexibility when it considers that disciplinary action is necessary. A person cannot be fined by the tribunal if he has already been convicted of an offence on the basis of the same subject matter. The proposed new section 36a introduces the concept of a register in which disciplinary action is recorded, as provided in the Commercial Tribunal Act, 1982. Notice of the action is also to be sent to the commissioner.

Clause 11 provides for the repeal of section 58 of the principal Act, which deals with proof of licensing; it is now to be rendered superfluous. Clause 12 makes consequential amendments to the regulation-making provisions. The procedure of the tribunal, the exercise of its jurisdiction, and the enforcement of judgments and orders, are all to be dealt with under the Commercial Tribunal Act, 1982. Clause 13 is preliminary to the amendments to the Consumer Transactions Act, 1972-1982. Clause 14 alters the definition of 'Tribunal' in the principal Act from the Credit Tribunal to the Commercial Tribunal.

Clause 15 strikes out subsection (6) of section 15 of the principal Act. This subsection prevents a right of appeal against a decision of the tribunal in relation to a rescission under this section. Clause 16 amends section 50 of the principal Act by again striking out the regulation-making power under this Act to prescribe the procedure of the Commercial Tribunal; all procedures will be prescribed under the Commercial Tribunal Act. Clause 17 is preliminary to the amendments to the Credit Unions Act, 1976-1982. Clause 18 redefines the tribunal under this Act as being the Commercial Tribunal.

Clause 19 makes an amendment to section 21 of the principal Act. The regulations are now to regulate expressly the matter of appeals, the amendment bringing the Act into line with practice. References to the Credit Tribunal are also deleted. Clause 20 strikes out any reference to the Credit Tribunal in section 101 of the principal Act. Appeals under this section are now to be to the Commercial Tribunal. Clause 21 makes a consequential amendment to the regulation-making provisions by deleting reference to the Credit Tribunal. Clause 22 is preliminary to the amendments to the Fair Credit Reports Act, 1974-1975. Clause 23 provides a more accurate definition of the Commissioner for Consumer Affairs and alters the definition of 'Tribunal' to the Commercial Tribunal.

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

COMMERCIAL TRIBUNAL ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Commercial Tribunal Act, 1982. Read a first time.

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

That this Bill be now read a second time.

This Bill effects a number of amendments to the principal Act that have become necessary as a result of further consideration of proposals to transfer the jurisdiction of boards and tribunals under various Acts to the Commercial Tribunal. The Bill inserts appropriate transitional provisions in relation to proceedings that are part-heard before a board or tribunal when the jurisdiction of that board or tribunal is transferred to the new Commercial Tribunal. It provides that the chairman may determine the constitution of the tribunal for the purpose of those proceedings. This will, in effect, enable the members of the board or tribunal who were engaged in the hearing of the proceedings to be deemed to be members of the Commercial Tribunal for the purpose of completing that hearing.

The Bill also makes amendments to the provisions of the principal Act relating to the constitution of the tribunal. A variety of powers, discretions and functions of the tribunal will now be able to be exercised by the Commercial Registrar subject to the approval of the tribunal or the chairman. The regulations will set out the matters in respect of which such approval may be given. The amendments also enable the tribunal to dismiss or annul any proceeding before it which it considers to be frivolous, vexatious or instituted for an improper purpose. This situation may arise, for example, in the case of an application for a licence. An objection against the grant of the licence may be lodged with the tribunal and the tribunal may consider the objection to be of a frivolous nature and one which should not hold up the hearing of the application. This provision will enable the tribunal to dismiss the objection and continue to hear the application on its merits. A person who takes a matter to the tribunal frivolously, vexatiously or for an improper purpose may be ordered to pay compensation to any other affected party. Currently the principal Act provides that the chairman of the tribunal can make rules regarding the practice and procedure of the tribunal while the Governor can also make regulations regarding various other matters. In addition, there are regulation making powers in each of the Acts that are likely to confer jurisdiction on the tribunal, and these provide for regulations to be made in relation to procedural matters under that Act.

Confusion would be likely to arise if this distinction between rules and regulations were to be preserved. For example, the details of the manner in which an application for a licence under the Consumer Credit Act is to be made appear in the Consumer Credit Regulations, but the details of the practice and procedure of the tribunal for the purpose of the hearing of that application would be found in the rules made under the Commercial Tribunal Act. Therefore, to avoid any possible confusion, it is considered desirable to amend the Commercial Tribunal Act to remove the reference to rules made by the chairman of the tribunal and to provide for all subordinate legislation to be by way of regulations made by the Governor. The Bill also provides for a number of technical amendments to enable the smooth and uniform transfer of the jurisdictions of various boards and tribunals to the Commercial Tribunal. Provision is made for an order of the tribunal to be registered at an appropriate Local Court. This will have the effect of giving Local Court status to the order of the tribunal and facilitate the enforcement of the order. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 inserts a new section in Part I of the principal Act, to provide transitional provisions. With the transfer of existing jurisdictions to the tribunal, it becomes necessary to cater for the transfer of part-heard proceedings. The new section provides that such proceedings are to be continued and completed by the tribunal as if they had been commenced before the tribunal. Furthermore, it is important that the continuity of the proceedings be preserved, and so the chairman of the tribunal is empowered to give directions as to the constitution of the tribunal in

order to ensure that matters do not have to be re-heard. It may therefore eventuate that, for the purpose of completing a proceeding under this transitional provision, the tribunal will be constituted by the members of the tribunal or board which was hearing the matter at the time that jurisdiction was transferred to the tribunal. The proposed new section further provides that orders of the previous tribunal or board continue in existence, as orders of the tribunal.

Clause 4 makes several slight amendments to section 6 of the principal Act. This section presently provides for the constitution of the tribunal for the hearing of proceedings, but it is also possible that the tribunal will on some occasions conduct other types of business. A consequential amendment is therefore in order. Furthermore, it has been decided that the practice and procedure of the tribunal should be prescribed by regulation, instead of by rules. Clause 5 proposes amendment to section 10 of the principal Act, which deals with the Commercial Registrar. Subsection (5) presently provides that the chairman of the tribunal may delegate powers, discretions and functions of an administrative nature. It is proposed that the tribunal also be able to delegate some of its functions to the Commercial Registrar, as, for example, non-contentious matters arising in licence applications. The provision provides that the registrar may refer delegated matters back to the tribunal, and shall do so when directed. The recasting of these provisions result in other consequential amendments to the section.

Clause 6 provides a consequential amendment to section 12 of the principal Act, to correspond to an earlier reference that the tribunal may act other than in hearing proceedings. Clause 7 provides for the amendment of section 15. Slight confusion has arisen over qualifications to the contempt provisions, and so subsection (2) is to be amended to clarify that subsection (4), providing for privilege against self-incrimination, applies. Subsection (5) is also amended to provide that the tribunal may take into account evidence, findings and decisions of boards, and not just courts and tribunals. The proposed new subsection (6) will empower the tribunal to stay any step in proceedings before it which is frivolous or vexatious, and the tribunal is to have power to award compensation for any consequential damage or inconvenience.

Clause 8 corrects a minor flaw in section 20 of the Act. Clause 9 repeals section 25 of the principal Act and substitutes two new sections. It is thought to be appropriate that the Act specifically provide the mechanism for the enforcement of judgments and orders of the tribunal which relate to the payment of money. It is proposed that the successful party be able to obtain a certified copy of the judgment or order and then register it in the Local Court. The judgment or order would then be enforceable as if it were a Local Court judgment. The proposed new section 26 is to replace the present section 25, dealing with the rules of the tribunal, and the regulations. It is now proposed that the practice and procedure of the tribunal be provided for in the regulations. The listed matters to be dealt with by the regulations are also amended in order to conform with amendments contained in the other provisions of this Bill.

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 15 March. Page 313.)

The Hon. M.B. CAMERON (Leader of the Opposition): I support the motion for the adoption of the Address in Reply, and I congratulate the Governor on his Speech, although not as enthusiastically as in past years. First, I wish to address the subject of the bush fires in the South-East. I am probably the only member who was directly involved in this particular catastrophe. My involvement was in a small way: one of the fires commenced on my farm and did minimal damage there. However, from there on it did considerable damage, and I will say something about how it commenced shortly.

The bush fires in the South-East certainly brought home to everyone in the area what can occur. In fact, there are few South Australians who would not have been touched in some way or other by the tragedy of Ash Wednesday. People throughout the State, the country and abroad rallied to support those who had been hit by the tragedy. Much has been said about the bush fires which devastated the Adelaide Hills. We heard much about individual cases of bravery and miraculous escapes throughout the Hills. Certainly, no-one in the South-East would detract from that in any way. This enormous tragedy has been brought to everyone's home by the unparallelled media coverage of the events. However, many South Australians are not completely aware of the destruction that the fire caused in the South-East.

The Hills fires were closer to home and were more easily accessible by the media. Consequently, they have been in everyone's mind, and rightly so, because of the paths of destruction that they followed. However, I emphasise that the South-East must not be forgotten. I may appear parochial in saying this, but it is essential in the period covering the next 12 months and possibly even longer that people remain aware that, just because the tragedy is no longer on their television screens, the results of the bush fires have not disappeared.

People in this area have suffered losses such as I would never have imagined to be possible. I refer to stock, farms, fences, houses and future income. I have a number of friends in that area and the majority of people in the area concerned I would know. During the days following the fires I was in the area for a considerable period. Some of the individual losses are of a degree that people will find difficult to comprehend, especially people who are not associated with farming. For example, I know of one property where 700 cattle and 4 000 sheep were lost. That farmer had just finished a seven-year programme of re-fencing his entire farm, but not a single fence was left standing. That farmer lost a large shearers' quarters, a machinery shed, a hay shed, and what he had left in the finish was about 200 cattle and a house.

Another friend of mine lost 5 000 sheep, two homes, two woolsheds, three hay sheds and about 50 miles of fencing. One family out of a normal farming unit of 3 000 sheep and 150 cattle finished half-an-hour after the fire with 14 sheep and two cows, no fences and the woolshed destroyed. A majority of the 390 farms in the area lost between 50 per cent and 100 per cent of all their stock. I will say more about fencing losses later.

About 170 000 hectares of pasture land has been destroyed. A total of 20 000 hectares of forest has been completely burnt out. It was worth at least $60 000 000, and that timber represented nearly a third of the forests in the South-East. The worst part of this loss, as has already been stated but which probably needs to be emphasised, is the loss of the mature trees in the forests. These older trees have taken between 20 and 40 years to grow. Those trees would have provided the timber for the excellent products that we thought would now be available for sale. For years the pine from that area had a poor name because it was immature

timber. Now we have mature timber, but it has been blackened by fire.

When the fire went over the forest a friend who was fire-spotting by plane and who helped organise getting people evacuated told me that at times the flames reached 850 feet in height. That estimate was from a reliable person and is a figure that I accept. The fire itself travelled at 60 miles an hour and people in fire trucks attempted to keep up but eventually they had to give the chase away.

I am told by forestry people that, for the fire to do the damage it did, to slice trees half way up as a result of wind and heat, the winds must have reached 200 kilometres an hour. The Council can imagine the impact the fire had on people in front of it. The majority of people involved were women left at home while the men were out fighting the fires. There were some very brave women in that area who faced a situation that none of them would ever want to repeat. A number of women were left at home on their own and had to face this holocaust without any outside assistance. Of course, because they were there, in a number of cases they were able to save their homes. It has recently been said that the fire will have a continuing impact on these people, and there can be no doubt that that is already taking place. Almost 400 farms and between 8 000 and 10 000 kilometres of fencing were destroyed in the area.

I have seen estimates of $1 200 a kilometre placed on fencing, but I think that that figure has been mixed a little; that figure has been determined by some Government departments to assist in the re-fencing of areas bordering public land and represents half the cost. The cost of fencing to the appropriate level in the highly stock-populated areas in the South-East would be closer to $2 000 a kilometre. Therefore, about $20 000 000 of fencing was lost on the 390 to 400 farms.

About 300 000 sheep were destroyed and they have been buried, and the value at the time of the fire of those sheep was about $6 000 000. However, since the fire and the recent rains stock prices have increased by about one-third, and the stock will now cost about $9 000 000 to replace and, by the time farmers have completed re-fencing, that figure will be much higher. Of course, that is one of the problems that even insured farmers face: the price paid by the insurance company is based on the value of the stock on the day of the fire. There is nothing wrong with that, but honourable members can see the difficulty that arises. There has already been a loss to those people through the additional reinstatement cost of stock to the farm. About 10 000 cattle were killed in the fire or afterwards, and their value was about $3 000 000, but the eventual replacement cost will be much more than that.

Further, 13 lives were lost in the South-East. Much has been written about that. Some people suffered greatly. Many people have shown great fortitude in the face of their problems. Half the shearing sheds in the area are gone, and in many large areas there are no shearing sheds at all. I was interested in hearing what the Minister said about trying to find funds for the replacement of capital buildings on farms. However, that is probably one of the lowest priorities of the people in the area. First and foremost: before one gets a shearing shed one must have sheep to shear.

Early in the aftermath of this tragedy we can organise depot sheds. This had already occurred with the few sheds that remain. Arrangements have already been made for those sheds to be used by many farmers on a rotation basis. However, I hope not too much emphasis is placed on that in the early stages, because any finance provided should be used for stock replacement first. Hundreds of machinery sheds have been burnt to the ground. One or two hay sheds might remain, but the rest have gone and most of them were full of hay. Millions of dollars worth of damage and destruction has been caused. There is incalculable personal hardship and tragedy.

I believe that 66 per cent of the Beachport council area, which is a very large area of the South-East, has been wiped out. In fact, 137 300 hectares has been wiped out. The value of this land to the council is $300 000 in annual rate payments. That is money which many people in that area will not be able to find. Quite clearly, the Ash Wednesday fire is the State's worst natural disaster.

It was hard to find a rewarding outcome from this tragedy, but one was the opportunity to witness the magnificent community response. Literally hundreds of men and women from the Upper South-East, the Mallee and western Victoria voluntarily arrived in the South-East to lend a hand. I listened to the roll call for some of the fire truck relief crews and I thought I was listening to the fishermen's shortwave band. I think that the entire fishing fleet in this area stopped fishing for several days while they fought the remainder of the fire and assisted in the clean up.

Men moved from farm to farm in bulldozers and trucks and, very often, no words were spoken and no questions were asked as they removed burnt fences and sheds, buried stock and shot maimed and dying animals. In little more than two days the volunteers buried 310 000 animals. That is amazing. On the morning after the fire almost every paddock in that area had between 400 and 500 dead sheep. If those dead animals had not been cleared away in a very short period there would have been quite a problem. Certainly, the efforts by the volunteers were greatly appreciated. I do not think anyone has any idea who those volunteers were or where they came from. There was certainly no roll call, but their efforts were certainly appreciated.

Sheep were stacked four or five high in the corners of paddocks in a desperate and useless attempt to avoid the path of the oncoming flames; cattle were wandering blind, burnt and bewildered. It was a terrible sight to see. The actions of the volunteers provide a lesson to Governments, for it is the community that really matters in times of trouble—not the Government. This tragedy struck at a time when the State was already reeling from the effects of the worst drought in its recorded history. The South-East was about the only area that was not seriously affected by the drought. Therefore, it was an agricultural oasis and it provided an essential source of hay and offered valuable agistment pastures. More importantly, it provided a breeding stock pool for the rest of the State.

Thousands of bales of hay had left the South-East before the fires, and thousands of sheep had been brought into the area to feed. The fire helped to destroy much of the feed that remained and, of course, much of the stock with it. This Nation's productive capacity has been badly damaged. The problem is that in many cases people had been keeping stock on in the hope of obtaining good prices once the autumn rains came. They have now lost this year's income. They have also lost their breeding stock and, as a consequence, they have lost next year's income. That is going to have an enormous effect on this area. The return of their stock and the build-up of stock numbers in this area will be very difficult, because there are virtually no areas of this State where there are any surplus breeding stock. In fact, there are many areas where there are no stock at all, let alone surplus breeding stock.

It is a particular tragedy, not just for the South-East but for the entire State. As I said earlier, local government bodies have been particularly hard hit by the bush fires, particularly the Beachport District Council with 66 per cent of its ratable area destroyed. The problem for all councils is that their ratepayers will be hard pressed to find the money necessary to pay their rates this year. Therefore, councils will have to allow for instalment payments or grant

deferrals. In either case, the implications for council revenue are obvious. To help the individuals concerned and the councils, a grant from appeal funds equivalent to annual council rates should be made to those affected.

Local councils throughout the South-East, particularly the Beachport, Penola, and Lucindale councils and others which assisted with machinery, should be commended for the part they played in providing assistance in the early stages of this tragedy. Council personnel and equipment were made freely available to assist in clean-up and reconstruction work.

As someone who has lived in the South-East and knows the land and the people, I have some very firm views about what should be done to minimise the prospects of a repeat of this tragedy and to maximise the assistance which must be given to those many South Australians who are now in need. In making these comments I stress that I am interested in reasons, not scapegoats. I am after reconstruction, not retribution. Above all, the needs of the people must be met and the impact on the South-East economy must be minimised.

A number of Government departments and agencies played and will continue to play an important part in overcoming the many problems arising from the fires. I am concerned that, in the early stages (although I do not believe that this is now the case), there was insufficient flexibility in the approach taken by some officers in various departments. In saying this, I do not wish to refer to any particular individuals. Many were inexperienced and were given insufficient training or advice yet were expected to play a leading role in the early stages of the disaster. There are good reasons for this, because no-one could have expected a disaster like this to occur. It has never happened before in the history of the white man in Australia, so no-one could have expected it.

I particularly refer to some officers of the Department of Agriculture who had to advise on stock destruction and others matters, yet many of them had had no experience in this area. In the early stages of the disaster strong advice was given to farmers, especially on the first morning after the tragedy, not to destroy too many animals. This led to many farmers retaining stock that should have been destroyed at an early stage. These officers had no experience in this area, yet they were giving advice to farmers. Whilst not blaming individual officers I must criticise a system that allowed untrained public servants to direct farmers who have long been associated with the land on matters of stock destruction.

In the early hours of that day there seemed to be an obsession with the number of stock being destroyed and a lack of understanding of the damage that fire can do to animals. While outwardly some animals may appear to be all right, they may be damaged internally. Many of the stock had damaged lungs and, particularly cattle and sheep, should have been destroyed. I would be happy to discuss this matter with the Minister so that, in the event of a future disaster of this kind, his officers would not be placed in the position of having to exercise jurisdiction over matters in which they are not fully qualified.

I must say that the situation resulted in bad feelings in the district. As a result of the early advice, some stock are still being destroyed in the South-East that should have been destroyed in the early days after the fire. Eight days ago 200 sheep on one property and a number of cattle were destroyed, and it should have been obvious in the early stages after the fire that that stock should have been destroyed. They have been in agony ever since the fire. A number of the stock had deep wounds under their flanks where they were burnt. A considerable number of cows that will have no milk are calving and now must be destroyed. The fire occurred about four weeks ago.

The situation bothers me and it certainly bothers a lot of farmers. Most farmers would prefer to keep their stock. I saw horrific situations, and on occasion I had to assist to destroy stock that had been in agony for weeks. That caused me some distress and led to some feeling about the matter.

I refer now to telephones. Communication is essential during a disaster of such magnitude, and every step must be taken to ensure that, if the normal telephone transmission is likely to fail, alternatives are available. The failures of the telephone system in many areas of the South-East threatened the orderly and co-ordinated response that is necessary. Telecom Australia must reassess the use of combustible material above ground in areas where fires are highly likely. On the majority of farms the fires burnt through installations into cables that were below the ground, thus impeding communication. As a result, from the moment the fire went through, people had no telephone service.

I have heard great things about the system of underground cables: it sounds wonderful, but we were probably better off with the old system of above-ground wires for communication. Lack of communication created a terrifying situation for many of the wives who were home alone: they had no means of communication and no idea what had happened to their husbands or what was happening generally. I know of one situation in which this resulted in the loss of the life of a girl, who left her home. If she had been able to communicate with someone, she would probably have been given the right advice.

I know that it is very difficult to provide a fire-proof facility but, nevertheless, I believe that we could do a little better than the present system, which is absolutely useless when a fire goes through. The cables and the containers in which the cables join melt within minutes of a fire going through the area. If one sees a fire, one can guarantee that he will have no telephone service. That must be overcome in some way. It is clear that ETSA has something to answer for in relation to the fires.

Without suggesting liability in any specific instance (and I make that very clear), I must draw attention to the danger of single wire earth return lines (or swer lines) which crisscross the South-East (and all areas of the State) and which have now been shown to be susceptible to collapse from high winds in extreme temperatures. That is what happened in my district. Thus, on a very hot day people will be very nervous. A number of people have said that they will switch off the damn things on a hot day, because they will be terribly apprehensive about the swer lines.

The whole system of the transfer of power from main lines to farms and communities must be considered very closely. I know that there are many people in the South-East who are petrified at the thought of power lines falling down on a hot, windy day, such as we experienced on Ash Wednesday. These people will head for the beach on such days in the future unless they are satisfied that ETSA can overcome what they see as deficiencies in power networks. Many people would prefer power to be cut off on days like Ash Wednesday.

The role of national parks either in being a source of fire or in accelerating any outbreak must also be investigated seriously. Until this is done, there should be no increases in national parks in the State. I am concerned that, since Ash Wednesday, the Government has moved to extend parks in the South-East. I am aware that in December the Government announced a three-year study into the provision of better fire control in national parks, but three years is too long to wait, bearing in mind the recent disastrous event. Unless a satisfactory system of fire control in parks is available, no further parks should be proclaimed.

I am not against national parks: I recognise the need for them. However, I am concerned that, in many cases, because an area in a park is not burnt on a one-yearly or two-yearly basis, when a fire goes through the park it is disastrous. If anyone wants to see the result, he can come down my way. There is absolutely nothing left. There is no shelter for the fauna: it has been wiped out. I have been past a number of the parks in the area in which wallabies and kangaroos abounded, but now there is virtually nothing. I am sure that animals could not survive a fire like that: I am damned sure that I could not survive it. The animals had nowhere to go. They were finished, because no areas were burnt out previously to provide them with a sheltered place. That matter must be considered. I have raised this issue many times over the past four or five years, and it must be considered closely now.

Roadside vegetation must also be considered seriously. Even in areas where most of the land has been cleared, roadside vegetation poses a very serious hazard. Roadside vegetation is very important: environmentally, it is important that we retain, wherever possible, tracts of natural vegetation both for appearance and to help reduce erosion and provide shelter and protection to farms. However, continuous strips of vegetation with few, if any, breaks can prove disastrous during serious fires. On Ash Wednesday, on one road that I could mention (but there would be many other examples), vegetation caused a serious problem by providing an enormous amount of fuel for the fires. This resulted in fires travelling quickly along roads. Where the fire hit the road at right angles to the vegetation, the vegetation acted like two fire jets, throwing flames on to the road and making it impassable and, in many cases, causing death. Four people died within a very short distance of each other purely because of roadside vegetation.

One of my very closest friends may have died because he stopped to assist to turn around a grader: because of the flames, he could not get back to his vehicle. Two other people suffered through the same causes, and a young wife died on the same road. I believe that we must reassess the way in which we allow roadside vegetation to develop. We must be careful to make certain that from time to time the density of roadside vegetation is reduced, whether by burning or by some other means. While recognising that one cannot hope to please everyone or to satisfy all needs, I believe that the measures have been, and remain, inadequate.

To say that is not to play politics with this tragedy. Unless we recognise the inadequacies of some of our schemes, we will not improve them. Assistance measures have two distinct purposes. First, there are those measures that are aimed at meeting immediate and urgent needs, such as clothing, shelter, and ready cash. The response for clothing was overwhelming, to say the least. I think we will be able to clothe people throughout the entire State from what was left over in this particular area. The amount of material that was sent to the area was quite incredible, and people in the South-East who lost their homes are very grateful for the assistance.

Secondly, there are those that provide longer-term support and reconstruction. I believe that those in the first category have been satisfactory. In the case of the second, however, there must be improvement. Whatever the financial measures, the setting up of the bushfire relief unit and the regional system of bushfire workers was an important and positive step towards meeting many of the needs of nearly 2 000 families that were badly affected by the fires.

The people in that relief unit will become closely and personally associated with many of the families and their problems. They will become vital sources of support, and the Government must take every step it can to ensure that this support is available as long as it is needed, certainly for the next six to 12 months. The Government must also ensure that there are no changes of personnel in the relief unit during this initial and vital period.

The guidelines for Government assistance for bushfire relief indicate a number of financial measures that are available to assist those in need. The immediate financial relief has been by way of a variety of grants, including direct cash grants to all registered victims, social security payments, funeral assistance grants, cash grants to local government in fire affected areas, and deferment of State and Commonwealth charges and taxes.

Perusal of the guidelines suggests that a variety of longer-term assistance is available. However, a detailed study of the requirements placed on applicants indicates that very few people will be eligible for low interest loans, which are a crucial component of any reconstruction plan. While low interest loans (4 per cent per annum) of up to $50 000 are mentioned in the guidelines, the stringent criteria placed on the loans will limit the number of people eligible for them. What farmers and small businessmen need is access to low cost money with which they can pay out existing loans or mortgages at higher interest rates, or with which to re-equip and reconstruct their businesses so that their earning capacity is restored.

There is a considerable difference in the circumstances facing those who have lost an income earning asset, like a farm or business, compared to someone on a regular wage or salary who has lost a home. In saying that, I am not indicating that I do not recognise that losing a home is a great tragedy for any person. In the case of farmers, they have lost not only their home but everything associated with it. They do not have much left, except a bare block of land. Of course, there remains for the regular wage and salary earner the trauma and heartbreak of lost personal possessions. However, they retain their regular income and thus can continue to survive. Small businesses, farmers and those workers whose livelihood depends on the farmers are not as fortunate. Many have lost not only their homes but also their incomes. Their needs, therefore, are all the more pressing. In saying that I am thinking of workers on farms, particularly shearers. One man wrote and told me that he had 30 000 sheep to shear this year, that his farm was in the fire and now he has only 3 500 sheep left. So, there is a real problem not only of the farmers involved but also of those who normally depend on them for livelihood.

Amongst the criteria for eligibility for low interest loans is the requirement that an applicant must have had an application for a loan refused by all the usual sources of credit, as well as having already realised and utilised all liquid assets. Additionally, primary producers must derive more than 50 per cent of their income from primary production. A recent contributor to the *Advertiser* said:

> It seems one must be almost destitute to be allowed to benefit by the 4 per cent loans which would enable us to reconstruct our orchards, fences and stock and thereby replan at least some of the physical aspects of our lives that have been injured and have been lost by the succession of frost, drought, fire, and now, in some areas, flood.

In saying that I am not criticising the Government. It is something that we must all face, and one has to understand that the majority of guidelines have been set up by Governments throughout Australia, with not only this Government being involved in the planning of those guidelines. No doubt, in some cases the guidelines have been issued to Governments, rather than Governments being involved in the planning of those guidelines.

The destruction caused by the fires will require millions of dollars to be invested if we are to restore the productive capacity of the South-East. This means that we must give every assistance possible to those on whose shoulders this

falls. We cannot afford to create a position where many people fall into dire straits, even bankruptcy, before action is taken to restore the areas involved. I believe that many people in the community think that money will be available for these people. However, the guidelines must be relaxed for the money that the Government claims it is providing actually to become available.

People in the South-East are not looking for charity. I have not spoken to anyone who wants a handout. No doubt some money will be given out as a result of the incredible amount of money raised from the bushfire appeals not only from this community but also from communities throughout Australia and other countries. What the South-East people want is extra support from the community and the Government to enable farmers to stay on the land and build again and to enable small business to re-establish quickly and efficiently so that it can again become self-sufficient, take on staff and develop the local community.

The response from Governments, both State and Federal, will significantly influence the South-East recovery. The action that they take and the support that they provide will decide whether or not reconstruction takes two years, 10 years or, for many, never comes at all. It is crucial that loan arrangements are reviewed to enable low cost finance to be more easily available to those in need.

The State's pine forests in the South-East suffered severely from the fires. More than 25 per cent of the total area of pine forests were burnt, and I understand that the blaze on Ash Wednesday was the largest pine forest fire in the world—a record that I am sure we would not want to surpass.

The future of the burnt-out regions poses a difficult problem and is not helped by the selfish attitude of some unionists who refuse to handle the burnt timber unless they receive extra benefits. This has caused a considerable amount of ill-feeling, and I trust that the Deputy Premier will speak to the people involved and resolve this problem. A large amount of valuable old timber has been burnt and will need to be replaced. The Government will have to replace the forests, but this process can be staged and, in the short term, the revenue from the timber recovered after the fires may offset the costs.

Many lessons can be learnt from a disaster such as that which we have experienced. We can take action to minimise the impact of fires on persons and property. There will always be occasions when, despite all precautions, life and property will be severely at risk. I make the point that nothing could have stopped those fires. It would not have mattered what equipment was available or what measures were taken to try to stop them. All that could be done was to minimise the numbers of people killed and try to stop homes from burning.

We need to know the steps we can take to minimise the danger and need to know and establish steps necessary to respond to that 'once in a million' occasion, when it arises. This can be done in several ways.

First, I believe that there needs to be improved training of the Country Fire Service. I do not wish to reflect on the C.F.S. because without them the destruction that occurred in terms of homes and personal property would have been much greater. But, we need to spend more time teaching people how to back burn, particularly when there is a situation of a fire which is 150 kilometres long which is difficult to combat without taking proper steps, such as back burning. We need to spend time telling people how to fire proof their homes. The fire near my house started half a mile away. If it had been closer I would not have a home today because of the nature of the gardens, with creepers hanging over the house. Some of these creepers are no longer in existence because I took immediate steps to ensure that they disappeared.

There are certainly some things which I have learnt and which, I have no doubt, everybody in that area has learnt in terms of home protection. I am sure that that is a role that the C.F.S. or some other group can play in giving advice. I am sure that the C.F.S. is probably a reasonable group to teach people how to protect their homes, perhaps how to change their homes in such a way that they become fire-proof, because there are many lessons to be learnt. Unless we put those lessons down in writing now, many of them will be forgotten, whereas at the moment it is very clear in people's minds. I am sure that one would have no trouble persuading people in our area now to take those steps to ensure that this did not happen to their homes in the future. We need advice on replacing trees and shrubs in gardens because many of the trees that people had around their homes were the greatest fire traps that one could possibly imagine, and many people did not realise how bad they were until the day of the fire. There are a number of varieties of trees which should not be within a mile of any house.

There is certainly a lot to be learnt on fire-fighting generally. For instance, people rely on power for their water supply. It is in the *News* today that the town of Kalangadoo relies on power for its water supply. When that town was severely threatened by the fire they gathered 200 to 300 people (nobody knew how many) in the local hotel. They just got them in the hotel when the power went off. So the publican and two other men went outside to turn on the water, and they had no power with which to turn it on. They made a point of not telling the people in the hotel because there would have been a terrible panic. That was a very serious situation; if there had been an alteration in the climatic conditions, goodness knows what would have happened.

We must look at farms where there is isolation, and we must improve communication as well as isolation generally. In many cases when fires started to threaten their homes, many of the menfolk were out fighting fires, and wives were left on their own. We must look at the possibility of providing fire-proof shelters. This does not have to be very dramatic. Most fires passed houses within 10 or 15 minutes. In most cases, 15 minutes was the longest period; in many cases it was only two or three minutes. It would stop many women, children and, in some cases, menfolk rushing off into danger if they knew that there was some place on the farm where they could shelter. If a home is relatively fire-proof such a shelter is not necessary. If it can be judged that in the case of fire such a house is likely to be a problem, we ought to advise people on whether they should provide a small shelter.

Emphasis on equipment needs to be kept in perspective. I have noticed considerable publicity on the need for better equipment for the C.F.S. Often in these situations much of the equipment is relatively useless. On that day, the only difference would have been that it might have taken longer to get out of the way of the fire. There was nothing that one could do to stop it. The fire often went past at 60 miles an hour and, in many cases, larger equipment was a problem. On that day, in many cases the smaller farm units were better because there were more of them and they could go to the farms and put out the fires before the homes were completely destroyed. They could get to farms quickly and could get to more farms. In some cases, particularly with smaller fires, bigger equipment is useful to put out the fires quickly, but in this case the opposite was required.

We have to be careful with the C.F.S. to make certain that it is there to provide a source of training for volunteers. The volunteers did an enormous amount of work and placed themselves in danger. We must ensure that they are properly trained and have the equipment necessary to assist them.

The more smaller units you have, the more people could be involved in a very large fire such as this.

I have put a few views forward on the subject. It is a difficult subject to talk on because it was quite a disastrous day for our area and affected so many people, many of whom were close friends in a very personal way.

The other subject that I wish to discuss is the Kingston coal deposit, and I make the point that I am not speaking on behalf of the Party of which I am Leader.

The Hon. Frank Blevins: What an extraordinary statement!

The Hon. M.B. CAMERON: No, it is not. I am speaking as an individual member of Parliament on an area in which I have particular concern because again I come from that area of the State. Members will understand what I say because there has been no decision by the Party on this matter, and there is no policy relating to it as such. So, whatever I say represents my individual views as a member of Parliament.

I have for a number of months—and longer than that—been concerned about the work being done at Kingston in relation to the coal deposit. I have been concerned because it is quite clear to me that any decision to mine the coal will have a very dramatic effect on the underground water, not only in the Kingston area but through a very wide area. The latest estimate is that there would be a cone effect on the underground water supply for 40 kilometres from the side of the mine. That, to me, would be totally unacceptable, and I certainly would not accept any mine or any work in the South-East that would affect the underground water to that degree. Because of the value of this area and the water under it, I believe that the time has come for this project to be stopped. I say this knowing that a considerable amount of money has been spent by the company involved in exploration. It is a pity that this matter has been allowed to proceed for the length of time that it has.

The underground water system in the South-East consists of various layers. One layer in this case about which we seem to be concerned is the artesian basin. If one wishes to put a bore into it one must go through a very long procedure: one has to ensure that it is properly sealed, case to the bottom of it (in my area it is 780 feet to get to it), case the entire length in concrete for at least 150 feet; and ensure that it is sealed at the bottom; one must go through a very long procedure. At Kingston it is the same basin, but is much shallower. The same provisions prevail. I cannot believe any serious thought could now be given to putting down a coalmine that would reach this artesian basin and perhaps strip the top of it and allow a depressurising of that basin by anybody in charge or associated with this portfolio.

I am not saying that the present Government has allowed this to proceed, because the previous Government was also involved. It is something that we must look at seriously now. The value of the South-East to this State is based largely on its underground water system. During the drought it has been shown to be one of the saving graces of this area. While other areas of the State and other States, particularly Victoria, have run out of surplus water, I have been able to take cattle from Victoria and keep them on my farm. They are there only because the Victorian farmers have no water.

For us to consider placing this resource in jeopardy is quite unacceptable. A number of statements have been made on this matter. I refer to a report undertaken by people who investigated the matter for the Western Mining Company, as follows:

> Since the beginning, W.M.C. recognised that any mining operation which might be undertaken would have a major groundwater problem. It was also clear that the resolution of these problems would necessitate water table and water pressure declines and, possibly, salinity variations which would spread for significant distances away from the mine area and margins of the coal deposit.

That information set alarm bells ringing in my mind in regard to this matter. A further paragraph is headed 'Susceptibility of existing water supplies to mining operations'. It talks about shallow aquifers, which is the source of the majority of stock water in the area. In the area one gets water from 10 feet down. The report states:

> It is possible for these wells to lose productive capacity due to falling water table; in addition, they are subject to variations in salinity due to mixing of waters which may derive from alteration, natural or introduced, of the aquifer balance. At present, major flow in the aquifers is from east to west with some disturbance around the drains and around the dunes. During mining, new flow conditions will be created within the cone of depression around the mine, so that waters will flow radially towards the mine.

Based on the information in this document, it means that certain areas that do not have salinity could end up with a salinity problem. The report talks about the artesian wells, as follows:

> In some wells, the decline in pressure head due to mine dewatering will reduce the free flow available, and this may be significant dependent on the extent to which the naturally available discharge is utilised. Wells where the pressure head is drawn below ground level, that is, the well ceases flowing—

These have flowed ever since they have been put down. The report continues:

> A further problem associated with declining pressure head in the artesian aquifer is where this is drawn below the water table in the shallow aquifer either with the well at rest or pumping. In this situation any well with casing corroded through the shallow aquifer could suffer from inflows of brackish water to the artesian aquifer, which would result in a progressive deterioration in the water pumped from the well.

Reference is then made to shallow aquifers, as follows:

> The initial dewatering pumpage from this aquifer for a mine commencing in the southern lobe of the coalfield is 296 ML/d (240 Ac ft/day). Of this, an average 30 per cent is rainfall which occurs over the area of the cone of depression and the remainder is extracted from storage. The cone of depression will extend out some 7-8 km from the pit in all directions, with the 1 m decline in water table being approximately 4 km out from the pit and the 0.2 m water table decline being about 6 km out from the pit. This pumpage could produce 6 m of additional decline in water table at Kingston township and 8 m of draw-down at Keilira. The maximum effective radius of influence seems likely to be about 19-22 km to the south, south-east and east. To the west, the bedrock high cuts off the impact. The cone of depression will effectively eliminate free flowing wells north of the Kingston to Keith Road and for some distance to the south. Some danger of reducing water levels below sea level exists in conjunction with the Kingston town water supply, but danger of salt water intrusion as a result seems improbable, unless such conditions already exist.

Just that little bit of information caused me to have more than serious concern. What is the position more recently? In late 1982 Western Mining Corporation put down demonstration wells in the Kingston area to show, first, that they would be able to return water from surface aquifers to offset any artesian loss and, secondly, to show that there is no connection between the dilwyn (upper formation) and the mepunga (lower formation). In fact, the testing which took place over about eight days showed that there was a connection. Bore wells dropped significantly and water could not be adequately pumped back into the artesian aquifer, even when force-feeding was tried. The bores went down 40 metres and they pumped 3 000 000 gallons for eight days. Bores up to four kilometres away were affected by water loss, and there was a draw-down of one and a half metres at four kilometres.

I point out that in this trial they pumped 3 000 000 a day, yet if mining were to proceed it would involve the pumping of 75 000 000 gallons a day for 37 years. Honourable members will realise that if this result can be obtained after eight days by pumping merely 3 000 000, there would

be a catastrophic result in the pumping of 75 000 000 gallons a day for 37 years.

The Hon. C.J. Sumner: What will you not allow to proceed?

The Hon. M.B. CAMERON: The Kingston coal project. It is estimated that the draw-down in the artesian water will affect an area within a radius of 19 to 22 km, from the mine site. They also estimate that there could be a draw-down of 6 m in bores at Kingston and 8 m in holes 12 to 14 kms to the south and east of the mines. This would pose a significant problem to people who are reliant on this water. Clearly, this would make a mockery of Government regulations which stipulate that all artesian bores are to be permanently cased in this way to prevent a loss of valuable water to any other aquifers. The risk of lowering the Kingston town supply is also of concern. At the present time the Engineering and Water Supply Department will not allow the district oval to be watered in the summer months because of insufficient supply.

A further area of concern for landowners is the inability of the consultants or the officers from the Department of Mines to determine the rate of replenishment for the artesian waters once mining ceases or, indeed, to determine fully the source of replenishment. We have been given to understand that this source may be the Grampians in Victoria, so obviously it would take a long time to percolate through to Kingston.

Dewatering would commence nearly two years before excavation and would continue for the life of the mine (35 years). Water will be pumped into the sea in initial years at the rate of 75 000 000 gallons per day. The risk of sea water filling the vacuum caused by dewatering is also very real. One has merely to look at the Two Wells and Virginia area to see that. We are also told that there is a ground barrier to prevent that. I do not believe that there is sufficient information around for people to know that. The drying out of some of the perenially pastured flat country by lowering the water table could result in a loss of production. These flats grow strawberry clover, which is able to get its roots down into the damp subsoils and thus provide stock with a continuous supply of green feed, and are therefore largely drought resistant. In some areas adjoining the ranges, these areas are also spring fed. Thus, a lowered water table would greatly change the ecology of the area, and the perennial pasture would tend to die out.

I believe that there are alternative areas available, and this area should never be mined. The Government should now give some firm direction to W.M.C. about the mine, because this proposal has already been allowed to go on long enough.

The Hon. C.J. Sumner: It's not a goer?

The Hon. M.B. CAMERON: Not at all. I would not have a bar of it. I am concerned that so much money has been spent, and it is time that the company got some message from the community in that area; I trust that I am doing that. Despite all the answers that the consultants may provide, it is just not on to endanger the water supplies in this area and a possible wider area. The area affected could be 19 kilometres by 22 kilometres. The information that I can get is that it could even be wider than that, but that is already an enormous area; that would be unacceptable.

I trust that the Government will look seriously at this matter. I know that whenever this question is raised people try to delay it because an environmental impact study has been done and they are waiting for the results. I do not know of any information that could be provided by the council or anyone else that would satisfy me that they know sufficient to allow this to proceed. I understand that a decision must be made relatively soon. It behoves me in the position that I hold to give my views on this matter. I support the motion.

The Hon. R.C. DeGARIS secured the adjournment of the debate.

ADJOURNMENT

At 5.32 p.m. the Council adjourned until Thursday 17 March at 2.15 p.m.