LEGISLATIVE COUNCIL

Tuesday 17 April 1984

The PRESIDENT (Hon. A.M. Whyte) took the Chair at 11.30 a.m. and read prayers.

PUBLIC WORKS COMMITTEE REPORTS

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

Adelaide College of Technical and Further Education (Stage IV),

Lucindale Area School (Redevelopment).

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Consumer Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Land and Business Agents Act, 1973—Regulations—Forms.

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Dentists Act, 1931—Regulations—Registration Fees.

Food and Drugs Act, 1908—Regulations—Pesticides.

Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on—

Proposed erection of a transportable classroom at Parafield Gardens Junior Primary School.

Proposed erection of a dual unit transportable classroom, Gawler College of Technical and Further Education.

Proposed division of land contained in Section 1262 north out of Hundred Renmark.

Proposed Highways Department borrow pits.

Proposed single timber-framed classroom at Lake Wangary Primary School.

Proposed Highways Department borrow pit.

Proposed pluviometer station at Part Section 1160 Hundred of Adelaide.

Regulations—Land Filling and Excavation.

By the Minister of Agriculture (Hon. Frank Blevins):

Pursuant to Statute—

Mines and Works Inspection Act, 1920—Regulations—Fees.

Sewerage Act, 1929—Regulations—Plumbers Registration Fees.

Waterworks Act, 1932—Regulations—Plumbers Registration Fees.

By the Minister of Correctional Services (Hon. Frank Blevins):

Pursuant to Statute—

Prisons Act, 1936-Regulations—Payments to Prisoners.

MINISTERIAL STATEMENT: TRANSPORT OF RADIOACTIVE SUBSTANCES

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: There has been a good deal of confusion and some deliberate misrepresentation concerning proposed regulations under the Radiation Safety Protection and Control Act relating to the transport of radioactive substances. South Australia's Radiation Safety (Transport of Radioactive Substances) Regulations, 1984 have been developed with two major objectives in mind: to provide for the safe transport of radioactive materials, and to ensure their efficient transport without the encumbrance of requirements which do not add to safety.

The regulations are based on the Code of Practice for the Safe Transport of Radioactive Substances, 1982, which is a Code approved under the Environment Protection (Nuclear Codes) Act, 1978 of the Commonwealth. This Code was developed after a lengthy process of consultation between the Commonwealth and the States and Northern Territory, during which all parties agreed that the Code provided an appropriate and safe basis for the transport of radioactive substances within Australia. The Australian Code essentially mirrors the latest edition of the International Atomic Energy Agency's Regulations for the Safe Transport of Radioactive Materials. In 1959 the International Atomic Energy Agency was given the task of establishing recommendations for the safe transport of radioactive materials by the United Nations' Economic and Social Council, which had established a classification system for all dangerous codes as follows: Class 1—explosives; Class 2—gases; Class 3—flammable liquids; Class 4—flammable solids; Class 5—oxidisers; Class 6—poisons; Class 7—radioactive materials; Class 8—corrosives; Class 9—miscellaneous.

This classification has been adopted by all international organisations concerned with the transport of hazardous materials. The International Atomic Energy Agency's regulations, which were first published in 1961 and which have since been reviewed and revised several times to take account of developments in technology and shipping practice, have been adopted by the United Nations as the requirements for the transport of class 7 materials. They have been incorporated into a number of major international agreements concerned with the transport of hazardous materials, as follows:

By sea: Intergovernmental Maritime Consultative Organisation (IMCO), International Maritime Dangerous Goods Code (applicable world-wide).

By air: International Civil Aviation Organisation (ICAO), Dangerous Goods Annexe to the Convention on International Civil Aviation (applicable world-wide). International Air Transport Association (IATA), Restricted Articles Regulations (applicable world-wide).

By rail: International Regulations Concerning the Carriage of Goods by Rail (applicable in 31 contracting States).

By road: European Agreement Concerning the International Carriage of Dangerous Goods by Road (applicable in European countries).

By inland waterways: European Agreement Concerning the International Carriage of Dangerous Goods by Inland Waterways (applicable in European countries).

By post: Universal Postal Union Convention and Detailed Regulations (applicable world-wide to very small quantities of radioactive materials).

The International Atomic Energy Agency's regulations have also been adopted by 52 countries, including the U.S.A., Canada, U.K., U.S.S.R. Thus all international and domestic shipments of radioactive substances thoughout the world are subject to these requirements.

Experience throughout the 22 years of operation of these regulations has shown that they have provided a very good level of safety. Of course, there have been accidents, but the number in which there has been a dispersal of radioactive material has been extremely low, and in no case has there been serious consequences to the public. It is estimated that there are now over 8 million shipments of radioactive material per year in the world.

An analysis of accident statistics was carried out in the U.S.A. for the five-year period 1971-75. For approximately 2.5 million shipments per year, an average of about 30 accidents occurred per year. Of these, an average of seven involved some release of radioactive material. Based on this

data, there is a probability of about one in 100 000 shipments of radioactive material being involved in an accident, with about one in four of these accidents causing a release of radioactivity. The uniformity of requirements for transporting radioactive substances throughout the world is extremely important. Most of the radioactive material transported through South Australia originates outside the State or even outside Australia, or is on its way out of South Australia. As such, it must be packaged, labelled and documented in accordance with the requirements of the place of origin or destination. To impose different requirements in South Australia would mean costly delays at borders and airports, delays which, in the case of many of the short-lived radionuclides used in medicine, could render them useless by the time they reach their destinations.

Similar considerations apply to the timing and routes of shipments. The essence of the regulations is that the packaging requirements, which are graded according to the degree of hazard of the radioactive material, are sufficient to allow the minimum of restrictions during the actual transport. Thus, the major responsibility for safety during transport is placed on the consignor. He is responsible for presenting the goods properly packaged, labelled and with the correct descriptive documents (the shipper's certificate or consignor's certificate).

The carrier's responsibility relates to the safe stowage of the package, display of the correct labels and signs, proper segregation from other hazardous materials and from people, both during transport and in storage in transit. Workers in the transport industry are expected to treat radioactive consignments with care, but no more that that accorded to other dangerous goods. Except in special cases, they do not require detailed knowledge of radiation to be able to handle the packages safely. A leaflet which explains the simple precautions they should take has been produced by the Commonwealth Department of Home Affairs and Environment and is available from the Health Commission in South Australia and from health authorities in the other States. The International Atomic Energy Agency Regulations state that transport and storage personnel should not be allowed to receive a higher exposure to radiation than is permitted for members of the public, and that only in special cases should they be classified as radiation workers.

These 'special cases' may be where workers are frequently engaged in transporting the high activities of radioactive materials associated with nuclear power plants and reprocessing facilities. There are no such 'special cases' in South Australia. It should be noted that radiation workers are permitted to receive up to 10 times the radiation exposure allowed for members of the public. The South Australian regulations will ensure that transport workers receive no more radiation exposure than any member of the public may legally receive. The Health Commission will undertake spot checks to verify this.

The external radiation from packages of radioactive materials being transported in South Australia is so low that those who pass nearby on the roads do not receive any measurable radiation exposure. If an accident occurs—and, unfortunately, we do not seem to be able to prevent these entirely—the regulations provide for emergency procedures to prevent any serious consequences.

There seems to be a misunderstanding about 'exempt' radioactive materials. Packages containing up to specified quantities of certain low hazard radioactive materials will be 'exempt' from some, but not all, requirements of the regulations. However, only a small portion of packages of radioactive material transported in South Australia will fall into this category. Most consignments of radioactive material used in medicine and general research will not be in this 'exempt' category and will be subject to the full requirements.

Throughout the world, 99 per cent of radioactive materials transported for civilian use are destined for medical and general research purposes. Only about 1 per cent are shipments to or from nuclear power plants and their associated fuel cycle. In South Australia this percentage would be even lower than 1 per cent. Finally, it should be noted that if yellowcake is to be transported, there will be other requirements imposed which are related to its physical security, in addition to the requirements of these regulations which relate to any radiation hazard posed during transport.

MOTION FOR ADJOURNMENT: MINISTER OF HEALTH

The PRESIDENT: I have to inform the Council that the Hon. Mr Lucas has informed me in writing that he wishes to discuss a matter of urgency, namely, that the Minister of Health should be censured for misuse of his Ministerial position and for having misled the Council. In accordance with Standing Order 116, it is necessary for three members to rise in their places as proof of the urgency of the matter.

Honourable members having risen:

The Hon. R.I. LUCAS: I move:

That the Council at its rising do adjourn until 1 p.m. on Thursday.

The Minister of Health has misled the Council on at least two occasions. He has grossly abused his Ministerial position by spending taxpayers' money for partisan political advantage. He has sought to cover up this disgraceful situation for nearly six months—he and his ego have now been caught. We now have the sorry sight of the Minister wriggling and squirming on a hook first set for him six months ago, and with every squirm or wriggle the hook digs deeper.

The major criticisms of the Minister in this motion are:

1. That he knowingly misled the Council on Wednesday 11 April this year when he denied that the survey included a question on voting intentions.

2. That he knowingly misled the Council on Tuesday 10 April this year when he stated categorically that the questionnaire and the results to all questions had been released.

3. That information recently provided to me now indicates that there may well have been further Party political questions asked in the survey.

4. That the Minister, aided and abetted by the Attorney-General and the Premier, has engaged in a cover-up of this affair.

5. That, if the Minister's explanation is accepted, the future potential for similar gross abuse of Ministerial positions is enormous.

The sorry tale began on 26 October last year when I put six questions to the Attorney-General during the Appropriation Bill debate. Summarising quickly what happened in the ensuing five months, I point out that on 20 March this year I received a reply from the Attorney-General to those questions. The Attorney-General informed me that the cost of the questionnaire was $32 000. It had been conducted by ANOP and no tender had been put out for the contract. Therefore, ANOP got the contract without having to tender. Most importantly, the Attorney-General, on the advice (we are now assured) of the Minister and his officers, would not release the questionnaire concerned. On Tuesday of last week I put a series of questions to the Minister and to the Attorney-General.

Summarising briefly, I point out that those questions asked the Minister to release the questionnaire and, secondly, whether there had been a question on his personal approval in the survey. The Minister's response stated:

I cannot understand the question of why I will not provide a copy of the questionnaire and other results of all questions that

are currently available to the Health Promotion Services. They are available not only to the Health Promotion Services Unit but also to every member of Parliament and to every member of the public in South Australia.

The Minister is on record in *Hansard* as saying that 'they', referring to the questions, the questionnaire and the results to all questions, were available to this Council and to everyone. That was palpably untrue, as was demonstrated on the next day and is the first instance of where the Minister misled the Council.

I might add that the Minister, in responding to those initial questions, attempted to laugh off the matter as a matter of little consequence. However, his tenor soon changed the following day. On the Wednesday I put a further series of questions to the Minister and to the Attorney-General. Amongst these questions I asked why he had misled the House and, again, whether he believed that it was proper for a question of personal approval to be included in a taxpayer-funded market research survey. The typical Cornwall defence mechanism was put up and we were then subjected to a tirade of abuse. Members on this side were called 'Rob the blob' and 'Legh the flea'. The shadow Minister was accused of eating magic mushrooms for lunch. We were accused of being a disgusting lot and in the pits. It is there for all to see. It was a typical, childish, performance from the Minister.

The Hon. L. H. Davis: Gentle John at his best.

The Hon. R. I. LUCAS: The weekend press summarised that aptly—'Goodbye gentle John'.

The PRESIDENT: Order! I will not tolerate interjections during a debate on an urgency motion.

The Hon. R.I. LUCAS: Amongst all that personal abuse towards members on this side, the Minister finally had to concede that a personal approval question had been included in a taxpayer-funded survey. Finally, after six months, he was forced to confess publicly that he had used taxpayers' funds to run a personal approval question. The Minister went on in his reply to deny, first, that he had ever seen the questionnaire or that any of his officers or that he could hope to have possession of a questionnaire.

Frankly, that is a ridiculous assertion. Anyone who has anything to do with market research as a client knows full well that, if one is doing one's job properly, prior to seeing the results one looks at the final form of the questionnaire, the final phrasing of the questions and the order of the questions. All those things can institute some degree of bias into a questionnaire. If the Minister did not look at it, the Minister's advisers and officers ought to have looked at it. If the Minister's defence is, 'I did not see it; therefore I cannot know anything about it,' he is pleading ignorance and incompetence. Further on in the reply last Wednesday the Minister misled the Council for a second time. He said:

> The Hon. Mr Lucas now gets to his feet and claims that he has clear evidence that in a survey conducted by ANOP for the Health Promotion Services Unit of the Health Commission at my instigation questions were asked about voting intentions if an election were to be held on Saturday. Frankly, he is privy to more information than I am.

That is not much surprise. I further quote:

> I would like to know whence he gets that information, because I—

this is an important question—

> certainly did not commission a poll that asked about voting intentions on Saturdays, Sundays, Wednesdays, or any other days.

Equally importantly, I further quote:

> I certainly did not pay for a poll that asked about voting intentions.

The Minister is on the record in this Chamber as saying that he did not commission or pay for a poll that included a question on voting intentions. It will be interesting to see how the Minister attempts to wriggle his way out of that one. He certainly cannot say that 'I' means him personally; he is here as a representative of the Government, as the Health Minister, as the Minister responsible for the Health Commission, and as the Minister responsible for the section that was responsible for that survey. So, an attempted wriggle or squirm on that feeble ground will be laughed off by all concerned.

I have indicated publicly that I will place before the Parliament today documented evidence as to where and how this Minister misled the Council on that second occasion. Here it is: the ANOP survey document that this Minister tabled in December of last year. I could quote from a dozen tables, but I will quote from just table 1.11, which analyses those people of the 1 000 respondents who were in favour of current drink driving laws. A neat little section here says, 'State voting intention', and it says that 78 per cent of Labor voters are in favour of the current drink driving laws. It also says that 82 per cent of Liberal National Country Party voters are in favour of the current drink driving laws. There are a dozen other instances of that; time does not suffice for me to go through them all, but in the document tabled by this Minister in this Chamber is documentary evidence that they must have asked a question on voting intention. There is no other way that the researchers—ANOP—can indicate that 78 per cent of Labor voters and 82 per cent of Liberal National Country Party voters have a particular view unless they have been asked a question on voting intention.

There is documentary evidence for that and the Minister, no matter how he squirms and wriggles, cannot get out of that. Palpably he has misled the Council for a second occasion. The Westminster tradition ought to distinguish between knowingly and unknowingly misleading a House of Parliament. There is an argument that most modern commentators would develop that a Minister who unknowingly misleads the House can be treated with some degree of sympathy. However, this is not the case on these two occasions.

The Minister has been on notice for six months. The Minister on two occasions has deliberately and knowingly misled this Chamber. If we are to accept these standards from Ministers in this House, then all we can expect is a tirade of untruths from Ministers on all occasions. If we are to accept that this Minister can get away with misleading this Council on these two occasions, then we must accept that situation for all Ministers on all other occasions. Surely, there must be political penalties involved for Ministers of the Crown who knowingly mislead this Council or the Parliament. The honourable course for the Minister, I suggest, is surely that he resign. In recent times, I have been provided with further information that there may have been at least one further question over and above those two Party political questions.

The Hon. C.J. Sumner: What is it though?

The Hon. R.I. LUCAS: We will come to it. I notice that it is bingo time with the Minister, the Attorney and other members: eyes down and tails up at the moment. Information provided by the Minister's office to members of the media—

The Hon. Anne Levy: Why are you talking about my tail?

The Hon. R.I. LUCAS: You will have your chance in a minute—late last year and early this year, sought to ameliorate to a degree the disapprovals that were recorded in that particular personal approval question. I am informed that the Minister's staff has indicated to sections of the media that, of those who disapproved of the Minister, half did so because of his pro marihuana views, and the argument went along the lines—he has 43 per cent approval, and half who disapprove of him do so because of his pro marihuana views. How does the Minister's office know that half of the people who disapproved of him did so on the grounds of his pro marihuana views? There is only one way—a further

question. For anyone involved in market research (and I have been involved for 10 years with the Liberal Party's market research) it is a common technique that a question is asked 'Do you approve or disapprove?' Then a further open-ended question is asked, 'Why do you approve? Why do you disapprove?' and there is possibly further probing by a third question where one asks 'All right, what do you mean by that?' and one fleshes out the detail. However, a second question is certainly asked and one can either precode those results or manually go through these 1 000 questionnaires and code them afterwards. The only way that this Minister, his ego and his office could be aware that half of the disapprovals were because of his pro marihuana stand was if there was a further question asked in the survey.

The Hon. B.A. Chatterton: Perry Mason?

The Hon. R.I. LUCAS: One needs to be Perry Mason when there is a cover up initiated at the very highest levels by the Minister and the Government. So, we now have definitive proof of two questions: one the Minister admits to and the second the Minister denies but there is proof positive; now there is a possibility of a third question.

Who is to say there is not a fourth, fifth or sixth question? The only way in which it can be answered is by the Minister's providing the questionnaire. Of course, he will not do that. So, I ask the Minister, in his reply to this urgency motion, to respond specifically to the point of whether there was a third question and how his officers were feeding it around to the media that half of his disapprovals were due to his pro marihuana views.

In the past six months—and I can only touch on this matter in brief detail—as I have indicated, there has been a concerted cover-up by the Minister, the Attorney-General and, latterly, the Premier. The Attorney-General indicated last Thursday that he had been made aware of the personal approval question prior to his responding to me and refusing to release the questionnaire, and prior to his refusing to pursue the matter of whether there was a question of personal approval in the questionnaire. The Attorney has conceded in this Council that he was aware of the personal approval question.

Who is to say that if he was aware of that, he is not also aware of the State voting intention question and any other question in that survey? The Premier in the other House, in response to questions from the Leader and Deputy Leader, has also refused to provide information. If there is not to be any action as a result of this Minister's actions, if there is not going to be any political penalty, with what potential for future abuse will we be confronted?

We will be confronted with the situation where, if I were a market research company, I could go to that Minister or the Attorney and say, 'I will do a survey for $32 000 on breast cancer, tobacco or on sundry other things. Here is the questionnaire, but I will throw in a little bonus for you, Minister. I know we want to salve your ego, we want to polish it up a bit. I will throw you in a dozen other questions on Party political matters. We will ask whether people approve of you, whether or not they like your hairstyle, whether you should wear dark or light suits, whether they like the Leader of the Opposition or the Premier, or why they want to vote Labor or Liberal'. That is what this Minister, assisted by the Attorney-General and the Premier, is asking us to believe and to concede is not wrong.

Those Ministers are asking us to believe that any research company can throw in little goodies on the top of agreed contracts, little bonuses for the Minister, of a Party political nature. Let us make no bones about it. That is what the Minister, the Attorney and the Government are asking us to accept if there is not to be a political penalty for gross abuse of Ministerial office by this Minister.

In summary, I say that clearly the Minister has misled this Council on at least two occasions and has abused his Ministerial position by using taxpayers' funds for Party political advantage. Clearly the Minister, aided and abetted by the Attorney-General and the Premier, has assisted in the cover-up of this sordid affair. If this Minister will not take the honourable course open to him by resigning, clearly he is deserving of the censure of this Council.

The Hon. M.B. CAMERON: (Leader of the Opposition): I have no doubt that the Minister will stand on his feet shortly and try to indicate that in some way this is a minor matter. Of course, in relative terms—the money involved—I suppose one could say it is a minor matter. However, there is a more serious question that has to be resolved by the Council, by the Minister in his own mind, and by the Government in relation to this Minister.

That is the question of whether the action that he took in accepting information from a poll was a proper course of action for a Minister. First, in the early stages of this whole business, on 9 August 1983, I asked these questions of the Minister: Has the Minister commissioned this opinion poll? If so, what are the questions that are being asked? In reply, the Minister indicated that he had asked a Mr Rod Cameron, of ANOP, to devise a programme for him. He said:

> At this stage it has not hit my desk, although it will later this week . . . I am unable to say what questions will be asked, because the proposal and its costing have not yet come to my desk. However, I expect their arrival at some time later this week.

The Minister there made no qualification. He did not say that he would not see the questionnaire at any stage. However, later, in reply to the Hon. Mr Lucas, he said:

> The questionnaire (that is, the entire series of questions that may or may not have been asked by ANOP in that survey) I have not seen. I am not privy to the questionnaire; I have never seen it and to the best of my knowledge it remains the property of ANOP.

There is a more serious question there: was the Minister aware that questions would be asked as to whether or not his personal popularity was high, low or indifferent, and whether or not people intended voting Liberal or Labor? I think, as the Hon. Mr Lucas has pointed out quite clearly, that that question had to be asked to get the results. Therefore, the Minister earlier, in answer to a question from the Hon. Mr Lucas, clearly misled the Council.

There is an even more serious question, namely, how the Minister supposedly accepted (although he said he did not accept: it was merely offered to him) the questions being attached to the end of the poll. In relation to the questionnaire, the Minister said:

> I did not ask to see the questionnaire. Once that had been accepted Mr Cameron, who was in Adelaide, came to see me about the survey, when he could commence it, and what time we should expect the results . . . Mr Cameron came to see me in my office, went through the outlines again of the matters that we had agreed should be surveyed, and gave me, in substantial detail, the way in which the poll would be conducted. Towards the end of our discussion—remembering that this is after the $32 000 and the range of the poll had been well and truly agreed . . . Mr Cameron said, 'What about a person approval rating? Would you like us to add on one more question concerning a personal approval rating? . . . It was not public money at all. The $32 000 had already been agreed . . . At the end of the day Rod Cameron said, 'Do you want us to put in an extra question about Ministerial approval?' I said, 'All right, why not?' . . . The original quote was $32 000 and was accepted before the personal approval rating was raised. I have given the ratings. That is where it sits, and it is as simple as that.

It is not quite as simple as that. Take the situation from now on. For instance, if the Minister of Water Resources signs a contract for a ditch to be dug down the street and the ditch having been dug and the contract having been signed the contractor to the Minister says, 'You will have

to be attached to this because your house is at the end of the street. It will not cost the taxpayers any extra money, but we will put the ditch in for you if you like,' that is exactly the same situation. The Minister gained some information from this poll and tried to imply that it was a proper action because no taxpayers' funds were involved. Of course, there must be a question of whether this is proper behaviour on the part of a Minister. Is a Minister at fault if he accepts a benefit? Of course he is.

The Hon. R.J. Ritson: A kick-back.

The Hon. M.B. CAMERON: It is a kick-back: that is exactly what it is, and it is a very serious matter indeed. Take the case of, say, someone in the Health Commission, or a public servant, who finishes signing a contract for small computers and, when everything is all over, or if he has pushed a small computer along the road, he says, 'This is a good one.' For his services the company says, 'This is not going to cost the Government any extra. We just have this little computer which will be good for your family. Would you like to take it?' It really has nothing to do with the contract.

Of course, it would have something to do with the contract and of course it would have something to do with any contracts in the future. The Minister has accepted something from ANOP and, no matter what the results of the survey may show (good, bad or indifferent), there is a pressure now on the Minister and in the Minister's mind to give those people any future polls because they have been, shall we say, generous to him.

That organisation has provided him with a facility that would not have been available had it not conducted the public poll. So, I would say that in the eyes of the public the Minister has committed a very serious offence in terms of his office as a Minister of the Crown by accepting any benefit at all from this organisation. Whether it be in regard to an extra question on the end of the poll, or whatever it may be, no Minister should accept any benefit from his high office, but the Minister has done that. Not only that, but, as the Hon. Mr Lucas has pointed out, the Minister has misled the Council and then tried to cover it up. He has again misled the Council, and I would say that the only way in which the Minister can clear up this matter would be to come clean and produce the whole questionnaire. If, as he has claimed, he does not have it (and I doubt that), then he should get Mr Cameron to bring forward the questionnaire so that once and for all we can see the exact situation in regard to this poll. The Minister should be censured, not only by this Council, but in his own mind and by the Government, because this is a very serious matter indeed.

The Hon. J.C. BURDETT: I support the motion, and I propose to speak to it very briefly. As the Hon. Mr Cameron has pointed out, even if the conduct of the poll on the Minister's personal approval rating did not cost the taxpayer a red cent (and I do not accept this), it is grossly improper for a Minister to accept a substantial personal favour from a business organisation which has accepted a contract from the Government, at the behest of the Minister, to be paid for from the public purse. It is exactly the same situation as that pertaining to a Minister's accepting gifts. When the Liberal Party was in office a very strict rule insisted on by the Premier at that time was that Ministers were not to accept substantial gifts from any person doing business with the Government or, indeed, from anyone else. If there was any question of a gift being accepted such a gift was to be declared to the Premier. Certainly, there was no doubt whatever that, if there was any question of a business association and a gift coming from someone who had done business with the Government, that business having been paid for at the taxpayers' expense, no substantial gift was to be accepted.

The matter before us involves a gift, and a substantial one, given to the Minister. It is just as much a gift as is a physical gift, a contribution in money or some substantial physical asset, because the conduct of a poll is normally paid for, it was something that obviously the Minister valued, and it was indeed a gift in service rather than of a physical nature but, nonetheless, a gift. I do not accept that this will not cost the taxpayer money at least indirectly, or in the long run. Business organisations do not perform such a substantial favour without the expectation of some sort of gain or favour in the future. The Minister says that it was Mr Rod Cameron who made the suggestion of including in the questionnaire a question about the Minister's personal approval rating. I do not believe that, and I do not think anyone else believes that.

The Hon. Martin Cameron referred to the question asked on 9 August 1983 about who was going to bear the cost of the poll on questions related to cannabis. I think it is worth remembering that following the Labor Party Conference, even when the Minister had said that he was considering introducing a private member's Bill to make the simple possession of cannabis for personal use no longer an offence, he said that he would run an opinion poll to ascertain the opinion of the public in regard to that and other related matters.

There was criticism at that time that, if he was to do this in relation to the possible introduction of a private member's Bill, he should be paying for it and not the public. A report appeared in the *News* of 20 June 1983 stating that Dr Cornwall had said that he would canvass public opinion on the issue by commissioning a poll on a range of drug issues, including marihuana. He is also reported as saying the following:

> I want to find out where peoples' fears and concerns are about a number of drug related issues.

On 9 August 1983 the Hon. Mr Cameron asked the following questions:

1. Has the Minister commissioned this opinion poll?
2. If so, what are the questions that are being asked?
3. Who is paying for the poll, in view of the fact that the Minister has indicated his intent to use the opinion poll results to introduce a private member's Bill?

The Hon. Martin Cameron then went on to make other remarks that I will not repeat. The Minister then referred to the questions that would be included in the poll. He is reported at page 32 of *Hansard* as saying the following on that occasion in response to the Hon. Mr Cameron:

> This is not a question of running a poll so that at some stage I might introduce a private member's Bill regarding the decriminalisation of marihuana.

I suggest that it was. Therefore, even in August 1983 we had the sins of the Minister compounded. First, he conducted at public expense a poll into the question of decriminalisation of marihuana, and included in that poll was a question about his personal approval rating. For those reasons, and the other reasons that I have given, including the Minister's misleading this Council, which was referred to at some length by the Hon. Mr Lucas and the Hon. Mr Cameron, I support the motion.

The Hon. J.R. CORNWALL (Minister of Health): I rise to respond to the weekly censure motion. The Opposition, if one could rightly call them that, have been going through these performances so regularly that I submit to the Council—

An honourable member: It's not a censure motion.

The Hon. J.R. CORNWALL: I am sorry, it is an urgency motion on this occasion and not a censure motion or a no-

confidence motion. The Opposition has been going through this exercise, which is directed at me, with what is becoming not only monotonous regularity but, I submit, boring regularity. The tactics that have been used on this occasion are those of the gutter—those of the cheap operator in a desperate attempt to try to attach some sort of odium or disgrace to my performance as Minister of Health and, more particularly, to my very strenuous efforts to upgrade drug legislation and to very much upgrade drug services and detection in this State.

The Opposition knows full well, as does just about everybody in South Australia, that I have a particular passion for drug law reform. As everybody now knows, I am in no way soft on the vile scum who trade or traffic in hard drugs of any description for commercial gain. If anybody ever had any doubt about this, I refer them to the Controlled Substances Bill, a very major piece of drug legislation that I introduced and piloted through this Council.

That legislation was very much mine, although obviously it was an official Government Bill. That Bill has now passed the Lower House and hopefully, in the reasonably near future, will become proclaimed legislation within this State. Let me assure honourable members opposite that I am not being eviscerated by their constant carping and amateur performances.

There was some rather ungracious reference in the weekend press to my soft underbelly. I have always made it a policy in politics not to refer to people's physical disabilities, and I think in this instance that it would ill behove anyone to refer to my soft underbelly. I might have a slight problem, but I am working on it. In a political sense, I do not have a soft underbelly: I am not being eviscerated; I am not losing my grip; and, I can assure all honourable members in the Council, I am not about to resign. This would have to be the most ungainly and unfortunate beat-up in South Australian politics in 1984.

There is not and there never has been a cover-up. Throughout my actions, and as long ago as 20 June 1983, I have been at great pains to keep not only the Parliament but also the people of South Australia informed as to what I was about. Let me examine the allegation of a cover-up. In the *News* of 20 June 1983 (if my memory stands me in good stead, that is about 10 months ago), a report stated:

> Dr Cornwall said he would canvass public opinion on the issue by commissioning a poll on a range of drug issues including marihuana. 'I want to find out where people's fears and concerns are about a number of drug-related issues,' he said.

In this Council as long ago as 9 August 1983 (eight months ago), in response to a question from the Hon. Martin Cameron, I gave quite a lengthy reply. I outlined the sorts of things that I wanted to find out and the reasons why I intended to commission Rod Cameron from ANOP—I made that very clear—to conduct the survey for me, the Health Commission and the Government.

At all stages I kept the Council and the public fully informed of what I was about. I told the Council the price that had been accepted and the sort of survey that was being done and, at the conclusion of that, I did not attempt to keep the survey in house. I could have done so: it has no real need to be a public document, but as taxpayer funding had been used—and used very responsibly, I would submit, to get a very full range of attitudes—I thought it was only fair and reasonable in the spirit of open government that that report ought to be available, and it has been available. It travelled with the Controlled Substances Bill, and that was quite deliberate. I tabled it in this Council at the time that that Bill was introduced—

The Hon. C.J. Sumner: On 8 December.

The Hon. J.R. CORNWALL: On 8 December, exactly, and it has been a public document since then. As I said the other day, I have not a great deal to add to the comprehensive answers that I gave to the Council last week. The Opposition has not come up with one new fact or one scintilla of evidence that taxpayers' money was used for personal approval ratings. It was not. As I said to the Council last week, and I repeat again this week, the contracted price for a very extensive survey was $32 000. After that price had long since been agreed, the question of a personal approval tag came up.

Every journalist and politician worth his salt in Adelaide knows that a tagged question to a whole range of surveys is not unusual by any means—it is common practice. So, not one penny of taxpayers' money was involved. I might say, as an aside, that I do not feel under any obligation to Mr Cameron and ANOP for what the Hon. Mr Burdett described as a gift. I am supposed to have this well known super ego and, if the personal approval rating had come up at around 78 per cent, I might well have felt a small debt of gratitude. But, as it came up at 43 per cent, I assure members that I do not feel in any debt at all.

The Hon. Mr Lucas—and I really must not give him too much credit: Matt Abraham is absolutely right, veteran politicians of my standing really should not spend too much time on green Opposition backbenchers—carried on at great length about how he would produce clear evidence that a voter intention survey was conducted because he had the whole thing on record. The Hon. Mr Lucas produced this report—shock, horror, outrage—which has been a public document for five months and said that, because in various places in the report the attitude of Labor voters, Liberal voters and, presumably, Calathumpians are recorded on matters of drug law reform and questions of whether or not they believe they know a great deal about the very serious drug problems that are upon us, it means that it is a voter intention survey. That is so stupid and nonsensical that I really must not go on with it. I am trying to be very restrained in my language. I find words like 'stupid', 'nonsensical', and so on, quite inadequate to describe the irresponsible and pathetic performance of the Hon. Mr Lucas over this matter, particularly in recent days. He had his brief moment of glory last week. I suggest that at this time he should retire and rest on his laurels. As a result of the survey, I have subsequently produced a very comprehensive drug abuse strategy. Mr President, I am not sure how much time is left.

The PRESIDENT: About two minutes.

The Hon. J.R. CORNWALL: As there is some time, I will devote it to a matter of substantially more importance, since it is relevant to the motion, than that with which the Opposition has wasted the Parliament's time today.

The Hon. R.J. Ritson: Got some red herrings?

The Hon. J.R. CORNWALL: I will not respond to that. I have been very good to date and have no intention of being diverted by lightweights on the back-bench opposite. As a result of the survey, I produced a blue print for the most comprehensive anti-drug and alcohol strategy that has ever been produced in this State. With education, the urgent need to gain factual information and to improve community attitudes towards drug abuse was very much highlighted by what I described when I submitted the document originally, namely, the recently released ANOP report on community attitudes towards—

The PRESIDENT: Order! Call on the Orders of the Day.

The Hon. C.J. SUMNER (Attorney-General): I move:

That Orders of the Day be postponed until 12.40 p.m.

Motion carried.

The Hon. J.R. CORNWALL: The problem with the lack of information highlighted by the ANOP report was confirmed by the February 1984 report of the Australian Bureau

of Statistics on alcohol consumption in South Australia. As a result of that a three-pronged approach is being developed in education. First, in the schools the health education programme will be specifically redesigned and expanded, so that we will have for the first time in this State and in this country a programme introduced which will start at an early age to warn our children of our greatest asset, of the perils of drug and alcohol abuse and, later, of safe and reasonable levels of alcohol consumption.

Secondly, as Minister of Health, I am personally sponsoring a national seminar on drug abuse problems for the medical and allied professions, to be held in Adelaide in February next year. That conference is being organised by the South Australian Post-Graduate Medical Education Association and, for the first time, we will get all interested members of the medical profession together with nursing and other professions involved in this area and sponsor a major national seminar.

Thirdly, we are developing responsibly a community education programme that will not be ready to go into place for some time because we have to get it right. It may even be that, along the way, some more surveys will be needed. If so, they will be undertaken without the nonsense, the carry-on and despite the irresponsiblity of the Opposition on this matter. We are developing a whole range of other areas—a community drug information resource centre will be established some time within the next 12 months. That will mean that we will have shop-front counselling and advice available to those victims of the drug scene on a 24-hour counselling and drop-in basis. There will specifically be a van which will operate as an outreach activity of that centre. It will be present wherever youth gathers together, whether it be at Colley Reserve, the beaches, rock concerts or elsewhere.

We will also be developing a specific number of support groups for family and friends of these people with drug problems. That is an enormously important area which has been sadly neglected. The initial response of parents when they find that they have adolescents or teenagers in the drug scene is one of substantial guilt. They ask themselves where they went wrong, but, in the overwhelming majority of cases, they did not go wrong at all. They need support and counselling through an extremely difficult period. The Government is developing such a programme.

Computerised prescription surveillance is something that we are currently putting in place in the Pharmaceutical Services Branch of the Public Health Division of the Health Commission. We will be able to rapidly identify prescription abuse, whether it be by stolen or forged prescriptions, through doctors being conned by people mimicking symptoms in order to obtain prescriptions for restricted drugs, or by that small number of doctors who write prescriptions purely for profit. We will take a much upgraded approach to research, and at various times we may decide to check community attitudes to ascertain where we ought to be going.

This pathetic attempt by the Opposition to somehow discredit me is not the first attempt. The Opposition resorts to every low trick in the book and has resorted to every low trick in the book over a period of 12 months. Frankly, it is not a reflection on me.

It is a reflection on the very clear initiatives that we have taken to try and find out what the public was thinking so that we could devise our legislative and administrative programmes—these enormously important areas which are vital to the public of South Australia, in which parents are deeply concerned and in which we have specific problems. These programmes have been researched and developed as a result of, among other things, this very comprehensive ANOP survey.

The Hon. R.I. Lucas: Why don't you answer the question?

The PRESIDENT: Order!

The Hon. R.I. Lucas: We have listened to 20 minutes of garbage.

The PRESIDENT: I ask the Hon. Mr Lucas to cease interjecting.

The Hon. J.R. CORNWALL: I am not about to apologise for my actions in a debate as serious as this is—or I should say in a matter as serious as this is, because I believe that, by and large, the debate has been pretty much a pathetic exercise; the attitudes are pretty pathetic, too, as we have just witnessed. I am not about to apologise for what I have been able to develop for the concerned public of South Australia. This is what the exercise has been all about. I completely reject what the Opposition has been about; it has been an exercise in gross irresponsibility. It has been an abuse of the forms of the South Australian Parliament, and it has been an insult to every concerned parent in this State.

The Hon. C.J. SUMNER (Attorney-General): I will respond to one of the matters raised by the Hon. Mr Lucas: some wild accusation that he has made in this Council in Question Time and during this debate that somehow or other there has been a cover up in relation to this matter. In particular, he made some accusation in relation to me; I reject entirely that accusation. I reject the evidence that he has presented, if one can call it that, in favour of such a proposition. The fact is that there is not one jot or skerrick of evidence to suggest that there has been any cover up by me or by any other Minister in relation to this matter.

On 26 October as part of the Budget debate the Hon. Mr Lucas asked 37 questions in the Council, which involved each Government department, Aboriginal health, tenosynovitis, dental health, revenue and the E. and W.S., and revenue and transport. I obtained answers to each of those questions by referring them to the responsible Ministers. I collated the information and wrote to the honourable member on 20 March. In that letter, as a result of information given to me, I said that the questionnaire would not be tabled. In fact, the survey was tabled, as the Hon. Dr Cornwall has said, on 8 December. The survey was made available to the Council and to the public. The survey results were made available publicly by the Minister of Health because he felt—quite rightly—that it contributed to the debate on this very important topic.

I want to place on record that that was my involvement in the matter in terms of seeking information for the Hon. Mr Lucas and obtaining it, and I refute any suggestion of a cover up. I refute the accusations by the Hon. Mr Lucas about the Minister of Health.

The PRESIDENT: Order! Call on the business of the day.

EGG INDUSTRY STABILIZATION ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Egg Industry Stabilization Act, 1973. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

This Bill makes an amendment to the Egg Industry Stabilization Act, 1973. That Act regulates the egg industry and requires persons who keep hens for the production of eggs for human consumption to be licensed. It is a condition of each licence that the holder not keep more than his quota of hens for a licensing season. The quota system maintains the stability of the industry in ensuring that the total State egg production is kept within manageable limits.

The quota system applies only to hens which are at least six months old and, in 1973, when the principal Act was passed, that age was a realistic guide to the age at which hens produced eggs in commercial quantities. However, as a result of research and improved breeding techniques, hens now produce eggs in such quantities at an earlier age. As a result, a significant number of hens that are capable of producing eggs in commercial quantities are not taken into account for the purposes of assessing quota under the Act. The Bill remedies this situation by amending the definitions of 'hen' and 'pullet' so that the relevant age is now 22 weeks, some four weeks younger than the present age of six months.

Another problem addressed by the Bill is one which arises under section 5 of the principal Act. That section provides that the Act does not apply to persons who do not own or keep more than 20 hens. Subsection (2) of that section provides that where, on a prescribed day which, by virtue of the Commonwealth Poultry Industry Levy Act, 1965, occurs every 14 days, a person is not liable to pay a levy under that Act, the principal Act does not apply to that person during that period of 14 days. The purpose of the provision was to provide similar criteria of operation as between the State and Commonwealth legislation. Under the Commonwealth provisions a person is not liable to pay a levy unless he kept hens, aged six months or older, for commercial purposes, and the subsection was intended to extend the latter criterion to the operation of the quota system under the State Act. However, the provision has been abused by some producers who raise an entire flock of hens of uniform age so that the flock achieves the age of six months one day after a prescribed day. Then during the next 13 days, the hens may be kept in contravention of the principal Act with immunity, and they are not taken into account for the purposes of assessing quota. The Bill remedies this situation by removing subsections (1) and (2) and providing simply that the Act does not apply except in relation to persons who own or keep more than 20 hens for commercial purposes.

These amendments have been considered in consultation with the South Australian Egg Board and the United Farmers and Stockowners of South Australia Incorporated. Both of those bodies support the measure. In summary, this Bill will substantially reduce the number of hens capable of producing eggs in commercial quantities kept in excess of the State hen quota, thus lessening the need to dispose of surplus eggs on unprofitable export markets. It is estimated that a saving of eight to 10 cents per dozen eggs will be achieved and it is hoped that this saving will be reflected in the retail price of eggs.

Clause 1 is formal. Clause 2 amends section 4 of the principal Act. The definition of 'hen' is amended so that that word now means a female domesticated fowl of the genus *gallus domesticus* that is not less than 22 weeks old. The definition of 'pullet' is also amended. That word now means a hen that is less than 22 weeks old. Clause 3 amends section 5 of the principal Act. Subsections (1) and (2) of that section are struck out and new subsection (1) is substituted. The new subsection provides that the principal Act does not apply except in relation to persons who own or keep more than 20 hens for commercial purposes.

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

CITRUS INDUSTRY ORGANISATION ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Citrus Industry Organisation Act, 1965. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

This Bill to amend the Citrus Industry Organisation Act, 1965, effects two changes to the principal Act. The first change relates to the name of the committee established under the Act called the 'Citrus Organisation Committee of South Australia'. That body's name is changed to 'The Citrus Board of South Australia'. The second change is to increase from 100 to 200 the minimum number for a petition under section 36 of the Act.

Both changes were amongst the recommendations of the Report of the Committee of Inquiry into Citrus Marketing in South Australia released in 1979. The recommendations were considered by the various sectors of the industry at the time. The change in name is desirable to better reflect the committee's functions and to identify both the name of the State and that of the industry in a simple and direct way. It also brings the name into line with sister organisations in other States and with similar agricultural boards within South Australia: for example, the South Australian Potato Board or the South Australian Egg Board. There is support from the industry itself for the name change.

Under section 36 of the principal Act, where not less than 100 growers petition the Minister requesting that a poll be taken on the question whether the Act shall continue in operation, such a poll must be held. The case for increasing the minimum number of growers for a petition from 100 to 200 rests with the fact that with an industry so compact in its geographical location, the ability of only 100 growers to demand a poll has in the past generated an atmosphere of uncertainty and conflict within the industry. This can have serious implications for marketing arrangements.

There is general agreement within the industry that the number should be increased. Both amendments the subject of this Bill are supported by the Citrus Organisation Committee of South Australia. The industry has been consulted and is agreeable to the provisions of this measure. I seek leave to have the explanation of the clauses of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 3 of the principal Act which is the arrangement provision. The amendment reflects the changes in the headings to the principal Act affected by the Bill. Clause 3 amends section 5 of the principal Act. References to the word 'Committee' are struck out and references to 'Board' are substituted. A new definition of 'the Board' is inserted (being the Citrus Board of South Australia continued in existence under section 8) and the definition of 'the Committee' is struck out.

Clause 4 amends section 6 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 5 strikes out the heading to Part II of the principal Act and substitutes a new heading: PART II—THE CITRUS BOARD OF SOUTH AUSTRALIA.

Clause 6 strikes out the heading to Division I of Part II of the principal Act and substitutes a new heading: Division I—The Board.

Clause 7 amends section 8 of the principal Act. Subsection (1) is struck out and a new subsection substituted, which provides that the corporation known as 'The Citrus Organisation Committee of South Australia' shall continue in existence under the name 'Citrus Board of South Australia' and the change of name shall not affect the corporation's rights or obligations. The references in other parts of the

section to 'Committee' are changed to 'Board'. Clause 8 amends section 9 of the principal Act. Subsection (1), which is now obsolete, is struck out. The references in other parts of the section to 'Committee' are changed to 'Board'.

Clause 9 amends section 11 of the principal Act. Subsection (1), which is now obsolete, is struck out, and a consequential amendment is made to subsection (1a). The references in other parts of the section to 'Committee' are changed to 'Board'. Clause 10 amends section 12 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 11 amends section 13 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 12 amends section 15 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 13 amends section 16 of the principal Act. The reference to 'Committee' is changed to 'Board'. Clause 14 amends section 17 of the principal Act. References to 'Committee' are changed to 'Board'.

Clause 15 amends section 18 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 16 amends section 19 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 17 amends the heading to Division II of Part II of the principal Act. The word 'COMMITTEE' is struck out and the word 'BOARD' is substituted. Clause 18 amends section 20 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 19 amends section 21 of the principal Act. References to 'Committee' are changed to 'Board'.

Clause 20 amends section 22 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 21 amends section 23 of the principal Act. Subsection (7) which is now obsolete, is struck out. The references in the other parts of the section to 'Committee' are changed to 'Board'. Clause 22 amends section 23a of the principal Act. References to 'Committee' are changed to 'Board'. Clause 23 amends section 24 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 24 amends section 25 of the principal Act. The reference to 'Committee' is changed to 'Board'. Clause 25 amends section 27 of the principal Act. References to 'Committee' are changed to 'Board'.

Clause 26 amends section 28 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 27 amends section 30 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 28 amends section 31 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 29 amends section 32 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 30 amends section 33 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 31 amends section 34 of the principal Act. References to 'Committee' are changed to 'Board'. Clause 32 amends section 35 of the principal Act. References to 'Committee' are changed to 'Board'.

Clause 33 amends section 36 of the principal Act. The minimum number of growers required to petition the Minister to hold a poll on the question whether the principal Act should continue in operation is increased from one hundred to two hundred. The references in other parts of the section to 'Committee' are changed to 'Board'. Clause 34 repeals section 37 of the principal Act and substitutes new section 37. The new section provides that the Board may be wound up in accordance with Division 6 of Part XII of the Companies (South Australia) Code. The purpose of the amendment is to update the existing provision which, although of the same effect, refers to the old Companies Act, 1962. Clause 35 amends section 38 of the principal Act. A reference in subsection (1) to 'section 292 of the Companies Act, 1962-1965' is changed to 'section 441 of the Companies (South Australia) Code'. References in the section to 'Committee' are changed to 'Board'.

The Hon. PETER DUNN secured the adjournment of the debate.

[Sitting suspended from 12.52 to 2.15 p.m.]

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3) (1984)

Second reading.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

It makes a number of what may be termed 'housekeeping' amendments to the Local Government Act, designed to improve its administration. The principal amendment streamlines the administrative procedure for making council by-laws by providing that the legal practitioner who drafts a by-law shall certify that it is within power. At present a by-law, after being drafted, must be examined by the Crown Solicitor who issues the certificate of validity, resulting in a duplication of effort. The provisions of the Act providing for Parliamentary scrutiny of by-laws are not affected by the amendments.

Other amendments contained in the Bill repeal obsolete and archaic provisions, such as power to control noisy trades and provisions in the nature of planning controls over the erection of hospitals and drive-in theatres, which were placed in the Act prior to the advent of noise control or planning legislation. Councils will be empowered under an amendment contained in the Bill to use reserve fund investments to off-set temporary liquidity problems in their general fund which frequently arise prior to the levying of rates. This amendment will ensure the efficient use of council cash resources, but at the same time controls are contained in the Bill which will ensure that all cash balances are properly adjusted and properly reported at each 30 June.

In addition to the foregoing, there are numerous minor amendments which merely correct cross-reference to other provisions in the Act, and an amendment which will exempt the Royal Zoological Society of South Australia Incorporated from payment of rates on the Adelaide Zoo. I seek leave to have the 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 provides consequential amendments to that section of the Act concerned with its arrangement. Clause 4 proposes amendments to the definition of 'ratable property' in section 5. Reference to the Recreation Grounds Taxation Exemption Act, 1910, is to be replaced by the correct reference—to the Recreation Grounds Rates and Taxes Exemption Act, 1981. Furthermore, provision is made to exempt lands under the care, control and management of the Royal Zoological Society of South Australia from the definition of ratable property. This will mean that such lands will be unratable.

Clause 5 provides for the repeal of section 215 of the principal Act. Councils no longer declare 'watering rates' and so this section is obsolete. Any action that a council may wish to take in relation to watering roads is now done as part of general maintenance. Clause 6 provides for the repeal of various sections of the Act concerned with memorials to have street-lighting undertaken. These are obsolete. Electors will still be able to address a memorial to the council under section 218 of the Act.

Clause 7 proposes that a new subsection be inserted in section 290c of the principal Act. This section is concerned with the establishment by councils of reserve funds to off-set amounts payable for allowances to officers and the depreciation of council property. However, once money is paid to a reserve fund under this section it cannot be temporarily reallocated to any other area of the council's activities. The council therefore may be compelled to obtain money from far less satisfactory sources to off-set temporary liquidity problems. This situation can have the effect of discouraging councils from paying money into such reserve funds. Consequently, the amendment proposes that councils may transfer moneys out of a reserve fund to make good any temporary deficiency in general funds, but the moneys must be repaid by the end of the relevant financial year (thus allowing the council's end of year accounts to reflect accurately the situation of that time) and, if the fund is unable to meet a payment for which it was established, moneys sufficient to meet that payment must be repaid to the fund.

Clause 8 provides for various amendments to section 290d of the principal Act. The amendments will rectify various incorrect cross-references. Clause 9 proposes the repeal of sections 299 and 300 of the principal Act. Section 299 is concerned with payments of grants to councils out of the Highways Fund established under the Highways Act, 1926. Section 300 is concerned with the application of such grants. These provisions are obsolete. Clause 10 proposes an amendment to section 300a that is consequential on the repeal of section 299 under clause 9.

Clause 11 proposes the repeal of section 313a. This provision allows all the owners of property abutting a street or road to apply to have the street or road removed from the register of public streets. Clause 12 corrects an incorrect cross-reference in section 332 of the Act. Clause 13 proposes the repeal of section 359 of the Act. This section is concerned with the watering of public streets or roads. Clauses 14, 15 and 16 are intended to rectify incorrect cross-references. Clause 17 provides for the repeal of sections of the Act concerned with the provision of lighting by councils.

Clause 18 provides for the repeal of section 541 of the Act, which provides for the giving of notice to the council before a hospital for the treatment of infectious diseases may be established. Such a matter is dealt with sufficiently under other legislation. Clause 19 repeals various other sections concerned with giving notice to councils of the establishment or alteration of other hospitals and nursing homes. It is considered appropriate that they now be repealed. Clause 20 provides for the repeal of Part XXVIII of the Act—Noisy Trades. It is inappropriate to have these provisions still appearing in this Act. Clause 21 proposes various amendments to section 667 of the principal Act (by-laws). The amendments effected by paragraphs *(a)*, *(b)* and *(c)* are either consequential upon other provisions of this measure, or correct incorrect cross-references.

Clause 22 proposes amendment to section 668 of the principal Act. The succeeding clause provides for the repeal of various sections, including section 671, which provides that by-laws made with respect to public health cannot have effect until approved by the Central Board of Health. This approval is to be transposed to section 668 of the Act, which is concerned also with the effect of by-laws. Clause 23 provides for the recasting of various provisions concerned with the confirmation and scrutiny of by-laws. The new provision will require councils to refer their by-laws to the Minister, for confirmation by the Governor. Those by-laws will have to be accompanied by a certificate, signed by a legal practitioner, certifying the legality of the by-law. (The present procedure is that the Crown Solicitor must give an opinion on each by-law.) The by-laws may then be confirmed, and shall then be laid before each House of Parliament. A motion of disallowance may then be passed.

Clause 24 proposes the rectification of incorrect terminology in section 712. Clause 25 proposes the repeal of section 726, concerning evidence of memorials etc., relating to manufacturing districts. The section is superfluous. Clauses 26 and 27 relate to increasing the penalties provided by sections 779 and 780 respectively. It is considered that by reason of the considerable damage that persons may do to council property, road-side vegetation, etc., it is appropriate that the penalties be revised. Obviously, small misdemeanours will still attract small fines. Clause 28 proposes an amendment of section 858 of the Act so that this provision will be consistent with section 430 (3) of the Act (as amended in 1983). Clause 29 provides for the repeal of Part XLVA of the Act. It is no longer required. Clause 30 provides for the repeal of section 889 (drive-in theatres). Approval is now a matter for the Planning Act. Clause 31 is a consequential amendment to the repeal of Part XLVA.

The Hon. C.M. HILL secured the adjournment of the debate.

STATE BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Second reading.

The Hon. C. J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

On 17 November 1983 legislation was introduced in another place to provide for the amalgamation of the Savings Bank of South Australia and the State Bank to form a new bank to be known as the State Bank of South Australia. It is intended that this legislation will be proclaimed to come into effect on 1 July next. Detailed provisions relating to staffing (which are a feature of the existing Savings Bank of South Australia Act and, to a lesser extent, the State Bank Act) were not included in that legislation. The Government indicated at that time that a Bill incorporating such staffing provisions as may be necessary would be brought forward at a later date.

Members will recall that subsection (2) of section 2 of the State Bank of South Australia Act, 1983, requires that the Governor must be satisfied that legislative provision has been made in relation to the rights and interests of the officers of the bank before the Act is proclaimed. This Bill sets out to make that provision. The Bill amends the principal Act by inserting a schedule which comprises the provisions relating to employees. It is both logical and convenient that these provisions be incorporated into the State Bank of South Australia Act rather than being set out in a separate Act.

The Bill now before the Council is the result of extensive discussions between representatives of the Australian Bank Employees Union, the management of the banks and the Government. It represents an agreed position on all matters. The principles underlying the Bill are that no employee should lose an established right as a result of the merger and that future rights accruing should represent a reasonable amalgam of the rights which would have accrued under the separate enabling Acts of the two existing banks. I would like to place on record the Government's appreciation of the positive approach displayed by all those involved in assisting the Government to draw up this legislation. The manner in which the union's concern about 'prescribed offices' has been handled is a good example.

Provision for 'prescribed offices' is made in the current Savings Bank of South Australia Act. They are positions

occupied by very senior officers of the bank and, in isolated cases, positions requiring specialist skills which are not available within the bank. There is no right of appeal against appointment to a 'prescribed office'. The union recognises the necessity for this kind of provision in the new legislation but, naturally, is concerned to ensure that it is not abused. The union has accepted assurances in that regard from the officers of the banks who were involved in the discussions. The Government supports those assurances with the observation that we see no reason why there should be any real change in the way in which the 'prescribed offices' provisions would be used.

The attitudes displayed by all concerned in resolving this issue and, indeed, in the whole of the discussion process, exemplify the approach to industrial matters which has helped to put South Australia ahead of all other States in the Commonwealth in terms of industrial harmony. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 makes a consequential amendment. Clause 3 adds a subsection to section 17 of the principal Act. The new subsection relates the employment of staff by the new bank to the provisions in the schedule inserted by clause 5 of the Bill. Clause 4 by paragraph *(a)*, makes a consequential change to the heading of the existing schedule to the principal Act. The amendment to clause 1 (2) of the first schedule is made to ensure that the Superannuation Act, 1974, will apply for the benefit of employees of the new State Bank. Section 6 (1) of that Act already provides that employment by the State Bank of South Australia shall be deemed to be employment by the Government of South Australia with the result that employees of the existing State Bank may become members of the fund. The result of this amendment will be that section 6 (1) will, in the future, refer to the new State Bank instead of the old State Bank.

Clause 5 inserts schedule 2 into the principal Act. Clause 1 provides definitions of terms used in the schedule. Clause 2 sets out the powers of the bank to employ, transfer and dismiss employees. It is worth pointing out that, because of the Australian Constitution, the power of the bank (being a corporation established by Act of the South Australian Parliament) to employ officers and other persons on such conditions as it thinks fit is subject to overriding Commonwealth law which includes industrial awards made pursuant to the Conciliation and Arbitration Act of the Commonwealth. Specific requirements of other Acts of State Parliament such as those made by the Industrial Safety, Health and Welfare Act, 1972, must also be complied with by the new bank. Subject therefore to any overriding law the bank will be able to employ officers and others on such conditions as it thinks fit. For example, in addition to recreation leave, sick leave and long service leave it will be able to grant leave to officers or employees for compassionate reasons or in necessitous circumstances on such pay, or without pay, as it sees fit.

Clause 3 gives the board of the bank power to declare an office in the bank to be a prescribed office. Prescribed offices will not be subject to classification and there will be no appeal against the appointment by the board of a person to a prescribed office. Clause 4 provides for the classification of offices and the establishment of committees to advise the board on classification. Clause 5 recognises that the board may, if it wishes, invite applications for appointment to an office in the bank. Clause 6 provides for appeal by certain officers against appointments made by the board. Clause 7 establishes the Promotion Appeals Committee. When hearing an appeal one member of the committee will be a union appointee nominated by the appellant. Subclause (6) requires the committee to take into account the demonstrated capacity and the potential capacity of the proposed appointee and the appellant. Subclause (7) provides that an appellant should not be prejudiced if, on a previous occasion, he has refused an offer of promotion.

Clause 8 sets out the action that may be taken by the committee after determining an appeal. Subclause (2) provides that the board may comply with a recommendation of the committee. Clause 9 makes provision for long service leave. Clause 10 makes provision for the superannuation rights of fixed establishment employees of the Savings Bank of South Australia. Clause 11 is a provision as to discipline. Subclause (2) allows the Chief Executive Officer to suspend an officer who is the subject of an inquiry by the board or where he intends to recommend to the board that it inquire into that officers conduct. Clause 12 establishes a tribunal to hear appeals on disciplinary matters. The appellant may select one of the members of the tribunal, who is an officer appointed by the union, to be one of the members of the tribunal who will hear his appeal. Clause 13 sets out the provisions that will apply on an appeal to the tribunal.

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

ADELAIDE RAILWAY STATION DEVELOPMENT BILL

In Committee.

(Continued from 10 April. Page 3392.)

Clause 2—'Commencement.'

The Hon. K.T. GRIFFIN: There is a provision in clause 2 that the Governor may suspend the operation of specified provisions of the Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation. Will the Attorney say what, if any, part of the Bill, the Governor may suspend from coming into operation?

The Hon. C.J. SUMNER: There is no specific clause involved. This clause is included as a precautionary drafting measure.

The Hon. K.T. GRIFFIN: Does the Government have any proposal at this stage, when the whole Bill, when passed, is likely to come into operation?

The Hon. C.J. SUMNER: No date has been fixed for the proclamation, but it is expected that it will be some time during the recess.

Clause passed.

Clause 3—'Interpretation.'

The Hon. K.T. GRIFFIN: Mr Chairman, at some stage during consideration of this Bill I wish to raise questions about the agreement. This may be the appropriate clause upon which to raise those questions. If that is your direction, I am happy to proceed to ask some questions on the agreement after I have dealt with other questions specifically related to certain aspects of the clause.

The CHAIRMAN: I think that it is probably the most appropriate clause upon which to do that.

The Hon. K.T. GRIFFIN: In relation to the definition of 'the contracting parties' I raised a question during the second reading debate as to whether or not bodies such as the State Transport Authority and the Lotteries Commission would be included within the definition of 'the State'. Will the Attorney say what he understands to be included in the definition of 'the State', because it is relevant to a later

provision of the Bill which enables exemptions from various duties and charges to be granted?

The Hon. C.J. SUMNER: It is felt that the STA and the Lotteries Commission do come within the definition of 'the State'. Both authorities are subject to the control and direction of the Minister.

The Hon. K.T. GRIFFIN: Reference is made to the ASER Property Trust, which is not a legal entity, so we are not really sure exactly what is to be encompassed by the reference to the ASER Property Trust in the definition of 'the contracting parties'. In the second reading debate I indicated that there would have to be a trustee for that property trust. No information had been given as to the shareholders and directors of that trustee, if it were to be a company, and no details were given of the actual constitution of the ASER Property Trust. Can the Attorney give some detail, first, as to who is to be the trustee of the ASER Property Trust and, if it is to be a company, who are the shareholders and directors and what are the shares that they each hold?

The Hon. C.J. SUMNER: I am advised that the inclusion of the Trust in the Bill, as it is, is sufficient for the current purposes, that the foreign investment aspects of the project must still go before the Foreign Investment Review Board for approval and that the finalisation of the composition of the Trust will depend on the results of the Foreign Investment Review Board's consideration of the investment.

The Hon. K.T. GRIFFIN: That does not answer the question. Who is to be the trustee of the ASER Property Trust and who are to be the shareholders and directors of the trustee, if it is a company?

The Hon. C.J. SUMNER: The trustee and manager of the Trust is ASER Nominees Trustee Pty Ltd of which the South Australian Superannuation Investment Trust has a 50 per cent interest and Kumagai Gumi Company Limited has a 50 per cent interest. The sum of $2 million has been subscribed to the company, $1 million from each. The answer is that the trustee is ASER Nominees Trustee Pty Ltd.

The Hon. K.T. GRIFFIN: I take it from what the Attorney is saying that the $2 million is the issued capital, or is it the nominal capital?

The Hon. C.J. SUMNER: As far as ASER Nominees Pty Ltd, the trustee, is concerned, $10 000 is fully subscribed, 50 per cent by the South Australian Superannuation Fund Investment Trust and $5 000 by Kumagai Gumi Co. Ltd. In addition, $2 million has been taken up in units in the ASER Property Trust, $1 million by SASFIT and $1 million by Kumagai Gumi Co. Ltd.

The Hon. K.T. GRIFFIN: Who is the Chairman and who are the Directors of ASER Nominees Pty Ltd?

The Hon. C.J. SUMNER: The Chairman and one Director is Mr Weiss, who is with me here today and is well known to the honourable member. The other Director is Mr Takanaka.

The Hon. K.T. GRIFFIN: Is Mr Takanaka the nominee of Kumagai Gumi Co. Ltd?

The Hon. C.J. SUMNER: Yes.

The Hon. K.T. GRIFFIN: Is it proposed that other Directors will be appointed? If so, when are they likely to be appointed and who will they be?

The Hon. C.J. SUMNER: It is anticipated that two more Directors will be appointed, one from each side. Those appointments will be made when Kumagai Gumi Co. Ltd is in a position to do so.

The Hon. K.T. GRIFFIN: The Attorney suggested that it will be done when Kumagai Gumi Co. Ltd is in a position to do it. Is there some disability that prevents it from doing it now?

The Hon. C.J. SUMNER: I understand that the company has not decided on the appropriate officer.

The Hon. K.T. GRIFFIN: Has SASFIT decided on its nominee?

The Hon. C.J. SUMNER: I do not know whether or not the fund has, either. The fund is waiting for Kumagai Gumi Co. Ltd to put forward its nominee. When that happens I understand that both appointments will be made.

The Hon. K.T. GRIFFIN: Has SASFIT determined its additional Director? If so, who will that person be?

The Hon. C.J. SUMNER: Apparently a person was selected but is no longer a member of SASFIT, so the matter will be reconsidered.

The Hon. K.T. GRIFFIN: Do I take it from that answer that the person who is likely to be the additional nominee of the Superannuation Fund Investment Trust will in fact be a member of the Trust?

The Hon. C.J. SUMNER: That has not been resolved yet. That was the view of the previous Trust, but the matter has not been finally resolved.

The Hon. K.T. GRIFFIN: I now refer to the ASER Property Trust itself. The Attorney-General has said that two million units have been issued, and from that I presumed that they were two million units of $1 each. Will the Attorney-General confirm that?

The Hon. C.J. Sumner: Yes.

The Hon. K.T. Griffin: What is the proposal for the issue of further units? Is it proposed that a limit will be placed on the issue of those units and, if so, what will that limit be?

The Hon. C.J. SUMNER: I direct the honourable member's attention to the agreement. The situation is that, during the construction phase, loans will be made to the Trust by the Superannuation Fund and Kumagai. At the completion of the construction those loans will be capitalised into equity participation to a limit of $15 million each—Kumagai and the South Australian Superannuation Fund—and the balance converted to long or medium term loans to the Trust.

The Hon. K.T. GRIFFIN: I recollect that the funds being made available by Kumagai—that is, the $43.5 million or thereabouts—by way of loan funds is for a loan period of seven years, after which time the matter is to be refinanced. I am not sure from any of the material available publicly whether Kumagai or someone else will do the refinancing. Presuming that the refinancing of that loan is not by Kumagai, do I take it that at the end of the seven years the 15 million units issued to Kumagai Gumi Co. Ltd will be sold by Kumagai or will it continue to retain that equity in the project?

The Hon. C.J. SUMNER: The seven-year period operates from the date of completion, not the date of commencement of the project. At that time, if any loan is outstanding to Kumagai, the balance will be repaid. There may not be. The ASER Property Trust will be paying off the loan during those seven years. If a balance is left that will be paid back to Kumagai or renegotiated by the parties concerned, but at that point there will still be Kumagai equity in the ASER Property Trust which, I suppose, is there for it to do what it likes with.

The Hon. K.T. GRIFFIN: That suggests that there are to be no restrictions on Kumagai Gumi in respect of those units held in the ASER Property Trust at any time. The Minister's suggestion was that he supposed that it would be free to do with them what it will. Does that mean that, whether it is at the end of the seven years from completion or at any time during that period, Kumagai is able to dispose of the units that it holds, provided that its other obligations are met?

The Hon. C.J. SUMNER: No, that is not correct. It would be only after the seven years that Kumagai Gumi could dispose of its equity; that is, while there is any Government guarantee outstanding the Kumagai Gumi equity

participation project would remain. As I understand it, from the seven-year cut-off point after the completion date it would be entitled to deal with its interest in the ASER Property Trust as it wished.

The Hon. K.T. GRIFFIN: Does any provision require Kumagai to give a first right of refusal to the Government or to the Superannuation Fund Investment Trust if it resolves to dispose of all or any of its units in the ASER Property Trust?

The Hon. C.J. SUMNER: Yes.

The Hon. K.T. GRIFFIN: In that event, is there yet any agreement as to the basis on which that first right of refusal will be offered, particularly in relation to value?

The Hon. C.J. SUMNER: There is no formal agreement.

The Hon. K.T. GRIFFIN: In that event—that there is not presently any agreement—is it proposed that a formal, legal, binding option will be given to the South Australian Superannuation Fund Investment Trust, or is to be left as an understanding?

The Hon. C.J. SUMNER: There will be a formal agreement, which is currently being worked on, to give effect to that intention.

The Hon. K.T. GRIFFIN: Unit trusts generally provide for some termination date, if only to avoid the rule against perpetuities. Is there any limit on the duration of the unit trust in this instance and, if there is, what is that limit?

The Hon. C.J. SUMNER: It does have a limit, the earliest of which would be 50 years. There are three or four events which would determine the Trust. Fifty years will terminate the Trust. Fifty years is specified, and I understand that the trust deed also specifies the situation that was outlined by the honourable member such as not to offend the rule against perpetuities, but that would almost certainly be longer than 50 years.

The Hon. K.T. GRIFFIN: Does any provision in the trust deed allow for the change of trustee and, if it does, which provisions deal with the change in trustee?

The Hon. C.J. SUMNER: There cannot be a change in the trustee without the consent of the Superannuation Fund and Kumagai.

The Hon. K.T. GRIFFIN: In relation to the ASER Property Trust, if $2 million in units has now been issued with the prospect of another 28 million units by the time the project is up and running, that indicates that the trust deed has been prepared and executed. An assurance was given to the Casino Supervisory Authority, I think by Mr Pak-Poy or one of his officers, that within five years the public is to be offered an interest in the venture, which I presume may well be through the increase in the number of units in the property trust or by some other mechanism. In that event, the terms of the property trust would become available publicly. Can the Attorney-General make available publicly a copy of the property trust deed at the present time?

The Hon. C.J. SUMNER: There appears to be no objection to the ASER Property Trust deed being made public eventually and being made available to the honourable member. The only concern at present is that the deed is not in its final form, because the matter still has to go before the Foreign Investment Review Board. However, the question may be, to some extent, irrelevant, because the ASER Property Trust will not operate the casino if it is decided that the casino should be granted to ASER. That is still a matter to be decided by the Lotteries Commission and the Casino Supervisory Authority. Another trust, the ASER Investment Trust, will be established to operate a casino should a casino licence be given to that body. That decision still has to be made. If that happens, I imagine that the details of the trust and the deed will be made available publicly.

The Hon. K.T. GRIFFIN: The commitment to allow public participation in a trust, which was referred to before the Casino Supervisory Authority, I presume, from that answer, is really related to the ASER Investment Trust rather than to the ASER Property Trust, if the ASER Investment Trust should be granted the right to operate the casino. Will the Attorney-General indicate whether that is the correct understanding?

The Hon. C.J. SUMNER: That is substantially correct. The representations before the Casino Supervisory Authority were made by the ASER Investment Trust, not by the ASER Property Trust, just as in relation to the Hilton Hotel application the Hilton would not have run the casino, although the casino would have been located in the Hilton Hotel. The ASER Investment Trust was the applicant, and that decision is still to be made. The statement made about public participation by Mr Pak-Poy was made on behalf of the body that submitted the application—the ASER Investment Trust as opposed to the ASER Property Trust.

The Hon. K.T. GRIFFIN: Of course, the difference between the Hilton and the ASER Investment Trust situations was that, I understand, the ASER Investment Trust was held two-thirds by the ASER Property Trust and one-third by the Pak-Poy interests, so there was a direct relationship between the ASER Investment Trust and the ASER Property Trust. However, regardless of that, I believe that it would be important, when the ASER Property Trust deed has been finalised, for it to be made available publicly. Personally, I cannot see that there is any matter of a commercially sensitive nature in it. If a company had been the vehicle for the arrangement between the South Australian Superannuation Fund Investment Trust and Kumagai, it would be on the public record through the Corporate Affairs Commission. In my experience of unit trusts, there is generally very little, if anything, in them that could be of a commercially sensitive nature. I wonder whether, when the deed is in its final form, a copy could be made available on a public basis.

The Hon. C.J. SUMNER: I do not anticipate any problem with making the terms of the trust deed publicly available to the honourable member or to the public, for that matter, once it is in its final form. I cannot give a firm commitment in that regard at this stage, but I will discuss the matter with the Premier, who is the Minister responsible for this Bill. I do not anticipate that there will be any particular difficulty in that.

The Hon. K.T. GRIFFIN: The Attorney indicated earlier in Committee that the trust deed was still subject to the approval of the Foreign Investment Review Board, and I can understand that the Board may well have some qualms in respect to the trust deed that have to be satisfied before approval is granted. However, in respect to the Board, the Premier wrote to the Opposition on 29 March indicating that a formal submission had been made to the Foreign Investment Review Board by the developers and that a decision was expected shortly. I take it from what the Attorney has been saying that that approval has still not been granted. Does he have any indication as to when that approval may be granted by the Board?

The Hon. C.J. SUMNER: I understand that it is still expected shortly. There is no information beyond that. There has been no suggestion of any adverse reaction to the application since 29 March.

The Hon. K.T. GRIFFIN: I presume that the development really cannot begin until the Foreign Investment Review Board has given its approval; is that correct?

The Hon. C.J. SUMNER: No, that is not correct. The project has already begun in regard to design work and preliminary construction. It is not true that nothing is happening.

The Hon. K.T. GRIFFIN: That leads into another area concerning the extent of the work that has been undertaken so far. Has that work been commenced by ASER Property Trust? If it has, who has undertaken the design work and when is it expected to be completed?

The Hon. C.J. SUMNER: The work has been commenced by ASER Property Trust. A team of people have been assembled. The work has been carried out by Pak-Poy Kumagai, the joint venturers. John Andrews International are the architects in association with Woodhead Hall, the local firm. In addition, there are quantity surveyors, structural engineers and all the other sorts of people one needs in order to get a project of this kind off the ground.

The Hon. K.T. GRIFFIN: As a consequence of that answer, is the Attorney in a position to indicate whether or not a more comprehensive agreement between the various parties has been drawn up? If it has, when was it drawn up? If it has not been drawn up, is it expected that there will be one before the project is too far along the track?

The Hon. C.J. SUMNER: The answer is 'No'. When the final plans are in place I understand that a final agreement can then be drawn up.

The Hon. K.T. GRIFFIN: When is construction likely to commence?

The Hon. C.J. SUMNER: Obviously, a certain amount of work has to be done in respect of the design which I have mentioned and which has already commenced, but everyone is hopeful that construction can commence in July.

The Hon. K.T. GRIFFIN: I would have thought that that was not a realistic objective as the Foreign Investment Review Board has not yet approved the project and no detailed agreement between the parties has yet been completed.

The Hon. C.J. SUMNER: Kumagai has committed itself to financing the work to date, the work preparatory to construction and to approval by the FIRB, that being a commercial decision that the company has taken. As I said, much of the work has already been done. Of course, the final plans are still to be prepared and there is still approval from the FIRB to be obtained. I can only repeat that it is hoped that construction or some activity can begin by July.

The Hon. K.T. GRIFFIN: I would like to address a few questions now to the principles for agreement. I have already drawn attention to the fact that in the definition of the 'site' Adelaide Railway Station Building has been excluded and that the warranty to the South Australian Superannuation Fund Investment Trust in section 2 *(f)* is dependent upon whether or not the casino is placed in that site. In fact, it is now placed in the Adelaide Railway Station Building, which is not part of the site so, in the principles for agreement, the warranty by the Government to the Trust continues. As I indicated in the second reading debate, I understood that the Premier had indicated that all parties had agreed that the warranty would no longer apply because the casino was in fact in the Adelaide Railway Station Building which was for all practical purposes for the agreement part of the site. Of course, that is a substantial departure from the terms of the principles for agreement. Can the Attorney advise the Committee when that understanding was reached that the Adelaide Railway Station Building was, in fact, part of the site and how were the principles for agreement varied to accommodate that so-called understanding?

The Hon. C.J. SUMNER: The understanding has always been there. It was confirmed by a letter from the South Australian Superannuation Fund Investment Trust, which confirmed that the warranty no longer applies. It was always understood that the site included the railway. I understand that Mr Pak-Poy when he appeared before the Casino Supervisory Authority indicated that to the Authority during the public hearings.

The Hon. K.T. GRIFFIN: It is not my understanding that that is what Mr Pak-Poy told the Casino Supervisory Authority. There were two different aspects of the site discussed in respect of the Adelaide Railway Station Building before the Authority. If the South Australian Superannuation Fund Investment Trust has confirmed that understanding to the Government, can the Attorney indicate when that understanding was confirmed?

The Hon. C.J. SUMNER: The letter was sent when the query was raised, but it was not confirmation as such; it was merely giving effect to what had always been understood. There was no doubt in the minds of the parties—no doubt in the minds of those in SASFIT—that the clause, where it defined 'site', included the railway station. There was no question about that; I believe that that was the understanding. When the issue was raised SASFIT indicated that that had always been its understanding of the definition of 'site' and, therefore, the effect of clause 2 *(f)*.

The Hon. K.T. GRIFFIN: I find it strange that that should be so because the principles for agreement are quite specific that the Adelaide Railway Station building is excluded. Even section 2 *(m)* in the principles for agreement recognises that the railway station building is treated differently from other areas in the definition of 'site'. I do not intend to pursue it. If that is now the understanding, that is a matter for the record. The preamble in the principles for agreement refer to the fact that there is a separate agreement for Kumagai Gumi and SASFIT in relation to their agreement to jointly develop the site. The preamble indicates that a copy of that agreement was submitted to the Premier prior to the execution of the principles for agreement. What matters were included in that separate agreement?

The Hon. C.J. SUMNER: It was an agreement that governed, in broad terms, the relationship between Kumagai Gumi and SASFIT, and it also contained particulars of the financial arrangements between the two organisations.

The Hon. K.T. GRIFFIN: Does the reference to 'financial arrangements' really reflect the $15 million equity participation by each body and the loans to be made to the project?

The Hon. C.J. SUMNER: Yes.

The Hon. K.T. GRIFFIN: Concerning the commitments of Kumagai Gumi and SASFIT to lend to the ASER Property Trust, what securities are to be taken by them to secure those loans?

The Hon. C.J. SUMNER: Basically, I am informed that SASFIT has a first charge and Kumagai Gumi a second charge. Obviously, it is a bit more complicated than that. I am informed that all that information will be made available to the Industries Development Committee when the matter comes before it.

The Hon. K.T. GRIFFIN: I presume that, if there is to be a charge, it will be given by ASER Nominees Pty Ltd to SASFIT and Kumagai Gumi as trustees of the ASER Property Trust which would, of course, then be registered at the Corporate Affairs Commission. Is that the proposed course?

The Hon. C.J. SUMNER: I understand that that is what is anticipated.

The Hon. K.T. GRIFFIN: In addition, is it proposed that ASER Nominees Pty Ltd for itself and on behalf of the Trust will give appropriate mortgages over its interests—and they will be substantial interests—in the site to be developed?

The Hon. C.J. SUMNER: Yes, that is what is anticipated at the moment.

The Hon. K.T. GRIFFIN: Is any interest rate proposed at this stage?

The Hon. C.J. SUMNER: There is a formula for calculation of interest in the agreement between SASFIT and Kumagai Gumi. That will be made available to the IDC.

The Hon. L.H. DAVIS: It has been stated publicly that the loan funds provided by SASFIT to ASER will be indexed and will return SASFIT a real rate of 5½ per cent per annum after allowing for the effects of inflation. Will Kumagai Gumi have a similar arrangement with respect to its loans, given that SASFIT and Kumagai Gumi are equal partners in the ASER Property Trust?

The Hon. C.J. SUMNER: No. Details will be made available to the IDC. Kumagai Gumi does not wish to make those matters public at this stage. Because of the confidentiality that applies to the IDC, I believe that that is the appropriate place for this sort of commercially sensitive information to be made available.

The Hon. L.H. DAVIS: If the Minister is not prepared to make available the precise details of the arrangement between Kumagai Gumi and ASER in respect of the return for loan funds advanced by Kumagai Gumi to ASER, will he indicate whether or not the arrangement is more favourable, less favourable or as favourable as the arrangement that has been made between ASER and SASFIT, which is public information?

The Hon. C.J. SUMNER: No, certainly no more favourable than terms between SASFIT and the ASER Property Trust.

The Hon. L.H. DAVIS: I take it from that reply that it may be less favourable?

The Hon. C.J. SUMNER: I do not really think that it is appropriate to go into what are really commercial arrangements. It is reasonable for the honourable member to accept the answer that Kumagai is not getting more favourable terms than is SASFIT. The honourable member is a member of the Industries Development Committee and his curiosity will no doubt be fully satisfied in due course.

The Hon. L.H. DAVIS: I am here not in my capacity as a member of the Industries Development Committee but rather as a member of Parliament representing the public interest. Given that Kumagai's commitment to the project in terms of its loan funds is rather more than the amount advanced by the Investment Trust, it is a legitimate question to ask what the arrangement is in respect of the return on those loan funds as between ASER and Kumagai. I repeat the question: I take it from what the Minister has said that the return on loan funds advanced by Kumagai to the ASER Property Trust is less favourable than the return that the Investment Trust has obtained.

The Hon. C.J. SUMNER: The arrangements do vary between the two organisations. What I stated before is as far as I can take the matter: the terms are no more favourable to Kumagai than they are to SASFIT.

The Hon. L.H. Davis: That does not answer my question.

The Hon. C.J. SUMNER: I do not think that I can answer the question.

The Hon. L.H. Davis: If you can get to the stage of saying that it is no more favourable, you can equally say that it is less favourable, if that is the case.

The Hon. C.J. SUMNER: I do not want to be unhelpful to the honourable member. I am attempting to answer questions put on a complex matter and to provide answers.

The Hon. L.H. Davis: A simple answer.

The Hon. C.J. SUMNER: It is not a matter that can be answered simply: it depends somewhat on general interest rates—whether they go up or down—as to the precise effect of the arrangement in terms of whether it is more or less beneficial. I understand that the arrangement is no more beneficial to Kumagai than it is to the Superannuation Fund.

The Hon. K.T. GRIFFIN: I refer to section 2 *(b)* of the principles for agreement, which provide for a lease of 99 years, from a date to be agreed, and to be granted over the site to the ASER Property Trust. A form of rental is provided in that subsection. There is also a right of renewal for a further 20 years or a lesser period at the option of the ASER Property Trust. The form of the head leases is to be in terms to be agreed between the State and the ASER Property Trust. From what date is it proposed that the 99-year term will commence?

The Hon. C.J. SUMNER: The date will be some date prior to the construction when the plans and design are sufficiently well developed to enable a defined lease to be entered into.

The Hon. K.T. GRIFFIN: I was concerned that it was not a fixed commencement date and that it could be any time in the next five to 10 years. I suppose that 99 years is neither here nor there, as I will not be here at the end of that term. That clarifies the situation, namely, that in the near future the term of 99 years will commence. Have the leases (if there are to be leases) yet been prepared and, if so, when is it expected that they will be signed? Is it proposed that they be registered on the certificates of title?

The Hon. C.J. SUMNER: The answer to the first question is 'No'. The leases will be registered.

The Hon. K.T. GRIFFIN: They have not been prepared, but they will be registered?

The Hon. C.J. SUMNER: That is right.

The Hon. K.T. GRIFFIN: The form of the head leases is to be agreed, but that agreement is to include any provisions in respect of breaches of the head leases by the ASER Property Trust. I presume from that that it is seeking to make at least a passing reference to what events will result in default under the terms of the head leases. Can the Attorney-General give an indication as to the events as a result of which there would be default under that lease?

The Hon. C.J. SUMNER: That has not been discussed in detail, but the arrangements that exist for the Hilton would form the basis for discussion.

The Hon. K.T. GRIFFIN: The difference is that within this development site there is to be a casino. Is it proposed that there will be any obligations upon the ASER Property Trust as head lessee to ensure compliance by any operator with the terms and conditions of its licence issued under the Casino Act?

The Hon. C.J. SUMNER: That has not been finalised or discussed in detail as yet.

The Hon. K.T. GRIFFIN: Is it proposed that this will be one area that will be the subject of discussion with the ASER Property Trust?

The Hon. C.J. SUMNER: It has been discussed and will be further discussed.

The Hon. K.T. GRIFFIN: Section 2 *(e)* of the principles for agreement gives a guarantee to the ASER Property Trust to pay Kumagai all moneys owing by the ASER Property Trust to Kumagai. What are the events on which the guarantees will be required to be satisfied? Are there any limits on the guarantee such as in respect of interest rates, and are there any other details which are yet available of the Government guarantee to Kumagai?

The Hon. C.J. SUMNER: No, but the form of any guarantee will be finalised prior to the whole project being put before the IDC for consideration.

The Hon. K.T. GRIFFIN: Is it proposed that that guarantee will be a secured guarantee? If it is, what securities will be taken to secure the guarantee?

The Hon. C.J. SUMNER: In principle, it will be, but the details are yet to be worked out.

The Hon. K.T. GRIFFIN: I presume that those details to be worked out also include the questions about what security is to be given in respect of the guarantee?

The Hon. C.J. SUMNER: Yes.

The Hon. K.T. GRIFFIN: Turning to section 2 *(f)*—

The Hon. Frank Blevins: Do you support the project?

The Hon. K.T. GRIFFIN: I said that I support it. You did not listen to my second reading speech.

The Hon. Frank Blevins interjecting:

The Hon. K.T. GRIFFIN: I am just eliciting information.

The Hon. Anne Levy: He can change his mind.

The CHAIRMAN: Order!

The Hon. K.T. GRIFFIN: There seems to be some doubt across the Chamber as to whether or not the Opposition supports the project. I made that quite clear in the first three lines of what I said. We support it, but we are entitled to have some information. I do not think that anyone can quarrel with the sorts of questions that we are asking. They certainly do not indicate any lack of support for it. I take it from what the Attorney-General said earlier that section 2 *(f)*—the warranty—has no further effect?

The Hon. C.J. SUMNER: Yes.

The Hon. K.T. GRIFFIN: I will not spend any time on it. Section 2 *(m)* refers to the ASER Property Trust's having the first right to lease, at a fair rent to be agreed, any part of the main railway station building not required by the State Transport Authority. What rental is likely to be agreed in respect of that lease?

The Hon. C.J. SUMNER: It would be a fair rent as agreed between the parties.

The Hon. K.T. GRIFFIN: I take it from that that it has not yet been agreed?

The Hon. C.J. SUMNER: I understand that they are moving towards agreement but that it has not yet been concluded. It is not far away.

The Hon. K.T. GRIFFIN: Will there be a separate lease for that part of the railway station building that is not required by the State Transport Authority?

The Hon. C.J. SUMNER: Yes.

The Hon. K.T. GRIFFIN: So the rent for that building is in addition to the rent provided in section 2 *(b)* for the other part of the site?

The Hon. C.J. SUMNER: Yes.

The Hon. K.T. GRIFFIN: I take it that the other terms and conditions of that lease of that part of the railway station building have not yet been finalised?

The Hon. C.J. SUMNER: That is right.

The Hon. K.T. GRIFFIN: Can the Attorney-General enlighten me as to what section 5 of the principles for agreement means: the parties agree that all matters to be agreed under these principles shall be agreed in those agreements referred to in sections 1 *(b)* and 2 *(o)* herein?

The Hon. C.J. SUMNER: It means that there are still outstanding matters, in particular in sections 1 *(b)* and 2 *(o)*, that have to be resolved, and the section refers to those agreements.

The Hon. K.T. GRIFFIN: I do not think that it means anything actually, but I do not want to spend any time on it. Turning to other aspects of the Bill, because I have sufficient information about the principles for agreement—which was necessarily provided in the other place, and other information was supplied in the other place which I do not intend to seek afresh here because of time constraints—clause 3 of the Bill provides:

> 'the development site' means the land comprised in Section 766 Hundred of Adelaide in the land marked 'V' in the schedule.

I have searched the General Registry Office plan that is referred to in the next clause of the Bill and it appears that the Adelaide Rowing Club premises encroach on the land that is to be part of the development site.

In that event, is there to be a proposal to remove the Adelaide Rowing Club premises, or will there be a clear and unequivocal agreement that the Adelaide Rowing Club will be allowed to retain possession of that part of the site and to continue its activities in the future?

The Hon. C.J. SUMNER: I understand that there is nothing to fear: the Adelaide Rowing Club will be able to continue to exist and the development will not interfere with its continued occupation of the premises. Although all that land is vested in the STA, the development, although still subject to the final plans, will not impinge on that part of the land which is now vested in the STA and upon which is situated the Adelaide Rowing Club.

The Hon. K.T. GRIFFIN: That is reassuring. My interpretation of the plan that was deposited at the GRO was that the Adelaide Rowing Club building certainly encroached upon the development site.

The Hon. C.J. SUMNER: It is wholly within the development site, but it is not envisaged that the development will extend to the premises.

The Hon. K.T. GRIFFIN: I understand that, although it is on the site, the development will not impinge on the Adelaide Rowing Club. However, I seek an assurance that in that event there will be provision for the Adelaide Rowing Club to continue its use and occupation of the premises on terms and conditions that are similar to those under which it now occupies that land.

The Hon. C.J. SUMNER: That is what is envisaged—the development will not impinge on the Adelaide Rowing Club—as envisaged at the present time.

The Hon. K.T. GRIFFIN: Although the Pembroke School and Scotch College rowing club buildings are adjacent to the site, I presume that access to those buildings will not be prejudiced.

The Hon. K.L. Milne: That applies to the Adelaide Rowing Club and Torrens as well.

The Hon. C.M. Hill: Also Scotch College.

The Hon. K.T. GRIFFIN: I referred to Scotch College, Pembroke and the Adelaide Rowing Club. I want an assurance that access to and use of those buildings along the river frontage will not be hindered by the development.

The Hon. C.J. SUMNER: It is not anticipated that they will be or that access will be a problem.

The Hon. K.T. GRIFFIN: I thank the Attorney for his information.

The Hon. C.M. HILL: Will the Attorney give the Committee an undertaking that the rentals paid by the Public Service departments that occupy office space in the new development will not exceed current market rentals?

The Hon. C.J. SUMNER: It is not possible to say that categorically. I refer the honourable member to the schedule and the principles of agreement which were tabled when I introduced the Bill. That schedule, to which the honourable member can refer (and to which he might already have referred), refers to fair market rental or the consumer price index adjustment, whichever is the higher. It is anticipated, and from the advice received it is believed, that the formula relating to fair market rental will be the higher and that, therefore, it is likely that what the honourable member says about the rates of rental will turn out to be correct. However, that will depend on market rental increases in properties as opposed to CPI increases over the next few years.

Clause passed.

Clause 4—'Vesting of land.'

The Hon. K.T. GRIFFIN: Subclause (3) refers to any estate or interest. What estates or interests in that land are affected by the provision?

The Hon. C.J. SUMNER: There are two major reasons for this provision. Boat clubs encroached to some extent on the site, and the Adelaide Rowing Club was placed within

the STA site. The other rowing club premises—the Scotch club premises—were placed within the Adelaide City Council. The second reason was that for some reason the Constitutional Museum had title over some part of Railway Road and it was the interest affected by this vesting.

The Hon. K.T. GRIFFIN: I am not concerned in relation to the Constitutional Museum, because that is property held for and on behalf of the Crown.

Finally, I reaffirm that I understand the position that although the Attorney-General refers to the rowing clubs along the Torrens frontage, this clause, in fact, will not operate to exclude them from their present enjoyment of the rowing club buildings.

The Hon. C.J. SUMNER: The Adelaide Rowing Club has no freehold interest in the land and neither do any of the other rowing clubs. A piece of land that the Adelaide Rowing Club leases has always been on railways land except for a small part where the boundary apparently cuts through the Adelaide Rowing Club area that is leased. In order to make the situation simpler, and I assume so that the Adelaide Rowing Club can lease the land in its entirety from the STA, and the other rowing clubs lease their land in its entirety from the Adelaide City Council, an adjustment has been made to the boundary between railways land and city council land. It is not intended or expected that this development will affect the enjoyment that the rowing clubs currently have of that land. I suppose that it depends to some extent on the final plans, but I am advised that there should not be any difficulty in that respect.

Clause passed.

Clause 5—'The development.'

The Hon. C.M. HILL: I earlier raised the matter of the Government's acting above the law in being able to dispense with the conditions of the Building Act. Subclause (3) gives the Minister the right to grant exemptions from the Building Act as he thinks fit. I stated earlier my very strong opposition to this principle and to the fact that the Government has inserted this provision in the Bill. I was unable to hear the Minister's response to the second reading debate on this matter.

The Hon. C.J. Sumner: There wasn't one.

The Hon. C.M. HILL: I doubt that he could respond on this particular issue. I feel strongly about this matter and would like to hear the Government's justification for placing itself above the law in this way. I assure the Minister that there are many people in the community, particularly those associated with the building industry, who are very critical of this Government for taking this course. It is not right that private developers must build under the provisions of the Building Act and must therefore withstand all the delays caused by regulations and controls that are part of that Act while, at the same time, the Government exempts itself from the Building Act, thereby placing itself in a world apart from the normal law-abiding citizens and corporations of this State.

I think that this is a bad precedent and an abrogation of the Government's responsibility always to act within the laws that it makes. When a Government takes this course, quite understandably, there is talk of Big Brother being about (the law-maker that requires all its citizens to act within the law whilst it places itself above that law). I would like to hear the Government's justification for this course because there are many corporations and constituents who want to hear the Government's reason for taking this action.

The Hon. C.J. SUMNER: This was explained in my second reading explanation given when the Bill was introduced into the Council. As I understand the matter, it is not intended that this clause be used to reduce standards—it will be used to speed up the approval process. I understand what the honourable member has said, but it is considered that such a provision was necessary to avoid delays in the construction stage of the building. That having been said, I do not know that I can take the matter much further, except to say that the Government will obviously be keeping an eye on, and supervising, the standards within the building and that the exemption clause does not exist to encourage a reduction in standards but merely to assist the expeditious development of the site.

The Hon. C.M. HILL: I accept the Minister's assurance that standards of design and specification will not be lower or contrary to those required by the Building Act. However, what about fire precautions? Some years ago there was another Government building subjected to a great deal of scrutiny in its planning and construction stage because the Government of the day intended initially to proceed on a standard that was not as high as then required by the fire control authorities.

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

The Hon. C.M. HILL: This was the Law Courts Building.

The Hon. C.J. Sumner: The Sir Samuel Way Building?

The Hon. C.M. HILL: Yes. This was particularly relevant to the atrium.

The Hon. C.J. Sumner: Your Government was going to go ahead without it.

The Hon. C.M. HILL: Not at all. It caused some delay when we had to straighten the matter out because atriums were new to Adelaide.

The Hon. C.J. Sumner: It is going to become permanent.

The Hon. C.M. HILL: It is possible that atriums can become furnaces because of the draught situation that occurs in their design and shape if fires begin within them. Some delay was experienced while the matter was straightened out. I seek an assurance from the Minister that the design of this complex will conform to all fire precaution requirements of the authorities to which buildings of this kind must be subjected in the open market.

The Hon. C.J. SUMNER: As I said before, it is not intended to reduce standards in relation to the Building Act or, indeed, fire precautions, so obviously the Minister responsible and the developers will obtain the advice of responsible authorities in relation to fire prevention.

The Hon. K.T. GRIFFIN: Although I have subsequent questions on this clause, it would now be appropriate for me to move my amendment. I move:

Page 2, after line 31—Insert new subclause as follows:

(4a) Within six sitting days after the Minister grants or varies an exemption referred to in subsection (3) or varies a condition to which such an exemption is subject, he shall cause to be laid before each House of Parliament a written statement of—

(a) the nature and extent of the exemption;

(b) the person for whose benefit the exemption will operate;

(c) the conditions (if any) to which the exemption is subject;

(d) his reasons for granting or varying the exemption or the condition.

The amendment seeks to add a new subclause requiring the Minister who grants a variation or an exemption from the Building Act to table notice of that exemption or variation within six sitting days after he has done it and also to table information about the nature and extent of the exemption, the person for whose benefit the exemption will operate, the conditions, if any, to which the exemption is subject and the reasons for granting or varying the exemption or condition.

The Hon. C.J. Sumner: It's all right.

The Hon. K.T. GRIFFIN: If that is acceptable, good. Certainly, it will not impede the development. It is there to require information to be put on the public record after a decision has been taken but to ensure that the public at large and Parliament is aware of what action the Minister takes to grant exemptions from the operation of the Building

Act. If, as the Minister has indicated by interjection, it is acceptable, I am delighted.

The Hon. C.J. SUMNER: The amendment is acceptable.

Amendment carried.

The Hon. K.T. GRIFFIN: I refer to subclause (2), which relates to the City of Adelaide Development Control Act, and I relate that provision to section 1 *(g)* of the principles for agreement, which provides:

> The joint venturers acknowledge that they will be required to submit the development to the City of Adelaide Development Commission established under the City of Adelaide Development Control Act, 1976-1981.

They will then use their best endeavours to ensure that the development complies with the reasonable requirements of the Commission. Subclause (2) provides that there is no consent, approval or other authorisation required under that Act in respect of the proposed development. Can the Attorney indicate why the principles for agreement contain a positive commitment to comply and an acknowledgment that it is required to comply with the City of Adelaide Development Control Act, yet the exemption is given in clause 5 (2) of the Bill?

The Hon. C.J. SUMNER: It has been picked up in clause 8 (2).

The Hon. K.T. GRIFFIN: I take it that that is in the context of the development being promulgated by regulation; notwithstanding that, is the Attorney able to give an assurance that, except for the requirement to obtain approval of the City of Adelaide Development Commission the proposed development will comply with the provisions of that Act?

The Hon. C.J. SUMNER: I cannot give an absolute assurance in relation to that. All we can say is that regard will be had to any representations made and that clause 8 (2) requires the Minister responsible for planning to invite representations from the City of Adelaide and the City of Adelaide Planning Commission in relation to the development.

The Hon. K.T. GRIFFIN: I will want to pursue that a little further when we get to clause 8 in respect of any amendments after receiving those submissions, but it is not appropriate for me to pursue that immediately, and I have no further questions on this clause.

Clause as amended passed.

Clause 6—'Exemption from certain Acts.'

The Hon. K.T. GRIFFIN: It would be appropriate under this clause to inquire whether the arrangement, which has been entered into with the Hyatt group to run the international hotel, requires any concessions of rates, taxes, duties, or other imposts in respect of the Hyatt involvement as operator.

The Hon. C.J. SUMNER: The ASER Property Trust is given certain concessions of which the honourable member is aware but the Hyatt group, as such, does not receive any.

The Hon. K.T. GRIFFIN: It might be appropriate now to raise several questions about the operation of the hotel. Has agreement been entered into yet with the Hyatt group? If it has, is that likely to be made available publicly at some time during the development? Has agreement been entered into with the Hyatt group in respect of the operation at this stage?

The Hon. C.J. SUMNER: The heads of agreement have been entered into but formal agreement has not yet been made. That would be entered into once the final plans have been worked out.

The Hon. K.T. GRIFFIN: Am I correct in presuming that there will be a sublease to the Hyatt group in respect of the operation of the international hotel? If that is correct, can the Attorney indicate what will be the term of that sublease?

The Hon. C.J. SUMNER: There will be no sublease: it will be a management agreement.

The Hon. K.T. GRIFFIN: Will that agreement be for a fixed period of time? If so, what is the fixed period of time?

The Hon. C.J. SUMNER: It is for 20 years with an option to extend for a further 10 years.

The Hon. K.T. GRIFFIN: As subclauses (2), (3), and (4) are somewhat open-ended, will the Attorney confirm more specifically any other dates that may be agreed between the State and the other parties other than the dates referred to in those subclauses?

The Hon. C.J. SUMNER: It is to give some flexibility if the practical completion date goes beyond the date specified in the Bill.

The Hon. K.T. GRIFFIN: Can the Attorney indicate the expected date of practical completion of the development?

The Hon. C.J. SUMNER: It is a substantial project. It is not possible to indicate with complete precision when it will be completed. There are things that can interfere, but it is hoped that some parts of it will be completed in 1986 and the balance in 1987.

The Hon. K.T. GRIFFIN: Does that mean that, accordingly, there may be a staggered period of exemptions from rates, taxes and duties, that is, if a part of the development is completed in 1986 an exemption from water rates, for example, may run for five years from the date of completion for that part of the development and, when the next stage is completed in 1987, the exemption for water rates in respect of that part of the property will run for five years from that date, or is it envisaged that the whole site will be regarded as one and the exemptions will run for periods of five or 10 years, as the case may be, from the date of the completion of the final part of the development?

The Hon. C.J. SUMNER: The principles for agreement refer to one date, but it may be possible for a sequential date to be agreed between the parties.

The Hon. K.T. GRIFFIN: To confirm, at the moment it is envisaged that it will be the date of completion of the last part of the development, which is the relevant date for the operation of the exemptions. Is that so?

The Hon. C.J. SUMNER: The date of practical completion of the hotel, I understand.

Clause passed.

Clause 7—'Access to development site.'

The Hon. K.T. GRIFFIN: This clause confers access and rights on various persons in respect of the development site. Clause 7 (1) *(a)* provides that the Minister may, by notice published in the *Gazette,* confer on any person access to the development site over specified municipal land. 'Municipal land' is defined as land vested in the Corporation of the City of Adelaide or land under the care, control or management of the Corporation. Can the Attorney say what municipal land is likely to be directly affected by the access provision and what persons are likely to be the subject of the right which has been conferred by the Minister?

The Hon. C.J. SUMNER: It is hoped that there will not be any need to use that power. It was included in an excess of caution in case some authority was needed.

The Hon. K.T. GRIFFIN: I take it from that that it is really designed to give access over the Torrens embankment area rather than anything else, so that there may be access for trucks and people across Elder Park, for example, or in some other area along the Torrens embankment which may be conferred by the Minister under this clause.

The Hon. C.J. SUMNER: Yes, that is as I understand it, although it is not anticipated that it will be needed, but it may be. I understand that it was done with the construction of the Festival Theatre.

The Hon. K.T. GRIFFIN: Would the Attorney give an assurance that before the Minister publishes such a notice there will be reasonable notice to the Corporation of the

City of Adelaide and an opportunity for reasonable discussions with that Corporation?

The Hon. C.J. SUMNER: Clause 7 (3) covers the situation.

The Hon. K.T. GRIFFIN: My question was directed to the reasonableness of consultation and adequacy of the notice to the Corporation of the City of Adelaide. I suppose it could be presumed that conferring with the Adelaide City Council would mean some reasonable discussions. However, it is quite possible for a Minister to act precipitately. I was really seeking an assurance that there would be reasonable discussions with the Adelaide City Council before any notice was published by the Minister.

The Hon. C.J. SUMNER: It is very difficult to know what is meant by the word 'reasonable'. I suppose that if a Minister did not act reasonably, whatever that means, we would hear about it from the City Council. I do not imagine that the Government will be difficult about it. The fact that it must confer with the City Council means that the council will be aware of what is proposed and, no doubt, if it considers that the Government is acting precipitately it will make its views known.

The Hon. K.T. GRIFFIN: Subclause (4) provides that the rights of access or occupation cease to operate after the completion of the proposed development. There is no definition of 'completion'. Presumably, the detailed agreement between the developers and the State Government will contain some specific provisions which will define the completion of the proposed development. When that agreement is concluded, will the Attorney make available those details of agreement that define the completion of the development, which will have some relevance to this subclause?

The Hon. C.J. SUMNER: I am not sure that I can take it much further than what is in the Act. Completion will be a matter of fact. My advisers point out that there is likely to be sufficient fanfare about it such that most people in South Australia will be aware that the development has been completed. Obviously what is in the agreement or what is passed by the Parliament cannot bind the Parliament but, while the agreement will presumably contain some details of the completion date as far as this Act of Parliament is concerned, it will be a matter of fact depending on the definition of the word 'completion' and what evidence there is that the development has been completed.

The Hon. K.T. GRIFFIN: I certainly appreciate that position, but what a Government in office regards as completion may not necessarily be completion from a practical viewpoint. Governments do tend to accelerate openings for various purposes.

The Hon. C.J. Sumner: You can talk about that. What about the staircase you opened?

The Hon. K.T. GRIFFIN: The staircase was finished, was it not?

The Hon. C.J. Sumner: You opened a staircase.

The Hon. C.M. Hill: You were frightened to invite us to the opening of the building.

The Hon. C.J. Sumner: We were not.

Members interjecting:

The CHAIRMAN: Order!

The Hon. C.J. Sumner: What about the staircase?

The CHAIRMAN: There must be more relevant matters before us than the staircase.

Members interjecting:

The CHAIRMAN: Order!

The Hon. C.J. Sumner: Fancy opening a staircase!

The CHAIRMAN: Order! We have only one more clause. I hope there will be no more staircases!

The Hon. K.T. GRIFFIN: We are now coming down the staircase. I wanted to clarify the 'completion' of the development. I recognise that no agreement between the parties will be able to define the purposes of the Statute, but it will certainly be a matter of information that will be taken into consideration when determining whether or not the development has been competed. I was simply asking whether, when the agreement is concluded, at least those parts of it relating to completion might be available as an aid to the interpretation of clause 7 (4).

The Hon. C.J. SUMNER: That is a matter of fact as to whether the building is completed.

The Hon. K.T. GRIFFIN: I am asking whether those clauses of the agreement could be available when it is concluded. I know that it is only an aid. Could the Attorney make available the clauses relating to the agreement?

The Hon. C.J. SUMNER: I imagine that they will be, but I am not able to say.

The Hon. K.T. Griffin: I am not being difficult about it: I am just trying to get some information.

The Hon. C.J. SUMNER: I know—very reasonable. I do not anticipate any problems in that area.

Clause passed.

Clause 8—'Promulgation of development plan by regulation.'

The Hon. K.T. GRIFFIN: This is an important clause because it certainly means that any plan for the development of the development site is to be made available publicly. If there is to be any amendment, that is to be promulgated. There is to be consultation with the Corporation of the City of Adelaide and the City of Adelaide Planning Commission at least 30 days before a plan is promulgated. My only question is on the mechanics: if the Corporation of the City of Adelaide or the City of Adelaide Planning Commission raises objection to the proposed development in the plan to be promulgated, it seems that there is no mechanism, other than by conferring with the Minister, by which that view can be made known. If the Minister decides not to do anything, he goes ahead and promulgates the plan. Is that a correct understanding of the provisions of clause 8?

The Hon. C.J. SUMNER: Yes, strictly speaking, but it is anticipated that this should proceed as any other Crown development would proceed within the City of Adelaide. I wish to clarify a couple of matters about which we talked earlier in case any misleading impressions were given to honourable members. The first matter related to the agreement with Hyatt and whether any concessions would be available to Hyatt. The answer I gave was that they would not be available to Hyatt as such, although concessions were available to the ASER Property Trust. However, I suppose the operative part of that answer is 'Hyatt as such'. The benefit of concessions given to the ASER Property Trust could in some way find their way through to Hyatt in the agreement between Hyatt and the ASER Property Trust. However, the Bill does not give to Hyatt (and the broad heads of agreement do not give to Hyatt) as such the concessions mentioned in the legislation.

The Hon. K.T. Griffin: I understand that.

The Hon. C.J. SUMNER: But, the concessions are given to the ASER Property Trust and not to Hyatt as such. It is not meant to imply that the concessions here might not in some way find their way through to Hyatt.

The Hon. K.T. GRIFFIN: Hyatt will not be paying rates and taxes like the ASER Property Trust.

The Hon. C.J. SUMNER: That is right.

The Hon. K.T. GRIFFIN: But there will be no lease: it will just be a management agreement.

The Hon. C.J. SUMNER: As I understand it. I just wanted to clarify that there are no concessions to Hyatt as such, but the benefits and concessions may find their way to Hyatt by means of the management agreement.

The Hon. K.T. GRIFFIN: I understand that, but I was really looking at stamp duty concessions and any other forms of incentives for Hyatt to operate the hotel.

The Hon. C.J. SUMNER: The concessions that are being given are outlined in the principles for agreement, as the honourable member realises.

The Hon. K.T. GRIFFIN: There are no other concessions to Hyatt?

The Hon. C.J. SUMNER: No, not to Hyatt as Hyatt.

The Hon. K.T. GRIFFIN: But the concessions that are given to the ASER Property Trust may flow through to Hyatt in terms of its management of the hotel operation?

The Hon. C.J. SUMNER: Yes—that is what I wanted to clarify in case there was any misunderstanding of what I said earlier in answer to the honourable member's question as to whether there were any concessions to Hyatt.

The Hon. K.T. GRIFFIN: There were no stamp duty concessions to Hyatt?

The Hon. C.J. SUMNER: No. In case there is any misunderstanding about the second question—by the Hon. Mr Davis about the interest rate to be paid to SASFIT and Kumagai—I said that I was not able to give the details of that, but that that would be given to the IDC, and I said that the terms to Kumagai were on no more favourable basis than to SASFIT—the South Australian Superannuation Fund Investment Trust. To clarify that, in general terms the interest rate, as far as SASFIT is concerned, is determined by a formula based on the rate of inflation, whereas the interest rate payable to Kumagai is determined by market rates. As it stands, I understand that the terms to Kumagai are certainly no more favourable than those to SASFIT, but that is taking into account the normal economic laws and expectations that operate. If one got to the absurd situation where the rate of inflation was down to 1 per cent but market interest rates remained at 12 per cent, the terms to SASFIT could be less favourable than the terms to Kumagai, but to get to that result one has to assume a whole lot of most unlikely—probably completely hypothetical—economic situations.

On the basis of what we know at the moment it is expected that the terms relating to interest to Kumagai would be no more favourable than to SASFIT, but it depends to some extent on what happens in the future. Given the general situation with which we have been faced in respect of rates of inflation and general market interest rates, it is not anticipated that the terms to Kumagai will be more favourable than those to SASFIT. That could come about only by some kind of aberration, which is not anticipated.

The Hon. K.T. GRIFFIN: I presume that Kumagai is bringing foreign currency in to finance its part in the development?

The Hon. C.J. SUMNER: That is my understanding, but these details and the details of the arrangements concerning interest and repayment of the loans will be made available to the Industries Development Committee.

Clause passed.

Schedule and title passed.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a third time.

The Hon. K.T. GRIFFIN: Once again, in case there is any doubt about it, this is a development which the Opposition will support and we certainly want to see it coming to fruition because of the benefits it will have for Adelaide in particular and for South Australians generally. I appreciate the information that the Attorney-General has been able to give us in Committee. That took a reasonably long time, but it was necessary because of the need to have on the public record information about the current stage of negotiations. It is obvious that there is still a long way to go before all the documentation is completed, which necessarily means that all of the agreements between the various participating parties are resolved.

I hope that this project commences by the time which the Premier has—I think optimistically—indicated, namely, by July this year, but I suspect that because of the state of documentation there is still a considerably long way to go and it will be difficult to have all that material in place by the end of June. However, I hope that it can b achieved.

I hope also that the Government will not begin the substantive part of the operation until all agreements are completed and fully negotiated, because for those who have been in private legal practice it will be common knowledge that an arrangement that is not fully documented will cause problems in the future when there may be misunderstandings between the parties. This is such a substantial development that I do not believe that the South Australian people can afford to have any misunderstandings between any of the parties in respect of the development, the obligations on the Government, the obligations on any of the other parties, and their respective rights and duties.

I hope that the matter can be fully negotiated and all of the terms and conditions reduced to writing in a form that is much more comprehensive and certainly as legally binding rather than in the vague provisions of the principles for agreement. I put on record the Opposition's support for the project, but also indicate that we will closely watch the development to ensure that it conforms to the best interests of South Australians.

Bill read a third time and passed.

DENTISTS BILL

Adjourned debate on second reading.

(Continued from 10 April. Page 3366.)

The Hon. J.C. BURDETT: I support the second reading of this Bill. It seeks to upgrade the present outdated legislative provisions in regard to the regulation of dentistry and other associated procedures. The Legal Practitioners Act and the Medical Practitioners Act have, in recent times, been replaced by new legislation because, once again, of the need to bring the regulation of these professions into line with the needs of the present day community and the needs of the present day professions.

To a very large extent the Bill follows the Medical Practitioners Bill passed earlier in the session, to a considerable extent simply changing 'medical practitioner' to 'dentist'. The Medical Practitioners Bill followed a Bill introduced by the previous Government making only minor changes from that Bill. It follows that I support the general thrust of the present Bill, which has the general support of the profession. I shall be moving a number of amendments in Committee (some of which, I might add, do depart from the Medical Practitioners Bill model as well). These amendments are, however, mainly as to matters of detail, and I will be submitting that they do not depart from the spirit of the Bill.

It follows from what I have said that this Bill is essentially a Committee Bill, and I do not propose at this stage to preempt the detailed amendments which I will be moving and I do not feel that I need say a great deal more in the second reading debate.

I will, however, mention some of the provisions of the Bill. I consider that clause 6, giving the Minister the power to appoint four out of eight members of the board, gives the Minister too much power and control over a board of this kind. The board, after all, is a body designed to register dentists and where appropriate regulate their conduct. There are some boards or committees which may properly have a need for a fair degree of Ministerial control, but I do not think that a body such as this is one of them. When one

considers that under the Bill the Minister appoints a Chairman (in consultation with the ADA) and the Chairman has a casting vote as well as a deliberative vote, one will see that with a tied vote the majority of votes is held by members appointed by the Minister. I propose that the number of Ministerial appointments be reduced by one.

The Bill does not provide for the registration of dental therapists. Dental therapists would therefore be outside the registration system and outside the peer review system contemplated by the Bill. I appreciate that this is the position at present—that therapists are dealt with outside the context of the present Act. However, this is a brand new piece of legislation which completely repeals the existing Act, rewrites the legislation completely for the regulation of dentistry, and starts again. Therefore, in leaving dental therapists out of the regulation system it is no argument to say that they are not registered at the present time.

Dental hygienists are required to be registered under the Bill and are subject to the peer review system. Dental hygienists are of course a less qualified group, having less specific skills than dental therapists, and it seems to me to be quite illogical to require the hygienists but not therapists to be registered. I am conscious of the recommendation in the Barmes Report that the school dental service be extended to not only secondary schools but also possibly tertiary and other identifiable education centres, in addition to the handicapped and a broad spectrum of industry and the elderly. I might add that I strongly support the extension of health care to the disadvantaged but I am concerned about therapists being used to provide these services, particularly if they are not subject to registration or peer review.

In fact, it is my view that, if dental health care is to be extended to any of these groups, including secondary schoolchildren, the services ought to be provided by qualified dentists. For the same reason I am strongly opposed to clause 85 of the Bill, which states that the South Australian Dental Services Incorporated may, in the provision of dental treatment to children, employ persons who have qualifications and experience prescribed by the Minister. The term 'children' is not defined in the Bill and therefore must have the connotation of 'persons under 18 years'.

This clause would allow the Minister to employ, in regard to treatment of secondary schoolchildren, for example, persons who have only the qualifications and experience prescribed by the Minister from time to time. This is quite unsatisfactory and allows the Minister arbitrarily to extend the system of treatment of children by non-qualified persons and with the criteria to deliver the treatment being set only by the Minister. The matters I have raised I consider to be of major importance. Other than that, I support the general principle of the Bill and will be moving some detailed amendments in Committee. I support the second reading.

The Hon. R.J. RITSON secured the adjournment of debate.

PUBLIC INTOXICATION BILL

Adjourned debate on second reading.
(Continued from 11 April. Page 3465.)

The Hon. J.C. BURDETT: I support the second reading of this Bill. As is explained in the second reading explanation, the Bill is designed to make fully effective an earlier Labor Government's amendment to abolish the offence of public drunkenness.

The obligation on the police to take the person found to be drunk home in the first instance was unreasonable, and I am pleased that this is reversed. The scheme of the Bill to enable the person found drunk in a public place to be held at a police station for 10 hours in lieu of four hours is reasonable. It is also sensible that only places with treatment facilities can be sobering-up centres. As was pointed out in the second reading explanation, a police cell is still a police cell even if it is a sobering-up centre.

The Bill provides for a maximum time for which a person can be held at a sobering-up centre, and that is 18 hours, including the time spent at a police station (if any), and the longer detention periods provided for in the Alcohol and Drug Addicts Treatment Act are abolished. Certainly, if the offence of public drunkenness is to be abolished, the package presented by this Bill is reasonable.

The Bill has due regard to civil liberties. Clause 8 enables a person who has been detained under the Act to apply for a declaration from a special magistrate that he was not at the relevant time under the influence of a drug or alcohol. Clause 11 is another clause which has regard to civil liberties in that it provides for penalties in the case of persons who neglect or abuse a person who is under detention.

The Bill provides that any substance may be declared to be a drug by proclamation for the purposes of the Act. The Minister in his second reading explanation said:

> This means that volatile solvents such as glue and petrol could be declared at a later date, and if appropriate, so that police will have the power to apprehend glue sniffers and take them home or to treatment. The police have felt powerless to act in such circumstances and they have often encountered the problem.

I certainly support this practical and sensible move. However, I feel that when a substance is to be declared a drug, even though it may be the normally innocuous substance of glue or petrol, this should be prescribed by regulation so that Parliament has some power in the matter and I will in due course in the Committee stage move an amendment in this regard.

The Bill seeks to abolish the Alcohol and Drug Addicts Treatment Board as a statutory body and set up in its place the Drug and Alcohol Services Council. As a proponent of small government I certainly support this move. Statutory authorities ought not to be created or maintained willy-nilly and I agree that it is much better that an organisation of this kind be a body incorporated under the South Australian Health Commission Act. I am pleased that this Government has, at least on this occasion, moved to abolish a statutory authority. Today we have on the Notice Paper a Bill which seeks to abolish a statutory authority and another Bill, the Bread Industry Authority Act, which seeks to create a new one. So, I suppose that at least today the score is even.

I think it appropriate to say at this time that the Alcohol and Drug Addicts Treatment Board performed extremely effectively. It performed a great service to the community and to those persons who were in need of its treatment. It had competent and dedicated officers who certainly served well the persons who had the misfortune to be addicted to alcohol and drugs. I am pleased that the Minister in his second reading explanation said that generally speaking the personnel of the Board will be transferred to the new Drug and Alcohol Services Council and the assets of that Board will be so transferred. I am sure that they will be able to serve persons addicted to alcohol and drugs as well in their new capacity as they did previously. For these reasons I support the second reading of the Bill.

The Hon. R.J. RITSON secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2) (1984)

Adjourned debate on second reading.
(Continued from 11 April. Page 3840.)

The Hon. C.M. HILL: It is a very happy day for me to see this reform Bill in the Council. The history of endeavouring to achieve reform of the Local Government Act is a very long one. Indeed, the last major change was 50 years ago in 1934. I can recall when I was Minister of Local Government in 1968-70 I was most anxious to expedite the inquiry that was then in train into the revision of the Act. At that time, through that period of my office, the Local Government Act Revision Committee was sitting, doing a very good job and ultimately it brought down its report which was printed just prior to the change of Government in 1970.

Throughout the period of the Labor Governments of the 1970s some efforts were made to improve local government legislation but, in the main, not a great deal of progress was achieved. In the term of the Tonkin Government of 1979 to 1982 I also had the honour of holding the local government portfolio, and I was most anxious to get the revision of the Act off the ground, but it was not an easy task. However, progress was made and a draft Bill was prepared for consultative purposes in 1982. The present Government has been wrestling with the job since it came into office about 16 months ago and, thankfully, at long last Parliament now has this Bill before it.

The Bill is part of the major revision of the largest Act on our Statute Book and it is the first of what will be five revision Bills. When those five Bills—if that plan eventuates—are finally passed by Parliament, there will be a consolidation and there will be one major revised Act. This Bill is a very important one of those five Bills. (I might add that I doubt whether the balance of the Act requires a further four Bills. It could be consolidated into two or three future Bills, but I just make that comment in passing.) This Bill is very important. Its main thrust, although not in its provisions in totality, deals with the question of the constitution and membership of councils, the Local Government Advisory Commission, the question of defaulting councils and the officers and employees of councils.

I want to take the opportunity to place on record my appreciation to all those who have been involved over the years in this endeavour to revise the Local Government Act, and particularly I thank the officers of the Local Government Department, and its Director, Dr McPhail, for the service that they have given in this endeavour. There have been other public servants, too, who have either been co-opted to that Department or who have been working within their own areas over a long period on this matter. Appreciation should be expressed to them, too.

The Local Government Association has given much of its time and attention to the various stages of this overall revision proposal. Mr Jim Hullick, Secretary-General of the Association, has always been most co-operative with and helpful to me whenever I have had cause to discuss his Association's views. Of course, it is not only Mr Hullick and the senior officers of the Association who have been involved—elected representatives of local government have served on the Executive of the Association and as President, and all have given much of their time in recent years to this task, and I believe that they should be commended for it. Out in the field amongst the local governing bodies, elected members and staff give much of their time and attention to the challenge of revising the legislation.

It has been a long, difficult and daunting task. It is interesting to note, now that this legislation is before Parliament, that many members have had practical experience and have shown an interest in local government, which can be seen by the contributions to the two or more Bills before each session of Parliament concerning local government. In Parliament there are former Mayors, a former Chairman and former senior members of councils from all Parties. The Hon. Mr Milne is not only a former Mayor, but was Chairman of the Municipal Association, as it was then, prior to the amalgamation which led to the forming of the Local Government Association.

As this Council reviews the legislation, contributions can be based on that experience to assist the Government and, in my view, improve the legislation so that, ultimately, local government is provided with the best possible Act under which to operate. I hope that this will be the case. It should not be a question of internal bickering or dog fighting but a genuine endeavour, putting Party politics aside, to provide local government with the best possible constitution under which to operate. Since it has taken 50 years to reach this era of change, we can assume that it will be many years in the future before other major changes will be made. Therefore, we have a responsibility to do the job properly on this occasion. The first point I stress is that, I believe, the Council should base its review of this legislation on certain basic and important principles. The Government admitted that it has based its review on certain principles. The Minister's second reading explanation, which highlights this important approach to the Bill, *inter alia* states:

> On coming to office, however, the present Government undertook a thorough revision of the policy framework included in the Bill. For this exercise the following principles were established:
>
> 1. In order for the status of councils to be improved within the Australian structure of government, the representative character of local government must more closely model that of its State and Federal counterparts, whilst retaining its non-partisan and voluntary aspects.
> 2. More specifically, in order to be seen to govern in the interests of the broad community, elected office must be accessible to the entire community.
> 3. Similarly, in order to be seen to govern by standards beyond reproach, local government decision makers and decision making must be highly visible and consequently highly accountable.

I question these principles on which the Government has based some parts of this legislation. I particularly question the first principle, namely, that the Government believes local government should closely model that of its State and Federal counterparts. The history and origins of local government are entirely different from the history and origins of State or Federal Governments. Local government history goes right back to the days when small communities or tribes had to band together for the essential administration of their particular local affairs.

The Hon. J.C. Burdett: The Shire-moot.

The Hon. C.M. HILL: The Shire-moots, as the Hon. Mr Burdett mentioned. Even before that, there was the situation in which small communities had to establish some order. Of course, that developed into the period of history mentioned by the Hon. Mr Burdett. In Britain, well before the great Council of the Nation, which was the historical origin of the House of Lords—the first major House within the Westminster system—local government, in a form, was operating. Therefore, it is the oldest form of government. Many principles set out in its history live on. Communities now band together as local government bodies. There is not much for local government to learn from State or Federal systems.

State and Federal systems involve a much more impersonal form of government than local government. State and Federal Governments deal with huge volumes and ranges of activities compared with local issues which are close to the local people and make up local government. I believe that it is a false premise to model local government on State and Federal Governments. The present State Government is in error in using that principle as its main base for revising local government in this State. Just because State Governments have

three year terms of office, the Government says that local government should have the same.

The Hon. J.C. Burdett: It has no relevance.

The Hon. C.M. HILL: There is no relevance. Just because State Governments have simultaneous elections for the Lower House, the Government says that local government should have simultaneous elections. In reviewing this legislation we should ask ourselves what is best for local communities—for this grass roots form of government that is closest to the people. The local organisation caters for local needs—health, traffic, roads, footpaths, parks and their maintenance, rubbish collection, dog control, community arts, and so on. The volunteers who offer to serve in the field in this form of community service deserve some recognition and should be given this form of government which provides some continuity of service in which half council elections are held periodically.

The dangers which might occur (I am not saying that they will occur very often) by all-out elections can be very great and very real indeed. I do not think that that danger should be imposed on volunteers who decide to take up this form of community service as a community interest. So, I challenge the Government when it says that its main principle for a base for reform is to model local government on State and Federal Governments. The Government has not thought through the whole issue deeply enough when it makes that the basic principle of its reform.

Also, in regard to those principles, I support the second one dealing with council activities being more accessible to the entire community. However, when we come to the last of the three principles, we deal with the accountability to the public of decision makers in local government. Whilst that sounds good and is quite proper in principle, if one looks more closely at the Bill one sees that serious questions can be asked about the mechanics of that principle. Those mechanics, dealing with the matter of local government being highly accountable, relate to the question of pecuniary interests. Here again the Government says that, because we have pecuniary interests at State Government level, we should have it in local government—in the third tier of government.

The strength of conflict of interest provisions in the legislation before us are very sound and very proper indeed. As honourable members know, they involve a council member who has a conflict of interest in an issue before council. Under the terms of the Bill before us not only must the person disclose that interest and withdraw his chair, as is the case at present, but also he must leave the council chamber and take no part whatsoever in the debate in committee or in council, nor can he be present when the vote is taken. In my view that is a very great improvement on the present legislation.

Under the general heading of accessibility, I commend the conflict of interest provisions, but to add the question of pecuniary interests to those provisions is quite ridiculous in a voluntary system of local government, in which there are no allowances as are provided for in the Bill. It seems quite ridiculous for a member of a small council such as Carrieton or Dudley who may have shares in a public company, perhaps based in Melbourne, to have to disclose that interest publicly within his local council area. It also seems ridiculous for a member of a suburban council, for example, the Marion council, to have to disclose publicly in Marion that he has a beach house at Moonta Bay. There seems to be no relevance in that requirement.

Perhaps another example would be a member of the Adelaide City Council having to disclose that he has some money deposited in the State Bank. What has that got to do with council or with the public? One could go on and on with examples of that kind. Therefore, whilst the principle of improving accountability is good, we should be careful that the method by which it is implemented does not move into quite ridiculous realms. I believe that the introduction of pecuniary interests, as the Government is endeavouring to introduce in this Bill, is entirely unnecessary. Indeed, it will be a deterrent against some people wanting to provide that kind of service. Those persons, as volunteers, are entitled to retain some rights of privacy. I question those principles upon which, according to the Minister's second reading explanation, the Government has based its review in the past 16 months.

I stress again the need for our consideration, deliberation and decision making on this Bill to be based on some principles; otherwise we do not get the best possible legislation under which local government must operate in future. Principally, the Bill is a Committee Bill. Many different issues contained in the legislation will be debated at length in the Committee stage, so I will not dwell at great length on different aspects of the Bill and repeat myself in Committee. However, I will express my view on a few of the important points.

First, I refer to the Government's requirement to insist that council meetings begin after 5 p.m., which is quite silly. I appreciate the reason that the Government puts forward for this clause, namely, that some wage earners simply cannot get time off during the day to attend council meetings and therefore are precluded from offering themselves for service. However, the whole matter can work the other way as well: some people find that the daytime is for them by far the best time. Many rural people are part of district councils right across the State and some would find that, if they had to start their council meetings after 5 p.m., they would be there every meeting until the early hours of the morning, because council meetings can take a long time. It is most appropriate for these people to have council meetings during the day rather than their having to sit through into the late hours at night. We know from experience here that one cannot legislate effectively or sensibly when the debates run through to the early hours of the morning.

It is possible for many wage earners in today's world to obtain leave and make arrangements with employers, whereas this was not so easy in years gone by. Systems such as flexitime and other consultations between employees and employers have resulted in arrangements being forged in many cases. The best approach is to leave it to the council to decide when it wants to hold its council meetings. That decision would be based on a general consensus of thinking, not only in the council but also in the local community at large, because councillors do reflect the views from within their council area. I am strongly opposed to that clause.

I have already mentioned another major point regarding pecuniary interests. In regard to the general question of more open council meetings than have been apparent in the past, I support the Government's approach. We ought to look closely at the conditions under which meetings might be closed as they are defined in the Bill.

One council has put forward one other area that it feels ought to be inserted in the Bill because it might deal with future litigation, but I can discuss that further in Committee. I am totally opposed to the principle of the annual allowance. At the same time, I fully support the measure (which is almost identical to that which is in the existing legislation) involving the possibility of councillors being reimbursed for expenses and other outgoings that they have incurred in their council affairs. Once an annual allowance was introduced, if it ever were, it would open the door to further increases in that sum in due course and again the fundamental principle of voluntary service gets washed away in the flood of everyone's requiring remuneration for community service that they do. That is a very unfortunate

trend, and I would not like to see it introduced into local government.

I mentioned briefly a moment ago the question of the three-year terms and then a full council election at the end of the three-year terms, to which I am opposed. I believe strongly in the principle of continuity of service in the same way as we have it here, with half the elected members coming out on alternate election days. That has advantages that have proved to be very worth while to local government over the years, and for that just to be thrown overboard because the Government believes that local government ought to be brought closer in model to State Government is, as I said, quite illogical.

In regard to the major change in the Bill to optional preferential voting, I was involved a couple of years ago in suggesting to local government generally that it ought at least consider a change of this kind, and I endeavoured to develop public discussion on the issue. The response that I have received ever since—and, indeed, it is still the opinion of the Local Government Association—is that the people who are in local government still prefer the first past the post system.

Some other matters might be deemed to be minor compared with that group of issues. One is that the Government is endeavouring to abolish the practice that some people refer to as tick boarding, in which a scrutineer takes down the roll numbers of those who have exercised their votes throughout the day, and those numbers are taken back to the campaign office of the candidate so that the candidate's manager knows throughout the day those people who have voted and those who have not. I do not see anything wrong with this practice at all. It is a strategy that develops with the voluntary voting system. If the Government has examples of where there have been improper practices as a result of this approach, I would like to hear them, but at the moment I would oppose the abolition of tick boarding.

There is also the issue of the election date, which the Government proposes to bring back to May. Whilst this no doubt will develop further in Committee, I must make an initial point that I have always thought that October is a very satisfactory month for local government elections. I will give my reasons for that in Committee.

The Government is within this legislation expanding and placing a greater emphasis on the Local Government Advisory Commission. It worries me a little because the record of the Local Government Advisory Commission in the past has not been very successful. I do not want to cast any aspersions on any people who have been members of that Commission. I do not want to get into that area of criticism at all, but one of the basic problems has been that the Local Government Advisory Commission brought down in the mid 1970s its master plan for major amalgamations of councils, which was promoted then by the Government of the day but was rejected very soundly indeed by local government in the field. (I am talking in general terms.) There has been a feeling within local government ever since that when the Local Government Advisory Commission was dealing with a new subject relative to boundary changes it still had in mind that original master plan.

The Hon. Diana Laidlaw: Do you believe that that suspicion was justified?

The Hon. C.M. HILL: One can only listen to those people who are in local government, particularly in the rural councils. Indeed, there have been some reports from the Commission which indicate that the Commission would like to see deliberations channelled along those lines similar to the findings of the major plan of the mid 1970s. So, in that respect there is some justification for this fear that exists in local government in the field, and it will still remain.

The Local Government Advisory Commission will have the powers of a Royal Commission. The Minister can refer any matter at all to it, and a percentage of ratepayers can refer any matter to it. It will become a very powerful and strong body.

The Hon. Diana Laidlaw: Will there still be a place for Select Committees of Parliament?

The Hon. C.M. HILL: Yes, the Select Committee system, as I read the Bill, will continue as it is at the moment. However, the Local Government Advisory Commission in the past has taken a long time to deliberate on matters and to make its decisions. Again, I am not harking back on the reasons why those delays occurred, but, in this modern world when progress must always be to the forefront of our minds and when local government itself wants to live in the modern world of progress and decision making, delays can be very frustrating indeed. I have had some personal experience with citizens who have been very upset not only with the Government of the day, the Opposition and the Parliament, and with the Commission, but also with the system that has caused them to obtain no real decisions about issues on which they have petitioned and taken a long time to prepare.

This delay can be very frustrating. If it continues under a new expanded Commission the whole of local government, as far as administrative decision at the Minister's level is concerned, might well be tied up for a long time. There is a Local Government Department, the officers of which act as advisers to their Minister; and there is the Local Government Association itself, to which I believe the Minister should refer matters for opinion. Whether there is a need for a Commission of this kind within the framework of this legislation is something at which this Council ought to look very closely.

I note that the Minister has tackled the question of suspension of a council versus the abolition of a council. This has been a rather sensitive subject for some years. The existing Act provides for the Minister to have power to suspend a council only and not to abolish a council. I agree with the continuing plan in this legislation to retain the power to suspend. However, if the term of local government service extended to three years and if elections occurred on the one day, it might well be that a council that did not provide good local government to its area would be suspended, an administrator might be placed in office in accordance with this Bill, the administrator would then ultimately be removed from office, and that same council would move out of its realm of suspension and sit as a normal council again.

That would mean that circumstances could arise where perhaps for 18 months or two years a council that really did something wrong in that it did not provide proper local government might well merrily continue to administer that area for too long a period from the point of view of the local citizens, who perhaps should have the right to either check the personnel on the council or to remove them from office via the democratic means of the ballot box. That aspect—the Minister's having the right to ultimately cause a council to face the people after those procedures—perhaps ought to be considered in the light of the longer term and simultaneous elections. I believe that the Council should take the opportunity to consider the whole question of voting rights, which is dealt with in this Bill.

Traditionally, local government operated on a property based form of franchise. Quite naturally, great change came and in the 1970s very strong emphasis was placed on people as the criterion that had to be first and foremost when the question of local government franchise arose. We saw changes, to which I did not object, in regard to widening the franchise for people. These changes, for example, gave

anyone on the House of Assembly electoral roll in an area the right to vote for the council. That brought into the franchise people like schoolteachers who were teaching locally and boarding at a guesthouse or a private home and who previously were not entitled to vote. I do not object to that.

However, at the same time the property franchise was cut back tremendously. Many corporations that previously had the benefit of three votes had, following the changes, only one vote, and in some cases they did not have the right to vote at all. Based upon situations developing in larger council areas, such as the Adelaide City Council area, where some wards contain a high percentage of business premises on their assessment books and where an imbalance occurs and residential areas are gaining much greater voting power, with the greater percentage of revenue moneys coming from those business areas, we have found an abnormal imbalance that might have meant that the pendulum has gone too far. As the voting rights question is being reviewed, it is time for the Council to consider the whole question.

For example, it has been put to me that a vote should follow an assessment in the council's assessment book. Any property that carries an assessment should carry a vote. If the property was owned by a single person, that person would have a vote. If the property was owned by a corporation, the corporation would appoint an agent. It would not matter whether a person or a corporation owned more than one property: each property would carry a vote. In many respects, that does not seem unreasonable. At present, that situation does not apply. There are other anomalies. For example, if a partnership of three people, in, say, the City of Adelaide, or if a company with three directors owns a property and if those three partners or three directors live within the City of Adelaide, that property does not carry a vote: those people have a vote because they are on the House of Assembly roll and because they live within the boundaries of the city. However, if one of those partners or directors lives outside the city and is not on the electoral roll that covers the City of Adelaide, that property carries a vote. That does not seem logical when one considers the matter closely.

I refer now to voting rights in relation to holiday homes. With early retirement, a great deal more leisure time and in many cases more affluence in families than existed many years ago, many people have a second house. It might be small or large, in the Riverland, in the bush, or at the seaside. Many holiday home owners spend long periods living in those holiday homes. They take a close interest in the local affairs of the region: they do not simply holiday there, as they did at one time, perhaps at Christmas or at Easter, taking no interest at all in the local community life. Where the property is owned jointly by husband and wife, it has been put to me that both those people as ratepayers ought to have a vote in regard to that holiday home. At present, that is not the case, because invariably the wife is on the Assembly roll in regard to her principal place of residence and, not being on the Assembly roll for the area in which the holiday house is situated, she is ineligible to vote there. That is another aspect that the Council should consider now that we are reviewing the question of voting rights.

I do not want to go into further detail. I know that other matters will be raised in Committee, and I certainly support the second reading. I am very pleased that this reform has come so far and that this Bill is finally here. I hope that further Bills will be forthcoming more expediently both at departmental level and within local government, when it is asked in the consultation process to give its views. I do not believe that we should have to suffer quite the same delays in the future as has been the case regarding this Bill. I urge the Local Government Association and councils to involve themselves very quickly and deeply in, and to give some priority to, this matter when the time comes. I hope that the Government will respect Parliament's view in regard to this legislation, because there are some measures within it upon which it will be very hard for compromises to be made in this Council. However, I firmly believe that the decisions to which Parliament comes in regard to the Bill will improve the situation. The principal Act will be better for it and local government will have the best possible legislation as its first measure in the overall plan of revision.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

BREAD INDUSTRY AUTHORITY BILL

Adjourned debate on second reading.

(Continued from 12 April. Page 3592.)

The Hon. J.C. BURDETT: I strongly oppose the thrust of this Bill, setting up as it does a statutory authority with wide bureaucratic powers and imposing on the industry registration, monthly returns, the ability to restrict production is some areas or in regard to particular kinds of bread, and the power of maximum, minimum and fixed price control. Let me say at the outset that there certainly have been problems in the industry, particularly associated with prices and discounting, for many years, but I do not believe that they will be cured by socialistic legislation of this kind. The problems are no greater or less than similar problems in some other industries caused by discounting and have not begun to compare in seriousness with the problems that there have been with the same cause in the petrol industry. Cut-throat discounting in regard to bottle sales in liquor, particularly beer, has caused enormous problems in the hotel industry.

The PRESIDENT: Order! Members must curtail their private conversations.

The Hon. J.C. BURDETT: In presenting this legislation the Minister is indeed making a rod for his own back. If the Bill passes he will have the Automobile Chamber of Commerce on his doorstep the next morning and the Australian Hotels Association the morning after seeking similar legislation. I am not worried about the Minister making a rod for his own back, be that on his own head (or, more strictly, his own back). I have a feeling that the Minister recognises the problems in this Bill, realises that it is a bad legislation and may wish secretly that the Council will defeat or defer the Bill. It is true, as he said, that there was an inquiry initiated by the then Labor Government into the bread industry in the mid 1970s and I understand that the report did recommend a bread industry authority although, so far as I can discover, the report was never released. I believe that an interim authority was set up and was dismantled by the then Labor Government, showing some good sense at that time.

The second reading explanation is one of the worst that I have heard and is an insult to the Council. It speaks in extremely broad terms only and fails to tell the Council in the body of the explanation the very drastic measures that can be taken under the Bill. The Minister did not tell the Council that the authority has the power to impose maximum, minimum or fixed price control. The Minister did not tell the Council that the Bill imposes the obligation of registration on all bread manufacturers. The Minister did not tell the Council that bread manufacturers would be required to submit monthly returns on the pain of penalty and to pay a fee with each monthly return of $5 or such

greater amount as shall be fixed by a formula laid down in the regulations.

The Hon. Diana Laidlaw: Don't you think he wanted people to know about it?

The Hon. J.C. BURDETT: I do not know. People could read the Bill for themselves, I suppose, but he certainly did not tell us. The Minister did not tell the Council that the authority has the power by notice in writing to impose conditions on bread producers. Without limiting the matters in respect of which conditions are made, the authority may limit the amount of bread that a registered bread producer may produce at specified bakeries and may prohibit, restrict or regulate the sale of bread produced by a bread producer in any specified zone. The authority may also restrict the kind of bread produced.

The Hon. R.J. Ritson: And how many raisins per bun.

The Hon. J.C. BURDETT: Yes, I suppose that a certain manufacturer can only produce bread rolls, hot-cross buns, or something like that.

The Hon. R.J. Ritson: It is 1984, isn't it?

The Hon. J.C. BURDETT: Indeed! I think it was quite disgraceful on the part of the Minister to introduce a Bill giving a new statutory authority such sweeping powers without giving some indication of these things in the body of his speech to the Council, and leaving it to members to read either the explanation of the clauses or the Bill to find out these fundamental matters. The question of control by statutory authority and the imposition of minimum and fixed price control are not merely matters of detail but matters of basic and fundamental philosophy. While it is true that members could read Bills for themselves, and while members on this side of the Council are most assiduous in doing so, it is important that a Minister introducing a Bill at the outset makes it clear what the Bill is about, and the fundamental principles and the basic substance of the Bill must be made clear to members. If this is not done, there is no point in having a second reading explanation at all.

The Minister says in his second reading explanation that it should be noted that 'the Bill creates powers rather than obligations'. I would not accept that as being an accurate description of the Bill. The Bill imposes many obligations on bread manufacturers, including the obligation to become registered, to lodge a monthly return, to pay a fee for the lodgment of such return and to comply with conditions imposed by the authority. There is a general penalty of a fine not exceeding $10 000 provided for in the Bill. To suggest imposing obligations is not a substantial part of the Bill is nonsense. It is all very well for the Minister to suggest that there is little prospect of a sudden sweep of influential decisions by the Authority such as to cause significant behaviour in the industry, but the powers that I have mentioned are there, and anyone who has had any experience of statutory authorities with wide powers knows that they certainly cannot be relied on not to exercise them.

On the contrary, they become only too ready to exercise the wide powers which they have. Maximum price control already applies at both the wholesale and the retail level, pursuant to the powers contained under the Prices Act. The Bill enables the Authority to impose fixed price control or minimum price control as well. I am opposed in general to the concepts of minimum price control and fixed price control as a matter of principle. I have long been interested in the rights of consumers and, in general, I believe that it is wrong to prevent consumers from buying any product at the lowest price at which a supplier is prepared to sell to them. Minimum price control is a can of worms, in any event. The Minister should already know this in regard to wine grapes. At the present time there is only one example of minimum price control in South Australia; namely, wine grapes and one example of fixed price control, namely, city milk. In regard to city milk entirely different principles apply.

Minimum price control of wine grapes has been an ongoing problem. Many approaches were made to me while I was Minister and I know that many have been made to this Minister. On the one hand, there are those who say that minimum price control is wrong in principle, has not worked in practice, and is exacerbating the problems in that industry. On the other hand, there are those who say that the powers of enforcement of minimum price control are adequate in the wine grape industry and that it has been possible for many operators to evade the provisions of the Act. From year to year almost, we see amendments to stop up gaps which have been used by people in that industry to evade the price control provision.

Any move to minimum price control must leave itself wide open to evasion and, if minimum or fixed price control is imposed in the bread industry, massive enforcement problems will follow. In the wine grape industry there are yet others who complain that the administration is not adequate or that the price has not been fixed at the right level. The same will apply in the bread industry.

I am not satisfied that the Government will be able to resist pressures to have this Authority exercise extensive controls and become a bureaucratic burden in the industry. In the general state of the South Australian economy the last thing that we need at the present time is another expensive statutory authority. I ask the Minister to tell us in his reply to the second reading debate what is the estimated cost of setting up the authority and what is the estimated cost of a full year's operation. In the present state of our economy we do not need another control over an industry which will increase costs to the industry and increase costs to the consumer.

It is becoming more and more acknowledged that the Liberal party when in Government was correct in being a Party of small government. The present Government has made it clear in this Bill and in many other ways that it will not accept the philosophy of small government but is prepared to impose controls and set up bureaucratic structures, whatever the cost and whenever any pressure is brought on it to do so.

I have consulted the Bread Manufacturers Association, the Retail Traders Association, Co-operative Grocers, the Supermarkets Association, and all those bodies are opposed to the Bill, which I believe is unamendable. If one does accept the principle of setting up a bureaucratic body like this with wide powers, then I suppose that the Bill is a reasonable vehicle for doing so, but I believe that this track is not the track to go down. The Bread Manufacturers Association, in particular, told me that it had approached the Minister and said that it believes that there ought to be some controls.

The Hon. R.J. Ritson: They were not told about this though, were they?

The Hon. J.C. BURDETT: No. They saw me this morning at their own initiative, having read the Bill. They were totally opposed to it as it stands. They agreed with me that it is virtually unamendable. They told me that if the choice was between the Bill or market forces, their choice was market forces. They told me that they believed that the Government ought to go back to the drawing board and start again and tear up this Bill. If the Government believes, as these people believe, that there ought to be some sort of control, then it ought to be thought through again. I indicate that in a few moments I intend to move an amendment at the second reading stage to provide that this Bill be read a second time, this day six months.

I do that because it fulfils the spirit of what the Bread Manufacturers Association wants; namely, that the Govern-

ment does not go down this track. They, and I, do not see any possibility of getting anywhere if the Government goes down this track. What has to be done is that the Government must deal with the matter again: it must rethink it and go back to the drawing board. I am aware that the effect of my amendment will result in the Bill's dropping off the Notice Paper and that this will be an effective defeat of the Bill. Nonetheless, to defer the Bill instead of defeating the Bill is in the spirit of the suggestion of making the Government start again and rethink how it will work out the admittedly complicated problems of the bread industry. I move:

To amend the question 'That this Bill be now read a second time' by leaving out the word 'now' and to add after the word 'time' the words 'this day six months'.

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

[*Sitting suspended from 5.58 to 7.45 p.m.*]

CLEAN AIR BILL

In Committee.

(Continued from 10 April. Page 3400.)

Clause 3—'Interpretation.'

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

Page 2, after line 31—Insert new paragraph as follows:

'(da) the economic implications of requiring any person in question to install or use those technological processes;'.

In my second reading speech I mentioned that economic implications should not be totally excluded. Clause 3, in part, provides:

'prescribed matters' means—

(a) prevailing weather patterns and meteorological conditions;

(b) the topography of all relevant land;

(c) current technological processes for controlling air pollution and minimizing the harmful effects of air pollution;

(d) the availability of those technological processes, and the suitability of the premises in question for the implementation of those processes;

(e) the likely effect of the air pollution in question on persons, animals, plants and property:

The word used in the definition is not 'includes' but 'means'. Therefore, nothing else can be taken into consideration under this provision. During my second reading speech I suggested that it was wrong to exclude putting off workers and putting an industry out of business, or such matters. I was not suggesting that economic implications should be the main thing taken into consideration. I hope that the Australian Democrats support this amendment. All I am asking by the amendment is that, among those other matters to be taken into account, the economic implications should also be taken into account and balanced with the other factors. That is why I move this amendment.

The Hon. J.R. CORNWALL: The Government opposes the amendment. It is questionable whether it is appropriate for economics to be considered as a prescribed matter. We are certainly not able to accept the amendment at this time. The matters listed are all concerned with those things which affect the impact of pollution on the receiver. In this regard the ability to pay, although I would concede that it is obviously important to the company, should not directly impact upon the decision making. It should rather be incidental to decisions taken for the good of the community. The question of whether an industry is able to afford to comply with the emission standards is not something for debate. The question of economics arises only where there is no standard (and therefore an appropriate limit must be decided upon), or where the Minister wishes to impose standards more stringent than those which appear in the legislation. This is likely of course to occur with new processes or processes where the total mass of pollutant emitted is excessive, even though the concentration within the chimney may be within the statutory limits.

It ought to be clearly understood by members of the Committee that emission standards appearing in the legislation do not have their direct basis in public health as a prime or exclusive consideration. Emission standards have been set by engineers on the basis of a broad practical approach and are, of course, minimum attainable standards. Therefore, it follows logically that all emission limits placed on individual industries must be considered against ambient air quality goals set by the National Health and Medical Research Council for the purpose of protecting health.

Where the emissions of a factory may result in exceeding the air quality goals, the administering authorities have an obligation to take action to reduce those emissions. Industry should, and indeed must, clearly understand that where there is an established link between specific factory emissions and human health, the capacity of a company or industry to pay is not a consideration. Conversely, where there is no human health link, the company's ability to pay will, as a matter of course, be a consideration in the decision-making process. Old plants, which incorporate outdated technology, are clearly in an area where the cost of the change, when compared with economic benefits, would be disadvantageous to the industry in question. Balanced against this is community health considerations and expectations which dictate that, whilst company profitability may be a matter for consideration in the short term, industry must have a commitment to improve technology and also a responsibility to the public.

There are, of course, some very outstanding contemporary examples of that in particular industries in South Australia, not the least of which would be Port Pirie. The Minister of the day, whoever he or she may be, and whatever his or her political complexion, will naturally have to have regard to the effects of the decisions taken in regard to an industry, whether it is an industry-wide decision, a State-wide decision or whether the decision ultimately impacts nation wide. The Minister will therefore have to be acutely aware that decisions made will be part of his overall role as a member of the Government, and the Government of the day obviously will have to bear the odium or the popularity of decisions taken. To that extent there will quite clearly be a system of checks and balances in the legislation as it exists.

The Hon. J.C. BURDETT: I thought that through part of the Minister's contribution he was arguing in favour of the amendment because the prescribed matters refer to what is exclusive. Nothing else is allowed to be taken into account as the Bill stands. The Minister said that currently in the Bill prescribed matters are limited to the receiver. I am simply suggesting that they should not be limited to the receiver.

Further on, the Minister said that the wider community interest ought to be taken into account. So it should be; that is the very point of this amendment. Economic matters ought to be able to be taken into account; they ought to be part of the prescribed matters. Consideration should be able to be given to the wider community, including the industry concerned and the employees of that industry. The Minister referred to community health.

The Hon. J.R. Cornwall: No, public health.

The Hon. J.C. BURDETT: Public health. He himself referred to a balancing; that is exactly what I am arguing for. I am saying that in these prescribed matters the question of economic considerations ought to be one of the things that can be balanced. It ought to be able to be taken into consideration and, indeed, taken into consideration. That

is all that I am suggesting: there ought to be able to be a balancing.

The Minister suggested, as Minister and as part of the Government, that wider matters and national matters will to be taken into account. I am merely asking that it be written into the Bill that these economic factors be included in the prescribed matters that may be considered. I suggest that it is burying one's head in the sand and being absolutely ridiculous to exclude them in the way that the Bill excludes them at present.

The Hon. J.R. CORNWALL: That is the sort of thinking that has led over 100 years to the sorts of environmental problems that we have in places like Port Pirie. The Government rejects that argument.

An honourable member: What about the improvement in technology?

The Hon. J.R. CORNWALL: The improvement in technology that we may well see with the installation of a Kivcet process in Port Pirie will be absolutely marvellous. They will be able to meet the most stringent emission standards, whether contained in this Bill or any other Bill. That is what we should all be working towards, rather than making the polluters' job easier. Make no error: ultimately that is the sort of thing that the Opposition is trying to build into this legislation.

If members take the trouble, as I am sure that the Hon. Mr Burdett must have done at one stage, to turn to page 11 of the Bill, they will see that clause 36 reads:

> The Minister shall, in exercising any of his powers under the preceding sections of this Part, take into consideration the prescribed matters and such other matters as he considers relevant.

So, in general terms economic considerations could well be relevant. But the Government and I believe that it would be retrograde to introduce those matters specifically into the proposed legislation along the lines of the Opposition's amendment.

The Hon. J.C. BURDETT: I reject any suggestion that this amendment is trying to make the polluters' job easier; that is ridiculous! I am trying to make the whole situation fair so that the matter of economic consideration is not excluded altogether. I do not suggest for a moment that we ought to revert to the old days at Port Pirie or whatever the Minister is talking about. I suggest that when one is talking about the matters that are to be taken into consideration it would be ridiculous for one to rule out altogether the question of economic considerations, which would then be only one out of five and could be balanced with the other four matters.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (11)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. R.C. DeGARIS: In regard to the general sentiment of this Bill, which consolidates various forms of control, as the best attempt to bring in a Clean Air Bill with the Planning Act, this is not very satisfactory. I will oppose the third reading, not because I am opposed to the idea of a Clean Air Bill but because I believe that—

The CHAIRMAN: Order! I ask those members who are engaged in conversation to be a little quiet. It is impossible to hear.

The Hon. R.C. DeGARIS: The Bills effectively recognise that control of development and of air pollution raise different considerations. Clearly, there is a difference between controlling development and considering the question of air pollution control on an on-going basis by a licence system.

I believe that the proposals in the Bill, particularly those in clause 3, do little more than confuse both systems of control with little benefit to the administration as a whole. I point out that an extra tier is added to the planning process and an extra complication to the air pollution control progress while still retaining two separate Acts and two separate administrative provisions. The Minister in charge of the Clean Air Act will become a planning authority but will not be subject to the same appeal provisions as other planning authorities. Although there are appeal provisions under the Clean Air Bill, the amendment to the Planning Act, which is also before the Council, specifically provides that no appeal shall lie against a refusal given by a planning authority pursuant to a direction of the Minister in relation to a development which comes within the new provisions.

I indicate to the Committee that I will be seeking an amendment to the Planning Act Amendment Bill in relation to appeal provisions. It is, once again, difficult to consider properly the amendments to the Planning Act as they propose to divide development with pollution potential into primary impact level development and secondary impact level development. The difference between the two depends on the regulations yet to be promulgated. In relation to primary impact level development the Minister may direct the planning authority to refuse the application or not grant the planning authorisation except under certain conditions.

In relation to the secondary impact level developments there is simply no provision to provide criteria for the council to consider in determining the application, nor any time limit within which the Minister must make representations. This is particularly important in clause 48*(a)* and *(b)* in the Planning Act Amendment Bill before us. The effect of the amendments is to remove from councils the power to deal with planning merits of proposals that have significant air pollution potential. It is hard to see the necessity for this. The Minister could effectively control such developments by a licensing system while leaving other planning considerations to the usual planning authority. Those changes suggest that if a proposed development has significant air pollution potential then it no longer needs to heed the development plan.

There is no requirement for the Minister to consider the plan when dealing with the primary land import developments. Indeed, it is arguable that he is not entitled to do so and must only consider the pollution potential of the proposed development. A better approach, I believe, would be to add considerations of air pollution, perhaps along the lines of the prescribed matters in clause 3 of the Clean Air Bill that we are dealing what, to matters that planning authorities must consider under the development plan and to give authorities power to refuse consent to all applications on those grounds.

It might still be desirable to require references to the Minister for advice. If this is thought desirable, there should at least be a positive power to act on that advice. There are also a number of differences between definitions in the Clean Air Bill and those in the Planning Act. This also, I believe, leads to a good deal of confusion. It is considered that a better approach would be to prohibit the approval of development unless all consents pursuant to the Clean Air Legislation are annexed to planning applications. In the event that one or more consents are required by law and are refused, there should only be one appeal, not two, as there are in this consideration.

The present proposal would involve alternate appeals for the same development. I explain that to the Committee because clause 3 deals with prescribed matters. I believe that if those prescribed matters took the Planning Act into

account then we would have better legislation before us. Although I have further amendments that I will move to this Bill, I believe it would be better for the Government to defer it until the next session of Parliament in an attempt to look at a better approach to the combination of planning, clean air and the administrative expediency that is being undertaken at the present time. I explain that to the Committee because my final course of action will be to oppose this Bill.

Clause passed.

Clauses 4 to 32 passed.

Clause 33—'Excessive odours must not be emitted from any premises.'

The Hon. I. GILFILLAN: I move:

Page 10, after line 25—Insert new subclauses as follows:

(7) This section does not apply in relation to an odour arising from an operation or process carried on outside the metropolitan area or a township, being an operation or process—

(a) of a winery;

or

(b) related to animal husbandry or poultry farming.

(8) In this section—"the metropolitan area" means the part of the State that is comprised of—

(a) Metropolitan Adelaide as defined in Part IV of the Development Plan under the Planning Act, 1982; and

(b) the areas of the City of Adelaide and the municipality of Gawler.

"township" means township as defined in the Local Government Act, 1934.

The clause which applies to odour could be very difficult to apply in the rural sector. The purpose of my amendment is to clarify the position. Proposed new subclause (8) which is contained in my amendment, includes a definition of 'township', which was not previously defined. I therefore add that definition. The amendment is clear although I will be happy to answer any queries that arise.

The Hon. M.B. CAMERON: This clause, if not any other clause, leads me to want to vote against the Bill. Certainly, the Hon. Mr Gilfillan's amendment would be an improvement, but it does not improve it sufficiently to cause me to change my view on this clause. How we can create a situation where a court of law is to be asked to make judgments arising from an offence that is detected by an officer relying solely on his sense of smell is quite beyond me.

The Hon. R.C. DeGaris: His old factory sense.

The Hon. M.B. CAMERON: I would love to know the gradient to be used. As I said in the second reading debate, people looking at me would think I would be one of the experts in the field, but even appearances could not be used by a judge because half my nose fails to work. That fixes that. This is a ridiculous clause that will cause some mirth in the courts of the land. We will have officers running around detecting smells. If someone tries to set up a defence, some poor judge will try to make sure that he does not have the flu on the wrong day, because he will be in trouble. In those circumstances a judge will have to wait until he recovers before he is able to make a proper judgment as to whether there was a proper judgment on the part of the authorised officer.

Any officer who is in trouble with the flu will also be off the job. It could be that in the period between when an officer has the flu and his recovery he could make some dreadful decisions, because that officer would not be aware of his loss of smell. How will he know that? Will he go into the office and line up against a series of smells that he will have to detect? If the officer can detect the smells, he will be able to go back to work but, if not, he will not be able to return to work. I do not want to make too much fun of this. It is a very difficult area. Frankly, it would be far better for us to leave it out of the Bill until we have some means of detecting smells or odours or of setting up a gradient of sniffers or whatever one likes to call them. I suppose 'authorised officers' will probably be the name.

The Hon. Frank Blevins: A snifter!

The Hon. M.B. CAMERON: Yes; I guess that is the English way of saying it. It will be an extremely difficult job, which will place too much reliance on an officer's sense of smell. That is very much a personal thing. It is an exercise that could lead to an awful lot of trouble, if, say, an officer with a very delicate sense of smell was involved. I have no trouble supporting the amendment: that is the first step, just in case this ridiculous clause gets through. However, I indicate that I will oppose this clause very strongly, because in attempting to write into law something that has no basic detection system we are reaching a farcical stage in our law making. That is something that relies so much on people's judgment via a sense that varies so much from one person to another.

The Hon. R.I. LUCAS: The Hon. Mr Cameron really has touched on only part of the problem with respect to clause 33. That clause presents even more difficulties and is even more unworkable than the Hon. Mr Cameron has indicated, because not only does the authorised officer have to find that the odour in question is offensive but also, under subclause (2), he must determine that the offensive odour in question 'is of a strength that exceeds to a significant extent the level at which the odour is normally emitted'. How is he to do that? When we last debated this matter, the Minister referred to Bolivar and other sewerage farms from which offensive odours come, but this matter goes further than that because the authorised officer must determine not simply that an odour is offensive but that the odour being emitted constitutes an odour which is more offensive than the odour that normally comes from an establishment.

Apart from the fact that problems are involved with an authorised officer's determining what is an offensive odour, there is the further problem of how on earth he is to determine on a scale of relativities that an odour is more offensive at a certain level than it is normally. An authorised officer would have to establish himself outside the premises in question for ever and a day; he would have to keep a graph or a record to determine what was the normal level. One would have to be careful of north winds, south winds and all sorts of strange things. The operative words in connection with an authorised officer's determination in this matter are '. . . the level at which the odour is normally emitted'.

On the last occasion that we debated this Bill, the Minister refused to answer a question about this, and I guess that he will again refuse to do so. At the moment there are two Democrats here with the balance of power on this matter, and I would urge them to think seriously about how this clause will be administered in practice. It is fine to institute a provision such as this, but the whole question concerns how it will operate in practice. How will an authorised officer determine a normal level of odour and then determine whether a level of odour is greater than the normal level? A complaint mechanism is provided in the clause, namely, that if there is a complaint an authorised officer will investigate it. If the authorised sniffer goes out solely on complaint, he can only determine the level of offensiveness at the time of complaint.

The Hon. R.C. DeGaris: I don't think he can go out unless there is a complaint.

The Hon. R.I. LUCAS: This is the point that I keep putting to the Minister. The complaint is made, the authorised sniffer goes out and determines the level of offensiveness of the odour, but how does he compare the level of offensiveness on that occasion of complaint, with the normal

level? If one can only go out on complaint, how does one determine the difference—the excessiveness of this particular offensive odour?

The Hon. Mr Gilfillan's amendment seeks to exempt wineries, operations or processes in relation to animal husbandry or poultry farming outside the metropolitan area, as defined in the development plan and the Planning Act. So, a winery outside of the metropolitan area will be exempt from this sniffing clause, but those within the metropolitan area will, if I understand correctly the Hon. Mr Gilfillan's amendment, be subject to this clause. Is that right?

The Hon. I. Gilfillan: Yes.

The Hon. R.I. LUCAS: That is right. The Hon. Mr Gilfillan, if he is a connoisseur of wines, will be aware that there are many dozens of wineries within the metropolitan area. If one happens to be situated outside the metropolitan area, it will be exempt from this unworkable and impracticable clause. However, if one is unlucky enough to be within the metropolitan area, and operating in the same capacity as a winery, it is too bad, and one is stuck with the provisions of this clause. I cannot see why the Hon. Mr Gilfillan seeks to make that distinction. I appreciate that the honourable member comes from a rural background, although I know that he spends some considerable time in the metropolitan area. However, I wonder why the Hon. Mr Gilfillan seeks to distinguish between the very same process and operation being carried on outside the metropolitan area and that being carried on within the metropolitan area. I hope that for the benefit of members the Hon. Mr Gilfillan will explain his thinking on the matter.

The Hon. J.R. CORNWALL: The Government does not have a great deal of enthusiasm for this amendment, but it lives in a real world and, if clause 33 is to get through in some form, clearly the amendment to clause 33 will have to be given some support. I will not deal at any length with the arguments that have been recycled tonight by the jovial Opposition, as it did at a late hour last week.

I point out that 62 per cent of all complaints received by the Clean Air Division of the Department of Environment and Planning concern excessive and obnoxious odours. So, clearly there is a need to do something about it. There is a keen demand from ordinary people in the community to be able to live in a reasonable way without being assaulted by offensive odours.

I do not think that those people would find the arguments of members opposite very compelling at all. I do not believe that they would find the matter half as humorous as do certain members of the Opposition. It can be a very serious business indeed. It was obviously considered a serious matter by one of the senior members of the Opposition, at least until very recently.

I have before me a Legislative Council letterhead marked 'Urgent' dated 20 December 1983, addressed to the Hon. D.J. Hopgood, B.A., Ph.D, M.P., Minister for Environment and Planning, 55 Grenfell Street, Adelaide, as follows:

Dear Mr Hopgood,

A constituent has drawn to my attention the serious problem being created by a company named—

The company is named, but I have no intention of mentioning it—

which runs a piggery about ten miles west of Padthaway. The piggery apparently was approved for 5 000 pigs but is now running 20 000 pigs. The major problem is the offensive air pollution, which is occurring as a result of the waste from the piggery. My constituent informs me that local residents find the odour particularly offensive.

Now, a centre pivot irrigation system is being installed on the property to distribute waste from the piggery. Obviously, this will create even greater offence. The local residents have contacted the local Engineering and Water Supply Department Inspector (because the area is in the Padthaway Water Basin) and he says that he is not able to help. The District Council of Lacepede says that it has no control. Everyone approached by the residents about the problem says that he or she cannot help. I write this letter to you to enquire whether or not there is any action which your Department can take to control the offensive odour.

The answer at that time, and until such time as this legislation is passed, is a simple 'No'. The letter concludes:

I have sent a copy of this letter to your colleague, the Minister of Water Resources, in the hope that he, too, will be able to take some action to resolve the problems.

Yours sincerely,

Hon. K.T. Griffin, M.L.C., Shadow Attorney-General

At that time, at least, one member of the Opposition was showing that he was responsible and that he had some concern for the wellbeing, comfort and amenity of the good citizens who happen to have the misfortune to live within a wide radius of that large piggery.

It may well be that the olfactory apparatus is not the most objective scientific instrument that one could measure quantitatively at all times, but, given the complex nature of many of these odours, it beats the hell out of any artificial aids that have been devised to this point. In answer to the Hon. Mr Lucas, who insists on beavering away wanting a particular answer as to how these things are to be measured, our inspectors will show a modicum of something in which he is significantly lacking—common sense!

The Hon. I. GILFILLAN: Two points need to be made: one is to answer the sensible question of the Hon. Mr Lucas in relation to wineries and the other is a general comment, which I will make first. The Democrats do not particularly relish this clause of the Bill. It seems, however, that there is a very definite area of discomfort and suffering to which people are exposed because of excessive odours. Therefore, we support the intention of the Government.

With the current state of technology, it is extremely difficult to find any way of accurately measuring discomfort. I guess to define 'discomfort', one of the same species, one could assume would have a somewhat similar reaction to those suffering. This is a reasonable start. With the deficiencies in the Bill, I expect that we share something similar to the Minister's expression of reluctance in accepting my amendment. However, we accept the clause with the reluctant admission that there are probably deficiencies in the way it will and could be administered. My other point relates to the Minister of the day's right of exemption. I overlap that comment into answering the Hon. Mr Lucas's question about my concern for wineries in the metropolitan area.

There are obviously grounds for the exemption of a traditional industry operating in a certain area where perhaps the bulk of the population has become so attuned to it that it quite enjoys it. Some years ago as a resident of Hindmarsh I got to quite enjoy the fellmongering odours, but for someone who moves in abruptly those odours are quite objectionable. Therefore, I think that there is some flexibility, and there will be a tolerance if common sense is brought to bear in the way it applies to individual industries. However, the amendment is aimed specifically at an area which I think is capable of correction by a generally termed amendment. The rural area is reasonably easily defined and the restraints that would apply where a lot of people live in a reasonably close proximity to some of these activities are most unlikely to apply.

Therefore, I hope that the Hon. Mr Lucas realises that my selection of wineries in this area is not a completely irresponsible lack of recognition of where most wineries are located. I believe that it is a helpful step if not to the majority of wineries certainly to the other practices. I hope that, in practice, the clause (although causing some embarrassment and amusement) will not cause any undue hardship and will be treated with understanding and tolerance by the Government and the officers who are given the responsibility of investigating these complaints.

The Hon. R.C. DeGARIS: I have several questions to ask of the Minister of Health and the Hon. Mr Gilfillan. First, can the Minister say whether the officers who do the sniffing will have any power over a person operating under a licence, or will it be applied only to those who are unlicensed with regard to the question of odours? Secondly, clause 33 allows members of the public to make complaints in relation to odours, but there is no provision for any public contribution in relation to the granting of licences or for prescribed activities or for enforcement of the Act. This is rather peculiar in clean air legislation, when under the Planning Act the public has a free right to make complaints. Under this legislation only the question of odours is related to any report of the public.

Thirdly, I refer to the Hon. Mr Gilfillan's amendment. Information in my possession leads me to believe that wineries in the Barossa Valley do not have any great problem in regard to odour because all the material that creates odour is taken by one operator who processes it, not to make wine but something else. Therefore, most of the odours are not coming from wineries but from the person who services them. Therefore, if one exempts wineries in country areas, one also needs to look at ancillary industries attached to wineries.

The Hon. J.R. CORNWALL: The Act will apply to both licensed and unlicensed operators. In regard to the power of the inspector, in these circumstances he will not have any direct power to enable him to tack a notice on a wall and close down some activity on the spot. Ultimately, the power will rest with the court.

The Hon. R.C. DeGARIS: What happens where an industry is licensed and the odour from that industry is very high? An industry could have a licence to emit into the atmosphere a great deal of, say, sulphate of hydrogen, which happens with the paper making industry in the South-East. Any person in the vicinity would object to that odour, yet that industry would be licensed to inject this gas into the atmosphere.

The Hon. R.I. Lucas: You can smell it at Kingston sometimes.

The Hon. R.C. DeGARIS: That is only 70 miles away. However, that gives honourable members some idea of the quantity of H2S which is injected into the atmosphere. It appears to me rather odd that there is the situation where an industry is licensed to emit these gases into the atmosphere and, yet, it will be subject to a person smelling odours and nailing something on the door. An industry employing 800 people will not be pleased with someone nailing a notice on the door that it is emitting H2S into the atmosphere when it has a licence to do so.

The Hon. J.R. CORNWALL: Again, the answer to these questions lies in common sense. I think that the Hon. Mr DeGaris is referring to Apcel. It is my understanding that technical inquiries and research have been conducted on the very pungent odour which is peculiar to of Apcel. I lived at Mount Gambier for almost 10 years and am acutely aware of the Apcel difficulty which has existed for some time. In the event of a technical solution being available, if Apcel were given that advice and did not opt to do anything about it within a reasonable time, all other things being equal, then, of course, it would be prosecuted under the proposed legislation. But, at the moment a technical solution does not appear to be at hand and Apcel, the clean air people, Melbourne University and everyone involved has to keep searching for a solution. So, that is the commonsense approach. Again, in any industry with malodorous emissions it is not too difficult for the average reasonable person to define that a normal background or reasonable level of odour for that industry. Where that odour obviously exceeds the emissions that are produced by a well conducted endeavour within that industry the inspectors will be asked to visit and investigate the problem. In those circumstances they will offer, as they now do, every practical assistance to co-operative owners or proprietors to enable them to reduce that odour. It is only when those measures fail or if the owner or proprietor clearly indicates in the first instance that he will not comply with the request that prosecution will be taken.

The Hon. I. GILFILLAN: The question that the Hon. Mr DeGaris asked was a specific example of the follow-on processes of a winery. My interpretation of the amendment is that, being an operational process of a winery, if it removes from various wineries the emission of unnacceptable odours and treats it either in one concentrated position or in some satisfactory way, then I think that the interpretation of the amendment is such that the follow-on process could be accepted as part of the winery procedure and, therefore, if it is in an outside metropolitan area, be exempt.

The Hon. R.I. LUCAS: Concerning the matter I raised when last on my feet, that is, determining when these authorised sniffers can go about their task, the Minister handling this Bill in another place, on 27 March, said:

> This clause has several built-in safeguards for industry, and I think the Opposition will be interested in this. First, a member of the public must complain. It is not possible for me or my officers to proceed in relation to odour unless there has been a complaint from a member of the public.

The understanding of the Minister is quite clear: one can only go out upon complaint. If that is the case, how on earth does one determine what is the normal level of odour emission? If the Minister says that it is the norm for that industry, who is to say that it is not a one-off industry? Who is to say that there is no norm for that industry? It might be only a small concern where there is not an industry average smell that the authorised sniffer can take into account. The response of the Minister is deficient in many respects.

The Hon. Mr Gilfillan indicated in response to my first question that there was a process of exemption for the very many wineries that exist in the metropolitan area. I wonder whether, in the discussions that may or may not have been involved with respect to the honourable member's amendment, he has been given a commitment or an indication by the Minister that he will exempt those wineries inside the metropolitan area or whether that was just a suggestion off the top of the honourable member's head.

The Hon. I. GILFILLAN: I hope that my suggestions do not always come from the top of my head as there are more appropriate places for them to come. It is on my own initiative, I assure the honourable member, because, in drafting the amendment, we really responded to identifying that there would be this area of extraordinary stress, and also we had representations from the U.F. and S. pig breeders. One of the people who came along was involved in a winery. The interesting thing was that we had no representation from any group other than pig breeders. It seemed to be reasonable to do it. The short answer is that I have not had an assurance. It is a reasonable request to put to the Government as to how it intends to deal with wineries in metropolitan or township areas. Perhaps I could relay that to the Minister on the honourable member's behalf. Can the Government give any undertaking as to how it would view existing wineries within metropolitan or township areas?

The Hon. J.R. CORNWALL: Clause 33 (4) refers to this matter amongst other things, and states:

> The Minister may, if he thinks special reasons exist for doing so, exempt any person from this section by notice in writing addressed to the person.

The Hon. J.C. BURDETT: I refer to the question asked by the Hon. Mr DeGaris of the Hon. Mr Gilfillan in regard

to processes other than wineries which process the skins, seeds and other cast-offs. I cannot agree with the interpretation placed on the amendment by the Hon. Mr Gilfillan. He considers that that action is an operational process of a winery and would be so interpreted. It is not; it is a process quite unconnected with winemaking and is concerned with extracting acidic matters from the skins, seeds, and so on, which are used for totally different purposes, having nothing whatsoever to do with winemaking. I believe that the question posed by the Hon. Mr DeGaris is quite correct, namely, these processes and these organisations which have nothing to do with the winery and which conduct procedures that do emit offensive smells would not have the benefit of his amendment but would still be subject to prosecution in the same way as other organisations and premises emitting offensive smells.

The Hon. I. GILFILLAN: I bow to a superior authority on wine-making and take note with some interest of the comments of the Hons John Burdett and Ren DeGaris. I invite them to further amend my amendment. I have had no representation from the industry mentioned. It seems reasonable to expect reasonable treatment and concession from a Government administering the legislation.

In answer to the comment, I would be very willing to add to my amendment or, if that is unacceptable, to support an amendment that the Hon. Mr Burdett or the Hon. Mr DeGaris would care to move. It is not an area in which I have any direct knowledge and I feel incapable of doing so myself.

The Hon. J.R. CORNWALL: The answer, again, lies in clause 33 (4), which would apply whether wineries had been exempted or not. Indeed, one wonders whether in the drafting the wineries should ever have been given special mention. One wonders whether there is any need for it at all. I am confident that, like these by-product places about which the Hon. Mr Burdett talks, they would have been able to satisfy the Minister anyway and, therefore, would have qualified for an exemption. That again is a very simple explanation, to those of us at least who apply common sense in this area.

The Hon. PETER DUNN: I still have some problems with this, and I spoke of them in my second reading speech. Several people have related to the humorous nature of this clause, and I have so myself, but it is humorous purely because it is ridiculous in some of its aspects. What worries me is the vindictive nature that some people have and they would be able to ask inspectors persistently to come and have a look.

The Hon. R.J. Ritson: Or have a sniff.

The Hon. PETER DUNN: Or have a sniff. Dripping away at the stone will eventually wear it away; so somebody will be disadvantaged because of that, I feel sure. Although odours usualy last for a short period, they offend people, and I am sure that there will be a lot of complaints very early in the piece. How many members in this Council have been terribly offended by a smell over a long period? The ones that do continually offend—and I cite places like the abattoirs and the sewage farm—I anticipate will be given licences to emit those odours anyway: otherwise, the cost of relocating them would be astronomical.

The other thing is the Minister's unusual powers in this matter. He has the power to exempt a person or an industry and, if he thinks fit, shut it down or at least give those exemptions that are necessary, or he can reverse an exemption if he so decides. I find that quite unusual in that those powers are quite strong; if after a short period in which an industry has been working satisfactorily there is a complaint and an officer determines that that odour is beyond the norm, the Minister with the advice from that officer may decide to revoke the exemption that he once gave. That is fairly unreasonable.

I can understand what the Hon. Mr Gilfillan is trying to do with this amendment, but I am not sure that that cures the problem. I am still of the opinion that the problem is one not to be handled in a Bill such as this. I for one do not think that it is necessary to deal with it in this way and oppose it on those grounds.

The Hon. J.R. CORNWALL: I do not want to hold the Committee up unduly, but I had better respond briefly to those remarks. The Hon. Mr Dunn is using a very strange and circuitous logic. He says that if one has a malicious or vexatious complainant for a neighbour there are likely to be problems because that complainant will persist in lodging complaints where there are no *bona fide* grounds for doing so.

First, there will have to be two malicious or vexacious complainants, not one. Secondly, if we were not to proceed with any form of regulation of the actions of the community because of the possibility that one person in 100 or 1 000 would abuse the law as a complainant, we would not have any regulations. For example, there would not be a Noise Control Act. I do not believe that anyone seriously suggests that we should abandon noise control.

The Hon. R.J. Ritson: That can be measured.

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: The honourable member misses the point. He must try to apply his mind to the matter before the Committee. The general power of a malicious or vexacious complainant to make a damn nuisance of himself is the point that has been raised. There are a number of Acts under which complaints can be lodged—literally dozens of them. If we were to take the simplistic approach, as the Hon. Mr Dunn has suggested, we would have to abandon all of them. The noise control officers do not drive around on a still night with the windows down, specifically searching out noise. They respond to complaints. The most common complaint under the noise control legislation relates to noise from parties.

The complaint is lodged usually by an angry or disturbed neighbour. That sort of complaint is investigated in the first instance by police officers. They do not arrive with sophisticated measuring equipment; they do not measure at 85, 90, or 100 decibels; they arrive when there is a hell of a lot of noise from a party, they knock on the door and they ask the people to tone it down. If the noise persists, the officers take further action. That is completely subjective. How do the officers measure the noise? They use their ears. How will inspectors measure the smell? They will use their nose.

Amendment carried.

The Hon. J.C. BURDETT: I oppose the clause. Much has been said about this very objectionable clause, and I do not intend to say a great deal at this time. However, I will say that the clause sets out a most extraordinary way of creating an offence, a method that is practically unknown in criminal law or in the creation of civil offences. First, a person makes a complaint; and an inspector, relying solely on his sense of smell, comes to certain opinions as set out in the Bill. There is a very restricted defence. In fact, the only defence is that the person charged with an offence under this section proves (and the onus is on him) that the emission of the odour could not, by the exercise of reasonable diligence, have been prevented.

With that exception, it is an absolute offence, constituted by a complaint being made and by an inspector relying solely on his sense of smell. It is purely subjective, as the Minister, at least by implication, acknowledged when he stated that it was not an objective test. It is an extremely subjective test. The Hon. Mr Gilfillan has cured this potential injustice in regard to premises outside the metropolitan area

and being a winery or related to animal husbandry or poultry farming.

However, the potential injustice still applies in regard to other premises in the metropolitan area, or outside, not being one of those premises mentioned in the amendment. It is for the Government to work out how it words its legislation. I am not suggesting that smells may not be offensive, because they may be very offensive. However, I am saying that this is a quite extraordinary and wrong way of creating an absolute offence, with certain exceptions, and is constituted simply by a complaint being made and an inspector, relying solely on his sense of smell, forming certain opinions. It is quite an amazing way of constituting an offence, so I oppose the clause.

The Committee divided on the clause as amended:

Ayes (11)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clause 34 passed.

Clause 35—'Minister may require certain action to be taken to prevent or mitigate air pollution.'

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

Page 11, line 7—After "occupier," insert "or a genuine attempt on the part of the Minister to consult with the occupier,".

My small amendment has some importance. Subclause (1) provides:

Where air pollution from any premises has occurred, is occurring or, in the opinion of the Minister, is likely to occur, the Minister may, by notice in writing addressed to the occupier of the premises and issued after consultation with the occupier, require him—

What is the position if the occupier does not consult with the Minister? It is doubtful whether any action can be taken. Under my amendment a genuine attempt on the part of the Minister to consult with the occupier is sufficient to allow the proceedings to go on. It is a reasonable amendment.

The Hon. J.R. CORNWALL: The amendment is acceptable to the Government.

Amendment carried; clause as amended passed.

Clauses 36 to 39 passed.

Clause 40—'Minister may cause work to be done where any notice or order is not complied with.'

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

Page 13—

Line 25—After "parts of premises and" insert ", subject to subsection (3a),".

Line 31—After "taken" insert "to avert serious injury to public health".

After line 34—Insert new subsection as follows:

(3a) Where an authorised person breaks into premises pursuant to this section, he shall not do anything, or cause anything to be done, on the premises otherwise than in the prescribed manner.

The latter part of this clause refers to the powers of inspectors to break into and enter premises. The first purpose of my amendment is that, where an authorised person does break into and enter premises pursuant to the provision he shall not do anything or cause anything to be done on the premises other than in the prescribed manner. I hope the Government will accept this amendment because it does not detract at all from the inspector's power. Although an inspector may still break into the premises, he shall not do anything or cause anything to be done other than in the prescribed manner—that is, in accordance with what he is there to do—to enforce the legislation. I hope that the Democrats, too, will support the amendment.

The second part of my amendment deals with line 31; there should not be this broad power of breaking and entry, a power which is certainly in a number of Acts but to which exception is often taken. This power should not be given to inspectors lightly. Surely there is no purpose in having that fairly wide power unless it is to avert serious injury to public health. It should not be there for any other reason. I hope that the Government will see that my amendment does not detract from the policing and enforcement procedures in the Bill and that the Democrats will come to the same conclusion.

The Hon. J.R. CORNWALL: The Government opposes these amendments. It is not possible, because of the diverse nature of the conditions under which breaking and entering powers may be required, to accept the amendments, because a diverse range of conditions apply.

The Minister, of course, may impose many and varied conditions, depending on the industry. There is little discretion on the part of the officer involved because he can proceed only with those things which appertain to an order placed by the Minister. We also oppose the inclusion of a specific reference to 'public health': it is not the only consideration, although of course it is a very important one. There may be serious discomfort caused to the public which does not constitute a public health risk. There may be the danger of, or actual, damage to property which, again, does not constitute public health, as such, or there may well be serious damage to flora and fauna. They are just three examples in that regard. For those reasons the Government opposes the amendments.

The Committee divided on the amendments:

Ayes (9)—The Hons J.C. Burdett (teller), M. B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, C.M. Hill, R. I. Lucas, and R.J. Ritson.

Noes (10)—The Hons Frank Blevins, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. G.L. Bruce.

Majority of 1 for the Noes.

Amendments thus negatived; clause passed.

Clause 41—'Constitution of the Tribunal.'

The Hon. R.I. LUCAS: A matter of concern to me about all of the legislation presented by both Parties when in Government is the increasing number of appeal tribunals and appeal mechanisms with respect to much of the legislation that comes before us. There was the Noise Pollution Appeal Tribunal and now an Air Pollution Appeal Tribunal. Would the Government at some stage in the future look at trying to bring together in some way these various appeal mechanisms, rather than having a tribunal under each separate Act of Parliament (this one being a Chairman who is a person holding judicial office and two other people)? It is something that we as a Parliament need to address at some time in the very near future. I appreciate that at this stage the Government cannot do anything, but it is a matter that I would like to place on public record as being of some personal concern to me.

Clause passed.

Clauses 42 to 46 passed.

Clause 47—'Grounds for, and manner of, appeal.'

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

Page 15, line 7—Leave out "section 14" and insert "under section 14 *(a)* or *(b)*".

This amendment ties in with an amendment that I intend to move in the Planning Act Amendment Bill. Under clause 3 of that legislation there is no appeal against a decision of the Minister for Environment and Planning in reporting to the Planning Department in relation to new development.

Whilst there is an appeal in the Planning Act against all other decisions, there is one decision on which there is no appeal.

I feel that when we come to the Planning Act there is a need to include an appeal provision in relation to that decision. If the Committee at this stage accepts that, and I hope it does, we should amend clause 47 by deleting 'other than section 14' and inserting 'under section 14 *(a)* or *(b)*'. In other words, the appeal provisions there will be covered by my amendment.

The Hon. J.R. CORNWALL: The Government accepts that amendment.

Amendment carried.

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

Page 15, lines 23 and 24—Leave out 'hearing of the matter to which the appeal relates' and insert 'full review of the decision or notice the subject of the appeal'.

I move this amendment because on my reading of the Bill I wonder whether the tribunal has the ability to hear fully an appeal that may be made. We have to consider that in this Bill the Minister has a wide discretionary power. Given that wide discretion to the Minister, which he has under most of the Bill, the tribunal may well consider that it is only a very limited circumstance in which it should intervene. Clause 47 (5) provides:

An appeal under this section shall be conducted as a hearing of the matter to which the appeal relates.

I looked very carefully at that and decided that it may be better to say 'a full review of the decision or notice the subject of the appeal'. I do not know whether it makes very much difference or not, but it appears to me to give the tribunal the ability to make a full review of any appeal that comes before it. I move accordingly.

The Hon. J.R. CORNWALL: The Hon. Mr DeGaris got his amendment right, because he was advised professionally, but he did not get his spiel right. The tribunal cannot appeal. Obviously, the Environmental Law Society has been speaking with the Hon. Mr DeGaris, and he has taken a deal of their advice, some of which is good and some of which is bad. In this case it appears to be good but not for the reason advanced by him. The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clauses 48 to 50 passed.

Clause 51—'Decision of tribunal is final.'

The Hon. R.C. DeGARIS: I oppose this clause, and intimate that, if it is negatived, I will move the following amendment:

Page 17—Leave out clause 51 and insert clauses, as follow:

51. The tribunal shall, if so required by a party to appeal proceedings, state its reasons for any decision or order that it makes in those proceedings.

51a. (1) A right of appeal shall lie to the Supreme Court against a decision or order of the Tribunal.

(2) An appeal must be instituted within one month of the making of the decision or order appealed against.

(3) If the reasons of the tribunal are not given in writing at the time of the making of a decision or order, and the appellant then requested the tribunal to state its reasons in writing, the time for instituting the appeal shall run from the time when the written statement of those reasons is given to the appellant.

(4) An appeal under this section shall not be conducted as a re-hearing of the matter that was before the tribunal.

(5) The Supreme Court may, on the hearing of an appeal, exercise one or more of the following powers:

(a) affirm, vary or quash the decision or order appealed against, or substitute, or make in addition, any decision or order that should have been made in the first instance;

(b) make any order as to costs or any other matter that the justice of the case requires.

This clause provides:

No appeal shall lie against a decision of the tribunal on an appeal under this Part.

I object to the fact that there is no appeal against a decision of the tribunal. My amendment allows for the deletion of the existing clause and the insertion of new clauses establishing the right of appeal to the Supreme Court.

The Hon. J.R. CORNWALL: The Government opposes this amendment. The appeal tribunal has been set up to deal with matters in a specialised field. It is a very fair and representative group of people with expertise in their specialist fields, as well as including a person from the court who is learned in the law and court procedures.

To allow appeals to the Supreme Court (which is not usual in many of these circumstances) would be costly for all parties concerned and would certainly result in considerable delays. The adverse effects would be felt equally by Government and industry which oppose the amendment.

The Hon. R.C. DeGARIS: Would the Minister consider taking away all the appeal clauses in the Planning Act, which I think would apply somewhat similarly to this matter? I do not know of very many tribunals established by Parliament in which there is not an appeal to the Supreme Court, and I think that it is equally justified in this case.

The Hon. J.R. CORNWALL: I think that comparisons are nearly always odious. In this case there is no exception.

The Committee divided on the clause:

Ayes (11)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris (teller), Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 1 for the Noes.

Clause thus passed.

Clause 52 passed.

Clause 53—'Powers of authorised officers.'

The Hon. J.C. BURDETT: While my proposed amendment is not precisely the same as the amendment I moved to clause 40, I take it as being sufficiently close and accept the vote in that clause as a test case. Therefore, I do not propose to move the amendment on file.

Clause passed.

Clause 54—'Council responsible for enforcement of certain provisions.'

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

Page 18, line 38—After 'section 64 (2)' insert '(da) or'.

I cannot explain this amendment without referring to my proposed amendment to clause 64, which inserts a new paragraph. Clause 64 provides the regulation making power. I hope that the Government will accept my amendment and that the Democrats will support it because it only adds another matter about which the Governor may make a regulation. Of course, he does not need to: it is in the hands of the Government of the day whether or not regulations are made. My amendment would empower regulations to be made to provide for the determination by a council of the hours during which the burning of matter by fires in the open or in domestic incinerators may or may not be carried out in the whole or any part of its area.

My amendment has merit because no-one is better able to determine the appropriate hours for burning than a council, particularly a council taking proper advice from some central authority which one would expect it to do. People wishing to complain about fires in the open are more likely to complain to a council. Therefore, a council is the most sensitive arm of Government to the feelings of residents in a particular area. This is only an enabling provision to enable the Government to make regulations providing for these matters.

The Hon. J.R. CORNWALL: The Government opposes this amendment very strenuously. It is a quite ridiculous amendment. I cannot understand what has got into the honourable member. In effect, it would mean that any metropolitan council could make any hours it thought appropriate to its situation without any regard to any other metropolitan council. Therefore, there could be the quite ludicrous situation where the burning hours in, say, the City of Woodville were entirely different from those in the adjoining council areas of Port Adelaide or Henley and Grange. Clearly, that is unacceptable because it is unworkable and just plain silly.

There are sufficient regulation-making powers under clause 64 (2) *(e)*, I am advised by my learned advisers, to have the provisions for country councils varied to the extent necessary or desirable. Therefore, the provision is there within the proposed legislation to do what the Hon. Mr Burdett is attempting to achieve by a very strange and undesirable amendment.

The Hon. J.C. BURDETT: Although I explained it carefully, the Minister appears to have completely overlooked that my amendment is simply an enabling provision: it enables the Governor to make regulations in these cases. Of course, when regulations are made by the Government, the question of proximity of other councils could be taken into account.

The Hon. J.R. CORNWALL: I believe that Queensland has a Minister for Silly Walks. If the Hon. Mr Burdett persists with this sort of amendment it seems that South Australia will have a shadow Minister for Silly Amendments. The amendment is unnecessary and the Government rejects it.

Amendment negatived; clause passed.

Clauses 55 to 57 passed.

Clause 58—'Duty not to divulge information relating to trade processes.'

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

Page 19, line 40—Leave out 'Two' and insert 'One'.

I am pleased that the Attorney-General is in the Chamber to hear the depth of the debate. Only a few days ago we dealt with the Small Business Corporation of South Australia Bill, and the Hon. Mr Griffin made a very good speech in regard to penalties for people divulging information relating to trade practices or processes. The Attorney-General very strongly opposed the Hon. Mr Griffin's view, and the penalty in that Bill was $1 000. This clause does exactly the same as the corresponding clause in the Small Business Corporation of South Australia Bill, and the penalty in that instance was $2 000.

With offences such as this we should at least in an intervening period of one week keep the penalties somewhat equal. In other words, a person who divulges information under the small business legislation as passed will be fined $1 000 maximum, whereas in the Clean Air Bill the same offence attracts a penalty of $2 000. I suggest that we should keep equal the penalties set in the same week. It is not the view of most people on this side of the House that the penalty should be as low as $1 000, but at least that would indicate that we are trying to be consistent.

The Hon. J.R. CORNWALL: A simple reason exists for the anomaly which I can explain. The other day we were talking about small business; in this legislation most of the time we are talking about big business. The information that would be held by the clean air people on some of the large industries with which they will deal will be far more sensitive and significant and likely to have a far more wide-ranging impact if improperly divulged than would a great deal of the information held about small business. I do not believe that it is the sort of thing on which we ought to go to the barricades or into the trenches over, but, on balance, I am inclined to believe that a justification exists for the higher penalty, purely on the grounds of the importance and sensitivity of the information handled by the public servants concerned.

The Hon. K.T. GRIFFIN: So much for the classless society! The penalties ought to be much higher right across the board, but I share the view of my colleague the Hon. Mr DeGaris that there ought to be some consistency. I do not think that it matters whether it is big or small business; the attitude ought to be consistent. In the Small Business Corporation of South Australia Bill we drew attention to the fact that the capacity was there to declare even big business to be small business for the purpose of that legislation. For the sake of consistency, although I believe that right across the board penalties ought to be much higher, I am certainly prepared to support this amendment.

Amendment negatived; clause passed.

Clauses 59 to 61 passed.

Clause 62—'Evidentiary provisions.'

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

Page 21, line 17—After the word 'complaint', insert the words 'and that the odour was offensive or caused discomfort.'

Clause 62 (3) reads:

In any proceedings for an offence under section 33—

about which we had quite a deal of discussion—

a certificate signed, or purporting to be signed, by the Director-General certifying that a complaint was made to the Department alleging that an odour was detected at a specified place by the person making the complaint, shall be conclusive proof of the matter so certified.

Unless the words proposed in my amendment are there, subclause (3) does not fit the bill as much as it should do.

The Hon. J.R. CORNWALL: The Hon. Mr DeGaris has been here for a long time and has vast experience. He is seldom malicious; he is sometimes a trifle mischievous; and I have to say that frequently he is very wise. On previous occasions this evening we have accepted a number of amendments of the Hon. Mr DeGaris which have improved this legislation to some extent. The amendment that he has moved does likewise. The Government is pleased to accept it.

Amendment carried; clause as amended passed.

Clause 63 passed.

Clause 64—'Regulations.'

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

Page 21—

Line 36—After 'regulate' insert 'the manner in which'.

Line 37—After 'premises' insert 'may be carried out and the matter that may be burnt'.

I accept the vote on clause 54 as being a test case for this matter. This was the substantial amendment. I do not propose to move the amendment after line 35. The amendments to lines 36 and 37 go together. They are largely semantic. Clause 64 (2) *(e)* as it stands gives power to the Government by regulation to 'prohibit or regulate the burning of matter by fires in the open or in domestic incinerators on any premises'. The clause, if amended as I suggest, would read:

Prohibit or regulate the manner in which the burning of matter by fires in the open or in domestic incinerators on any premises may be carried out and the matter that may be burnt.

I suggest that that improves the provision.

The Hon. J.R. CORNWALL: The Government opposes this. It is not just a matter of semantics; it does not allow, I am advised, the timing; in other words, to regulate the hours in which burning may occur. In that respect it has the potential to have a marked deleterious effect on the proposed legislation. We must reject it.

Amendments negatived.

The Hon. R.C. DeGARIS: I had intended to move an amendment to this clause. The regulation-making power

under clause 64 (2) *(i)* allows an exemption either conditionally or unconditionally for any person from any provision of the Act. I was disturbed when I read that, but I found that a previous Bill with which we dealt this week and with which the Attorney-General had some difficulty contained exactly the same clause. I am concerned about the wide discretionary powers of a Minister in exempting conditionally or unconditionally any person from any provision of the Act. It could be that a person was exempted from a provision and that Parliament could not consider the matter for three months or more, and I am concerned about that. I do not propose that the clause be deleted, but I am disturbed about the implications.

Clause passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a third time.

The Hon. J.C. BURDETT: I oppose the third reading. I make clear that I support the concept of a Clean Air Bill. I supported the second reading, and I spoke at length on that issue at the time. I stated that the previous Government had in train a Clean Air Bill. However, I oppose the third reading on the traditional basis that I am not satisfied with the Bill as it comes out of Committee. The matters have been fully canvassed, and I do not propose to canvass them again in detail. Suffice it to say that among the principal issues that disturb me in relation to the Bill as it comes from Committee is clause 33. While the Hon. Mr Gilfillan's amendment has given some amelioration in regard to certain sectors of primary industry, there is an imbalance between those industries and other industries such as those located in the metropolitan area. In my view the offence created under clause 33 is quite appalling, and I am certainly not prepared to support at the third reading a Bill that contains a clause such as clause 33. I will not deal with the other matters exhaustively, but I believe that there is not a proper approach and that the Bill does not define 'air' or 'clean air'.

The Bill, as the Hon. Mr DeGaris said, contains a large number of very wide discretionary powers that are given to the Minister but, in practice, officers of his Department will exercise those powers pursuant to the delegation provisions contained in the Bill. It appears that the difficulties in measuring air pollution are such that it has effectively been left to the Minister's discretion to set standards. Some examples of the wide discretion given to the Minister are contained in clauses 6, 14, 16, 17, 18, 21, 23, 26, 29, 32, 33, 34, and 38.

The Hon. R.C. DeGaris: And 64.

The Hon. J.C. BURDETT: Yes, and 64, but that relates to regulations. The other matter to which I propose to refer is one that was the subject of an amendment moved by the Hon. Mr DeGaris and relates to the right of appeal. I submit that the appeal provisions are not satisfactory and that is a major defect in this Bill. For those reasons, while making it plain that I support a proper clean air Bill, I do not support, and in fact oppose, the third reading of this Bill as it now stands.

The Hon. M.B. CAMERON (Leader of the Opposition): I also oppose this Bill at this third reading stage for the same reasons as those put forward by the Hon. Mr Burdett. It disturbs me that a Bill of this kind is being brought forward, because it must inevitably have an effect on industrial expansion in this State because of the uncertainty that will arise as a result of many of its provisions. It seems to me that this Government, in every measure that we see brought forward that has any effect on industry, is determined to put obstacles in the way of industrial expansion. That must have the inevitable result of our falling further behind in the race to obtain new jobs and new industries for this State. If the Government wants examples of that, the previous Bills that we have passed in this Council relating to problems in union areas can be cited. I ask honourable members to vote against the third reading of this Bill, not because the Opposition opposes a clean air Bill as such, as there are certainly some good features in this Bill, but because, unfortunately, the good features to our minds are more than outweighed by its the bad features, so we will oppose the third reading.

The Hon. R.C. DeGARIS: I think I indicated my position with regard to this Bill quite early in the Committee stage of this debate. I, also, do not oppose clean air legislation. I think that it is a worthy concept that should be developed. However, I would have liked the Government, at this stage, to defer the Bill until next year. I point out that most of the provisions in it can now be handled under the Health Act, anyway. The defeat of the Bill will have no real effect upon the Government's powers regarding clean air, with the exception of this question of odours. That, really, is the only addition in this piece of legislation. I think that there is a better approach to this question. I believe that it would be better if we looked at the question of planning, and the development plan, and to giving authorities power to refuse consent on all applications on grounds that are reasonable.

I think that the approach to the question of clean air should be quite clear in legislation and when it affects planning should all be under the Planning Act so that it is contained. I think there is a better approach to this whole question than the way the Government is now approaching it. As pointed out by the Hon. John Burdett, this Bill is largely a regulatory piece of legislation in which the discretionary power of the Minister and his officers is quite considerable. While it may be necessary, if there is no other approach, that we adopt this Bill, I would have preferred the Government to defer it and considered it during the next session. By doing that, if the Bill is defeated, it will make no difference to the powers that the Government already has under regulatory powers in the Health Act, anyway. Therefore, I support the opposition to the Bill at this third reading stage.

The Council divided on the third reading:

Ayes (11)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

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

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

At the present time the penalty for non-payment of rates declared under the provisions of the Renmark Irrigation Trust Act, 1936, is 10 per cent of the outstanding rates and is payable when the rates are three months overdue. No further penalty is payable no matter how long the rates remain upaid. The purpose of this Bill is to provide for a

penalty interest rate of 10 per cent on the balance of outstanding rates three months overdue and a further penalty of 1 per cent per month thereafter. The initial moratorium of three months will assist those irrigators whose cash flows are irregular but the increased level of interest will provide an inducement for early payment from the more tardy ratepayers. The change will ensure that ratepayers do not defer the payment of rates as a cheaper alternative to seeking overdraft funds with which to meet their commitments. The amendments proposed by this Bill are similar to those made last year to the Irrigation Act, 1930, and a number of other irrigation Acts by the Statutes Amendment (Irrigation) Act, 1983. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 100 of the principal Act. Paragraphs *(a)* and *(b)* make consequential amendments. Paragraph *(c)* inserts two new subsections. New subsection (2) provides for interest at ten per cent in respect of rates unpaid after three months with an additional one per cent of rates and interest at the end of each subsequent month. New subsection (3) is a transitional provision that provides that interest at the rate of one per sent calculated at the end of each month will be payable on rates and interest unpaid at the commencement of the amending Act. Clauses 4 to 7 make consequential amendments to sections 104, 105, 111 and 114 of the principal Act.

The Hon. C.M. HILL secured the adjournment of the debate.

LOTTERY AND GAMING ACT AMENDMENT BILL (1984)

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

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

This is a short Bill. It is a simple second reading explanation, and, in view of the lateness of the hour and the busy state of the Council, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill amends the Lottery and Gaming Act, 1936, to increase the penalities provided in relation to illegal bookmaking. Similar amendments to the Racing Act, 1976, are also to be made. The extent of SP betting is a matter of national concern and was discussed at length at a recent Racing and Gaming Ministers' conference. It has also received extensive media coverage. Whilst it is extremely difficult to assess the loss of revenue to the racing industry and to the Government as a result of illegal betting, it is generally considered that the loss of turnover is somewhere between $100 million dollars to $150 million dollars per annum.

The racing industry is heavily dependent upon revenue generated through the TAB, and to ensure its continued viability, it is essential that illegal betting and bookmaking be deterred. It is hoped that an increase in the penalties provided for these activities will have a deterrent effect, thus reducing the annual loss of revenue. The previous Government was also conscious of the detrimental effects of SP betting, and it increased the penalties in 1981. It is clear, however, that the present penalties are now inadequate. The decision to take further action has been made in recognition of the important contribution to South Australia's economy made by the racing industry and it has the support of all bodies within the industry.

Clause 1 is formal. Clause 2 amends section 63 of the principal Act. The penality for acting as a bookmaker without holding a licence under the Racing Act, 1936, or for failing to comply with a condition of a licence or a permit under that Act is increased: in the case of a first offence, from $5 000 or imprisonment for six months to $8 000 or imprisonment for two years; and in the case of a second or subsequent offence from $10 000 or imprisonment for 12 months to $15 000 or imprisonment for four years. The penalty for making a bet with a person if the acceptance of the bet would constitute an offence of the sort referred to in subsection (1) of section 63 is increased from $1 000 or imprisonment for three months to $2 000 or imprisonment for six months.

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

RACING ACT AMENDMENT BILL

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

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

This is also a short Bill, and, again, in view of the lateness of the hour and the amount of business before the Council, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill amends the Racing Act, 1976, to increase the penalties provided in relation to illegal bookmaking. Similar amendments to the Lottery and Gaming Act, 1936, are also to be made. The extent of SP betting is a matter of national concern and was discussed at length at a recent Racing and Gaming Ministers' conference. It has also received extensive media coverage. Whilst it is extremely difficult to assess the loss of revenue to the racing industry and to the Government as a result of illegal betting, it is generally considered that the loss of turnover is somewhere between $100 million dollars to $150 million dollars per annum.

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Clause 1 is formal. Clause 2 amends section 117 of the Racing Act, 1976. The penalty for acting as a bookmaker without being licensed or for failing to comply with a condition of a licence or a permit under Part IV is increased: in the case of a first offence, from $5 000 or imprisonment for three months to $8 000 or imprisonment for two years;

and in the case of a second or subsequent offence from $10 000 or imprisonment for 12 months to $15 000 or imprisonment for four years. The penalty for making a bet with an unlicensed bookmaker or with a bookmaker in circumstances in which acceptance of the bet by the bookmaker would constitute an offence has been increased from $1 000 or imprisonment for three months to $2 000 or imprisonment for six months.

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

GAS ACT AMENDMENT BILL

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

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

In view of the precedent set with the last two Bills, I seek leave to have the second reading explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The object of this small Bill is to facilitate the transfer of the responsibility for the regulation of gas supply from the Chemistry Section of the Department of Services and Supply to the Department of Labour.

In June 1982 a working party was established to review the organisation, staff establishment and management requirements of the Chemistry Division. Two of the specific terms of reference were:

- to examine and report on the most appropriate Government agency to administer the regulation of gas supply; and
- to examine and report on the most appropriate agency to administer the handling of explosives.

The working party saw no value in splitting responsibility for these two functions, as the same level of professional and analytical expertise is required for both. The working party saw clear advantages in transferring the two functions to the Department of Labour, and recommended accordingly. These advantages are as follows:

(1) The Department of Labour already has responsibility for administering the Dangerous Substances Act.

(2) The regulation of gas and explosives does not sit happily with the other functions of the Department of Services and Supply, being a Department that acts basically as a service organisation for other Government departments.

(3) The Department of Labour already has an established regional inspectorial system that covers a wide range of activities, including the handling, etc., of dangerous substances.

(4) The existing legal and engineering expertise in the Department of Labour will enhance the effectiveness of the gas and explosives unit.

Steps have already been taken to transfer the administration of the Gas Act and the Explosives Act to the Minister of Labour, and this Bill merely makes all the necessary consequential amendments to the Gas Act. No such amendments need to be made to the Explosives Act.

Clauses 1 and 2 are formal. Clause 3 substitutes the definition of 'Director' so that it now refers to the Director of the Department of Labour and not the Director of Chemistry. Clause 4 repeals the section that charged the Director of Chemistry with the administration of the Act. Such a provision is not necessary as the Minister himself is charged with the administration of the Act. Clauses 5 to 14 (inclusive) effect consequential amendments.

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 4)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments and that it had made the following consequential amendments:

No. 1. Clause 45, page 20, lines 13 to 15—Leave out subsection (2) and substitute the following subsection:

(2) The Commission shall not approve an industrial agreement to which an unregistered association of employees is a party unless it is satisfied—

(a) that its terms are fair and reasonable; and

(b) that the industrial agreement, when considered as a whole, does not provide conditions of employment that are inferior to those prescribed by a relevant award (if any) applying at the time that application is made for the approval of the agreement under this section.

No. 2. Clause 45, page 20, line 32,—Leave out the word 'The' and substitute the words 'Subject to subsection (6), the'.

No. 3. Clause 45, page 20, after line 35—After subsection (5) insert new subsections as follows:

(6) For the purposes of subsection (5), subsection (2)*(b)* shall not apply in relation to a variation of an industrial agreement where the agreement was entered into before any relevant award was made.

(7) In this section a reference to a relevant award in relation to an industrial agreement means an award that apart from the industrial agreement would govern the conditions of employment of the employees to whom the industrial agreement relates.

Consideration in Committee.

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

That the House of Assembly's consequential amendments be agreed to.

The consequential amendments are necessary as a result of the amendment moved in this place to clause 44 which will allow unregistered associations to continue to be able to enter into industrial agreements and to ensure that such unregistered associations do not contract out of awards and thereby undermine established commission standards. The amendments provide that the Industrial Commission shall not approve such industrial agreements where there is a pre-existing award unless they provide for conditions of employment that are no less beneficial overall than those prescribed by any existing award covering the employees concerned.

Under the Port Pirie Taxi Service (Question of Law) Case decision, reported in volume 46, *South Australian Industrial Reports*, the Full Industrial Court has construed the existing section 29(1)*(f)* of the Act as not sanctioning the making of an industrial agreement where a relevant award pre-exists so as to oust what would otherwise be the operation of that award on particular persons. These consequential amendments will pick up the thrust of the existing law, but at the same time will provide for greater flexibility than exists currently and, when taken together with the changes agreed to under clause 47, will allow agreements that are approved by the Commission to prevail over awards that would otherwise apply.

Cawthorne in his discussion paper at page 147 canvassed this particular matter and argued that there was a case for unregistered associations being able to continue to enter into industrial agreements if the 'agreements entered into offered to members wages and conditions of employment which were, for example, not less beneficial overall than

the terms of appropriate awards'. Cawthorne also was of the view 'that if parties wish to have an agreement which is enforceable before an industrial tribunal, then it is only proper that the terms of the agreement be no less favourable than "general awards of the Commission which might otherwise bear upon the area of employment embraced by the agreement"! That statement appears at pages 147 and 148 of the discussion paper.

Cawthorne argued that, if such a procedure of vetting industrial agreements were adopted by the Commission prior to registration, it would tend to ensure that the members of an unregistered association not *au fait* with industrial terms and conditions of employment and unskilled in negotiation were not exploited by unscrupulous employers and, furthermore, it would ensure that advantages won by the trade union movement were not eroded by agreement. The consequential amendments have been drafted having regard to the points raised in the Upper House concerning groups that have existing agreements, such as the Catholic Schools. The consequential amendment preserves existing rights in relation to such agreements and will not require them to be brought up to prevailing award standards in those areas where there are no pre-existing awards.

The Hon. K.T. GRIFFIN: I am inclined to go along with the amendments which were moved by the Government in the House of Assembly without any prior notice being given to the Opposition in that place. Quite unreasonably, the Opposition was expected to deal with them immediately. At that time, understandably, the Opposition was perturbed at the amendment because it seemed to be just another way of doing what was, in fact, rejected by this Council in that the new subsection (2) provided that the Commission was not to approve an industrial agreement to which an unregistered association of employees was a party unless it was satisfied not only that the terms were fair and reasonable but that the industrial agreement, when considered as a whole, did not provide conditions of employment that were inferior to those prescribed by a relevant award, if any, applying at the time an application is made for the approval of the agreement under this section.

That proposed subsection, taken by itself, would clearly include in the Bill proposals which the Attorney moved in this place, but which were not accepted by the Council. But, as it has been explained to me, the new subsections (6) and (7) qualify subsection (2), particularly subsection (2) *(b)*, and relate to subsection (5), which provides:

> The Commission may, on the application of a party to an industrial agreement, rescind or vary the agreement but it shall not vary an industrial agreement unless the agreement, as varied, is such as would have been approved by the Commission under this section.

The last few words 'is such as would have been approved by the Commission under this section' are in fact qualified by new subsection (6) so that, for the purposes of subsection (5), subsection (2) *(b)* does not apply to a variation of the industrial agreement where the agreement was entered into before any relevant award was made.

The reference to a relevant award is defined in subsection (7) in relation to an industrial agreement as an award that apart from the industrial agreement, would govern the conditions of employment of the employees to whom the industrial agreement relates. As I understand these amendments, in conjunction with the present proposed section 108a, the position is that, if there is an agreement between an unregistered association of employees and an employer, that takes priority over a subsequent industrial award.

Where there is a variation to that agreement, then it is not prejudiced by any award. However, if there is a pre-existing award and any industrial agreement is made between an unregistered association of employees and employer subsequent to that award, then the conditions of the agreement must be (when taken as a whole) no less favourable than are the provisions of the award. I think that the emphasis there is on the terms and conditions of the agreement as a whole, rather than each part of the agreement being compared with each part of the relevant industrial award if there is one. As I understand the Port Pirie taxi case, in that case each part of the agreement was picked off against each part of the industrial award.

That will apply no longer in the context to which I have referred. As I understand it in the private schools situation, for example, where there are agreements with unregistered associations of employees, they will be registered and any variation will be registered if they are fair and reasonable, and whether or not they are as favourable as subsequent awards will not be relevant to the consideration as to whether or not they will be registered. Therefore, those agreements within the private schools system will not be prejudiced by the amendments or section 108a, which is to be added by clause 45 of the Bill.

However, if, for example, an award is made within the private schools system and no agreement is made before that award comes into operation, then if there is a subsequent agreement it must as a whole be no less favourable than are the terms and conditions of the award. That is my understanding of the position. If that is a correct understanding, then I am prepared to support the amendment, but I would like the Attorney-General to confirm that that is correct before we take a vote on this amendment.

The Hon. C.J. SUMNER: I am advised that the honourable member's exposition of the law and the intention of the amendment are right, and his conclusions in respect of that are correct.

The Hon. I. GILFILLAN: If it is any consolation to the Hon. Mr Griffin, I agree with the Attorney's opinion and I would add one other factor which I think is significant: if an agreement is entered into between an unregistered association and an employer which is on a level with an existing award, that agreement is immune from the influence of any changes in the award until that agreement is sought to be altered.

The Hon. K.T. Griffin: It's not immune in the amendment, though.

The Hon. I. GILFILLAN: No; I think that, where there is an award prior to the agreement being entered into, the agreement will remain undisturbed until it is sought by those involved in it to be changed, in which case it needs to comply with section 2*(b)* again.

The Hon. K.T. Griffin: Where there is an award before an agreement?

The Hon. I. GILFILLAN: That is right, but I would also say, for those who might feel a little discomfort in that, that I am convinced that the Port Pirie taxi case showed that the current situation is less favourable to agreements with unregistered associations than will be the case if this amendment is passed. That would place more restriction on the agreements between unregistered associations and employers. The matter of whether conditions above the award could be legally made was left undecided. There are distinct advantages in accepting this amendment, which the Democrats support.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos 1, 2 and 4, that it had disagreed to amendment No. 3 and had made an

alternative amendment in lieu thereof, and that it had disagreed to amendment No. 5.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council do not insist on its amendment No. 3, to which the House of Assembly had disagreed, and that it agree to the alternative amendment made by the House of Assembly in lieu thereof.

The Hon. M.B. CAMERON: The Opposition accepts the motion, which is the result of some discussion with the Minister, who has accepted the majority of the Council's amendments. This alternative amendment leads to an equality of fines within the system, and that appears to be eminently sensible.

Motion carried.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council do not insist on its amendment No. 5, to which the House of Assembly had disagreed.

The Hon. M.B. CAMERON: The Opposition also accepts this proposal.

Motion carried.

POWERS OF ATTORNEY AND AGENCY BILL

Returned from the House of Assembly without amendment.

LAW OF PROPERTY ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

EVIDENCE ACT AMENDMENT BILL (No. 3)

Returned from the House of Assembly without amendment.

LAW OF PROPERTY ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

COMPANIES (ADMINISTRATION) ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

HEALTH ACT AMENDMENT BILL

In Committee.

(Continued from 4 April. Page 3174.)

Clauses 2 and 3 and title passed.

Bill read a third time and passed.

PLANNING ACT AMENDMENT BILL

In Committee.

(Continued from 4 April. Page 3174.)

Clause 2 passed.

Clause 3—'Development with an air pollution potential.'

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

Page 1—Insert after line 18 new definition as follows: "development with an air pollution potential" means a development for the purposes of establishing an industry, operation or process declared by the regulations to have an air pollution potential.'

My amendments relate to an amendment, which was accepted by the Government, to the Clean Air Bill. Therefore, there is not much need for me to explain this amendment. It allows an appeal to the Planning Appeal Board or any decision made by the Minister for Environment and Planning in relation to clean air where it affects a planning decision. With every other Planning Act decision, an appeal can be made to the court. That should apply with any clean air decision in relation to a planning decision.

The Hon. J.R. CORNWALL: The Government opposes all the amendments that the Hon. Mr DeGaris has on file. The purpose of this clause is to allow the Minister of the day to plug a gap that local government is not equipped to consider or administer. That is no reflection on the competence of local government at all, but it is stating the obvious to say that, as staffed and financed and within the ambit of its expertise, it is not in a position to evaluate complex technological processes.

In assisting individual members of the Committee to decide how they will vote on the amendment, I point out that it is very significant that industry generally is aware of this clause and does not oppose it. In fact, industry sees a great deal of merit in dealing with one competent authority rather than a myriad of councils of various sizes which, I am sure, would admit that they do not have competence or the resources to handle many of the complex technological processes that exist.

The decision makers and decision takers in industry are all aware that the primary impact activities are similar to those that are now registered (and have been for a long time) under the clean air regulations. As I said in this Chamber earlier this evening, the Clean Air Bill could have a considerable effect on a new industry. This change to the Planning Act, which has to be seen as complementary to the Clean Air Bill that we have just passed with only one significant amendment, provides a safeguard to a new industry in so far as the Minister is able to quantify the cost of meeting the high standards of air pollution control demanded for this extremely sensitive area.

That is likely to be prohibitive in some instances, and it would be wise in those circumstances for industry to know at the outset what those costs are likely to be and what the requirements are likely to be so that it could find a suitable alternative site right at the start of the planning process instead of getting halfway down the track and then finding that mistakes had been made, that technological assessments had been incorrect and that, having spent thousands, tens of thousands or maybe hundreds of thousands of dollars on the initial planning process with what they thought was the blessing of a local government body, they would find it necessary to relocate.

I believe that the amendment does nothing except to make the whole matter a good deal more complex and difficult for industry, as well as a good deal more expensive in terms of administration costs for local councils.

The Hon. R.C. DeGARIS: I find that rather odd. I moved an amendment to clause 47 of the Clean Air Bill and I indicated that the reason for the amendment was related to my amendments to the Planning Act Amendment Bill. On that explanation the Government supported the amendment to clause 47 of the Clean Air Bill but, after having accepted that amendment, the Government is opposing the right of appeal on a decision of the Minister for Environment and Planning in regard to a development. The only area under the Planning Act in regard to which no-one has the right of

appeal to the court relates to the decision of the Minister for Environment and Planning. It appears to be quite logical that, under the Planning Act where a very important decision has been made by a tribunal, an appeal to the court should be allowed. This measure contains no appeal on any decision of the Minister.

It is all very well for the Minister to talk about difficulties in relation to an industry establishing, but it is far more difficult if the Minister for Environment and Planning makes a decision and there is no appeal whatsoever to anyone in regard to a very large development that may be taking place. Therefore, the suggestion that my amendment will make it more difficult is not reasonable, particularly, as I explained when I moved the amendment to clause 47 of the Clean Air Bill, as it is related to moving amendments to the Planning Act to deal with an appeal against the Minister's decision. The Clean Air Bill gives the Minister wide discretionary powers and there can be an appeal only to a tribunal. That is bad enough, but in this case the Minister for Environment and Planning can make a decision on air pollution odour, and so on, in relation to a large development, but there is no appeal by that industry to any court in relation to the decision. The Committee should understand that. There should be at least some appeal against the Minister's decision, but no appeal is provided in this Bill.

The Hon. J.R. CORNWALL: The Hon. Mr DeGaris has been receiving some strange advice on the legal aspects of the proposed legislation. Dare I say that I suspect that he does not understand its full complexity. In fact, I am not sure that I understand it, so that is not meant to be a reflection on the Hon. Mr DeGaris, whose judgement, because of this long experience in this place, I respect. The planning area is very difficult, I must say that I enjoyed my brief period as Minister of Environment and Minister of Lands, and I often have a hankering to get back to that area, particularly on the days when there are bush fires in the Health Commission in the middle of winter. When I think that planning has been taken on board as well, I often have second thoughts. The Hon. Mr DeGaris is confusing what the Government accepted under clause 47 of the Clean Air Bill, which referred to expansions to existing sites—

The Hon. R.C. DeGaris: No.

The Hon. J.R. CORNWALL: Oh, yes. The legislation is not anti-development in that sense. This amendment will apply not only in that area but also to new developments and, therefore, all the remarks I made at the outset about this proposed amendment and why it was unacceptable to the Government stand.

The Hon. R.C. DeGARIS: I do not know who is strange, the Minister or me.

The Hon. L.H. Davis: We know that it's the Minister.

The CHAIRMAN: Order!

The Hon. R.C. DeGARIS: Clause 47 of the Clean Air Bill provides:

(1) Where a person is dissatisfied with—
(a) any decision made by the Minister under this Act (other than section 14)—

which was the original draft that I amended to read—

other than section 14*(a)* and 14*(b)* . . .

Sections 14a and 14b refer respectively to 'the construction of any premises' and the 'alteration or extension of any premises'. The reason those two definitions were included was for the appeal provisions that are going in the Planning Act. The reason I changed that was to allow an appeal in the Planning Act against those decisions. I think that that is perfectly clear. When I moved that amendment to clause 47 I pointed out that it was related more to the Planning Act than to that particular provision. Therefore, I will quote one or two passages from the Planning Bill for the Committee's consideration. While an appeal can lie to the tribunal on clause 14 of the Clean Air Bill there is no appeal against alterations or the building of new buildings. New section 48a (4) of the Planning Act states:

No appeal shall lie against—
(a) a refusal given by a planning authority pursuant to a direction of the Minister; or
(b) a condition attached to a planning authorisation by a planning authority pursuant to a direction of the Minister.

Therefore, when the Minister directs in relation to a planning authority, as the Environment Minister does, there is no appeal that lies, yet in all other planning decisions an appeal does lie. I think that it is quite ridiculous to have a Planning Act which does not allow any appeal whatever and which relies entirely upon Ministerial discretion (particularly when his nose might not be working when it should be).

The Hon. J.R. CORNWALL: The honourable member is right as he spells this out in relation to the Planning Act, but it makes no difference to the remarks I made at the outset that clause 47 as amended does not refer to new developments.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris (teller), Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (11)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner, and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 1, lines 22 to 31—Leave out all words in these lines.
Pages 1 and 2—Leave out subsectons (2), (3), (4) and (5).
Page 2, lines 26 and 27—Leave out "secondary impact level development" and insert "development with an air pollution potential".

I move these amendments, although I will not seek to divide on the call because I appreciate that there is no support for the idea of an appeal. However, I stress that this is the only decision made by the Minister in the Planning Act to which no-one has any right of appeal against the discretion which the Minister has. It is a very wide discretion. I am perturbed that the Committee has not accepted the idea of an appeal against the rights of a person where a Minister's discretionary powers may prevent a large development in this State.

The Hon. J.R. CORNWALL: The point made by the Hon. Mr DeGaris sounds superficially a good one because there is no appeal. However, there is good reason for there being no appeal. Reference is made to special circumstances where the site chosen for a polluting or potentially polluting industry is considered to be unsatisfactory. That is not the same perhaps as adapting a residential plan or revising an architect's plans for a high rise to something in the medium density range, and so forth. There are many ways in which planners and developers can get together, and there are many good reasons why there ought to be an appeal mechanism in a whole range of planning areas. However, this is a special case.

The advice that is available to the Minister of the day from the technical experts in the field on these specific matters might recommend that a site is too sensitive, whether because of its proximity to residential development, to sensitive ecological areas or any other specific purposes. It may be that the site is too sensitive in terms of human health or a whole plethora of various circumstances which I could outline but which I will not bore the Committee with now because of the lateness of the hour. Because of those special circumstances the Minister can simply say that, on all the technical advice available to him, that site is not suitable

for this industry, since we know that there is going to be a degree of pollution. That is a perfectly reasonable situation.

It should not be possible to appeal and perhaps through some technical process of the law to have a Ministerial decision reversed. It would not be a malicious decision but a decision taken by the Minister after due advice and consultation and, where it was sensitive to the extent that it involved a significant industrial development, for example, quite obviously it would be taken by the whole Cabinet of the day, so that it would be a question of collective Cabinet responsibility, and there would be the normal political processes applying. If there was the remotest suggestion that the decision was taken on other than the very best technical advice available concerning that industry in that location with specific regard to the production of pollutants, then of course quite rightly there would be public outcry. In the special circumstances I believe that that is more than an adequate protection.

Amendments negatived; clause passed.

Clause 4 and title passed.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a third time.

The Hon. R.C. DeGARIS: I believe that clause 47 of the Clean Air Bill now needs to be re-examined in relation to the decision made in regard to this Bill. I think the Minister should look at that matter when the Bill is returned from the other place. We should look at the changes made there in relation to the amendments to the Planning Act.

The Hon. J.R. CORNWALL: All my advice indicates that that is not so. I do not pretend to have an in-depth understanding which would enable me to be an instant expert on this matter. However, we have the protection of the other place in the sense that the Bill will now return to the House of Assembly. In the meantime, I give an undertaking that I will consult with my colleague, the Minister for Environment and Planning, and will ask him to take any additional advice that he considers necessary in looking at clause 47 *vis-a-vis* the amendment to the Planning Bill that we have just passed. If there is any inconsistency, as the honourable member suggests there is, then I will urge the Minister to take whatever action is appropriate while the Bill is still alive. I give that undertaking. I repeat that on all advice available to me I do not see any difficulty, but, nevertheless, there is that additional safeguard to which I have referred.

Bill read a third time and passed.

PUBLIC INTOXICATION BILL.

Adjourned debate on second reading.

(Continued from 11 April. Page 3465.)

The Hon. K.T. GRIFFIN: I support the second reading of this Bill. There are several matters on which I want to comment. The first general observation to be made is that this Bill contains provisions which are less of an infringement on the rights of citizens under the influence of a drug or alcohol than the provisions that applied in the amendments passed in 1976 to the Alcohol and Drug Addicts (Treatment) Act.

The amendments passed in 1976 were never proclaimed, for two principal reasons: firstly, the very severe infringement of liberty of citizens that was provided for and, secondly, the cost of implementing them, which I understand was assessed during the course of the Liberal Government's time in office as costing approximately $200 000 in a full year. In the original 1976 enactment, the period of detention was up to 132 hours, from memory—certainly a long period of time without a trial. This Bill provides for the repeal of the Alcohol and Drug Addicts (Treatment) Act, 1961, including the non-proclaimed 1976 amendments. It provides for a person to be apprehended who is under the influence of a drug or alcohol and who is, in the view of a member of the Police Force or an authorised officer, unable to take proper care of himself. Therefore, the police officer or the authorised person will in fact apprehend that person, which is equivalent to an arrest.

The authorised officer need not be a person trained in law enforcement or in recognising and respecting the rights of citizens. A member of the Police Force has long training in that respect, particularly as to the limit of the authority of a police officer. Here we have the potential for an untrained person, in that context, to apprehend or arrest a person under the influence of a drug or alcohol and to then take that person to either a police station or a sobering up centre, where the usual procedures that follow upon arrest are followed; for example, the right to use as much force as is reasonably necessary to apprehend and, presumably, also to transport that person to a police station or a sobering up centre.

There is also the searching of the person who is apprehended. Although such a search is limited to removing any object that may be of danger to the person involved or to others, or to removing any valuable object, the fact is that the person is still subject to search. If such a person is then detained in a police station the maximum period of detention is 10 hours. There can then be a further period of detention in a sobering up centre for up to 18 hours. The only circumstances in which a person so detained can be released are those where a solicitor, relative or friend applies for the discharge of that person into the care or custody of that solicitor, relative or friend, or if the officer in charge of the police station or sobering up centre is satisfied that the person apprehended can care for himself or herself. If any person seeks to assist a person so detained to escape (and that is the emphasis, 'escape') from that place or custody then, under clause 12, the person so aiding or abetting is guilty of an offence.

The emphasis of the Bill is quite clearly on arrest and detention without trial or hearing. So, I think it needs to be made perfectly clear that, while this Bill is better than the 1976 amendments, it nevertheless does impinge upon the liberty of a citizen in circumstances where that may be the only reasonable course.

Two clauses of the Bill give protection to citizens so detained. I refer, first, to clause 8 under which a declaration can be sought that a person was not under the influence of a drug or alcohol at the time of his or her detention, yet in that same clause there is a provision that such a declaration does not establish that the detention was unlawful. Secondly, there is a provision in clause 10 that a person who has been detained shall be deemed to be in lawful custody.

So, it seems to me that, while a citizen can obtain a declaration from a court that that person was not under the influence of a drug or alcohol at the time of detention, it does not really have any consequence because clause 10 deems the detention in any event to be lawful custody. Clause 11(1) provides:

> A person having the oversight, care or control of a person detained pursuant to this Act who ill-treats or wilfully neglects that person shall be guilty of an offence.

I presume that that relates to a police officer or the person in charge of the sobering up centre; that would be the logical conclusion. However, it is capable of other interpretations, because nowhere in the Bill is there any other reference to 'oversight, care or control'. So, I think that that needs some clarification from the Minister.

The only other matter which concerns me is the ambit of this Bill where it may apply to any substance declared

by proclamation to be a drug for the purposes of this Act. I have already had a lot to say about this sort of provision in a Bill when the Controlled Substances Bill was before us. The Bill should provide specifically for the substances which are to be the basis for its the application. However, notwithstanding that view I am prepared to support the amendment of my colleague, the Hon. John Burdett, to remove the reference to proclamation and insert 'regulation', because that is the next best thing to what I would like to see specifically included in the Bill.

It is very difficult for an Opposition to define the substances to which the Bill is to apply, because we do not have the advantage of the information which is available to Governments, Departments and Ministers. For that reason, I would not proceed to seek to define the substances to be the basis for operation of this legislation. But, at least if there is a regulation which sets the limits, it is subject to disallowance. However that is very much a second best option, and I would hope that when the Liberal Party is in Government we will take some steps to be more specific in the principal legislation rather than leaving the ambit of legislation to be determined by regulation.

So, with those observations I am prepared to support the Bill, because there is a need to do something about the problem of public drunkenness. But, I want to put on the record that this Bill really does provide for detention and apprehension, and some of the consequences of that in the context of arrest would, but for the creation of an offence, be something that would be subject to review by the courts.

The action of the authorised officer or police officer in respect of persons who are under the influence of a drug or alcohol is very limited indeed. Therefore, for the purpose of allowing the matter to proceed to Committee I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): I thank honourable members for their contributions, particularly the contribution of the Hon. Mr Griffin—maybe because that is fresher in my memory. That is no reflection on the Hon. Mr Burdett's contribution. I am quite proud of this legislation; I think that it is a very good Bill. It is vastly better than the original legislation which was introduced in this Parliament I think in 1976. That has lain unproclaimed since that time for the very simple reason that there were many practical difficulties in its implementation, so when we decided to revitalise the offence of public drunkenness and to have something practical put into effect with a realistic time frame we got all sorts of parties together—from the Chief Secretary's office, the Police Department, voluntary agencies, the Alcohol and Drug Addicts Treatment Board, the Attorney's office and anyone else with a significant interest. That was not done in a partisan or political sort of way, but all the attitudes were taken on board.

All the practical inputs were put together in an amalgam, as it were, and this Bill is the result of what I think was a very constructive and intelligent consultative process. We also took the opportunity, of course, in the legislation to repeal the Alcohol and Drug Addicts Treatment Act. It was no longer really relevant in 1984 for two major reasons: first, the general philosophy underlying that Act. Whilst it was advanced in the early 1960s, as I said in my second reading contribution, it was not particularly relevant, nor was it flexible enough for the sorts of policies which we wished to see put in place and the sort of streamlined administration which we want to see put into effect in 1984-85.

Therefore, the Government has taken this opportunity to repeal the Alcohol and Drug Addicts Treatment Act. The new and revamped services will be delivered by a Drug and Alcohol Services Council, which will be incorporated under the South Australian Health Commission Act, as we and the Commission believe all significant health units should be. Secondly, there is provision in the Act to extend its ambit beyond intoxication simply by alcohol to include eventually things such as volatile solvents and, if it is considered necessary, petrol sniffing. These are both very vexed questions, of course. The police tell us that on occasions they would like the power to take people, particularly young offenders, into custody purely for their own protection, and to be able under the provisions of the proposed legislation to take them either to a sobering-up centre, a police station or, far more importantly and I think far more appropriately, home for their own protection.

There is no offence, of course, by the very nature of the Bill. We are decriminalising public drunkenness and, therefore, are not putting in place something which would make other forms of public intoxication an offence: there is no offence. It would give powers, and when we eventually proclaim them, suitable arrangements will have to be made and suitable liaison entered into with the Department for Community Welfare in particular.

So, I make clear that it is not our intention at this time to proclaim that part of the Act as it relates to intoxication by other substances as rapidly as we intend to proclaim the sections relating to public drunkenness. Nevertheless, the powers are there, and I think that we can develop intelligent and practical policies to put in place as they become appropriate in those other areas. Having said that, I urge members to expedite the passage of this Bill through the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

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

Page 2, line 12—Leave out 'by proclamation'.

I ask the Minister some questions regarding this clause, particularly relating to the definition of 'authorised officer' which means a person appointed as an authorised officer for the purposes of this Act. What kinds of persons are likely to be appointed as 'authorised officers'? From which departments are they likely to come? Under whose authority will they be? Broadly speaking, can the Minister detail the kind of person who is contemplated? It is clear that some thought must have been given to the kind of person in mind and I ask the Minister to give the Council the benefit of that thinking. Can the Minister also tell the council the expected cost of administering the Bill when it becomes an Act? I ask this now because, presumably, a specific additional cost is likely to be the cost in connection with authorised officers, but there may be other costs in connection with sobering-up centres and so on.

The Hon. J.R. CORNWALL: I am pleased to do that. I have given the matter a great deal of consideration. While I do not have an exact blueprint and cannot spell out the detailed costs for members to the nearest $300 or $400, I can outline how the Government envisages the operation of the Act, which I hope will be in place early in the next financial year, subject to finance being available. Authorised officers generally and probably almost exclusively will be employees of the Drug and Alcohol Services Council. The cost of running that service is estimated to be about $200 000 in the metropolitan area. The Drug and Alcohol Services Council will conduct a pick-up service from police cells and take intoxicated persons to Osmond Terrace or wherever the sobering-up or detoxification centre is ultimately relocated, if that occurs as recommended in the Smith Report. The original plan and programme under the old Act, which was never proclaimed, was that one particular voluntary

agency would be involved and that it would subcontract to the ADATB to do the pick-ups. That never reached a satisfactory stage of negotiations. On balance it was felt best to employ professional authorised officers and provide them with appropriate transport in which to pick up intoxicated persons.

The cost is around the same and it is considered that we can do it as a more efficient operation as proposed. What currently happens (in that police cells are used *defacto* as sobering-up centres throughout the State and police officers use their discretion and common sense as to which intoxicated persons may be in need of medical or hospital treatment) will persist. So if we do no more than establish a pick up service in the metropolitan area, we will have achieved a significant advance. The unknown quantity may well be in areas where there are high levels of public drunkenness. I suppose one place that comes immediately to mind is Port Augusta. We currently have a task force examining problems of public drunkenness in particular in the Port Pirie area. It may well be—

The Hon. J.C. Burdett: Port Augusta.

The Hon. J.R. CORNWALL: Port Augusta. I did not say Port Pirie surely? I ask that that be struck from the record. My goodness!

The Hon. L.H. Davis: Come on down, Bill Jones.

The Hon. J.R. CORNWALL: I understand that Bill Jones is in hospital at the moment and I state publicly that I am sorry to hear it. I wish him a speedy recovery. That was more than a *faux pas*—it was almost a vital mistake. I thank honourable members opposite for the speed and alacrity with which they picked up the mistake. In Port Augusta we have a task force examining those problems. It may ultimately be appropriate that we establish a sobering-up centre in Port Augusta as an adjunct to the Woma service. At this stage it is pure speculation. It may also be that, if a sobering up centre was available, more people would be conveyed to it. Authorised officers or police would be more inclined to pick up people, knowing that there was the possibility of an immediate follow up service for drying out. That is pure speculation at this time and only experience can tell us what additional resources may be desirable. Certainly, the plan and programme at the moment is to provide that metropolitan pick-up service at an estimated cost of about $200 000.

The Hon. J.C. BURDETT: I thank the Minister for providing that information. All amendments standing in my name relate to the same thing. In this clause the definition of 'drug' means, 'any substance declared by proclamation to be a drug for the purposes of this Act'. The Minister referred to the reasons for this in his second reading reply, and they were referred to in his explanation and referred to by me in my second reading speech. It has been explained by the police that, in relation to petrol and glue sniffing, in particular, persons can become intoxicated as much as through the consumption of liquor or drugs, but the police currently cannot do anything about it because those people are not under the influence of liquor or a drug.

It has been explained that the definition is designed to enable petrol, glue or some other substance, if thought appropriate, to be defined as being a drug for the purposes of the Act which will result from this Bill. I do not see any harm in that. It is quite appropriate, and would assist the police and the persons so affected. As I pointed out, those substances which we do not think of as drugs—glue and petrol—would be drugs only for the purposes of this Act and for no other purpose. It would have no effect on their sale or production or anything of that kind. I said in my second reading speech that, when a step is taken of declaring substances not ordinarily thought of as being drugs—petrol, glue, water or anything else—to be drugs for the purposes of the Act, there ought to be Parliamentary scrutiny over it.

As the Bill stands, a proclamation can be made, over which Parliament has no control, to artificially declare substances to be drugs. There would be no harm if the declaration were to be prescription by regulation rather than proclamation so that Parliament would have some scrutiny over the process and, if substances that were not ordinarily thought as being drugs were declared to be drugs, Parliament would have some scrutiny over the matter. I certainly applaud the move to enable forms of intoxication other than liquor or a drug as usually understood to be brought into the ambit of this Bill, which is designed to help those persons who become intoxicated in public places.

The Hon. J.R. CORNWALL: It is a pretty reasonable amendment, and I am perfectly happy to accept it, but I do not want it to be considered a precedent.

Amendment carried; clause as amended passed.

Clause 5—'Administrative provisions.'

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

Page 2—
Line 27—Leave out ', by proclamation'.
Line 28—Before 'declare' insert 'by proclamation,'.
Line 32—Before 'declare' insert 'by regulation,'.

Amendments carried; clause as amended passed.

Clause 6 passed.

Clause 7—'Apprehension of persons under the influence of a drug or alcohol.'

The Hon. R.J. RITSON: I wanted to express an anxiety to the Minister about one aspect of this clause, although I do not oppose it, and to ask him a question about the sobering-up centres. It is not possible to say whether this change in the law will lead to the police taking a greater or lesser interest in public drunkenness. On the one hand, I guess that their duties as law enforcers are relieved and that the matter becomes more like a short term civil commitment for the care and protection of individuals, but perhaps with the provision of sobering-up centres the police will be more inclined to collect people who appear to be intoxicated and arrange for them to be taken to these centres.

It is not clear to me at the moment what a sobering-up centre is to be. The image conjured up in the layman's eye is a place where, with some sort of nursing or medical supervision, a person can sleep it off. I express a cautionary opinion to the Minister that he may find that people who in the past have been taken to hospitals because there has been some instinctive anxiety about their medical situation may now arrive at a sobering-up station. As well as alcoholically intoxicated people, he may find that these establishments will receive a small number of people with acute emergencies, perhaps not recognised at the time, such as subdural haematomas, hypoglycemia and psychiatric problems—people not intoxicated but who are alcoholic with neurological damage and impending DTs.

It is important that such centres be able to treat acute medical emergencies that may appear in patients after admission to something like the same standards as those of a general hospital, otherwise there will perhaps be the occasional dramatic and over-politicised disasters in these places. In the past, there has been a tendency for such centres to be dominated by sociology and psychology and for acute medical services to be very thin on the ground. Without wishing to reflect on any person or institution, from observations in my general practice before I abandoned it for my more glorious occupation here, I found that referrals to places such as Osmond Terrace tended to produce a result that was at times not satisfying to me as the referring doctor.

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: Yes, that was four or five years ago. I am not being dogmatic about this: it is an area of

anxiety. I would not like to see these places become a haven for sociologists with good physicians and psychiatrists thin on the ground, because from time to time people with brain damage and other acute medical problems will be brought in. The effectiveness of this legislation will depend to a large extend on the quantity of service and funding provided to these sobering-up centres and on the thinking as to whether they should have an acute medical orientation rather than being taken over, in a sense, by the sociological model. That other side of the service can come later. I believe that these sobering-up centres must be able to handle acute medical and surgical emergencies, at least at the first aid stage.

What does the Minister envisage in the intermediate term development of these sobering-up centres? Doubtless he has considered the situation interstate, and I believe that Melbourne has been in advance of Adelaide from time to time. This is a genuine question: I seek information. Where does the Minister see us going, and what have other States done in this regard?

The Hon. J.R. CORNWALL: It is perhaps refreshing to hear someone lauding the advantages of the medical model. I seem to spend a lot of time hearing about the evils of the medical model, coming from what are fashionably called the allied health professions. The balance of the truth, as with everything, lies somewhere in between. Osmond Terrace currently is the only place that would qualify as a sobering-up centre under the proposed legislation. It is a detoxification centre for alcohol and other drugs. We must remember, of course, as the Hon. Dr Ritson knows, that alcohol is the most abused social drug and causes the most harm in the community.

I have a very clear idea of where we want to go and I have taken a number of pretty large steps in that direction. I appointed Dr Brian Shea as the new Chairman of the Alcohol and Drug Addicts Treatment Board, and I have appointed two other members who I believe are suitable drawn from other areas of the community. That will be the basis for the new Drug and Alcohol Services Council.

It will probably have seven members—it could be five members—but certainly I envisage no more than seven. and, again, it will be representative. I am optimistic that Dr Shea, who is now retired from Mental Health Services, will see fit to continue as Chairman of our new Alcohol and Drug Services Council.

I am anxious to get the acute alcohol and drug services into the general hospital area. That is something that I have had to spend time explaining to the traditional bodies like AA. When I say that I want to get alcohol treatment back into general hospitals, they get some mental picture of the bad old days when drunks had to front through casualty in the early hours of the morning, or whenever.

The Hon. R.J. Ritson: Strapped to a bed over by the Botanic Garden.

The Hon. J.R. CORNWALL: That is certainly what I do not have in mind. I would insist that, if the unit in Osmond Terrace were shifted at sometime in the future, it would be to a discreet unit housed on the RAH campus, which is a large, central teaching hospital. It has much going for it in that respect. It would have to be a discreet unit right away from the mainstream of accident emergency activities which would be easily identifiable. The reason for wanting to get it back into the hospitals is to force the profession, both in undergraduate training and in a whole range of other areas, to confront the tremendous problems caused by alcohol.

As I am sure that the Hon. Dr Ritson would know, it is estimated that at least 20 per cent of patients in the RAH and all our acute care beds around the State at this moment are there because of diseases directly or indirectly related to alcohol. I am not talking about terminal cirrhosis patients. One can move from cirrhosis to a whole range of conditions up to and down to road trauma, but one way or another a large number of patients end up in those hospitals because of alcohol problems. At the moment I do not believe that there is sufficient attention given to early intervention, yet the signs are there.

A good physician would know that in many cases alcohol has played a part, possibly a significant part, in a particular patient's problems. If adequate mechanisms were in place, early intervention could be instituted on a much more effective and efficient basis than currently applies. One cannot force sobriety (like longevity, is not compulsory), but there are certainly many tools now available to the profession to assist in this area.

We will also get undergraduate involvement by rotation through that unit, and we will force the nursing profession to confront the alcohol and drug abuse problems. I do not mean force in a dictatorial sense: it will be there as part of their training or as part of their normal duties in a rotational sense through the hospital, and they will become far more aware and they will carry that education out into the community. I hope that this will also extend to general practices. As the Hon. Dr Ritson would know, there is an enormous variation in the approach of members of the profession.

I have had personal experience visiting many country hospitals in many country towns. For example, in a place like Loxton the programme is probably as good as any in Australia. The young practitioners at Loxton are very interested. They are in a town in the heart of the wine district and they acknowledge that there is a problem. They confront the problem constructively. There are other towns, which must remain nameless for obvious reasons, where one or two local GPs are like the rest of the community and are almost in a position where they think that to admit that there is a substantial alcohol abuse problem in their town is somehow to take away from its good image. They might admit that there is, say, Charlie the local drunk who sits on the stool in the bar from 11 a.m. until fall-off time at night, but they will not admit that there is a general problem.

At the moment Osmond Terrace is the only place in this State which would qualify as being a sobering-up centre, as I envisage one to be. It has a good mix of psychiatrists, physicians and nurses with appropriate post-basic training, as well as other allied health professionals. As far as I am able to estimate from visiting the centre and talking to people personally, and from the expert advice available to me, the Osmond Terrace centre is currently running fairly well. I do not envisage a very great expansion of units such as Osmond Terrace in the first instance. Clearly, we will have to take account of those difficult problems that the Hon. Dr Ritson mentioned, like the case of hypoglycaemia, or the other brain problems which tend to mimic acute intoxication.

The Hon. R.J. Ritson: And sometimes accompanying it.

The Hon. J.R. CORNWALL: Yes, that is quite correct. That may mean some sort of additional education for policemen. By and large, I am happy with the South Australian Police Force's involvement in primary care. I happen to believe that a very large majority of our police handle those situations with a good deal of common sense. However, in the first instance there will not be any real change in the country except that public drunks will no longer be charged with offences. As is the case now, they will be conveyed to the local hospital if their primary symptoms suggest that that is appropriate, or if towards the expiry of that 10 hour period their level of intoxication is such that they are unable to cope.

Clause passed.

Remaining clauses (8 to 15) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.35 p.m. the Council adjourned until Wednesday 18 April at 11.45 a.m.