LEGISLATIVE COUNCIL

Wednesday 9 May 1984

The PRESIDENT (Hon. A.M. Whyte) took the Chair at 11.45 a.m. and read prayers.

PETITION: FIREARMS LEGISLATION

A petition signed by 41 residents of South Australia concerning firearms legislation and praying that the Legislative Council will defeat any legislation which is further restrictive; consider the effectiveness of present legislation; refuse further unwarranted increases in fees; and apply a significant part of the revenue gained to promote and assist sporting activities associated with firearms was presented by the Hon. J.C. Burdett.

Petition received and read.

PETITION: SUBSIDISED TRANSPORT FOR THE HANDICAPPED

A petition signed by 24 residents of South Australia concerning subsidised transport for handicapped persons and praying that the Legislative Council will appoint a Select Committee to inquire into the introduction of subsidised transport for handicapped persons was presented by the Hon. Diana Laidlaw.

Petition received and read.

PETITION: MEMBERS' DONATIONS

A petition from 27 residents of South Australia concerning disclosure of donations by members of Parliament and praying that the Legislative Council will disclose how much and to which organisations members make donations was presented by the Hon. Diana Laidlaw.

Petition received and read.

QUESTIONS

HAIRDRESSING

The Hon. M.B. CAMERON: I seek leave to make a short explanation before asking the Attorney-General a question about hairdressing.

Leave granted.

The Hon. M.B. CAMERON: Amendments to the Hairdressers Registration Act were implemented in 1979 compelling all persons practising hairdressing in the metropolitan area to register with the Board. Most hairdressers complied and registered. I understand that now many hairdressers find that they should have registered not as male and female hairdressers but as hairdressers able to practise on both males and females if they cut the hair of both sexes. This means that in most salons today principals will pay $44 per annum and employees $24 per annum in registration fees to the Board, provided they are eligible for dual registration. Most hairdressers are registered only once but they now find themselves in the dilemma, with the changing methods of haircutting, of facing both male and female clients. It would be interesting to know what classification a hairdresser might use if Boy George came to town. They would certainly find themselves in some difficulty.

I understand that in an article in the *Advertiser* on Tuesday 20 March there was an indication by the consumer affairs writer that many Adelaide women's hairdressers were in fact breaking the law by cutting men's hair, and it was indicated that there had been a crackdown by the Hairdressers Registration Board in recent months aimed at those who cut men's hair while not being registered to do so. It was indicated by an administrator of the Hairdressers Association that it was because of the ambiguous advertising in 1979 regarding an amnesty to the Act. It meant that many operators did not register for both and are now not properly registered for one or the other. In fact, it was stated that many women have been cutting men's hair for 10 to 15 years without being registered for that purpose. When hairdressers present for an exam they find that they must have various other skills. There is a course available, but the demand is so great that people cannot get in until September; of course, they do not stop cutting hair because of this, and many people would have to drop 25 per cent to 30 per cent of their clientele if they did so.

Is the Attorney-General aware that prosecutions under the Hairdressers Registration Act are being initiated by the Hairdressers Registration Board of South Australia because hairdressers who operate in modern salons are now cutting both male and female clients hair when, in fact, many of them are not properly registered because of the ambiguous wording of the previous advertising and the fact that they were not aware they had to be registered for both?

The Hon. C.J. SUMNER: I am aware of the problem. I saw some people from the Master Hairdressers Association recently about it. The Government believes that there is a need for a review of the operations of the Hairdressers Registration Board and of the Hairdressers Registration Act. The Board is in a peculiar position—there is an independent chairman, representatives from employer organisations and unions—in that it raises its own funds and is independent of Government. So, the extent to which the Government can influence the Board is limited; in fact, I think it is non-existent. There is a need, I believe, for there to be a complete review of the Hairdressers Registration Act, including the Board, to see whether there is a case for bringing the registration of hairdressers within similar occupational licensing provisions as apply to other occupational licensing groups and possibly to bring it within the Commercial Tribunal.

So, that is a review that will be undertaken by the Government. In the meantime, there is the existing law that has given rise to the problem outlined by the honourable member. I have received certain representations from the Master Hairdressers Association. I understand that this problem is one that the association is discussing within its own organisation. Of course, the Master Hairdressers Association is represented on the Hairdressers Registration Board (I think that the association is now called the Hairdressers and Cosmetologists Association). I said that I would be prepared to receive any official submission from the Association once it had worked out within the Association what policy it felt should be followed.

PAROLE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Correctional Services a question concerning parole.

Leave granted.

The Hon. K.T. GRIFFIN: In the *News* of 4 May there was a report that Mr Justice Wells threatened to summon the Minister of Correctional Services and everyone in the correctional services hierarchy to find out what was happening to non-parole periods. This was in relation to an application by a prisoner named Rosenberg to have a non-parole period fixed. Apparently, Mr Justice Wells had given

an indication to Rosenberg that he intended to fix a period which would effectively mean no parole for 10 months from 12 July 1983. In fact, what happened on Monday of this week was that Mr Justice Wells fixed a non-parole period of 13 months and eight days, dating from 12 July last year, on the basis that by the time all the remissions were taken into account Rosenberg would be released after 10 months in prison. I now refer to the following report in the *News* of 4 May, as follows:

I indicated when I sentenced this man I intended when the legal situation became sufficiently clear to impose an effective non-parole period of 10 calendar months and the sentence and the non-parole period would run from 12 July 1983.

The judge said from time to time he made inquiries and there was a 'state of complete indecision'.

'I was first of all told the non-parole period, remission section, which was in suspense would be brought into operation on 1 May.'

My recent inquiries reveal that date was no longer, as the former President Nixon said, operative . . . It seemed impossible to fix a non-parole period on the basis of a section of the Act which was 'in suspense and to all intents and purposes may or may not come into force'.

'I don't know if it is going to come into force. Nobody knows. What is the present regime? What is happening about non-parole periods and remissions?' he said.

In the *Advertiser* of 8 May, there is a report of the decision of the judge on Monday of this week where he fixed a non-parole period. He indicated that there was a little publicised regulation passed in March, which purported to bring the situation into line with what it would be under the suspended section, but he indicated that he had the gravest doubt as to whether the regulation was valid. But he did not think that Rosenberg's defence would challenge it. Obviously, there was a great deal of confusion about the operation of the Government's parole legislation, which was brought into Parliament at the end of last year, but obviously some undertakings or commitments were given to the judge to enable the non-parole period to be fixed. In the light of the reports, could the Minister indicate:

1. What undertaking or commitment did the Minister give either personally or through counsel to Mr Justice Wells to enable Rosenberg's matter to be resolved?

2. What steps are being undertaken to overcome what appear to be extensive problems raised by the judge with respect to non-parole periods and the validity of regulations?

The Hon. FRANK BLEVINS: In response to the first question, certainly no personal representations were made to the judge in question. An officer of the Crown Law Department spoke in chambers with Mr Justice Wells, and my information is that it is inappropriate to disclose what was discussed in chambers with the judge. However, the position was very quickly resolved after discussions between the Crown Law officer and the judge. As the Hon. Mr Griffin indicated, an appropriate non-parole period was established and handed down on Monday.

The Hon. R.J. Ritson: Any guidelines for the future?

The Hon. FRANK BLEVINS: The Hon. Mr Griffin asked the question, and I am attempting to respond to him. On the question of the suspended provisions, the Department of Correctional Services is attempting to have the machinery in place so that those provisions can become operative early in June. Whether or not we meet that deadline is problematical. It requires the further training of our staff in that that provision allows for judgments to be made as to how much remission will be given to individual prisoners. It is not just a simple case of saying, 'Well, it is 15 days,' which one may say at the moment, 'and that is that'. It is a bit more complex than that, but we are attempting as quickly as resources allow to bring those provisions into place.

I cannot usefully comment on the question of the validity of the regulations. The position in 1972 was that the Act was believed to state that a one-third remission of a head sentence would be given. A careful reading of the Act late last year and again early this year by Mr Justice King as well as by the Crown Law Office found that the Act did not comply with the practice that had occurred during the intervening 12 years.

The intent of Parliament was clear and the actions taken by all Governments since 1972 to 1984 were clear, but the two just did not coincide. It was thought in March this year that the best way to correct the position was to bring in a regulation which, in effect, would make the law comply with the practice that had been occurring for 12 years. The intention was that a one-third remission would be given, but the Act, on careful reading, provided only for one-quarter remission. I have no reason whatever to believe that the regulation brought in in March to correct the position will not stand up, but I am not sure of the background of the comments on that point. Nothing has been communicated to me that the regulation may be invalid. If anything is communicated to me that the regulations are not valid, I will ask that the problem be referred to my colleague the Attorney-General to sort out the legal position for me.

The Correctional Services Department and I, as Correctional Services Minister, are working on the basis that the regulations are valid, and no reasons have been put to me that they are not valid. Therefore, remissions will be calculated on that basis, as they have been since 1972. Again, we will bring in the new remission provisions as soon as we possibly can: hopefully, that will be in June.

The Hon. K.T. GRIFFIN: I desire to ask a supplementary question. In the light of the Minister's answer, is the Minister willing (not necessarily now, if he does not have it, and without disclosing discussions in chambers) to provide information as to the basis upon which the Crown Prosecutor was able successfully to provide a basis upon which Mr Justice Wells could hereafter proceed to fix the non-parole period?

The Hon. FRANK BLEVINS: I will have discussions with the Attorney-General to see what information can be supplied to the honourable member.

STATE GOVERNMENT SUPERANNUATION

The Hon. K.L. MILNE: I seek leave to make a brief explanation before addressing some questions to the Attorney-General, representing the Premier and Treasurer, about State Government superannuation.

Leave granted.

The Hon. K.L. MILNE: During October 1983, pension benefits under the State Government Superannuation Scheme increased by 12 per cent as a result of the regular annual cost of living increase in pensions being paid. This announcement highlighted the tremendous increase in the costs of this scheme over recent years, a matter of great concern, and it seems that, being an unfunded scheme, the costs are rapidly coming to the stage where it will be unsupportable from general revenue. From a statement made by the Premier and Treasurer in November 1983 it is understood that the Public Actuary was at that time reviewing for him projections of future costs of superannuation for the Government sector, and Mr Bannon indicated that he expected the report of the Public Actuary to be in his hands by the end of 1983, and that it would then be tabled in Parliament.

Has the report of the Public Actuary been received by the Government? If so, when was it received? If it has not been received, what action is being taken to have the report expedited? As we are now five months into 1984, will the report be tabled in Parliament this week (by that, of course, I mean either today or tomorrow)? Will the Government ensure that proper time is made available for debate on the

report and on the general question of superannuation costs of the South Australian Public Service before Parliament rises?

The Hon. C.J. SUMNER: I will refer the honourable member's questions to the Treasurer and bring back a reply.

HOSPITAL RECORDS

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about confidentiality of private hospital records.

Leave granted.

The Hon. R.J. RITSON: As a result of the passage of the Health Commission Act Amendment Bill through this Council recently it appears likely that the Government will acquire the power to control records in private hospitals. At present, doctors who refer patients to these hospitals include in hospital notes such matters as are necessary for the immediate treatment and nursing of the patient. Also, they keep in their own files, and carry in their brief cases, more complete notes which detail, perhaps, reasons for treatment, events leading up to diagnosis, and admission to hospital.

These matters often include psycho-social factors, reasons for procedures such as tubal ligation or vasectomy. A number of patients choose this system of treatment in order to obtain that sort of confidentiality, particularly if they are members of the nursing or medical professions. This particular type of doctor-patient confidentiality is also important for public figures such as members of Parliament. My concern is that if it is the Minister's desire to require private hospitals to conform to the public hospital system of record keeping, and to be able to seize and inspect those notes, that type of information might pass through the hands of people in the bureaucracy in a way that would destroy the confidence of patients in the confidentiality factor.

Will the Minister indicate to the Council the types of controls he is seeking to exercise over the records of private hospitals? Is he prepared to give an undertaking that clinical notes, which include factors such as psycho-social assessments of patients, are handled only by medically qualified officers of the Health Commission? I add that in the Bill he was given the power to appoint suitable persons as inspectors. I think that the only suitable persons to handle such material would be medical officers who would, hopefully, deal with the material in the spirit of Hippocrates.

The Hon. J.R. CORNWALL: I can certainly give an unequivocal undertaking that patient confidentiality will be protected. The protocols and procedures for the keeping of patient records are well established and these days, in any hospital that goes through the procedures for administration set down by the Australian Council of Hospital Standards, those procedures are followed. Of course, adequate records are essential for good quality care and patient care review mechanisms, so it is as part of that background that there will be protocols and procedures developed so that both private and public hospitals in this State will ultimately all keep adequate records, which will be used as the basis of ongoing peer review quality assurance and patient care mechanisms. It is most certainly essential that patient confidentiality be protected in those situations, as it now is in public hospitals. I repeat what I said at the outset, that patient confidentiality most certainly will be protected.

POLICE HARASSMENT

The Hon. ANNE LEVY: Does the Attorney-General have a reply to the question that I asked on 18 April about police harassment?

The Hon. C.J. SUMNER: Police who entered the premises were given information that an employee was said to have what appeared to be a pistol in the front of his trousers. A police member drew his pistol to cover the man whilst he was questioned. He denied possessing any pistol. A large bulge was notice in the region of the front of his crutch. He made a movement toward his trousers but was ordered to keep his hands away from the area while a constable lowered the trousers a few inches to reveal four cloth pouches inside his underpants. A total of $700 in notes was found in the pouches. This was obviously the night's takings of the four prostitutes on the premises.

The incident took place behind a bar-like structure which was at least waist high. This left only that portion of the man's body above the waist visible to other people, including the women who were present and seated on the opposite side of the room. The man in question is known to have an interest in firearms. He was known to be employed as the 'sitter' for the protection of prostitutes on the premises. Loaded firearms, including a pistol, had been previously found on these premises.

Although the man concerned has very clearly indicated to police that he wishes to make no complaint, an inquiry has been conducted. As a result, no further action will be taken. Charges resulting from the incident will proceed through the courts in the normal way.

MINISTERIAL BEHAVIOUR

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister of Health a question about Ministerial behaviour in public places.

Leave granted.

The Hon. R.I. LUCAS: I understand that this morning the Hon. Mr Goldsworthy in another place raised a most serious matter about the behaviour of the Minister of Health in a public place. I am informed that a complaint about the behaviour of the Minister at one of South Australia's most important tourist locations has been sent to the Premier by a resident of South Australia. In addition, the allegations in the complaint have been further corroborated by three other individuals who were present on the evening in question. The letter of complaint is from a Mr Karutz of Port Lincoln. As I have said, the letter is addressed to the Premier and states, in part:

> Dear Mr Bannon,
>
> This letter is to voice my disgust at the behaviour of a Minister of your Government whilst he was at the Wilpena Pound Motel on Saturday evening, 28 April 1984 . . .
>
> Naturally a number of people were interested in his (the Minister's) portfolio and questions arose in this regard. In answer to these a number of obscenities were uttered by the Minister which were most certainly unfit for mixed company and offended all members of the group. A number of these people being interstate visitors, they were totally astounded and voiced their abhorrence after he departed from our group. None of the group were in any way derogatory or offensive towards the Minister and I certainly do not believe that the obscenities used were at all becoming of his position.

The letter then raises another matter of complaint about the Minister, but I will not outline it in the Chamber. I am sure that the Minister, if he has not been made aware of the other allegation by the Premier, will hear about it in due course. The letter concludes:

> Should you wish me to provide more information on the incident, I would be more than happy to do so. However, I believe the matter should be brought to your attention and also to that of your Minister as I do not think that such behaviour reflects favourably on your Government.

Mr Karutz has made a statutory declaration, and the Hon. Mr Goldsworthy indicated in another place that he would make a copy of it available to the Premier, and I make the

same offer to the Minister of Health, if he wants to look at it. In part, the statutory declaration states:

Later in the evening, the Minister of Health, Dr John Cornwall, made himself known to the group and commenced conversing with several of the members of our party. Naturally, being interested in the matter relating to the opinion poll which has been given publicity in Parliament and in the media, I posed the question of what was in that opinion poll. His reply to me was, 'There is nothing wrong with the opinion poll and, if the bastards think they can get me for that, they can stick it up their . . . [and here there is an expletive beginning with 'f' which I will not repeat] jumper'. It was a mixed group, and this language certainly offended all persons present.

The Minister then proceeded to tell us how he was the best Health Minister this State has ever had and how South Australia now had the best health legislation of any State in Australia—

we have heard that before—

following this comment, I then posed the question of what he had done that was so significant. He said the most recent thing that he had introduced (and I believe the title of the Act is correct) was the Drug Prohibitions and Regulations Act. He then went on to elaborate the various things which were contained in the Act. I then jokingly asked him if that meant it gave me the go-ahead to plant 100 acres of marihuana. His reply to this was, 'What are you, a . . . [and here again there is an expletive that I will not repeat precisely] wit—or something.

Describing the reaction of others present, Mr Karutz declares:

The people who had been with us from interstate voiced their horror at the conduct and actions of the Minister and I certainly was also horrified by his actions and behaviour and in no way condone them in any persons, particularly a Minister acting in a responsible position.

These allegations have been corroborated. The allegations have not been made by one individual alone; they have been corroborated by a couple from Sydney, a lady from Melbourne, and a lady from Adelaide, all of whom have declared that they were present at the location on the evening in question and witnessed those occurrences and, as I have said, some others which have not been repeated in Parliament.

This matter is not raised lightly, I might add. For three reasons I believe that this matter should be raised. First, the Minister, as a Minister of the Crown, introduced himself to these people as a Minister in a public location: the incident did not occur in a private location. The Minister was in a public location with people whom he did not know. Secondly, on a number of previous occasions the Minister has committed quite serious breaches in relation to public abuse of individuals in South Australia. We do not have to go over all of those breaches again—a number of them have been raised in this Parliament. Thirdly, two people who were in the location were so appalled by this occurrence that they sought to raise the matter with the local media in the Iron Triangle. This is how the matter was brought to the attention of the Opposition.

These people, visitors to our State, were so appalled at the Minister's behaviour that they sought to raise the matter publicly with the media in the Iron Triangle. As I have said, this matter is not raised lightly. There is a fine line that needs to be drawn. For those reasons, on this occasion, the matter clearly needs to be raised. My questions to the Minister are as follows:

1. Will the Minister confirm or deny the complaints made by Mr Karutz? As I have said, they have been corroborated by others present on the evening in question.

2. Has the Premier discussed the matter with the Minister?

3. What action, if any, does the Premier intend to take, and what action does the Minister intend to take?

4. In relation to that will the Minister apologise publicly to these people, visitors to our State included, who have been grossly offended by the Minister's behaviour in—once again I stress—a public place?

The Hon. J.R. CORNWALL: The politics of dirty pool, which the Hon. Mr Lucas and his colleagues have been practising for some time, apparently knows no bounds and no depths. It seems that the vendetta, regardless of what some people might think of what is fair in public life, knows no bounds, either.

It is perfectly true that I spent the weekend at the Wilpena Pound chalet on the weekend of 28 April. It happened that I had a long-standing engagement to open the refurbished Orroroo Hospital on the Friday afternoon. It was a very pleasant occasion, and I had arranged following that that I would go on to Wilpena Pound and spend the weekend there with my wife to try to get some small break and respite from the very stressful duties that naturally I perform as Minister of Health. That is precisely what happened.

I spent both the Friday and Saturday evenings at Wilpena Pound. On the Saturday evening (and I have a very clear recollection), I had dinner with the proprietor of the chalet and his wife and two couples from Hawker. It seems to me that we are really stooping to the gutter (and I do not know how much more I am supposed to endure from this Opposition) when members opposite are prepared to come in here with statutory declarations, for what they are worth in these circumstances, and not only attack my character and me in the worst possible way but also report allegations made as a result of what are essentially private conversations that no-one can really confirm one way or the other.

I cannot think of anything that was reported by the Hon. Mr Lucas, with the exception of the allegations of profane language, that I would not be prepared to say anywhere. If that is supposed to be the sort of conduct that needs to be brought up in this Council and in the House of Assembly (and I understand that the Deputy Leader of the Opposition has already gone through a similar performance in that place) I—

The Hon. C.J. Sumner: It would be nice for people to see him behaving here late at night.

The Hon. J.R. CORNWALL: Yes. Once the gloves come off, once these allegations are made—

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —there is no end to it, and I believe that the Opposition has descended right into the pits on this occasion. It is positively disgraceful that the matter should be raised in this way.

The Hon. C.J. Sumner: You can't get a sober word out of Goldsworthy after 6 o'clock.

The PRESIDENT: Order! I do not intend that there will be an across-the-floor discussion at this time.

The Hon. J.R. CORNWALL: I do not intend to dignify this scurrilous attack.

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order! I was referring to both the Attorney and the Hon. Mr Cameron.

The Hon. J.R. CORNWALL: I do not intend to dignify this scurrilous attack by confirming or denying the allegations made by the Hon. Mr Lucas. He has gone well beyond the bounds of propriety, well beyond the bounds of what is accepted behaviour in this Parliament. I believe that his performance has been disgusting. But it is not for me to say—it is for other people to judge, of course.

As to whether the Premier has discussed the allegations with me, the answer is 'No'. The honourable member asked what actions the Premier intends to take: I believe that the Premier would have a good deal to say about the gutter tactics and the dirty pool of the Opposition. As to what actions I intend to take, I can only repeat that I believe that Mr Lucas, obviously with the full connivance of his colleagues in the Party room, has gone well beyond the pale of what is reasonable behaviour.

The Hon. R.I. Lucas: Will you apologise?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The honourable member has the gall to ask whether I will apologise. I will be prepared to consider accepting a public apology from the Hon. Mr Lucas.

RENMARK TO PARINGA RAILWAY

The Hon. K.L. MILNE: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question about the closure of the Renmark to Paringa railway.

Leave granted.

The Hon. K.L. MILNE: Business houses in the Riverland are divided on the relative merits of the present rail arrangements whereby goods are delivered by road from the Loxton freight centre rather than via the Renmark to Barmera railway. Australian National now claims that the line is officially closed and has commenced removing spikes, flanges, points and other valuable parts. Our concern is for the long term. When fuel prices increase—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.L. MILNE: —which is inevitable, rail may well be far more competitive than road transport. Should the line in the Riverland be removed at some future time, businesses based in the area may be at some disadvantage—in fact, they almost certainly would be at a disadvantage—and it would be difficult to attract new industry to that area because of transport costs. Obviously, if there is no line ready to be reactivated, it would be that much more difficult to promote the Riverland in regard to industry.

The building of a new line may be prohibitively expensive. Australian National would obviously not want to undertake that work, and the State Government may not be able to afford it. This is a very serious matter, which has not received sufficient attention from people in the city or from South Australia as a whole. My questions are as follows:

1. Has the line been officially closed, as claimed by Dr Williams of Australian National? If so, has the present or the previous State Government assented to the closure, as required under the Railways Transfer Agreement Act? Has the Minister of Transport approved the closure?

2. Is the Government aware that the relative cost of delivery of goods by rail has increased contrary to the terms of the Railways Transfer Agreement Act?

3. If consent has not been given by the State Government for the closure of this line, will immediate action be taken to prevent Australian National from further removing parts of the line?

4. If consent has been given, who will bear the cost of the operation of the Paringa rail and road bridge?

The Hon. C.J. SUMNER: I will seek the information for the honourable member.

LEGISLATIVE COUNCIL

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about the abolition of the Legislative Council.

Leave granted.

The Hon. L.H. DAVIS: Recently, ALP Senator Rosemary Crowley and the Hon. Barbara Wiese announced that they would invite the public to a tea party at the Adelaide Town Hall in June because they are concerned that people do not understand the workings of the Upper Houses of Parliament and regard them as dry and boring. Although that may be a commendable initiative, it would certainly not have the support of the Victorian Premier, John Cain. The Victorian Labor Party is committed to abolishing the Upper House and the Victorian Premier only earlier this month was quoted as saying that the policy 'would be implemented in the time of the next Parliament'. That assumes, of course, that Labor will gain control of the Upper House. I understand that opinion polls in South Australia consistently reflected strong support for the retention of the Upper House. Rather than believing that the Legislative Council is dead and buried, the community in South Australia at least has indicated that it supports a House of Review—

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: —notwithstanding that the proceedings may sometimes be dry and boring. Will the Attorney-General as Leader of the Government in the Legislative Council advise the Council as to the Labor Party's intention regarding the Upper House? Given that it is Labor Party policy to abolish Upper Houses, does the Labor Government in South Australia intend to follow Premier Cain's publicly stated intention and abolish the Legislative Council in South Australia in the unlikely event that the Labor Party gains control of the Legislative Council?

The Hon. C.J. SUMNER: This situation has been outlined on previous occasions. The honourable member knows what is in the Labor Party platform in this State. It also says, unlike the policy in Victoria, that any move for abolition would only be after a favourable vote to that effect by the electors of South Australia at a referendum. The Government does not intend to move in that direction at the moment. Clearly, if that were contemplated it would be the subject of a Bill introduced in Parliament, it would be subject to debate during an election campaign and, ultimately, the subject of a referendum.

The situation in Victoria is somewhat different. In Victoria there is no need for a referendum. A Bill passed by both Houses would be sufficient to abolish the Legislative Council. That is not the situation in South Australia. The position outlined by this Government is that we believe that the Upper House should be reformed, that it should not have the power to block Supply and that there should be some restriction on it to completely block legislation. There will be proposals put to this Parliament later in the session to deal with some aspects of the reform of the Legislative Council but, at the moment, it is not the intention of the Government to present any Bill dealing with the abolition of the Legislative Council. As I said, any decision on that would depend on a favourable vote at a referendum.

LOCAL GOVERNMENT SUPERANNUATION

The Hon. DIANA LAIDLAW: Has the Attorney-General an answer to a question I asked regarding local government superannuation on 12 April?

The Hon. C.J. SUMNER: The answer is as follows: The honourable member has expressed concern that a scheme for superannuation for local government as established by amendments to the Local Government Act will be administered 'initially' by a life office appointed by the board and the funds generated by the scheme will be invested by investment managers appointed by the board with the approval of my colleague the Minister of Local Government.

With regard to the term 'initially' it is emphasised that administration matters and investment decisions are to be made by the board. In the past, life offices have been involved in local government superannuation and a life office is presently involved with the Local Government Superannuation Task Force in regard to the formulation of the scheme. This life office is currently involved in setting the scheme rules. It may well be the case that the life office

is involved in the 'initial' stages of the scheme's administration and this will be a decision on the appointment of administrators and investment managers according to correct management principles and will be able to do so in a flexible manner. It can of course review its appointments from time to time.

ALLEGATIONS AGAINST MEMBERS OF PARLIAMENT

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question concerning allegations against members of Parliament.

Leave granted.

The Hon. ANNE LEVY: The Hon. Mr Lucas has made allegations in this Parliament regarding the behaviour of a member of Parliament which, while not very damaging, seems to break a long standing tradition regarding public washing of dirty linen. I am sure that there are numerous occasions where the behaviour of members of the Opposition in either House is well known to members of the Government but has never been revealed publicly by any member of the Labor Party. I wonder whether the Leader of the Government would comment on this and make some revelations in the light of what has been said today.

The Hon. C.J. SUMNER: I deprecate the action taken by the Hon. Mr Lucas and the Hon. Mr Goldsworthy in another place in grossly invading the privacy of the Minister of Health by raising private conversations he had when apparently on vacation at Wilpena Pound. If the privacy of all honourable members is to be invaded in this way by the reporting of such private conversations then there is no end to it. If the Opposition now says that it is 'gloves off' in this sort of accusation, well let that be the situation. The fact is that in my experience in Opposition there were a number of allegations received by the Labor Party about people in the governing Party. One allegation involved a serious accusation on more than one occasion of rape. Did the Labor Party in Opposition raise that in the House of Assembly?

The Hon. K.T. Griffin: No, because it was going through the courts.

The Hon. C.J. SUMNER: It was not in the courts: no charge had been laid. Several complaints were received about the actions of this member of the Liberal Party, whom I will not name, as I will not stoop to the same tactics as the Hon. Mr Lucas. Several accusations were received that this person had raped not only one person, but a number of people. Was that raised in this Parliament by members of the Opposition during the time that the Liberal Party was in Government? No. There were other accusations. For instance, one might ask about the front bench member of the Liberal Party who was unable to carry out his duties because of the number of bottles of whisky he had consumed before he started work every day. Do we want that sort of thing, which would affect his public duties, raised in this House? No, of course we do not.

Yet, that is the track that the Hon. Mr Lucas has now gone down. All I can say is if it is 'gloves off' in the reporting of such private conversations, then so be it. All I can say is that we, on this side of the Chamber, when in receipt of this sort of information, took the proper course. In the first instance it was suggested that the person making the complaint refer it to the police. We did not raise it in Parliament. We could have, and could have seriously embarrassed the member before any legal proceedings were instituted. We did not raise the lack of performance of any member because of drinking problems. We have not raised those questions in this Parliament. Yet, the Hon. Mr Lucas has stooped to relating private conversations of a Minister on vacation in order to score political points. I completely deprecate his action.

GRANGE VINEYARD

Adjourned debate on motion of Hon. L.H. Davis:

That this Council condemns the State Government for its failure to match its pre-election promises in respect of the historic Grange vineyard at Magill.

(Continued from 2 May. Page 3876.)

The Hon. ANNE LEVY: I oppose the motion. The Opposition stands completely condemned for its hypocrisy in even moving this motion. It was well within the power of the Tonkin Liberal Government to preserve the Grange vineyard site. However, the Liberal Government did absolutely nothing to prevent the subdivision and, in many respects, it encouraged it. Honourable members may not remember that it took until one week before the State election before the Liberal Government in 1982 condescended at least to pay lip service to the heritage considerations of the Grange vineyard at Magill.

Faced with a possible Liberal backlash in Bragg, Davenport and Coles, Premier Tonkin announced that the outer area of the Penfold site would be placed on the interim list of the State Heritage Register. I have a copy of his press release at the time in which he states that the entire Magill vineyards had been placed on the interim heritage list. This had been done with the agreement of the Adelaide Development Company and would allow interested bodies to develop strategies for the preservation, financing and support of the area. The press release continued:

> Mr Tonkin said the heritage listing would remain in force during the time detailed discussions and investigations would take place. We have made it clear that Government funds are not available for the purchase of the property, and the discussions have centred on how the preservation of this historic area can be financed.

It is clear from the press report that the then Premier stated that the placing of the Grange vineyard on the interim list of the State Heritage Register would give the heritage lobby time to raise the cash to purchase the site; no Government funds were to be expended. However, what Premier Tonkin did not say—and this may come as a surprise to some people—was that he had entered into a cosy little arrangement with the developers that would ensure that the subdivision plans proceeded expeditiously. While publicly boasting his Government's achievement in placing the vineyard on the interim heritage list, behind his office door Premier Tonkin was reassuring his developer friends that the subdivision would not be jeopardised by the heritage order.

The day after announcing the heritage listing, Premier Tonkin received a letter from Mr John Roche, on behalf of the developing syndicate for the Grange vineyard. Mr Roche expressed concern at Premier Tonkin's press statement and said that it did not reflect the syndicate's understanding of agreements to date. I quote from this letter that was sent by Mr Roche to Premier Tonkin, as follows:

> Our syndicate understands that the whole area sold to us has, with our agreement, been placed on the Interim Heritage List. Further the order will be lifted after the end of four months expiring on 28 February 1983 if the property is not to be acquired. This time period is to allow a committee to be set up by the Government to investigate ways under which the whole area may be acquired and retained under Vines in Community Ownership . . .
>
> As you know we have agreed to this proposal on the condition that the normal processing of our subdivisional plan will continue

during the four months. This of course will involve not only the Burnside council but the Government departments and authorities involved in the planning process . . .

In view of our involvement and co-operation we feel we must have confirmation from you of the above, plus the following:

1. Copies of letters to and from you to the 'Save the Vineyard Committee'.
2. Names of those to serve on the committee set up by yourself.
3. Terms of reference for the committee in 2. above.
4. Copies of letters to the Burnside council and Government departments concerning the future processing of our subdivisional plan.

So, according to Mr Roche, the area up for subdivision had been placed on the interim heritage list only with the developer's consent in the first place. Furthermore, the heritage order would be lifted within four months if the property was not acquired by the Save the Vineyard Committee. Mr Roche makes it clear that the developers had agreed to the listing on the condition that the normal processing of the subdivision plan would continue in the meantime.

Premier Tonkin replied just a day before the 1982 State election. I have a copy of his letter, from which I will read some extracts, as follows:

I take this opportunity to thank you and members of your syndicate, the purchasers of the 25.59 hectares of vineyards at Magill, for your understanding and co-operation to allow the land to be placed on the interim heritage list. I confirm that it is expressly understood and agreed that the listing on the interim heritage list will be lifted by 28 February 1983 if the property is not to be acquired by the Save the Vineyards Committee or its nominees . . .

My colleague, the Minister of Environment and Planning, has indicated to both you and to the Burnside council that consideration of any planning applications ought to proceed as expeditiously as possible.

We can see, first, that the Premier thanked Mr Roche and members of the syndicate for their understanding and co-operation in allowing the land to be placed on the interim heritage list. I stress that it was expressly understood and agreed that the interim listing would be lifted by 28 February 1983 if the property was not acquired. Everyone else has always understood that anything placed on the interim heritage list can stay there for 12 months. Premier Tonkin, as made clear in that letter, agreed that in the Government's view the planning application should proceed as expeditiously as possible, and had informed the Burnside council of that so that no hold-ups would occur.

Clearly, the Liberal Government misled the public in regard to its intention at Magill. The vineyard was entered on the interim list not because of its heritage significance but because it was politically expedient. I do not need to remind members that in the normal course of events an item can remain on the interim heritage list for some 12 months, not just four. The public has three months in which to object to any listing, and these objections are then considered by the State Heritage Unit. So it is clear that the Liberal Government acted with gross disregard for the State's heritage mechanism.

Furthermore, it is open to question whether, legally, Premier Tonkin could give the developers the undertaking that he did to take the vineyard off the heritage list four months later. Now the Opposition has the gall to take the Labor Government to task for its part in the Grange vineyard.

The Hon. C.M. Hill: The Labor Government broke its promise.

The Hon. ANNE LEVY: The Bannon Labor Government delivered on its election commitment to place the entire property on the interim list of the State Heritage Register for a period of 12 months—not four months. We did that. I personally promised that action at the meeting at Burnside with many people in attendance, and I also promised that a feasibility study of possible viable uses of the vineyard would be carried out. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[*Sitting suspended from 1.2 to 2.15 p.m.*]

PRISONERS (INTERSTATE TRANSFER) ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The Prisoners (Interstate Transfer) Act is part of a uniform scheme which has been agreed upon by the Standing Committee of Attorneys-General. The Standing Committee has agreed on a uniform commencement date for the scheme of 1 July 1984. The Act refers to the Correctional Services Act, 1982, and incorporates reference to conditional release. As the Correctional Services Act has not been proclaimed and the system of imprisonment currently applying in this State provides for remission rather than conditional release, it is necessary to remove the inappropriate references to conditional release. Moreover, the basis on which remission is granted varies from State to State. This makes it necessary to establish a flexible system under which entitlements to remission of a prisoner who is transferred to this State can be determined for the purposes of South Australian law. In addition, provision has been made for a non-parole period to be fixed, extended or reduced by the appropriate South Australian court. Thus a prisoner transferred from interstate will, in this respect, be in the same position as a South Australian prisoner. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 substitutes a reference to the Minister for Correctional Services for a reference to the Chief Secretary. Clauses 4, 5 and 6 remove or replace inappropriate references. Clause 6 provides that the entitlements to remission of a prisoner who is transferred to South Australia shall be fixed in the order of transfer or by the appropriate South Australian court. In respect of imprisonment actually served in the State he will, of course, earn the same entitlements as a prisoner who was sentenced by a court of this State. New subsection (7) provides that a non-parole period in respect of a transferred prisoner may be fixed, extended or reduced by the appropriate South Australian court.

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

GRANGE VINEYARD

Adjourned debate on motion of Hon. L.H. Davis (resumed on motion).

(Continued from page 4132.)

The Hon. ANNE LEVY: Before the luncheon adjournment I started to detail what the Government has done in relation to the Grange vineyard. I mentioned the election commitment to put the entire property on the interim list of the State Heritage Register for a period of 12 months. I was

one of the people who made that promise, which I did at a large meeting at Burnside. At the same meeting I promised that a feasibility study of possible uses of the vineyard that could be viable would also be undertaken. Both these actions were taken and I object strongly to Mr Barrington's saying on radio the other day that the promises I had made had been broken. That is a complete distortion of fact.

I promised that the vineyard would be put on the Interim Heritage List for 12 months, and it was. I promised that a feasibility study would be undertaken, and it was. There were certainly no broken promises and I object strongly to someone saying publicly that promises I made were broken. Short of acquisition, every possible action was taken by this Government to ensure that that vineyard retained its open and historical character. The entire winery and site was relisted as one parcel of land on the South Australian Interim Heritage List. Members may be interested to know that the Government is currently seeking the agreement of the Burnside council to change the zoning of the eight hectare core area and its surrounding vines from its current residential zoning to special use zoning, which would prevent any possibility of its being subdivided in the future. This is not ensured under its current residential zoning.

The Government also strongly supported the action of the Chairman of the Planning Commission when he refused the application for subdivision. In fact, the battle was only lost at the Planning Appeals Tribunal, which ruled in favour of the developing syndicate against the wishes of the Government. As a result of the Government's persistence, the developers have agreed that vines covering an area equal to 10 housing allotments will be added to the core area, thus enlarging that area zoned as special use and protected for the future. The Minister for Environment and Planning is currently negotiating with Penfold's management in Sydney to secure heritage agreements on the vineyard's historic buildings and the remaining vines. This will, with the rezoning, ensure their maintenance in years to come.

At no time did the Government give a commitment that it would acquire the Grange vineyard using State funds. I will stress that again: at no time did the Government, before or after the 1982 election, give a commitment that it would acquire the Grange vineyard using State funds. Given the economic climate and the massive Budget blowout we inherited from the Tonkin Administration, it would have been most irresponsible to do so. I remind the Council that developers wanted around $3.5 million for the land up for subdivision. This does not include the historic core area, which Penfolds made clear it wished to retain.

Members might be interested to know that on assuming office the Government strongly considered conducting a heritage lottery to raise enough funds to purchase the Grange. The Government thoroughly investigated this idea as part of the study to see whether the vineyard could be saved. However, the Lotteries Commission advised that in all likelihood a 'one off' $20 lottery would be a disaster. I am sure that members will appreciate that, since the introduction of X Lotto and the Instant Money Game, interest in conventional lotteries has waned. In fact, the last of the regular $20 lotteries took something like five months to fill. To have conducted such a lottery would have required an amendment to the Lotteries Act, and would have also created a precedent for every charitable organisation and sporting body to request similar treatment. The Government was informed that at best a lottery would have netted the Government around $600 000, which is a figure well short of that required. Therefore, the idea was most reluctantly abandoned.

I remind the Council that the Save the Vineyard Committee received pledges amounting to only $140 000 in its efforts to raise the required cash. I suggest that this means either that it was a very small group and could not be expected to do more or, if it was a large group with much support in the population, that it was not prepared to put its money where its mouth was. On coming to office this Government inherited a record deficit. To spend more than $3.5 million on one item, the Grange vineyard, would have been, I contend, socially errant. Even in strictly heritage terms, there are greater priorities. In recent months hardly a day has passed without a call for the Government to purchase some heritage item or other.

The Opposition and the recently installed President of the Save the Vineyard Committee are apparently still demanding that the Government purchase the Grange vineyard property. I am informed by the office of the Valuer-General that the Government valuation on the outer area of Magill has appreciated since November 1982 by something in the order of 50 per cent. Consequently, the price tag has increased to around $5.5 million. The Aurora Hotel, which I am pleased to say the Opposition did not recommend we purchase, would have set the taxpayer back another couple of million dollars. I recently opened my *Hills Gazette* and read that the former Minister for Environment and Planning, the member for Murray in another place, is demanding that the State Government acquire the Bridgewater Mill, at a cost in the vicinity of $150 000. Where will it end?

Does the Opposition envisage a situation where the State progressively acquires every item of heritage importance? It seems that that is what it is suggesting. If the fundraising exercise for the Grange is any indication, the taxpaying public is just not prepared to fork out tens of millions of dollars for the State to socialise our heritage. Just last week the Leader of the Opposition announced his great panacea for economic reconstruction. Among other things, he advocated selling off all the profitable Government enterprises, but not those making a loss such as the Port Lincoln abattoir. He even suggested getting rid of a cake stall at the Adelaide Railway Station. While the Leader of the Opposition is trying to save 10c a hit on cream cakes, his colleagues are trying to coerce the Government into spending tens of millions of dollars on the progressive acquisition of items of State heritage. This double standard is so ludicrous that it is laughable.

I remind the Council that the State Liberal Party's 1979 election manifesto actually contained a policy to introduce compensation for people affected by the listing of heritage items. Of course, that did not surface while the Liberal Party was in Government: it was another fancy promise which, if enacted, would have nailed the taxpayer further to the wall. Perhaps the Hon. Mr Davis would care to comment on that broken election promise of the Liberal Government.

One very important consideration has been forgotten. In South Australia we have the most effective heritage legislation in Australia. In fact, New South Wales and Victoria are the only States that have comparable legislation. While South Australia is getting on with the job, other States are contemplating what action should be taken. The South Australian approach is simple but effective, and it affords considerable protection to items of the State's heritage. At the present time there are some 650 items on the Register of the State Heritage. Approximately 50 more items are being added each month as a result of continuing research by the Heritage Conservation Branch of the Department of Environment and Planning.

The Government recognises that the present heritage legislation has some limitations, and it wishes to improve the situation further. The Government has already moved to impose effective heritage controls in respect of State heritage items in the city of Adelaide, and legislation to effect this passed this Council last week. The Adelaide City Council

no longer will be able to make decisions about State heritage items without first referring to the State Government. That is a very significant achievement but, unfortunately, the headline writers of our newspapers have chosen to ignore it completely.

The Government intends to introduce a package of amendments to the South Australian Heritage Act and the Planning Act to provide even more effective heritage control in other parts of the State. For example, it is proposing to provide stop work orders that will allow time to assess historical buildings that might be under threat, and such a provision would have allowed a considered assessment by the State of the heritage significance of the Aurora Hotel and also the former Congregational Church and ABC buildings.

Secondly, to assist in conserving remote and archeological sites provision will be made in the new legislation for the establishment of areas in which destructive activities such as fossicking and defacement will be prohibited. Thirdly, in regard to planning considerations, the Government has been advised by the Planning Act Review Committee to subject heritage items to more stringent controls. This Government believes that the South Australian approach to heritage conservation results in a living, viable heritage, serving not only the present generation but also the future generations.

However, the community as a whole has a responsibility to make the system work. It would be an absurd proposition if the only way in which heritage items could be protected was for the Government to acquire the freehold interest—or to socialise our heritage. I am more than amazed: I am astounded that the Liberal Party should be suggesting such a socialisation policy. As I have said, this approach would cost the taxpayers millions of dollars but only a very select and limited range of heritage items could be conserved. The State would then be further charged with having to manage and find viable uses for the properties.

The Hon. L.H. Davis: Did you write this speech?

The PRESIDENT: Order! The Hon. Mr Davis will have a right to reply in a moment.

The Hon. ANNE LEVY: Thank you, Mr President. That is about the tenth interjection that the honourable member has made. Recent criticism of the South Australian heritage system has ignored its real strength. We have a system of which all South Australians should be proud. However, it is a system that relies on public support and it is up to the community, including members of the Opposition, to make it work and not carp and criticise.

In the strongest possible terms, I oppose the motion as an example of the most blatant hypocrisy of the Opposition. Given the record of the Liberal Government regarding the Grange vineyard, I cannot understand how members opposite could be barefaced enough to move a motion such as this in view of the document I have produced today showing the utter hypocrisy of the actions taken by their Government in its last week. The actions of this Government should be praised to the skies compared to its obvious plans for the Grange vineyard. I oppose the motion.

The Hon. C.M. HILL: I had not intended to speak in this debate, but, in view of the long speech made by the Hon. Ms Levy and her accusation that we are being hypocritical in this matter, I feel compelled to enter the debate, which of course is simply upon the motion to condemn the State Government for its failure to match its pre-election promises in respect to the historic Grange vineyard at Magill. If we want an example of political hypocrisy, we certainly saw that prior to the last election.

The Hon. Anne Levy: Would you like to read the Premier's letter?

The Hon. C.M. HILL: I am not concerned with red herrings being pulled across the trail in regard to letters: I am talking about hypocrisy. I sat here and listened to the honourable member, but apparently she cannot do the same. That the Government was guilty of hypocrisy can be seen by the fact that the then Leader of the Opposition went out and stood at the gates of the Grange vineyard and delivered his Party's conservation policy prior to the election, in the election campaign. His choosing that site was construed (and it was intended by him to construe) as indicating that the then Opposition (the present Government) stood full square behind the need and resolve to retain the vineyard.

That action was construed by the public as indicating that at all costs the Labor Party would save that vineyard. If that was not the case, why did the Premier take that action? Of course, he was endeavouring to convince the people that the vineyard was the big issue in conservation and that he intended to save it. Secondly, he worded his policy in a most cunning way; the wording could be construed as meaning that, if elected, he would see to it that the vineyard was saved.

The Hon. Diana Laidlaw: And that is what the people assented to.

The Hon. C.M. HILL: The people believed it. It was done simply to buy votes, and that is where the political hypocrisy comes into it. The Premier was buying votes; he was not at all interested in saving the vineyard. He knew when he chose that site and when he made that policy speech that the vineyard would not be saved. Now the axe has fallen and the vineyard has not been saved by the Government of the day. In my view, when we start talking about political hypocrisy, we most certainly see that as a prime example. This Government stands condemned for those tactics and it deserves to have the motion carried against it. I give my wholehearted support for the motion.

The Hon. I. GILFILLAN: After listening to the debate, I believe that it is a pity that the vines were not native vegetation because there is probably a good chance that they would still be there if they were native vegetation. We mourn the desecration of yet another heritage item. The Democrats do not intend to be involved in this debate to criticise this Government more than any other Government, but the debate emphasises that the people of South Australia could have some doubt about their faith in Governments to protect their heritage and birth right, not only in this issue but also in other matters.

The Hon. Diana Laidlaw: What about the Torrens River?

The Hon. I. GILFILLAN: That is a good example, highlighting the opportunity that Governments take to evade their obligations to pass laws that should control protection issues. This is another signal and I hope a significant one to this Government and to succeeding Governments of whatever political persuasion that the people of South Australia expect action and follow-through not only in the letter of the law but also in the intention of the law regarding protecting and safeguarding the heritage of South Australia.

The Hon. L.H. DAVIS: I appreciate the contributions that have been made by members in this important debate. I must immediately take issue with the Hon. Anne Levy. The motion is not about the performance of the Tonkin Government and its policy towards the Grange vineyard; nor is it about agreements that were made between the Tonkin Government and the proprietors of the Grange vineyard.

The motion is not about the Liberal Party's environment policy. I have some private views about the environment policy of the Liberal Party before the last election, but that is not at issue. This motion is a simple proposition based

on the fact that the Labor Party launched its environment policy at the vineyard. It featured a photograph of the vineyard on the front cover of its environment policy. We now know later that that was a visual illusion. The Labor Party committed itself, through the Hon. Anne Levy representing the shadow Minister for Environment and Planning (Hon. D.J. Hopgood) at a public meeting to a feasibility study of the Grange vineyard. In an answer to a question from the floor concerning a possible Labor Government purchase of the Grange vineyard, the Hon. Anne Levy gave an assurance that the matter of funding would be covered in the feasibility study. Then, of course, comes the most damning evidence of all which the Hon. Anne Levy, quite wisely, chose to ignore and not rebut, because it is irrebuttable. A letter from the then Leader of the Opposition dated 28 October 1982 addressed to a member of the Save the Grange Committee in its concluding paragraph states:

I take this opportunity to again make clear that our commitment is to retain the open nature of this area irrespective of future use.

There is nothing ambiguous about that proposition. Clearly, the then Leader of the Opposition (Mr Bannon) was saying not only that the Labor Party opened its environment policy at the Grange vineyard but also that it would save the vineyard if it was elected. Within weeks of the Labor Party winning Government on 6 November 1982—in fact, six weeks—the Minister for Environment and Planning was back-tracking publicly in a very unseemly fashion. He was saying that it was not for the Government to take the lead in the matter and that the public had to show that it really did want the Grange vineyard saved. There was then a series of progressive backings away from the proposition by the Labor Party, the Premier and the Minister for Environment and Planning throughout 1983. It became clear that the Labor Party was not going to save the Grange vineyard. To allow the Friends of the Grange to embark on a public campaign for funds without any Government support was a cynical exercise.

As I said in opening the debate, there has never been a public appeal for funds, outside natural disasters, which, in South Australia has raised more than $1 million. To suggest that the Friends of the Grange were going to go anywhere close to raising $3 million was far-fetched, to say the least. The Hon. Anne Levy suggested that the Government looked closely at the idea of a heritage lottery. There was nothing novel about that—that had been floated before the State election.

The feasibility study promised by the Labor Party in Opposition never saw the light of day when the Labor Party came to office. The Hon. Anne Levy, in seeking to get the Government off the hook on this motion, said that the Opposition is suggesting that the Government should have purchased the Grange vineyard. The Opposition has never said that. We have said that the Government should have stuck to its pre-election promise of saving the vineyard. It is not for the Opposition to say what method should have been taken or what route should have been followed to save the vineyard. It does not require too much imagination to see that a combination of sesqui-centenary and/or bi-centenary money, sponsorship from the corporate sector or the wine industry, support of Federal or State Governments and public support could have been used in an effort to save the Grange vineyard.

After all, it was this Labor Government, through its Leader, which made the commitment that the Grange vineyard would be saved. It was the Labor Party's policy to retain the open nature of the area, irrespective of future use. I have moved this motion as much in sorrow as in anger because we see, perhaps inevitably now, the passing of an historic area which was first planted with grapes in 1844; which in the 1870s housed one-third of the wine in the colony of South Australia; which is the symbol of all that is good about the Australian wine industry, bearing as it does the name of Grange, which, undoubtedly, still is the premier red wine made in Australia today; and which symbolises South Australia's supremacy in wine making given that some 60 per cent of the country's wine is produced in South Australia.

Certainly, there is the difficulty of priority in heritage matters and, indeed, in any matter that a State Government must address. But, here we see a winery and vineyard seven kilometres from Adelaide. Where else in the world can one see an historic winery so close to the centre of a city?

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: During the course of this rather tortuous debate over the past 18 months, mention has been made of Vienna having similar historic vines close to the centre of the city. There is no doubt about the history and importance of this vineyard to South Australia. To see those vines torn down as they were during the past month, leaving a core area looking rather limp with the historic buildings there and knowing that in time houses will surround that important core area and vineyard, fills many people with dismay.

Certainly, it can be said that the old order changeth yielding place to new—but the new is not always good. As I mentioned, some of the housing in that area leaves something to be desired. The Civic Trust gave the Auldana housing estate the doubtful mantle of representing a civil outrage. So, I am pleased to have the support of my colleague, the Hon. Mr Hill. I am also pleased to have indications of support from the Australian Democrats. What we can learn from this is that Government promises, before elections, should be worth more than the paper on which they are written. They should not debase the place where they are delivered, as occurred when the Government's environment policy was delivered at the Grange vineyard. It is an exercise in pure political cynicism. It deserves to be condemned for what it is, and I think the evidence of the past 15 months has borne out the fact that the Labor Government has not fulfilled its promise to save the Grange vineyard.

The Council divided on the motion:

Ayes (11)—The Hons J.C. Burdett, L.H. Davis (teller), R.C. DeGaris, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Noes (8)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, Anne Levy, C.J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. M.B. Cameron. No—The Hon. M.S. Feleppa.

Majority of 3 for the Ayes.

Motion thus carried.

EXPIATION FEES

Order of the Day, Private Business, No. 2: The Hon. G.L. Bruce to move:

That regulations under the Local Government Act, 1934, re expiation fees, made on 2 February 1984 and laid on the table of this Council on 20 March 1984, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

PARKING

The Hon. G.L. BRUCE: I move:

That regulations under the Local Government Act, 1934, re parking, made on 2 February 1984 and laid on the table of this Council on 20 March 1984, be disallowed.

The Subordinate Legislation Committee has given consideration to this matter and, in its wisdom, has recommended that these regulations should be disallowed. It was put to us that the regulations provide that the Government did not need to publish in the *Government Gazette* regulations relating to changes made by local councils on various things that concern local government and that councils should have the right to display those regulations in the council chambers in the areas that are of concern. The committee considered this and believed that the *Government Gazette* was the appropriate organ in which the advertisements should appear. It did not accept the argument that the *Government Gazette* did not have the wide distribution that it was believed was needed for these regulations, and believed that the *Government Gazette* was still the appropriate organ for advertising these regulations. Accordingly, the Subordinate Legislation Committee has moved for the disallowance of these regulations. I support the recommendation.

The Hon. J.C. BURDETT: I support the motion. As far as I can recall, it is the first time that I have had the pleasure of being able to support a motion moved by the Hon. Gordon Bruce; it gives me some pleasure to do so. In regard to these regulations, the position is that, previously, when a requirement was made by resolution of any council imposing parking controls evidenced by the erection of signs, this had to be gazetted. These regulations remove that requirement and say that when there is a resolution of council imposing parking controls evidenced by the erection of signs it is not necessary to gazette that requirement but, instead, the councils concerned may maintain a register of parking controls in force in their areas.

This seems to me, as the Hon. Gordon Bruce has said, wrong, because if the citizen goes to the council and asks to see the register he is indicating to the council that he has an interest in the matter. There is no reason why he should have to do that in order to find out what the controls are.

The position is simply that previously, when councils resolved in regard to parking controls evidenced by the erection of signs, it had to be gazetted. These regulations take that away and provide that each council is simply required to keep a register. Of course, the person concerned—the driver of a car—who is concerned about the parking controls may have come from anywhere in the State or from interstate and has no reason to know what the controls are. I consider that this regulation is undemocratic because a person should be able to find out what the law is without having to signify his interest to the other party concerned; namely, the council. He should be able to go to the *Government Gazette.*

It was said that not many people read the *Government Gazette,* and I guess that that is true, unfortunately, but certainly if people have an issue where there is a need to find out what the regulations are and what the law is they go to the *Government Gazette.* They can do that anonymously without the other party knowing what they are doing. That is proper, and it is the way that it ought to be.

It was suggested that the cost to councils of putting notices in the *Government Gazette* is significant. I do not believe that in this sort of area there is any cost in regard to democracy, in regard to knowing what the law is, and in regard to having the ability to find out what the law is; no cost should be set on that. It ought to be borne by the taxpayer in some form or another, be it the council, the State or Federal Government, or anybody else. For reasons such as this the Subordinate Legislation Committee, of which I am a member, was of the view unanimously that these regulations ought to be disallowed.

Motion carried.

MOTOR VEHICLES ACT REGULATIONS

Order of the Day, Private Business, No. 4: The Hon. G.L. Bruce to move:

That regulations under the Motor Vehicles Act, 1959, re accident towing roster scheme, made on 8 March 1984 and laid on the table of this Council on 20 March 1984, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

ACCIDENT TOWING ROSTER

Adjourned debate on motion of Hon. M.B. Cameron:

That regulations under the Motor Vehicles Act, 1959, re accident towing roster scheme, made on 8 March 1984 and laid on the table of this Council on 20 March 1984, be disallowed.

(Continued from 2 May. Page 3877.)

The Hon. G.L. BRUCE: I oppose the motion. Also, I rise as Chairman of the Subordinate Legislation Committee which considered the matter in detail over the past few months. The Committee has already tabled its resolution in relation to these regulations and we decided that there should be no action taken against these regulations. That decision was not made lightly and, while we were pushed for time and I believed that the Committee was restrained by that factor, it still did not detract from the fact that we had adequate evidence to us from the industry itself and from the Department of Transport today relating to those regulations.

I oppose the motion because of the evidence that was presented to the Committee today and because of the evidence tabled in this Council throughout. The Committee made it a point to keep the Council advised to ensure that all the evidence was tabled so that all honourable members would be aware of what had transpired. The evidence given today indicated that, while there are some points of disagreement in respect of some regulations, the Minister concerned has indicated his view in correspondence tabled before the Committee today. The letter written to Mr D Flashman, Executive Director, South Australian Automobile Chamber of Commerce, related to amendments that were going to be proceeded with to change some of the regulations that were presented to us.

While those regulations have not been changed in line with what we are recommending today in opposing the Hon. Mr Cameron's motion, they will be changed in the near future. For the record, I will list those changes, as follows:

Regulation 16:

Line 3—Delete the word 'Minister' and add the word 'Registrar' in lieu thereof.

Regulation 24 (1) *(k)* (iii):

Delete the words 'and sealed'.

Regulation 25:

Line 2—Delete the words—'the Registrar has first approved such alteration' and add in lieu thereof—'those alterations comply with the standards and requirements defined in regulation 24'.

Regulation 32:

Line 2—Delete the words—'has approved such disposal' and add in lieu thereof—'has been advised in writing of the intent to sell, transfer, give away, lend, wreck or dispose of such approved towtruck'.

Regulation 33 *(b):*

Line 4—After the words 'of towing vehicles for'—add the words 'or on behalf of'.

Regulation 39:

Add—Subregulation 5—'Upon a towtruck operator leasing, selling, transferring or disposing of his business or the operation of his business to another person, the position or positions held on a roster by that towtruck operator shall be transferred by the Registrar to that other person provided that other person has made application in compliance with regulation 36 and qualifies in accordance with regulation 33 for a position on a roster'.

Regulation 42:

Regulation 42 to become regulation 42 (1) and add subregulation 42 (2)—'The Registrar when considering the renewal of positions on a specific roster shall give priority to qualified towtruck operators currently holding a position on the roster for that zone'.

Regulation 47 (1):

Lines 5 and 6—Delete the words—'and which is within the same zone'.

Regulation 55:

Add—Subregulation 4—'A towtruck operator may with the approval of the registrar keep the records that he is required to keep in accordance with subregulation 2 *(b)* of this regulation at a place provided by the Registrar'.

Regulation 65:

Line 1—Add after the words 'An application to the Towtruck Tribunal for an inquiry' the words 'or review'.

That undertaking was given to the committee, that the regulations would be altered to comply with those amendments. Mr Patterson, Chairman, Tow Truck Regulation Review Committee, was also a witness this morning. His evidence showed that the existing regulations could work and in discussion and cross examination of Mr Patterson, he indicated that, while the regulations might not be currently acceptable (even with those amendments), the fine tuning envisaged over the next 12 months will put the regulations on the right track.

He indicated that the Accident Towing Roster Review Committee had laid down views and, with the evidence presented to us, would be monitoring and fine tuning those regulations when any matters were raised with the review committee which made those regulations as presently seen by the Subordinate Legislation Committee to be unworkable. I believe that, based on the safeguards that have been written in and the amount of evidence that we have taken as a Committee, while it will not please all the people (I do not believe that regulations can please all of the people all of the time) it will provide certain safeguards and protection to the industry.

Already it has been indicated by the Hon. Mr Cameron that he is not completely opposed to the regulation of the industry and the fact that there should be a roster system, although he is opposed to some of the regulations. Although some of his concerns are quite valid, I believe that the answers and letter tabled by the Minister before the Committee today resolve many of those concerns. For that reason I oppose the motion and believe the regulations should be allowed.

The Hon. J.C. BURDETT: I support the motion. I, too, am a member of the Subordinate Legislation Committee, just as the Hon. Mr Bruce is Chairman of that Committee. First, I refer to the report which was tabled earlier this afternoon and in which the Committee made it clear that it considered that it had had inadequate time to consider the regulations. There were people who wanted to give evidence before us who could not be heard in detail and the Committee was unanimous in its view that it had not adequate time to consider all the matters that people wanted to put before it.

Also, I make it clear that the Committee decided by a majority not to oppose these regulations. I was one of the minority members who opposed the regulations, as did the Hon. Mr Cameron. The Hon. Mr Bruce acknowledged this when he spoke. I acknowledge that there is a need for a roster system. I was a member of the Government which introduced the legislation which gave the opportunity for setting out regulations such as these and a roster system. I believe that that is necessary.

I believe that there are some few operators who do carry on in such a way as to make rostering necessary, and I support the general thrust of the regulations. I support what they are trying to do. I believe that in the interests of the protection of the public (this is surely the main thing that we ought to be considering), there is a need for a system of controls, including a roster system. However, I believe the regulations are so defective that the only correct course of action is to disallow the regulations and to enable a satisfactory set of regulations to be brought in before 2 September, when the regulations take effect. I stress that this is not like the ordinary situation where the regulations already have the force of law before they get to the disallowance stage.

In this case the regulations do not come into effect until 2 September, so I believe that it is quite responsible to disallow the regulations at this time to enable a proper set of regulations to be brought into effect before they have any validity, anyway. I believe that the defects in the regulations go well beyond the amendments that the Minister has indicated he will make; he gave this information in a letter he wrote to the Executive Director of the South Australian Automobile Chamber of Commerce. They were the amendments referred to by the Hon. Mr Bruce. In my view, the amendments set out in that letter barely scratch the surface of the defects in these regulations.

I propose to give a few examples of the regulations that are defective. I want to make it clear that I do not intend to take the time of the Council endeavouring to be exhaustive and to go through all the regulations that are not effective. That, I think, would take the rest of the afternoon. Suffice it to say that I think that the only useful course is to disallow the regulations altogether so that new regulations may be made that will again be subject to the scrutiny of the Parliament, including this Council. In giving just a few examples I refer first to regulation 34, which I think is the most Draconian example of inspectorial powers I have ever seen and which states:

> For the purpose of determining an applicant's qualification for a position on a roster the Registrar may require an applicant to *(a)*—

and I will not refer to that provision because it was reasonable, and—

> *(b)* furnish such further information, books, documents, records and statutory declarations as the inspector may require;

I do not recall ever having seen inspectorial powers set out either in a Bill or in regulations that went to that extent. The power is to require the applicant to furnish such further information, books, documents, records and statutory declarations that the inspector may require. There is a penalty if that is not done. There is no requirement that the requisition shall be reasonable, which is usually written into such a requirement.

There is no requirement that the requisition be for the purposes of enforcing the regulations, which is usually written into regulations. In particular, there is the ability for an applicant to be required to furnish a statutory declaration. Such a statutory declaration may incriminate an applicant. He may be in the extraordinary position of being required to file a statutory declaration that will enable him to be prosecuted. There is no prohibition on self-incriminatory statements.

The Hon. R.I. Lucas interjecting:

The Hon. J.C. BURDETT: It is quite extraordinary. I have never seen a power like this before. I am concerned, also, about the regulations regarding small businesses. Evidence was given by several witnesses who appeared before the Joint Committee on Subordinate Legislation to the effect of these regulations on them. They said that they would be driven out of business because of them. The requirement in order to get a place on the roster is that a business own at least two tow trucks, which are expensive. In order to comply with the fairly radical and extensive regulations that exist, there have to be at least those two tow trucks and four employees. I am not sure that that will work out if

there is to be a reduction to a 38-hour working week. It might have worked with a 40-hour working week.

Evidence was given by a small businessman who operates one tow truck and who for some time had usually been on contract to a crash repair shop. His evidence was clear that he would go out of business if these regulations were introduced. I do not want to continue *ad nauseam* about the numerous defects in these regulations, because that would take me all afternoon. The only other regulation to which I would refer is the one including requirements regarding signs being erected outside tow truck depots, those signs having lights and those sorts of things. Evidence has been clear (and has not been contradicted) that such requirements in the regulations will contravene most planning requirements of individual councils. Therefore, the regulations will be requiring signs to be erected that will be in contravention of local government regulations. This is surely not reasonable. For those reasons I oppose the regulations.

I make it clear again, as did the Hon. Martin Cameron when moving this motion, that we believe that this is an industry which, in the interests of the public, ought to be controlled. We believe that a roster system ought to operate and that there ought to be regulations, perhaps of the general thrust of these regulations. However, we believe that these regulations have been ill-conceived, not only in the respects that the Minister has been prepared to undertake to amend them but in other respects. These regulations ought to be disallowed so that before the time of their coming into operation on 2 September there is an opportunity for the Government, the inspectorate and the industry to come back with another set of regulations that are much more reasonable. For those reasons I support the motion.

The Hon. I GILFILLAN: The Democrats support the motion, I suspect on not quite the same grounds as the Opposition but probably on grounds pointing in the same direction. We have some misgivings about some of the details in the regulations. Some constructive amendments have been suggested by the South Australian Automobile Chamber of Commerce and I understand that the Minister intends to incorporate those amendments, and probably some others, in the regulations. As the regulations were not to come into effect until the first week in September of this year, there is still time for the revision and fine tuning of them. This is what I believe is the significance of a disallowance at this time, that it will encourage a revision and fine tuning of the regulations rather than their rejection. Therefore, the message to the industry is that we believe we should have regulations, and that the industry needs regulations for its self-protection. I do not think that there is doubt in anybody's mind who has been briefed or who is close to this industry about the fact that there have been very savage aspects of the tow truck industry and that from various points of view (their own and the consumers) regulations need to be in place and addressed to the specific problems involved. One of the restrictions that we believe may be unfair is that current regulations make it very difficult for a small operator, particularly one who wishes to operate one truck, because that will be specifically outlawed by these regulations.

Our message to the tow truck operators is to use the interim period for communication if they have further points of view. The Subordinate Legislation Committee has exhaustively examined the industry and has drawn its own conclusions based on various reports. In essence, the Democrats' support for the disallowance is not opposition to the regulations: it is recognition that they need some alteration. It is with full awareness (I will not say consent) by members of the Government, including the Minister (Hon. R.K. Abbott), that we are taking this step from a constructive point of view. I feel sure that the Government recognises it as that. The Democrats support the motion to disallow the regulations.

The Hon. M.B. CAMERON (Leader of the Opposition): In summing up the debate on the motion I indicate to the Hon. Mr Gilfillan that I do not think the Opposition is as far apart from his Party as he might believe. There is no doubt in our mind that there is a need for a roster system and that there is a need for regulations. A similar Bill was passed by the previous Liberal Government—it must have regulations attached to it. However, the problem is that the regulations, as the Hon. Mr Burdett pointed out, have numerous problems. I believe that it would be irresponsible of the Council to pass the regulations when the Subordinate Legislation Committee itself has expressed reservations.

The Subordinate Legislation Committee's report is unusual. I believe that the Committee brought forward a responsible report, but it leaves me with no doubt at all that we should proceed to disallow the regulations. In part, the report states:

> However, the Committee expresses concern that it was not afforded adequate opportunity to consider the regulations due to the impending conclusion of the present Parliamentary session, especially as the regulations are quite extensive and resulted in numerous requests from witnesses to give evidence. The Committee also expresses concern that it was unable to consider a consolidated draft of the regulations which would have included subsequent proposed amendments.

That is exactly the situation that exists for all members of this Council. We are in a situation where we have not had an opportunity to read the evidence presented this morning. Evidence was still being taken as late as this morning. We cannot really take a view on that final evidence.

We have seen some suggested amendments from the Minister. There is no doubt that he has made an effort to include some changes to the regulations, and they will be helpful. However, as the Hon. Mr Burdett said, they certainly do not go far enough. There will be an opportunity between now and 2 August when the next session begins for the Minister to examine the need for change, properly examine the evidence, and for him to bring forward amended regulations for consideration by Parliament in the proper and appropriate way. I think that it would be irresponsible of the Council to pass the regulations when we have not had an opportunity of seeing the amended amendments, the amended regulations, or all of the evidence.

When the next session of Parliament begins, the new amended regulations tabled by the Minister will be examined. It will be in that spirit that the Opposition will support regulation of the towing industry. The Opposition supports a roster system, but it will not support a roster system that is unfair to people who have operated legally and properly within the towing industry. That is the important point. In setting out to cure problems in the industry we must not cause problems for people who have operated properly. We must also bear in mind the fact that once the regulations are in force they are not just there to cure the present problems—they are there for ever, or until changes are made.

If inspectors have too much power, those powers will continue. We must be careful, when we place powers in the hands of inspectors, to ensure that the people affected by those powers have proper rights of appeal and are protected from over-zealous behaviour from inspectors. While that may not occur, we must make sure that it does not occur. We must make sure of that before the regulations are passed. I ask the Council to reject the regulations.

The Council divided on the motion:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron (teller), R.C. DeGaris, Peter Dunn, I. Gilfillan, K.T. Griffin,

C.M. Hill, Diana Laidlaw, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Noes (8)—The Hons Frank Blevins, G.L. Bruce (teller), B.A. Chatterton, J.R. Cornwall, C.W. Creedon, Anne Levy, C.J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. L.H. Davis. No—The Hon. M.S. Feleppa.

Majority of 3 for the Ayes.

Motion thus carried.

COUNTRY FIRES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 2912.)

The Hon. C.W. CREEDON: I rise to offer limited support for the Bill. The Government certainly realises the need to take a good hard look at the penalties and the penalty structure, and could possibly agree wholeheartedly with a more reasoned proposition.

As no doubt the Opposition is aware, there has been an inquiry into the CFS and a report is now circulating for public comment. Depending on public comment and the Government's attitude, the Act would be restructured to take into account the recommendations of that report, and it can be expected that the legislation would appear during the next session of Parliament later this year. The penalty provisions are not covered in the report, but the Government would not object to realistic penalties when it considers the very serious nature of fire risk and damage caused by fire in this State. It is about eight years since fines were increased, and inflation alone would certainly justify an increase, possibly by a factor of four or five. However, the blanket increase of 10 times the old amount seems quite ridiculous.

No thought has been given to the seriousness of some of the actions that are being penalised. In some cases, especially in regard to second offences, a gaol term may be warranted. It seems to me, for instance, that a person who lights or maintains a fire in the open during a fire danger period has committed an extremely serious offence and that a second offence deserves a more severe penalty than a fine.

Some of the offences appear to be quite trivial, yet under the amendments there could be a fine of $5 000. Certainly, I am sure that the police would be more than pleased if their efforts to solve criminal cases resulted in those charged being subjected to that kind of penalty. The amendments to regulation 68 are more realistic. The penalties have only been doubled, from $500 to $1 000. Again I repeat that not much thought has been given to this matter. In regard to some regulations, very severe penalties would be warranted. Under section 66 of Part V a minimum penalty is prescribed. It provides:

> A court, in imposing a monetary penalty for an offence against this Act, shall impose a penalty of not less than one-quarter of the maximum penalty prescribed for that offence unless, in the opinion of the court, there are special circumstances justifying a lesser penalty.

If adhered to, that direction could possibly cause very serious injustices because of the intended large fine increases for some minor matters. If these suggested increases were to become law, that area of the Act would require very serious consideration. Government members will assist the passage of this Bill through the Council, even though we believe it is ill-conceived, because we agree that the penalty provisions should be thoroughly examined. It is too late to have the matter discussed in the other place in this session, but I am assured that, although this Bill will lapse, it will be revived in the new session commencing in late July or early August this year, when there will be an opportunity to thoroughly explore the effects of these amendments to the Country Fires Act.

The Hon. K.T. GRIFFIN: I appreciate that the honourable member has indicated that the Government will support this Bill. Although he indicated that some offences may appear to be trivial and the penalties harsh, the fact is that particularly in rural areas anyone who recklessly disregards the consequences of not ensuring that fire is kept under control must be prepared to pay the price. Although something that might appear on the face of it to be trivial attracts a severe penalty, the penalty is a maximum penalty that is imposed by the courts, and an apparently trivial offence may end up creating a very significant loss for those who suffer as a result of a fire that is out of control.

Therefore, I do not share the reservations that the honourable member has expressed about some of the offences appearing to be trivial, because I know that the consequences can be quite dramatic and can have a devastating effect on people whose property is adversely affected by fire as a result of the careless actions of an individual or reckless disregard for the consequences that might at first appear to be an innocent or trivial act. So, notwithstanding what the honourable member has said, I adhere strictly to the view that I have propounded that penalties under the Country Fires Act should be increased substantially, and I make no apology for that. The events of Ash Wednesday last year ought still to be fairly strong in our recollection, and that event in itself should be sufficient basis upon which to justify fairly substantial increases in penalties.

I am not sure what procedure the honourable member is suggesting for reviving the matter—whether he was suggesting that we pass the second reading, go into Committee and report progress and then revive the Bill as a private member's Bill in this Council in the next session, or that the Bill pass all stages here and go to the House of Assembly. The honourable member has indicated by nodding his head that he was suggesting the latter proposition, and I am certainly pleased about that. If the Bill passes in this Council today, it will be revived in the House of Assembly in the next session. I appreciate the indication of the Government's support to that extent, and I thank the honourable member for his contribution with the indication of that level of Government support for what I regard as an important Bill.

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

ROAD TRAFFIC ACT REGULATIONS

Adjourned debate on motion of Hon. M.B. Cameron:

That regulations under the Road Traffic Act, 1961, re traffic prohibition (Enfield), made on 27 October 1983 and laid on the table of this Council on 8 November 1983, be disallowed.

(Continued from 11 April. Page 3459.)

The Hon. M.B. CAMERON (Leader of the Opposition): In summing up the debate I thank members for the consideration that they have given to it, and I also thank the people who have taken the trouble to come in and give information to other members and me about this problem. When I moved the motion, I indicated that one of the great problems of road closures was that one could never please everybody. From the information I have been given over quite a long period of time that still remains the case. Some people in the area now enjoy a much better and safer way of life for their children and vehicles—that cannot be denied. In another area of the same suburb there has, undoubtedly, been an increase in traffic problems.

There is argument over the extent to which traffic problems have increased in the area, with many allegations being been made in the community. Again, that is an unfortunate part of this action that it is difficult to sift the chaff from the straw, because there is no doubt that people's emotions become very involved; that is very understandable.

There have been very short discussions so far in the community about this problem. I trust that those discussions will continue. The Minister has indicated to me that, if these regulations are disallowed, they will be reinstituted in their present form in the very near future—in fact, it could even be tomorrow. I have no argument about that whatsoever; nor will there be any criticism of that move because, I believe, it is important for the community to be given the opportunity for further discussion about a final resolution of the problem.

I trust that, in the period that will now be given through the disallowance and reintroduction of the the community will discuss the problem, which it has had for goodness knows how long. I understand the frustrations of many people who have put up with this problem for that number of years, seen it solved and now feel nervous about the end result. However, I urge the people in the community to sit down, discuss the problem and see whether or not there is any way in which it can be finally resolved. I urge members to support this disallowance motion on the understanding that there will be no criticism if the Government reintroduces the regulations at least in the short term.

The Council divided on the motion:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Noes (8)—The Hons Frank Blevins, G.L. Bruce (teller), B.A. Chatterton, J.R. Cornwall, C.W. Creedon, Anne Levy, C.J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. M.S. Feleppa.

Majority of 3 for the Ayes.

Motion thus carried.

STATUTE LAW REVISION BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935, the Education Act, 1972, the Motor Vehicles Act, 1959, the Police Offences Act, 1953, the Road Traffic Act, 1961, and the Stamp Duties Act, 1923. Read a first time.

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

That this Bill be now read a second time.

It makes miscellaneous amendments to six Acts, namely, the Criminal Law Consolidation Act, the Education Act, the Motor Vehicles Act, the Police Offences Act, the Road Traffic Act, and the Stamp Duties Act. The amendments have been prepared under the supervision of the Commissioner of Statute Revision with a view to publication, in the near future, of consolidated texts of the Acts mentioned above. The purpose of the amendments is to remove obsolete material, to correct textual inconsistencies and to modernise obsolete and obscure forms of expression. This subject is, of course, not always completely attainable within the limited scope of a Bill such as the present one. For example, the Criminal Law Consolidation Act derives many of its provisions from the criminal law of England of the early nineteenth century. The burden of obsolescence lies very heavily upon it and affects its structure. To remedy the basic malaise would require a much more radical solution than is possible within the limits of a Statute Law Revision Bill.

Because the amendments are in the nature of a textual revision of the Acts in question and make no, or only very minor, alterations to the substantive law of the State, I do not propose to enter into a detailed explanation of the amendments. I am confident that honourable members will find them largely, if not entirely, self-explanatory. If any questions do arise, I shall, of course, be happy to deal with them in Committee.

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

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL (No. 2)

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

That Order of the Day, Government Business, No. 1, be made an Order of the Day for Tuesday 5 June.

In moving that this item be made an Order of the Day for a time after the rising of the Council I wish to report briefly on the present situation. Honourable members will recall that prior to Christmas the Bill was introduced by the Government to give effect to a voluntary system of classification of videos to ensure that videos were covered by the existing law of the State, to ensure that the hire of videos was also covered, and to ensure that violence was included in the criteria to be taken into account in deciding whether material printed or videoed should be classified or whether prosecutions should be launched against such material.

They were significant amendments to the law in South Australia. We were the first State to introduce such legislation to give effect to agreements that had been reached in Brisbane in July 1983 by Ministers responsible for censorship. The major area of contention in the series of Bills that I introduced was the voluntary system of classification. In the end analysis in December the amendments to the Police Offences Act were passed, and the Classification of Publications Act Amendment Bill was split in two, which enabled a voluntary system to be put into place immediately. That occurred shortly after Christmas, but it left this Order of the Day on the Notice Paper to enable me to approach the Commonwealth Attorney-General to see whether he would be prepared to convene another meeting of Ministers responsible for censorship with a view to discussing a compulsory classification system.

I undertook to the Council to advocate such a system at such a meeting. The meeting was held early in April. The Ministers agreed to recommend to their Governments that a compulsory classification system be adopted. I am not in a position to say whether or not that approval has been received by the Commonwealth Attorney-General, but only today I saw proposals from the Commonwealth Government to amend the Australian Capital Territory ordinance that deals with this matter to give effect to a compulsory classification system. Once the Commonwealth has legislation drafted, it will be put to the others who decide to participate in the compulsory scheme to bring forward amendments to their legislation.

So the present position is that the Commonwealth Attorney and the meeting of Ministers responsible for censorship have now agreed to recommend to their Cabinets that a compulsory system of classification of videos be introduced. Discussions are now proceeding amongst officers to set up the procedures for such a compulsory classification system and to draft the appropriate legislation, the first draft of which, from the Commonwealth at least, I have now received. I anticipate that those discussions will continue during the Parliamentary recess and that we should be in a

position early in the Budget session to reintroduce a Bill that will give effect to the decisions taken at the meeting of Commonwealth and State Ministers responsible for censorship and that that will give effect to a system of compulsory classification, provided that all the Cabinets agree and that there are no unforeseen problems in setting up such a system.

The Hon. K.T. GRIFFIN: I am prepared to support the motion for adjournment to June on the basis that there be some new legislation introduced in the next session. I am pleased that the Attorney-General and the Government have seen fit now to support a compulsory classification system for the hire and sale of video material. Honourable members will remember that I and the Opposition were very strong advocates of a compulsory classification scheme as the more appropriate mechanism for bringing some measure of control to the availability of pornographic and excessively violent video material. I am somewhat disappointed, though, that the Commonwealth has not yet completed its drafting but, on the assurance of the Attorney-General that something is to be done in the next session, one can wait in hope.

The only other major area that would require attention is the availability of the so-called X-rated videos. I understand that at least one State, and possibly two, have decided not to allow the sale or hire of X-rated videos. That is a matter of considerable community concern. I hope that the Attorney-General and other Ministers throughout Australia will be able to give some closer consideration to the availability of that sort of material. I have no doubt that within the community a very significant majority would be in favour of prohibiting that sort of depraved and degrading material being available for sale or hire in South Australia, particularly in the context of the power of the medium of television, which is much more significant than the power of ordinary printed material.

I am prepared to support the motion to adjourn the matter in the expectation that compulsory classification legislation will be in force at the earliest opportunity after the commencement of the next session. There are something like three months to go, and I hope that everything can be ready to be put into place well before the end of this year.

Motion carried.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (1984)

Consideration in Committee of the House of Assembly's amendment:

Clause 3, page 1, lines 17 to 31—Leave out clause 3 and insert the following clause:

3. Section 296 of the principal Act is repealed.

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

That the amendment be agreed to.

The amendment made by the House of Assembly inserts into the Bill the clause that was removed by this Chamber when the Bill was before us. The effect of the House of Assembly's amendment is to repeal section 296 of the Criminal Law Consolidation Act, which deals with the disabilities which persons convicted of imprisonment currently undergo in relation to the holding of public office.

The Government's position is that if a person is convicted and sentenced to imprisonment, the penalty should be the penalty imposed by the court for that offence. If there is to be any other penalty (so-called), that the person should be removed from his employment or from any public office, that is something that ought to be considered by the employing authority or by the Crown and action taken depending on the circumstances of the offence. There should not be automatic double jeopardy involved for a person convicted of an offence and sentenced to imprisonment and automatically losing certain public offices.

As I said in the debate previously, most Acts which establish statutory authorities do contain provisions for the removal of persons who are convicted of offences and sentenced to imprisonment. That would undoubtedly be considered to be dishonourable conduct, which is one of the common phrases used in determining whether a person should be removed from office and, in any event, I pointed out to the Council the opinion of the Crown Solicitor that the Crown's prerogative to remove a person from office exists in any event even where a person is appointed for a term of years to a particular office.

That being the case, and I expect it would be exercised by the Crown, it is always open to the Crown to remove the person from office if they are convicted of an offence which involves a sentence of imprisonment. I ask the Committee to agree to the House of Assembly's amendment. I believe that the Bill that we have introduced removes disabilities that exist on prisoners and ensures that what people convicted of are subjected to is a penalty for that offence and that any other disadvantage suffered, or disability suffered, ought to be suffered as a specific separate act by the employing authority or pursuant to the Statutes which have provided the appointment in the first place.

The Hon. K.T. GRIFFIN: Section 296 has been in the Criminal Law Consolidation Act for over 100 years, and for over 100 years any person convicted of treason or a felony and sentenced to a period of imprisonment in excess of 12 months has, by reason of that sentence being imposed, forfeited any civil office or public employment as well as any entitlement to any superannuation from a public fund or in any other way funded publicly.

The fact is that that has been in the law for over 100 years, and I think quite properly. What the Attorney-General is saying is that it is a situation of double jeopardy. If it is, it has been in existence for a long period. I dispute that it is a position of double jeopardy, and I dispute that there is any difference ultimately between what the Attorney is suggesting and what I am suggesting. I am saying that there ought to be a specific provision in the Act that says that when a person is convicted of an offence and sentenced to more than 12 months imprisonment, by virtue of that conviction and sentence and imprisonment that person no longer holds any civil office or public employment. I have excluded deliberately the question of superannuation because I can understand that that would be a highly emotive and perhaps unreasonable consequence of conviction and sentence to that period of imprisonment.

If the Attorney is now suggesting that maybe there is already in some Acts at least provision for convicted criminals to be removed from office by virtue of their behaviour being regarded as dishonourable conduct, what ultimately is the difference between that and a specific provision in the Criminal Law Consolidation Act providing quite clearly and without any equivocation for automatic removal from public office?

The Hon. C.J. Sumner: It means that each case can be considered on its merits.

The Hon. K.T. GRIFFIN: The Attorney interjects that each case can be considered on its merits. The position is that that enables someone other than the court to make a decision, and it may be a decision that is made and demonstrating a degree of partiality, whereas a blanket provision as has been in existence for over 100 years is something which every member of the community ought to be aware of (if not already aware of) as a consequence of criminal behaviour. It is quite unconscionable for someone convicted of an offence and sentenced to more than 12 months impris-

onment even to contemplate continuing in public office in consequence of that conviction.

Membership of the Savings Bank Board, the State Bank Board, the Electricity Trust, the Phylloxera Board or any of the other 396 statutory boards and committees that we have been told are in existence—any person who holds office on one of those bodies should be aware of the consequences of criminal behaviour. It is quite unconscionable to say that in some cases we may remove someone who has been so convicted and sentenced and in other cases we may not. It is unrealistic to suggest if the decision is taken in that context it ought to be taken by the Crown. It is also not logical to suggest that that is a situation of double jeopardy, because it is there in force and in effect when it has been in force and in effect for over 100 years. Certainly, I cannot support the Attorney's motion to support the House of Assembly's amendment. I urge the Committee to insist on its amendment, because it is fair, reasonable and proper in the context of public administration and in the context of the general conduct of the affairs of State. Certainly, I would not want to see any proposition which gave the Government of the day the right to make a decision *ad hoc* as to who should or should not continue to hold office as a result of criminal conviction of this sort. I urge the Committee strongly to insist upon its amendment.

The Hon. I. GILFILLAN: The consequence of either the Bill with the amendment or without it will be the same. People who hold public office and who are gaoled for 12 months for a criminal offence will almost inevitably find that they are off the board. Listening to the debate thus far, it is my opinion that there is an unreasonable aspect to making it automatic, that a victim of 12 months sentence should also be a victim of automatic exclusion from any boards that he or she happen to be on.

I believe that if the idea put forward by the Hon. Trevor Griffin is accepted (that, as a consequence of a criminal misdemeanour a person should be struck off a board), then that penalty of being struck off the board should be listed in the penalties. The Act that determines the penalties, which may be up to 12 months, or five years, for some offences should also state that the penalty for such an offence will result also in removal from certain stipulated boards and authorities that the Hon. Mr Griffin is concerned about. It would then be recognised that it is part of the penalty for a particular offence. If it is, as I understand the amendment, an extra aspect of the Act not identified as part of the penalty, I do not see the justification for its being included in this Bill. I am not in favour of the Hon. Mr Griffin's intention in relation to this matter. Therefore, I will vote for the amendment suggested by the House of Assembly.

The Hon. K.T. GRIFFIN: I am disappointed to hear that. The fact is that there has been a provision in the Criminal Law Consolidation Act providing for disqualification from holding public office upon conviction for treason or a felony, or a sentence of imprisonment of more than 12 months, since at least 1874. In view of that, I suggest that there has not been a specific provision included in every Statute dealing with public office that in addition to the monetary or imprisonment penalty someone also loses their office. It is totally unrealistic to suggest that every Act of this Parliament that creates a public office should also repeat the provision that upon conviction and sentence to more than 12 months imprisonment the incumbent office holder thereby forfeits a certain office. It seems to me that it is quite realistic to include that over-riding principle in the Criminal Law Consolidation Act where it is already, although my amendment moderates the impact of that provision.

The Government has not demonstrated that it has been through all the Acts of this Parliament that relate to the creation of public office. It has not been able to tell the Council exactly what the consequence will be in each case. The Attorney-General has referred to the Crown Solicitor's opinion, which states that in any event the Crown has an inherent right to dismiss. I suggest that that would be subject to some challenge if only that common law provision were relied upon. He suggests that in some cases an office holder can be removed by virtue of a criminal conviction being dishonourable conduct. I suggest that that is very much *ad hoc* and certainly a very grey area. I do not believe that it is appropriate for any responsible Government to embark upon a dramatic change in the law, which the Attorney-General's amendment will result in, without having done some homework on it. I think that it is unrealistic to provide in each Statute providing for a public office specific reference to an office holder suffering the consequences of criminal conviction and a sentence of imprisonment, that is, removal from public office. I am disappointed that the Hon. Mr Gilfillan has indicated that he will not continue to support my amendment.

The Hon. I. Gilfillan: I didn't support it before.

The Hon. K.T. GRIFFIN: I am disappointed that the honourable member will not support it now because I believe that the Government's move is a retrograde step and not in the best interests of good public administration.

The Committee divided on the motion:

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

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

Pair—Aye—The Hon. M.S. Feleppa. No—The Hon. Diana Laidlaw.

Majority of 1 for the Ayes.

Motion thus carried.

ENVIRONMENT PROTECTION (SEA DUMPING) BILL

Adjourned debate on second reading.

(Continued from 3 May. Page 3988.)

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank honourable members who contributed to the second reading debate. The Hon. Mr Griffin sought clarification of a number of matters to which I would like now to respond specifically.

I refer to clause 5, 'The Act to bind the Crown'. This clause, in two parts, was prepared to reflect the Commonwealth law in this regard. However, the Government does not think it is necessary to accept an amendment to clause 5 (1) to recognise the position where the person in charge of a vessel, aircraft or platform owned by the State is in fact an employee of the Crown, as protection is available if he acts under direction.

In relation to clause 9 'Defences to charge of an offence', it appears that the member is concerned about the possibility of a defence to a charge relating to incineration at sea to secure the safety of human life. In relation to this matter there is in fact no difference in effect between the Commonwealth legislation and the State Bill. This is because the relevant Commonwealth provision refers to sections 10 and 11 only, which are dumping provisions. It is possible that the Hon. Mr Griffin is confused by the application of section 15 (1) and (2) of the Commonwealth Act, which provisions are not relevant to the State jurisdiction. I could

understand if the Hon. Mr Griffin is confused; it is very easy to become confused with this Bill.

Also under clause 9 *(b)* there is a change in wording which has been adopted through deletion of the word 'appeared' in the Commonwealth Bill and application of the term 'reasonable'. This has been done to tighten the application of this defence provision, as the term employed in the relevant Commonwealth section was considered inadequate in this regard.

In relation to clause 17, 'Conditions in respect of a permit', the South Australian Bill omits specific reference to the point of time on which a notice of variance of conditions takes effect with regard to a permit. It is considered that the Commonwealth legislation is imprecise in this regard and that administrative arrangements would be implemented in order to ensure that permits or variation to permits were complied with at the direction of the Minister. The Commonwealth provision in this regard was therefore omitted.

In relation to clause 22, 'Boarding of vessels etc. by inspectors', the specific concern expressed by the honourable member related to the inclusion in the corresponding section of the Commonwealth Act, provisions for the production of identity cards by inspectors or members of the Police Force in plain clothes. These requirements have been included in section 21 of the South Australian Bill and specify that identification must be produced on demand by such inspectors.

In relation to clause 27, 'Injunctions and Appeals', the matter of concern relates to the need for extension of the appeal provision to the position where a permit may be granted then suspended or cancelled by the Minister. The Government in line with previous undertakings would accept a further amendment to provide for the extension of the appeal provisions to cover this situation.

In relation to clause 33, 'Evidence', this clause provides for the production of certain evidence in proceedings for offences against this Act. Provision is also made to facilitate the proof of certain matters such as the position at sea of a vessel, aircraft or platform. The additional provisions which are inserted are comparable with the provisions obtained in the existing Pollution of Waters by Oil Act, 1982, administered by the Minister of Marine, and the Fisheries Act, 1982, and will ensure certainty in application of these three compatible legislative instruments applying to the coastal waters of the State.

I hope that, by responding in detail during the second reading debate to the specific question raised by the Hon. Mr Griffin, we do not have to go through all the arguments again in Committee. Essentially, this is a Committee Bill and I ask the Council to support its second reading. If there are any more queries or amendments that have not been circulated, they can be appropriately dealt with in the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 13 passed.

Clause 14—'Application for permit.'

The Hon. FRANK BLEVINS: I move:

Page 7, line 1—Leave out 'A' and insert 'Subject to section 15, a'.

This amendment is in response to a query raised during debate in another place, and was picked up by the Hon. Mr Griffin. On reflection, the Government agrees that it is a suitable amendment.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 7, line 26—After 'expense' insert 'but subject to the direction and supervision of the Minister'.

This amendment and some subsequent amendments are directed at controlling the nature and assessment of the research which may be required for dumping and in particular the research, assessment and analysis that would be undertaken by an applicant. Subclause (5) *(a)*, one of the options, provides:

that the applicant will, at his own expense, undertake such research and analysis as is specified in the agreement, being research and analysis relating to the effect that the proposed dumping might have on the marine environment;

My amendment will add the words, 'but subject to the direction and supervision of the Minister'. I think that this research and analysis is important, because it has such significant consequences for the waters of South Australia, and it should be the responsibility of the Government and the Minister. I think that the amendment provides an extra safeguard and is a reasonable precaution to add to the end of the paragraph. I indicate that I have two other consequential amendments to which this same argument will apply.

The Hon. FRANK BLEVINS: The Government is happy to accept the amendment.

Amendment carried; clause as amended passed.

Clause 15—'Grant of permit.'

The Hon. FRANK BLEVINS: I move:

Page 8, line 14—Leave out 'A' and insert 'Subject to subsection (3a), a'.

This matter was picked up by the Hon. Michael Wilson in another place and subsequently commented on by the Hon. Mr Griffin. On reflection, the Government has seen merit in the arguments and is happy to move this amendment in line with the wishes of the Opposition.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 8, lines 15 and 16—Leave out 'to which Annex I to the Convention applies' and insert:

'—*(a)* to which Annex I to the Convention applies;

or

(b) in any event—that is radioactive.'

I will take this opportunity to argue the major case that applies to what I see as the deficiency of the Bill in protecting the waters of South Australia. This amendment will lead to consequential amendments. Clause 18 highlights this matter. It provides:

Where the Minister proposes to grant a permit for the dumping or loading of wastes or other matter that are radioactive . . .

Although this reflects Federal legislation and in many respects is compliant with the conditions of an international convention, that is no reason why we should not assess this legislation in regard to our own requirements and exercise our sense of responsibility as a State Parliament. If that is not the case, there is little point in applying ourselves to this legislation at all, because I am told that, if we do not pass legislation, the Commonwealth legislation will apply, so that there would be some form of control. I make no apology for moving an amendment that I believe improves the effects of this Bill in future years and on future generations in keeping our coastal waters unpolluted from radioactive material. The problem appears to be partly that the recognition of radioactive material and waste is a little unclear, and I say that after having had the advantage of discussing this matter with various people, including officers of the Department of Marine and Harbors who offered their kind assistance.

With due respect to those people and to other people involved in presenting this Bill and considering its implementation, I believe that there will be far wider ramifications than just the normal responsibility of the Department of Marine and Harbors. This matter is closely and intricately involved with environmental and health factors. I was also able to have a brief discussion with an officer of the Health Commission. I am very grateful to all those people, because they extended my knowledge. However, they heightened my

enthusiasm in regard to these amendments and also my concern that, if the amendments are not passed, there is a risk that radioactive material will be dumped to a quite unacceptable degree in the waters of South Australia.

The *News* of 8 May printed an article outlining my warning, and alongside that, under the bigger headline, 'Japan joins waste disposal project' there was an article highlighting one of the reasons why the people of South Australia should be even more concerned. The article stated:

Australia and Japan will co-operate in a joint project to develop radioactive waste disposal technology.

The move, negotiated by the Resources and Energy Minister, Senator Walsh, is further indication of the Government's commitment to the export of uranium.

It also reflects growing confidence among senior Ministers that a breakthrough in nuclear waste management techniques is at hand.

I emphasise 'is at hand'. It reflects this wonderful growing optimism that the techniques that, as is incessantly drummed into us, are already being used are only still close at hand. But what is close at hand? The report further stated:

The Australian Atomic Energy Commission will work with the Japan Atomic Energy Research Institute on the research and development programme.

Senator Walsh said initial co-operation would be on synrock, the glassy material developed by Professor Ringwood at the Australian National University for holding high level radioactive waste.

Funding for the project comes on top of $1.5 million already allocated by the Government for synrock development and $2.7 million for construction of a model disposal plant. 'The Government recognises as a responsible supplier of uranium Australia must be prepared to make a positive contribution to radioactive waste management,' Senator Walsh said.

Who can absolutely and irrefutably state for the people of South Australia that the coastal waters of this State may not eventually be considered as a suitable site for dumping radioactive waste if a Minister from the current Federal Government is so enthusiastic for what I believe to be irresponsible practices? Further, it was stated:

At a later address to the Australian Mining Industry Council, he said Australia had a moral obligation to supply uranium to countries wanting to develop peaceful nuclear power.

He questioned whether Australia had the 'moral right' to impose higher electricity costs on developing nations by withholding uranium sales.

Senator Walsh is at the forefront of Government efforts to make the uranium debate more rational.

There are many people in Australia who are very nervous about efforts to make the debate more rational. Either there is a rational argument or there is not. We are firmly convinced that there are very serious misgivings in the minds of many people about the use of uranium for nuclear power and the proximity of radioactive materials, either wastes or productive radioactive materials, to human societies. This must be emphasised quite dramatically by the concern that so many people are expressing about the radioactive deposits at Maralinga, and Maralinga is an awful lot further away than the potential of radioactive waste being deposited in our coastal waters, in which a lot of our seafood will graze and feed, eventually exposing our population to potential risk. The article concluded:

In Parliament he pointed out the Menzies Government was as much to blame as the British for atomic tests conducted in Australia during the 1950s and 1960s. The issue of British atomic tests at Maralinga has flared following the death bed statements of former RAF technician John Burke in Adelaide.

That highlights how easily a Government can slip into political situations in which its own determined stands are put at risk for another end result, whether economic or political. Clause 18 will permit the dumping of radioactive material. Subclause (5) provides:

For the purposes of this section, wastes or other matter shall not be regarded as being radioactive if they are not, by virtue of regulations made under the Radiation Protection and Control Act, 1982, subject to any control under Part III of that Act.

I am convinced that that will ensure that the trivial levels of radioactivity will not be embraced by this provision. To use the measurement that should be familiar to all of us who care about the risks of radioactivity on our society, the levels will be measured in kilobecquerels, the measure of radiation from any material. Subclause (5) determines the low level below which materials are not regarded as being radioactive, but there is some indecision as to whether it should be 35 kilobecquerels per kilogram or 74 kilobecquerels per kilogram.

Let that not be an issue of concern, because those are relatively low figures and it has already been determined. That is the bottom line because anything below that is not radioactive. What is the top line of materials that can be considered as radioactive and available for a permit for dumping in clause 18? I obtained some learned calculations from the officer from the Health Commission, and the high levels vary (quoting International Atomic Energy Authority figures) from substance to substance. I am advised that it quite often reflects the half life—how long the actual material will emit its radiation levels. One calculation indicated a low level of 37 000 kilobecquerels per kilogram. I emphasise that in comparison with the first low level figure I gave of 35. The difference from 35 to 37 000 is the range from the bottom low level to the top low level.

In less dramatic terms another product analysed as being in the highly radioactive category had a bottom level of 3 700 kilobecquerels—again over 100 times more than the low level. The point I am trying to make (and I can quite understand if honourable members have not grasped it) is that there is an awfully big range of radioactivity within the category of clause 18 which could be dumped in the waters of South Australia. The high level wastes in Annex I are extremely dangerous and are materials that, quite properly, can be dumped under any circumstances.

When I inquired into this further, those who were reassuring me took the trouble to look at a document which should be a handbook to anyone who really wants to find out the facts on the matter. It is an IAE publication with its reference being INFCIRC/205/Add. 1/Rev. 1—the translation being 'An information circular'. That certainly was all that I needed to feel that I had hold of a highly reputable document that could be referred to with some confidence in discussing the risks and facts about radioactive waste dumping in waters. I take from one of the pages of the document a particular clause, as one of the defences for leaving this clause in the Bill is that it will not be able to be used because the restrictions on the dumping of this extremely dangerous material are so extreme that there will be virtually no situation in which the material can be dumped in South Australian waters. Clause C.2.1. states:

In addition to the factors specified in Annex III to the Convention, the following requirements shall be met by the appropriate national authorities in the selection of a site for the dumping of packaged waste:

Please note 'packaged waste'—that this material applies directly to the range of radioactive material to which I have referred to and which is in the Bill and allowed to be dumped in South Australian waters. For 'packaged wastes' the restrictions are:

(1) The chance of recovering the waste by processes such as trawling shall be minimised;

(2) Dumping shall be restricted to those areas of the oceans between latitudes 50°N and 50°S. The area shall have an average water depth greater than 4 000 metres. Recognising that variations in sea-bed topography do exist, this restriction should not be interpreted to exclude those sites within which there are localised areas with water depths of 3 600 metres;

(3) Sites should be located clear of continental margins and open sea islands, and not in marginal or inland seas. Nor should

they be situated in known areas of natural phenomena, for example, volcanic activity, that would make the site unsuitable for dumping;

(4) The area must be free from known undersea cables currently in use;

(5) Areas must be avoided that have potential sea-bed resources which may be exploited either directly by mining or by the harvest of marine products, or indirectly (e.g. spawning) as feeding grounds for marine organisms important to man;

(6) The number of dumping sites shall be strictly limited; and

(7) The area must be suitable for the convenient conduct of the dumping operation and so far as possible shall be chosen to avoid the risk of collision with other traffic during manoeuvring and undue navigational difficulties. The area chosen should preferably be one covered by electronic navigational aids.

C.2.2. The dumping site shall be defined by precise co-ordinates. In order to ensure a reasonable operational flexibility, it should have an area as small as practicable, but no larger than 10^4 square kilometres.

That would virtually preclude any waters within the embrace of this Bill. However, in my opinion, although it specifies packaged waste, there may be other traps one could find in some other part of some other document where radioactive waste of this particular radiation level is controlled. If it is, and if it is absolutely watertight at this stage and the regulations and controls are such that no material in this band of radioactivity can be dumped in South Australian waters, that is fine. But, that means that there is no point for this clause being in the Bill.

What is more, by leaving this clause in the Bill it always leaves the opportunity that, if there are changes in the requirements and ways around these particular straining conditions as they currently exist, there is always the possibility that this extremely dangerous material can still be dumped in South Australian waters. Frankly, I think that South Australians would be horrified with the thought that this Bill is coming in allowing the possibility for this material to be put in our coastal waters. I hope that honourable members, with a conscience for the future, will realise the hazards of allowing the dumping of radioactive material in our sea and that there will be no restriction on the other intentions of the Bill by following my amendments which will deny any chance for a permit to be given for the dumping of radioactive material in this extremely dangerous band.

I do not believe that it embarrasses the Commonwealth legislation, because it may well cover water which complies with these requirements for selection of a dumping site in the IAE document. It is reasonable for us to consider our own water usage in this situation. I do not believe that it is an embarrassment to the Convention because the Convention sets minimum, not maximum, requirements. Of all the States in Australia, South Australia should be the most sensitive to the risks and dangers of irresponsible dumping of radioactive material. My amendments begin with an amendment to clause 15, which is consequential to clause 18 being deleted. I ask the Committee to support my amendments for the purpose outlined.

The Hon. FRANK BLEVINS: I oppose the amendment. I agree with the Hon. Mr Gilfillan that the first amendment should be taken as a test case for all the amendments so that, whoever wins or loses on this clause, will have the good grace to accept the view of the Committee. I oppose this basically for two reasons. The principal reason has been consistently stated throughout debate on this Bill: that as far as practicable the Bill has to mirror the Commonwealth provisions. Clearly, this is a very definite breach of the principle which is inherent in this legislation.

If this legislation is to stand as South Australian legislation then, as I have stated in the second reading explanation and as has been commented on by the Hon. Mr Griffin, it has to mirror as far as practicable the Commonwealth legislation. This would be a significant departure and one with which the South Australian Government—and I hope this Committee—cannot agree.

I make only one comment on the substance of the debate in relation to the Hon. Mr Gilfillan's fears of radioactive material being dumped in South Australian waters. The position at the moment is that there is no restriction at all. There is no legislation that prevents the dumping of radioactive waste; so what we are doing here is establishing a standard, which is reasonable and responsible.

Some of the material that was read out by the Hon. Mr Gilfillan no doubt was of some interest to members of the Committee. However, the Hon. Mr Gilfillan himself stated that there were no South Australian waters of that depth. There are no waters in South Australia that are suitable, anyway, even under the guidelines that are available. So, without wanting to debate the issue extensively, I believe that the Hon. Mr Gilfillan has set up an Aunt Sally to knock down, which does not exist. Therefore, I oppose this amendment and the rest of his amendments. The principal reason is that if our legislation differs markedly from the Commonwealth legislation we will not have any legislation at all.

The Hon. K.T. GRIFFIN: As the Minister has said, if there is no State legislation or no mirror State legislation in place, the Commonwealth legislation applies. So we would have the Federal Minister making decisions about the dumping of any wastes, whether in coastal or other Australian waters. That is quite unacceptable because the decision would be made in the Eastern States. Obviously, if we leave it to a Minister from the eastern seaboard, that Minister is more likely to grant approval to dump off South Australian coasts, where the population is less and the electoral impact is very much less, than off the eastern seaboard of Australia. It is better for this discretion to be exercised by a State Minister, whether in relation to radioactive wastes or otherwise, than to leave it to Canberra.

The fact is, though, that no high level wastes will be dumped off the coast of South Australia, in coastal waters at least, because there are no waters of 4 000 metres depth or more. One has to go something like 25 miles off Kangaroo Island before one finds waters even remotely of that depth. That decision will not be made by us anyway, but by a Federal Minister, and South Australians will have no input to that at all other than by public comment, if it is something of which we become aware.

I am not concerned about the operation of the South Australian part of the uniform legislation. I would much prefer to have our State legislation in place where we have some measure of control over South Australian coastal waters—that is, up to the three mile limit—than to leave it to Canberra. If there is any high level radioactive waste to be dumped, that is not something over which we directly or even indirectly have any control because it is a matter for the Commonwealth Minister. That is not avoiding responsibility; it is a fact of the way in which this legislation is prepared, both at the Commonwealth and the State levels.

Under the international convention that is how it properly should be because, notwithstanding my objection to some aspects of Federal intervention based on international treaties, such as the Tasmanian dam case, I can recognise that in the area of shipping in international waters or in the economic zone up to 200 miles off shore the Commonwealth of Australia must have control and that the States should not have an opportunity to raise their own navies to police the off-shore waters that are covered by this international convention.

Whilst I am sensitive to what is dumped in coastal waters, I am also cognisant of the fact that this piece of legislation gives us more control than we have under the Commonwealth legislation, and that the amendment of the Hon. Mr

Gilfillan will be a very serious prejudice to the level of control that we have over coastal waters but it will not give us any greater control of the waters beyond the three mile limit that are within the control of the Federal Minister. In the context of that, I am not prepared to support the amendment of the Hon. Mr Gilfillan because I do not believe that it achieves any useful measure of control in the hands of the South Australian Government or its Ministers.

The Hon. I. GILFILLAN: It seems to be extraordinary logic to attack my amendment on the ground that it does not mirror Commonwealth legislation.

The Hon. K.T. Griffin: I am attacking it not on that basis but on the basis that it has no effect. The Commonwealth can step in and take over.

The Hon. I. GILFILLAN: Surely, the whole point of this legislation is to keep the control of the South Australian waters in the hands of the South Australian Government. If they come striding in and insisting that we dump radioactive material in our waters after we have specifically legislated to prevent that practice there would be revolution.

The Hon. K.T. Griffin: The High Court has held that all waters from the low water mark on are Commonwealth waters, and the package that the Commonwealth Government, when the Liberals were in power, was negotiating was designed to give the States a bit more control when in fact they have none.

The Hon. I. GILFILLAN: If the Hon. Mr Griffin's interjection is true we are playing childish games with this legislation because it could be trumped by the Commonwealth any time we do something that it does not like. I would not bother wasting my time considering this legislation at some considerable effort if I did not believe that we have a sovereign right to control what goes on in our waters. I cannot see any other justification for clause 18 being left in this Bill unless this Parliament says, 'We do not mind radioactive material being dumped in our waters.' If there is any other interpretation of it I am very interested to hear it.

If the other members of this Parliament are prepared that radioactive materials in the other categories that I have identified can be dumped in South Australian waters, they are expressing that opinion clearly by not supporting my amendment. The fact that the Hon. Mr Griffin has claimed that my amendment would diminish our control is either suspecting that the Commonwealth will Big Brother bully in or he has misinterpreted the consequences of my amendments, because there would be no need to control the dumping of radioactive wastes if there is no dumping of radioactive wastes.

Finally, I am disappointed, because after various somewhat urgent efforts to persuade the Government that there is an environmental issue in this legislation and that it should be looking at it responsibly from that point of view, I have been unable to persuade the Government that there is merit in my amendment.

My interpretation is that the Government has avoided its environmental responsibility in this Bill, but that is not to be taken as my denigrating the other very important and effective steps that will be taken because of the implementation of the provisions of the Bill. I am not attacking the Bill across the board, but I am disappointed that there was no effort made to look more intently at the consequences of this Bill. I do not believe that a member of this Parliament knew the range of radioactivity of this material about which they were talking. No-one knew the conditions under which it was dumped; they did not care. If that is how Parliament wants to reflect its reaction to this issue, then that will be shown by members voting against my amendment.

The Hon. FRANK BLEVINS: I want to refute totally the arguments put by the Hon. Mr Gilfillan. I would have thought that at 5.5 p.m., with virtually an empty gallery, he need not carry on in the quite ridiculous manner that he has. He has had his article and his photograph in the *News*. The publicity is already in place, so there is no point in going over this matter again. I do have disputes from time to time with the Hon. Mr Gilfillan. It would be extraordinarily difficult not to do so. However, I maintain that perhaps I have fewer disputes with him than other members because, frankly, I cannot be bothered. On this occasion I really do have to take him to task. The matter has nothing whatsoever to do with the opinion or otherwise of the South Australian Government. The High Court has stated, as was quite clearly outlined by the Hon. Mr Griffin, that our powers in this area are limited. The High Court having decided that, I am not sure what the Hon. Mr Gilfillan wants us to do.

The High Court stated clearly that we do not have authority over these waters—we may wish that we did. The Hon. Mr Gilfillan may wish that that were not the case, and I am sure that members of the Liberal Party would wish that that were not the case. I believe that the High Court on this occasion was absolutely correct—that is my personal view. However, an agreement was arrived at between the States and the Commonwealth that certain limited powers would be transferred to the States by the grace and favour of the Commonwealth. It did not have to do that. What does the Hon. Mr Gilfillan think that we can do about that? We can do nothing. What we will do is make the best of what the Hon. Mr Gilfillan and the Liberal Party say is a bad job. They try to salvage, and the Government is going along with it, whatever control can.

If the Commonwealth does not want to go along with that it does not have to. The High Court decided that the Commonwealth has full authority in this area. When the Hon. Mr Gilfillan feels that this is opening up (which is, of course, nonsense) South Australian waters to some dreadful atrocity, then he should take up the matter with the High Court, although I am not sure how he will do that. I believe he already has some involvement with the Supreme Court, and that course of action is open to him but certainly it is not open to him to cast aspersions on members of this Chamber, the Government or the Opposition who oppose this amendment by claiming that we do not care about South Australian waters or if radioactive material is dumped in our waters. That is a quite dishonest statement and I do not see any necessity for such a dishonest statement at this stage when the publicity has already been obtained—it was achieved in the *News* a few days ago.

There is no longer any need to go after publicity in that manner. I oppose the amendment. I thank the Opposition for supporting my opposition to it. I congratulate the Hon. Mr Griffin on the way he outlined the State's rights issues that arise from the legislation. I left that to him to do, not only because I suspected that he would do it better than I could, but also because he would certainly do it with more conviction.

The Hon. I. GILFILLAN: One of the consequences of not having had adequate control over the areas described as South Australian is reflected in the Maralinga dump sites. Had we had the opportunity to implement controls on that sort of thing then we would not be embarrassed by the sort of situation that we currently face. The motive of my amendment is to attempt to eliminate for succeeding generations the embarrassment of finding out about, and being penalised by, the mistakes of this and maybe succeeding generations. It is so often proving the case that the costs of errors made in environmental decisions and in the dumping of wastes are paid by succeeding generations. The reflection on the motive for this exercise made by the Minister representing the Government is inaccurate. He has the right to

make his interpretation. I hope that honourable members, when they are voting on the amendment, will not be influenced by that factor but will be influenced by whether or not they feel it is to the advantage of South Australia to support it.

The Hon. K.T. GRIFFIN: The fact is that the High Court decided, in the face of a very strenuous challenge by the States, that the Commonwealth had jurisdiction over our coastal and off-shore waters. It is at this point that we have to start. The States have no rights except over some bays and gulfs (which is very limited) over off-shore waters. If one starts at that point one comes to recognise the significance of this legislation. It is obviously part of a package that has been worked out over the past eight or nine years designed to transfer to the States some jurisdiction over their off-shore waters. If the States and the Commonwealth had not done that (if the Commonwealth had not been willing to initiate in the first place, and the States had not being willing to agree to it), instead of State boating inspectors policing motor boats off Moana and off-shore waters there would be Commonwealth police and Commonwealth boating inspectors doing that. Instead of having the States exercising jurisdiction over jetties and that sort of thing the Commonwealth would be doing it. That is a ridiculous situation—

The Hon. R.J. Ritson: What about oil spills?

The Hon. K.T. GRIFFIN: Oil spills and such things would be the Commonwealth's responsibility. The package of off-shore waters legislation that has been put in place over the past five years, at least, certainly during the term of office of the former Liberal Government is South Australia and now during the term of office of the present Labor Government, has been a package of legislation designed to give the States back what they rightly believed they had but which the High Court said they did not have. That includes jurisdiction in relation to criminal acts, it relates to jurisdiction in respect of mining, and it now relates to jurisdiction to control dumping in coastal waters. The Hon. Mr Gilfillan has to accept the facts of life. We have no power: what we have is granted to us by the Commonwealth in consequence of the High Court's decision, but it is the Commonwealth which has jurisdiction and not the States. It is important for the States to have a measure of control over their coastal waters and for that control to be exercised within this State and not by Canberra.

If we do not pass this legislation in almost identical form to that passed by the Commonwealth then we run the very real risk that the Commonwealth legislation will oust the State legislation and that the Commonwealth Minister will make decisions that affect dumping not just in the 200 mile zone and international waters but in relation to the three mile limit off the coast of South Australia. I do not believe that that decision ought to be made in Canberra: it ought to be made in South Australia. The fact is that, in the context of this legislation, there will be no high level radioactive wastes dumped in South Australian coastal waters: they will be dumped, if they are ever dumped, in waters under the sole control of the Commonwealth. This State, whatever happens to this Bill, will never have any jurisdiction in respect of that matter. That is the position as I understand it and that is the context in which I say that the amendment does not do anything to advance the level of control of South Australians over coastal waters or off-shore waters.

The Committee divided on the amendment:

Ayes (2)—The Hons I. Gilfillan (teller) and K.L. Milne.

Noes (18)—The Hons Frank Blevins (teller), G.L. Bruce, J.C. Burdett, M.B. Cameron, B.A. Chatterton. J.R. Cornwall, C.W. Creedon, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, Anne Levy, R.I. Lucas, R.J. Ritson, C.J. Sumner, and Barbara Wiese.

Majority of 16 for the Noes.

Amendment thus negatived.

The Hon. FRANK BLEVINS: I move:

Page 8, after line 16—Insert new subsection as follows:

(3a) The Minister may grant a permit for dumping or loading for dumping wastes or other matter to which Annex I to the Convention applies if, in the opinion of the Minister, there is an emergency posing an unacceptable risk relating to human health and admitting no other feasible solution.

I am again showing the reasonableness of this Government by moving this amendment. The point that is the subject of this amendment was made by Opposition members and having given it considerable thought the Government agrees that it is a valid one. This amendment is a result of that process.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 8, lines 45 to 49—Leave out paragraph *(a)*.

This amendment is consequential on my successful earlier amendment.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 9, lines 1 to 3—Leave out paragraph *(b)*.

This amendment relates directly to my previous amendment.

Amendment carried.

The Hon. I. GILFILLAN: In view of the earlier debates, I withdraw the remaining amendments standing in my name.

Clause as amended passed.

Clauses 16 to 26 passed.

Clause 27—'Appeal from refusal to grant a permit.'

The Hon. FRANK BLEVINS: I move:

Page 14, line 42—Leave out all words in this line and insert—'lies against—

(a) a refusal of the Minister to grant a permit under this Act; or

(b) a decision of the Minister to vary, suspend or revoke a permit under this Act.

I am advised that, again, this point was picked up during the debate and made by Opposition members. The Government agreed with the point and that is why I have moved this amendment.

The Hon. K.T. GRIFFIN: I have not said anything on other occasions when the Minister has moved amendments involving matters picked up and issues raised by the Opposition. I acknowledge that the Minister has said that his amendments have resulted from matters being raised by the Opposition and I appreciate that that has occurred. This amendment expands the opportunity to appeal. The Government accepted an amendment introduced by the Hon. Michael Wilson in another place in relation to an appeal from a decision of a Minister not to grant a permit. I drew attention to the fact that there were other powers in the Bill that allowed the Minister to vary, suspend or revoke a permit but that there are no appeal provisions provided. I am pleased to see that the Government is prepared to extend the appeal provisions to cover the range of discretions that the Minister may exercise. I support the amendment.

Amendment carried; clause as amended passed.

Clauses 28 to 32 passed.

Clause 33—'Evidence.'

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

Page 16, lines 42 and 43, and page 17, lines 1 and 2—Leave out paragraph *(b)*.

This clause deals with a number of evidentiary matters, some of which are not in the Commonwealth legislation and some of which are. In particular, subclauses (1) *(a)*, (1) *(b)*, (2), (3), and (4) are not contained in the Commonwealth legislation. Notwithstanding that, I certainly support several of those provisions; for example, I support subclause (1) *(a)* and subclauses (2) and (4). My difficulty with para-

graph *(b)* of subclause (1) is that it is a matter that is solely within the knowledge of the Crown. Subclause (1) *(b)* provides:

An allegation in a complaint that a person named in the complaint was at a specified time an inspector shall, in the absence of proof to the contrary, be deemed to be proof of the matter alleged.

That really means that the onus is very much weighted against an accused person. If that provision were not there, it would not hinder the Crown in alleging or proving that an inspector at a particular time was an inspector under the provisions of the legislation. It simply means that the Crown cannot get away with merely making an allegation in a complaint and then sitting back and saying, 'You prove otherwise.'

My amendment will delete paragraph *(b)*. I also have some difficulty with subclause (3), which provides:

In proceedings for an offence against this Act, a statement made in evidence by an inspector that a place or area described or indicated by him was within coastal water shall, in the absence of proof to the contrary, be accepted as proof of the matter so stated.

Essentially, that provision would be used to determine whether State or Federal law applied. Perhaps it would apply significantly on almost the boundary of State and Commonwealth waters. Notwithstanding that, it gives a very wide discretion and power to inspectors to make an allegation in a complaint that a particular place was within coastal waters, and then sit back and say, 'You prove otherwise.'

In the not too distant past I had some experience where this sort of allegation had to be tested in court. I think that it demonstrates that inspectors are placed at a significant advantage in not having to prove formally that an area that they allege was the area in which an accused person was dumping was within coastal waters. After all, subclause (2) allows the fixing of a position 'by the use of an electronic, optical, mechanical or other device by an inspector or any other competent person'. I would have thought that that would be sufficient for an inspector to identify the location of an alleged offender.

Having fixed the position by those means, it is just a matter of relatively formal proof to establish that the position was in coastal waters. There is provision to enable the use of electronic, optical, mechanical or other devices by an inspector to fix a location and to then allege in a complaint that that was the position. I would have thought that that would be sufficient. Subclause (2) means that there does not have to be any proof as to the efficacy of the device being used by an inspector, or any of the other facts relating to the fixing of the position, because the onus is on the accused to show that that was not the position alleged.

The Hon. FRANK BLEVINS: I am happy to accept the amendment.

Amendment carried.

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

Page 17, lines 20 to 23—Leave out subsection (3).

The Hon. FRANK BLEVINS: The Government does not accept the amendment. While conceding some validity in the argument put forward by the Hon. Mr Griffin, the problem is that with a very large coastline and the nature of the occupation of the people making a complaint—boating inspectors, and so on—it is highly unlikely that they would have the necessary equipment to prove an allegation by taking sights, and so on. To a great extent it would mean that the powers that the State is attempting to get would be very much diminished.

Not having mechanical means to prove conclusively that an offence had been committed in State waters, it is likely that prosecutions would fail and, as a result, the very rationale for this Bill, which is to give the States some control in this area, I believe would be weakened. It would not be made worse, but it would be weakened, unless every boating inspector and everyone who has authority and is likely to come across an offence has all the necessary mechanical equipment to prove it conclusively. Unfortunately, this amendment will ensure that that is not the case. I feel that the amendment will lessen the control that the Bill as a whole is attempting to provide for the State. The Government opposes the amendment.

The Hon. R.J. RITSON: Having listened to the Hon. Mr Griffin and to the reply from the Minister, I am very concerned. The Minister just said that inspectors might not have the necessary equipment to determine the position. That alarms me, because it paints a picture of someone not navigating accurately and holding up his thumb and saying that he thinks that it might be in territorial waters.

One must know whether it is a vessel at sea. The simple satellite navigation systems have decreased in cost to about $2 000. They can give a position to an accuracy of about 100 metres. If inspectors are not to be required to navigate accurately and give evidence on oath to a level that would convince a court, I would be rather concerned.

The Hon. K.T. GRIFFIN: I do not want to delay the debate unnecessarily, but I believe that it is important to realise that this provision is not contained in Commonwealth legislation. I do not want to make it more difficult to obtain convictions where they are justified. But if there are to be convictions, I want to ensure that there is accuracy in the allegations made or the evidence given so that a broad allegation is not made that a vessel was found in coastal waters, where there may not even be something tending towards an accurate fixing of the position.

I can see the difficulty to which the Minister is referring, but one has to be sensitive to ensuring that the Crown is not put in such an advantageous position that it has the potential to become sloppy or to override people's rights. That is no criticism of any officer: it is a matter of principle. That is always the risk where the onus of proof is reversed, and I would certainly want to watch very carefully to ensure that that did not occur.

The Hon. FRANK BLEVINS: I appreciate very much the point that the Hon. Mr Griffin is making; however, I still cannot agree with his amendment. We are not deciding whether or not an offence has been committed—that is decided elsewhere. We are deciding whether the offence has been committed in Commonwealth or State waters, and the penalties and so on are the same. That is all we are deciding. If the alleged offence is committed anywhere between the low-water mark and the 200-mile limit, it is still an offence. The question is who prosecutes.

We do not intend to set up a huge inspectorial service with all the appropriate navigation aids and so on to patrol our coastline in case someone throws something over the side of a boat that should not be thrown into the sea. However, where a boating inspector or the police see a clear breach of these laws, they may not be equipped, because basically they are coastal operators, to give sufficient evidence derived by mechanical means to the court to prove conclusively that the offence took place in State waters. That is the real problem.

I believe that, if the amendment is carried and if this subclause is left out, there will be a reluctance to prosecute. It will inhibit prosecution by the police or boating inspectors unless they have the mechanical means with which to prove conclusively that an offence occurred in State waters. They will not bother. To some extent, this will derogate quite significantly from the intent of the Bill, which is to give the State some measure of control over what is dumped in its waters. I have been waiting for the Hon. Mr DeGaris to enter the debate. I appreciate the argument. Almost nine

years ago when I first came to this place I would have put the same argument, but at that time my argument would have been counter to some of the things about which the Hon. Mr DeGaris was trying to educate me.

The Hon. R.C. DeGaris: I must have succeeded.

The Hon. FRANK BLEVINS: Yes, I would hope that, while appreciating the point that the Hon. Mr Griffin makes, the Committee, in the interests of the State's having some control over this area, will reject the amendment.

The Committee divided on the amendment:

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

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

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. M.S. Feleppa.

Majority of 1 for the Noes.

Amendment thus negatived; clause as amended passed.

Remaining clauses (34 to 37) schedules and title passed.

Bill read a third time and passed.

FISHERIES ACT AMENDMENT BILL (1984)

Adjourned debate on second reading.

(Continued from 1 May. Page 3804.)

The Hon. K.T. GRIFFIN: This Bill is incidental to the Bill that has just been passed by the Council and makes one consequential amendment to accommodate that legislation. Accordingly, the Opposition supports it.

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2) (1984)

Adjourned debate on second reading.

(Continued from 3 May. Page 3966.)

The Hon. K.T. GRIFFIN: The Opposition is prepared to support this short Bill designed to deal with a matter to which I drew attention several weeks ago in asking a question of the Attorney-General about the Government's decision to withdraw the commission of Mr Shillabeer as an industrial magistrate. At that stage I asked questions of the Attorney-General about the effect on part-heard cases that the Government's decision would have. The Government indicated that it would look at the matter and that, if there were any cases part heard that were affected by the decision, and if any costs were incurred, each matter would be considered by the Government as to whether or not there ought to be any *ex gratia* payment of costs thrown away. I see now from the second reading explanation that two matters are part heard and that at least one other matter might be referred back to Mr Shillabeer, if he were a magistrate, in respect of an action under section 15 (1) *(e)* of the Industrial Conciliation and Arbitration Act. So, there are three matters where the total costs are likely to be, according to the second reading explanation, $4 000 to $5 000, and I suggest possibly something more than that if the third matter to which I have referred is taken into consideration.

It is obviously in the interests of the parties in the part-heard cases, and in the other matter that might be referred back to Mr Shillabeer, that Mr Shillabeer be given appropriate authority to continue the hearing of those cases rather than for the matters to be commenced *de novo*. I am surprised, though, that the Government had not considered this question when it took the decision to withdraw Mr Shillabeer's commission without, I must say, any notice to the parties or, as I understand it, to Mr Shillabeer.

I am pleased that some commonsense solution to the problem has been reached, notwithstanding that under the new Magistrates Act Mr Shillabeer would not be eligible for appointment as a special magistrate. In that context the Opposition supports the Bill.

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

[*Sitting suspended from 5.55 to 7.45 p.m.*]

PRISONERS (INTERSTATE TRANSFER) ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 4132.)

The Hon. K.T. GRIFFIN: The Opposition is prepared to facilitate the consideration of this Bill, which was introduced only this afternoon by the Attorney-General on the basis that if the State of South Australia was to be part of the national implementation of the prisoners interstate transfer scheme on 1 July the principal Act would have to be amended. The Prisoners (Interstate Transfer) Act, 1982, was introduced into Parliament when I was Attorney-General. The South Australian Parliament was the first Parliament to pass this legislation. The Opposition very much supported the objective of the legislation, namely, to facilitate the interstate transfer of prisoners where it was in the interests of the prisoner that that occur, of course remembering that the transfer could take place, in both the sending State and the receiving State, by Ministerial decision only.

I very much want to see South Australia as part of the national scheme when it comes into operation on 1 July. That is the reason I am prepared to give consideration to the Bill at such short notice. The Bill seeks to make some consequential amendments, in view of the fact that the Chief Secretary is no longer the Minister in charge of the prisons and Minister of Correctional Services is now in charge, and in view of the passing of amendments to the Prisons Act last year—which I and the Opposition opposed—to eliminate the concept of conditional release, and taking into consideration the matter of non-parole periods—which again the Opposition did not support in December last year.

This is not the time to repeat the criticism of those decisions of this Government. The Opposition recognises that these provisions are now enshrined in legislation, at least until the next election, and this Bill merely picks up by way of consequential amendment the amendments that were approved by Parliament in December. So, the Opposition supports the Bill and indicates to the Attorney-General and the Government its desire that South Australia participates in the interstate transfer scheme along with all other States in the Commonwealth as at 1 July. I support the second reading.

The Hon. FRANK BLEVINS (Minister of Correctional Services): I thank the Hon. Mr Griffin for his second reading contribution. I also express the Government's appreciation for the expeditious way in which the Opposition has dealt with this measure.

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

APPROPRIATION BILL (No. 1) (1984)

Adjourned debate on second reading.
(Continued from 3 May. Page 3965.)

The Hon. M.B. CAMERON (Leader of the Opposition): In supporting this Bill, I want to say a few words about the land rights legislation which we have seen in recent times.

The Hon. Frank Blevins: What has that got to do with it?

The Hon. M.B. CAMERON: It has a lot to do with it, and legislation now before Federal Parliament will have a direct effect on Roxby Downs. That has been confirmed by the Minister of Aboriginal Affairs in this State and should be of concern to all people in the State. It is not only that threat to Roxby Downs but also the matter of the Federal Labor Party's left wing's attitude to Roxby Downs that is of concern, because it has once again issued a direct threat indicating that it believes that Roxby Downs should be closed. I trust that members of the Labor Party in the State who go to the Federal Labor Party Convention will fight not only for Roxby Downs but also for Honeymoon and Beverley.

Late last year and earlier this year the Parliament debated the Maralinga Tjarutja Land Rights Bill. All members will recall that it was an extensive process of debate and consultation. During my second reading speech I paid special attention to the need to recognise the different frequently competing interests of European and Aboriginal cultures. I stressed the need to ensure that the land rights question was resolved in a fair way, balancing the various interests and claims involved. I believe (and I am sure that the South Australian community and you, Sir, share this belief) that the Maralinga Tjarutja Land Rights Bill which resulted from amendments pursued by this Council was an example of a balanced solution to this very complicated question.

The way in which members in this place and those in another place resolved the Maralinga question showed the value of consultation and discussion between all interested parties. What threatened this entire consultative process, and indeed the Bill itself, was the heavy handed, aggressive and totally insensitive approach of the Commonwealth Minister for Aboriginal Affairs (Mr Clyde Holding) in the middle of that process. Mr Holding threatened the heavy hand of Federal intervention if he was not satisfied with the solution which this democratically elected Parliament arrived at. This approach is not uncommon for the Labor Party and its Prime Minister, who has long advocated abolition of the States.

Centralism, however, is not the answer to the issues and problems which Australia faces—and least of all to the Aboriginal land rights question. Yet centralism—the pursuit of greater power for Canberra—without appeal, without accountability—seems to be the consistent objective of Mr Holding, the Federal Aboriginal Affairs Minister. We see this pursuit most clearly in recent moves by Mr Holding to introduce Aboriginal heritage protection legislation at a Commonwealth level. This legislation threatens three things:

1. It threatens the powers of the States—whether they are good or bad performers in Aboriginal affairs.
2. It threatens the goodwill which has developed in the sensitive area of land rights, causing instead a potential enormous backlash, and
3. It provides the prospect of interference in other areas such as resource development.

The South Australian Government should oppose this legislation. It does little which will benefit Aborigines in this State and contains a number of measures that will undermine the Aboriginal land rights movement here.

The Premier, in his election policy speech, asserted that it was time to have a State Government which would 'stand up and make South Australia's voice heard again in Canberra'. The reluctance of the State Minister of Aboriginal Affairs, Mr Crafter, to vigorously pursue this issue is regrettable. Mr Crafter has in general terms been quite quietly supportive of the legislation. This attitude conflicts with that taken by the Western Australian Labor Government, which has been strongly critical both of Mr Holding's approach and of the proposed legislation.

The legislation, although interim and operating for only two years, is nevertheless another step along the road to the erosion of States' rights. Whilst it is 'holding' (not in regard to the Federal Minister's name) legislation, it will be the forerunner of national land rights legislation which the Federal Government would probably have introduced before the end of the year had it not been for its burning desire to have and win a Federal election probably in December. If the Government had introduced permanent national land rights legislation on the principles embodied within the draft legislation, a copy of which the Opposition has and which, I understand, was approved by the Federal Cabinet only a couple of days ago, it would have received enormous opposition from a number of the States, if not all of them. The fact that the Western Australian Government is prepared to be strongly critical of Mr Holding's approach is indicative of this.

The Opposition is not alone in its concern, and the views of other organisations and individuals are something on which I will touch later. The most concerning provisions of the proposed legislation relate to the power of the Minister of Aboriginal Affairs to make a declaration in relation to an area. Such a declaration relates to an area being under threat of 'injury or desecration'. Once a declaration is made, an area is protected from any activity which the Minister prescribes.

One can imagine what would happen to Roxby Downs and to the Canegrass Swamp situation if this Bill went through in its present form, because it is quite clear that the Minister of Aboriginal Affairs could declare such an area to be a site under threat of injury or desecration. Those words would automatically include mining. If the Minister can be convinced by an individual or a group of people that such an area is under threat and should be included as an Aboriginal area it is quite clear that Roxby Downs would be in serious bother indeed. In other words, the Minister is given the power to declare a certain area or object of significance to an Aboriginal or Aboriginals.

Again with recent concerns which have been expressed about the undue influence of some non-Aboriginal people and groups over Aboriginal communities and Aboriginal affairs, such a provision is concerning. In fact, any person can take this action on behalf of Aborigines. Such a person does not have to be of Aboriginal descent. The Minister's threatening approach over the Maralinga land rights issue indicates how easily he is prepared to ignore the rights of the States and, given the scope allowed him in this legislation, he will have the weapon necessary to extend his influence dramatically.

The Minister has already shown that he is willing to show that influence in the case of Ayers Rock. I suggest to any honourable member with an interest in this area to go to Ayers Rock in the next few months and see just what is to happen in this area which has been the subject of enlightened planning but which is now going to be far worse off than it was originally. A lot of the old buildings will remain: they have been taken over by Aborigines. The clean-up of Ayers Rock and the return to its natural state, as I understand it, is almost certain not to occur.

The proposed legislation prescribed not only areas of significance but also objects of significance and declarations can be made to govern classes of objects as well. This gives the Minister power to make declarations about individual, philanthropic or State anthropological or historic collections which he can seize and vest in whomever he deems appropriate. This means that any object within the State that is held by a private individual can be seized and be declared to be vested in the State or in an Aboriginal community, and there is nothing that the person who owns the item can do about it.

This particular aspect is of concern, I know, to the Strehlow Research Foundation, the Chairman of which has expressed deep concern about the legislation and has issued a press release which said:

> The Strehlow Research Foundation is deeply concerned about the legislation apparently aimed at the collection, namely, the proposed Aboriginal and Torres Strait Islanders (Interim) Heritage Protection Bill, 1984.
>
> It is not surprising that the Bill was drafted in secret as the Bill covertly addresses the real problem of Aboriginal heritage and covertly destroys any chance of this matter being dealt with justly, honestly and with due regard for fact.
>
> The Bill contains no provisions for substantial verification of the *bona fides* or other claims, claimants or threats or to such matters as the sacredness or significance of places and/or objects.

One wonders what effect this will have even in areas like the Maralinga or the Pitjantjatjara lands. Where do we stand in relation to our State legislation? Certainly, that is a question that should be being addressed by this Government and by the Minister, because it is of great concern to people who have taken part in the debates on both those land rights Bills. The release continued:

> The Minister will be vested with absolute power over Aboriginal matters and can delegate these powers at his discretion. This is a very serious matter because ownership or trusteeship of objects or land can bestow major prestige. Of necessity this can only be done by the original holders of those powers. No legislation should pass such powers to a Minister or his 'nominee', however temporarily, as the opportunities for abuse are legion. The founders of the foundation were entrusted with much material by Aboriginal people to ensure that their heritage may last forever. They entrusted it to them confident that their artefacts and their associated stories and scenes would be preserved and administered with all due sensitivity.
>
> If this Bill is enacted, we could foresee a situation where claimants activated more by some political expediency than concern for truth will be able to manipulate the Minister into invoking a declaration that will create havoc in the Aboriginal community and destroy valuable significant components of Aboriginal heritage.

These concerns are real and sincere ones. Much has been made by the Federal Government and its State apologists of the fact that this is supposedly an interim Bill. There are no guarantees that the Government will not extend the legislation or adversely amend it at some later stage. The State Minister of Aboriginal Affairs (Mr Crafter), in declaring that he was not all that concerned by the legislation, explained that one or other Federal Houses of Parliament could veto the Minister's declaration.

This is a very important point. A declaration will be considered as subordinate legislation able to be disallowed by the Parliament. However, there could be many instances where action could be taken as a result of a declaration which would have an irreversible impact on an object or area or activity, even if such a declaration was revoked.

One only has to look at Roxby Downs to see the effect that that could have. A declaration could be made that could last for some considerable time. During that time very important financial decisions could be in the process of being decided, but they would be automatically held up while the situation was reviewed. In many instances that would be tantamount to stopping the activity altogether, causing the cancellation of activities such as mining. It is not just on Aboriginal land that this would take place—it could be outside of Aboriginal land, anywhere in the State.

The Minister can effectively make declarations of up to 60 days duration—in the case of an emergency or in other cases for purposes for as long as he specifies, or in the case of an authorised officer, for a period of up to 48 hours. It could well be that Parliament is in recess for two, three or four months during which declarations could be made and the opportunity to revoke them would not arise for a considerable period. In such situations the protection clauses, which the State Minister of Aboriginal Affairs claims are satisfactory, would be rendered totally ineffective.

In determining whether an area or object will be injured or desecrated by an activity, the following definition applies:

> An area or object shall be taken to be injured or desecrated if:
>
> *(a)* In the case of an area—
>
> 1. It is used or treated in a manner inconsistent with Aboriginal tradition;
> 2. By reason of anything done in, on or near the area, the use or significance of the area in accordance with Aboriginal tradition is adversely affected; or
> 3. Passage through or over or entry upon the area by any person occurs in a manner inconsistent with Aboriginal tradition; or
>
> *(b)* In the case of an object it is used or treated in a manner inconsistent with Aboriginal tradition.

Such definitions are extremely broad and give rise to a number of concerns. Not only does the Minister have the power to make a declaration but that power can be exercised not only for the immediate site or area of significance but over anything near the area.

The definition of injury or desecration is so general that it effectively covers any activity in any region of the State or the Commonwealth which is not a traditional Aboriginal practice or in line with Aboriginal traditional customs. So, the Minister can determine that nearly any activity represents injury or desecration and can make a declaration to protect an area or object involved. This is an extraordinary power to be vested in a Minister of the Crown and, as I will show shortly, there is effectively no power of appeal to the exercise of this function, although in certain situations one or both Houses of Parliament may be able to exercise authority over any declaration.

The problem is that there are very few Aborigines today who live in the traditional way and adhere to traditional customs. I think that on many occasions too much emphasis is placed on that area. It is not as if Aborigines carry out their old tribal customs, except perhaps in the area of their religious ceremonies. In most circumstances they do not live that way any more: they live in another way, they hunt in another way, and they travel in another way.

In the legislation, 'significant Aboriginal area' is defined as meaning:

> *(a)* An area of land in Australia or in or beneath Australian waters;
>
> *(b)* An area of water in Australia; or
>
> *(c)* An area of Australian waters;
>
> being an area of particular significance to Aboriginals in accordance with Aboriginal tradition.

It is quite conceivable that an entire region may be held to be significant in the eyes of at least one Aboriginal. This is not a far-fetched proposition, and the possibility of Mr Holding making declarations about large tracts of land should not be dismissed lightly. The problem is compounded when, in assessing the legislation, one realises that there are no specific criteria for defining what is of significance to Aborigines. All that is required to happen is that the Minister satisfies himself that an area is significant. Such an assessment is so broad as to be extremely threatening to a whole range of economic and other activities if exploited by a wilful Minister.

My concern with this legislation is compounded by the fact that not only is there no limit to the size of the area

involved and that there are no specific criteria of what is of significance to Aborigines, but also because, when applying to the Minister of Aboriginal Affairs to have an area declared to be of significance, one does not have to be an Aboriginal with a direct interest in the particular area. Anyone can apply to the Minister orally or in writing. All the legislation requires is that an application be made to the Minister.

This matter will be of considerable concern to all States and all State Legislatures. I trust that the Minister of Aboriginal Affairs in this State will take up this matter on the same basis as members of his own Party in Western Australia, where there have been what are described as scathing attacks on the Federal Government's handling of the land rights issue.

In fact, Mr Graham Campbell in Western Australia has taken great exception to what is occurring at the Federal level. I think that the general thrust of what he is saying is that he feels that if Mr Holding continues on his way in this matter of Aboriginal land rights it is quite conceivable that it could lead to the downfall of the Western Australian Labor Government, because the people of Western Australia will not put up with the Federal Government imposing legislation upon them which gives greater powers and rights to Aboriginal communities than those enjoyed by whites, with no real criteria and no restriction on the powers of the Commonwealth or Aboriginal people to take up areas of land within that State.

I refer to an article in the *Bulletin* about Mr Campbell's views, as follows:

> ALP Aboriginal affairs are being run to relieve white middle-class guilt—not to relieve the condition of Australian Aborigines. He is concerned that obsessive preoccupation with land rights may leave Aborigines vulnerable to a potentially extreme white backlash, much of it originating in the less affluent communities the ALP is supposed to represent.
>
> 'I find it rather incongruous that Ayers Rock is given to a limited community in the Northern Territory while neighbouring communities have over 50 houses built but there is not water or power available for them, and this situation has been known for at least two years,' writes Campbell.
>
> 'Health standards are abysmal, education beyond primary level almost non-existent and job opportunities zero. The recipients of Ayers Rock receive absolutely nothing tangible and incur for all Aborigines the unnecessary hostility of the great mass of the population. It is, in fact, an example of extreme tokenism.

That is a quote from a Western Australian member of the Labor Party. What he has said in that article is absolutely right. It is doubtful whether the Aborigines around Ayers Rock have received any 'benefits'. One of the worst things that has happened to them is that they have gained control of the licensed premises at Ayers Rock. That will certainly not help them. From information that I have received, it is having an extremely detrimental effect on that community. The *Bulletin* article continues:

> There are many thinking Aboriginals who already sense the backlash and, as a politician representing a large number of Aboriginals, I know the backlash is there and I am concerned to see that it does not become an irresistible groundswell.
>
> Campbell told the *Bulletin* that most of his Parliamentary colleagues did not accept his understanding of the backlash. Perhaps this is partly due to the nature of the Kalgoorlie electorate which he represents. Few other electorates contain populations of both miners and Aborigines, with the potential for close confrontation.

It is a very difficult area indeed. I think that many times in this State all Governments have tended to go in for tokenism in relation to Aborigines. We have tended to ignore their real problems. It is a bit like the Maralinga lands; we tended to sit back and say that we have done all this for the Aborigines and it is all okay because they now have their land. In fact, what they have received is something that they have always had.

No-one else has been on that land to any great extent. They still have not received an understanding of their problems in the community, and that is where Mr Holding and people like him really do not understand that what they are doing and what they are saying is based, at least to my understanding, on tokenism. We are giving these things and there are great headlines in the paper but, underneath it all, the problems of the community continue. In some areas and in some communities of South Australia a meat plane still delivers meat three times a week to keep the people going. Supplies are delivered on a constant basis.

There is a huge health problem with petrol sniffing, as you, Mr President, would know. There is potential for enormous health problems in the future that will far outstrip any problems people claim they are experiencing from Agent Orange, yet we appear to be doing almost nothing about them. We really have not grappled with that problem or with the other problems of those communities. I suggest that people like Mr Holding think again—they are handing over these powers not necessarily to the Aborigines but in many cases to their advisers, who will use these provisions while not doing anything real for the Aboriginal communities. I support the Bill.

The Hon. L.H. DAVIS: It is not customary in debating the supplementary Appropriation Bill to go into any great detail about the financial year that is to end on 30 June 1984. However, I would like to make some observations about the economy and the results that have been forecast for the South Australian Budget for 1983-84. It is necessary to reflect on the economic recovery that has occurred in the past 12 to 15 months. It is perhaps one of those unhappy quirks of political fate that no sooner had the Liberal Federal Government lost the election in March 1983 than the recovery became apparent.

This economic recovery had been widely anticipated, flowing as it did from the growth in the United States economy. Indeed, the United States economy has continued to grow strongly through fiscal 1984 and already there are growing fears that, because this is a Presidential election year, the necessarily hard decisions that have to be taken to contain inflation and interest rates will not be taken, that they will be postponed until after the Presidential election that is scheduled for November 1984. Nevertheless, the American economy continues to grow strongly with increases across the board in consumer demand, and the real gross national product up by 7.2 per cent for the March quarter, which is very strong growth indeed when one talks about real growth in the gross national product. The outlook generally is for continued growth in the American economy during 1984.

The confidence that has been reflected from this economic growth in the United States has inevitably flowed through to the European economies and to the Pacific basin areas. That, of course, means that the Australian economy has received the benefit, and we in Australia saw the economy emerging from the recession in the December 1983 half year. Figures for housing activity, car sales, and employment have confirmed that the growth has continued through the March quarter of 1984 and that in Australia private housing approvals for the three months to January 1984 were up by 33 per cent, and that employment in February 1984 was up by 1.6 per cent on the corresponding period of 1983.

We have seen quite a dramatic fall in inflation and, given the statistical trick of excluding the Medicare health component from the consumer price index, inflation from March 1983 to March 1984 increased across Australia by only 5.9 per cent. Of course, that excludes a figure estimated to be 1.6 per cent that really should be added—the health care component. Neverthless, it has to be admitted that the wage pause that was set in place by the Fraser Government has had a remarkable effect. It has broken the wage/price spiral that was so much a feature of the late 1970s and early 1980s,

leading to double digit increases in both wages and prices. This fall in the CPI brings hope for wage restraint, at least through calendar 1984, given that the unions to date have accepted wage increases based on the CPI.

Nevertheless, it is important to focus attention on the Australian economy and where it goes from here. The mid-year Federal Budget review indicated that the current year's deficit is expected to be about $8.7 billion, which is higher than estimated in the August Federal Budget. The forward estimates of Government expenditure, which were released earlier in the year, anticipated that Federal Government outlays would increase by almost 13 per cent in 1984-85, although one would anticipate that inflation will be running at only 6 per cent to 7 per cent. It is perhaps somewhat disappointing that the Federal Government Budget deficit is running at a higher level than was anticipated last August, given that the growth in the Australian economy has been much faster than was forecast at Budget time. One would have imagined that increased economic growth should lead to a fall in the Budget deficit and one could be cynical and say that, with the Federal election scheduled for late 1984, the Government is quite happy to run along with a policy of not reining in expenditure too much to keep the community happy. That will mean that, if personal income tax relief is to be granted in the August Budget, the consequences for the Australian economy and therefore for South Australians in future years will be significant in terms of inflation and interest rates escalation. Unemployment will almost certainly increase.

I have presented a brief thumb nail sketch of the world economy and the Australian economy because it is in that context that we must necessarily consider the South Australian economy. South Australia has 1.35 million of Australia's 15.5 million people, accounting for only 8.6 per cent of Australia's population, a State with limited economic resources, although, as we have observed on more than one occasion, at least from this side of the Council, a State with natural resources potential that we would never have dreamt of one or two decades ago.

The economy here has, not surprisingly, reflected the upturn experienced Australia-wide. It is often said that South Australia really does not have booms and depressions: we just go along rather steadily. There have been some exceptions to that rule in recent months. Anyone who has been following the real estate market, and the private housing sector, in particular, will have noted that over the past 12 to 13 months there has been a 50 per cent increase in housing prices in some districts. That is fine for sellers, but is not such a pleasant experience for a potential buyer of a private dwelling in the Adelaide metropolitan area.

The increased profitability in the corporate sector obviously has positive benefits, but, although a lot has been made of the improved employment outlook in South Australia, the facts reveal otherwise. It may come as a surprise to honourable members that the number of full-time workers employed in South Australia has fallen over the past three years and that whereas at March 1981 465 900 full-time workers were employed in South Australia that figure had fallen to 450 700 by March 1984. In other words, notwithstanding the Australia-wide economic recovery over the past three years, from March 1981 to March 1984 there has been a fall of some 15 200 full-time workers in South Australia, although the fall in the total work force over that period, taking into account also part-time workers, was much less: only 5 700 people. That should be a worry, and it reflects a point that I have already made: that South Australia, of all the States, was the only State, to experience a fall in private sector employment over the decade June 1973 to June 1983. It reflects also that the increase in the public sector has been masking the thinness of the private sector and the employment prospects in that sector and that over that same decade public sector employment in South Australia increased from 22.4 per cent of the work force to 26.8 per cent, the greatest increase of all the Australian States.

Certainly, the building sector, which is important for employment opportunities in South Australia, has, not surprisingly, exhibited a strong recovery: whereas building approvals in the preceding three financial years (1980-81, 1981-82 and 1982-83) were running at about 6 500 private dwellings, that figure had already been surpassed in the eight months to February 1984. That recovery is marginally better than that of the other States. One should not take too much comfort, however, from that strong recovery, because building approvals, commencements and completions in South Australia had been very much less than the share that one would expect of a national total. It has been running very much less than the 8.6 per cent share that we would expect, given that our population is of that percentage of Australia's total population.

Finally, it is also interesting to see that in our external trade (namely, the exports of goods and services out of South Australia, compared with the import of goods and services) there has been an adverse movement: whereas total exports in 1980-81 were $1.4 billion as against imports of only $1.07 billion, a surplus of some $330 million, that surplus had dissipated by the year 1982-83, when total exports were $1.23 billion and total imports $1.24 billion. So our trading situation had moved against us, although that may not be of the same significance to a State economy as it is to the Federal economy.

The Treasurer admitted in his second reading explanation of this Bill in another place that economic recovery in South Australia is uneven. That reflects, as I have mentioned, the thinness of the economic base in South Australia; it underlines the importance of Government decisions being always couched in a positive fashion to induce private sector employment and to encourage small business, whether here, interstate or overseas and looking at South Australia as a prospective place in which to establish its business. It is of some concern to members of the Opposition that there has been more than one occasion in this session where Government legisltion has acted as a positive disincentive to the private sector to either establish in South Australia or expand existing operations.

My observations about the Federal Budget concluded with the point that it was somewhat disappointing to see that the deficit had blown out, notwithstanding the strong economic growth over the 1983-84 financial year. Those comments apply with equal force to the South Australian Budget situation because, let us not make any mistake, the 1983-84 financial year has seen the strongest economic growth that Australia has seen for many years. It is unlikely to be matched for the full 1984-85 financial year.

If one takes into account the economic growth in South Australia, reflecting in the sharp increase in building approvals and commencements, improved level of retail and motor vehicle sales, together with the extraordinarily buoyant rural season, one would expect those figures to have been reflected in the South Australian Budget. For the Treasurer to report that there has been little variation from what was originally budgeted for in August 1983 following economic growth far in excess of what was budgeted for at that time is an indictment on the Treasurer and on the Labor Government.

The Liberal Party has mentioned on more than one occasion its concern about the continued growth in the public sector. One of the sad things about South Australian statistics continues to be the lack of them. The latest figure that I can get for public sector employment in South Australia is June 1983. That has been the case for some months. The

latest figure I have indicates that 100 500 people were employed in the South Australian public sector. That figure increased from some 98 100 as at December 1982, to 100 500—an increase of 2 400.

It is interesting to see that in that same period there had been a reduction of 300 Commonwealth employees in South Australia (from 37 500 down to 37 200) and that local government employment remained static at 7 000. If one takes that 2 400 people and multiplies it by $20 000, one can see that there is an additional $48 million in wages to be paid. That is only to June 1983. I do not know the figure for December 1983 or March 1984. I will be interested to find out from the Leader of the Government whether he has access to later figures. These figures were in the Monthly Summary of Statistics for South Australia, April 1984. That publication is still warm from the printers.

Straight away one can see that there is a large area of Government spending that could have been redirected if the Government had taken the example set by the Tonkin Liberal Government and reduced public sector employment. Indeed, over the period in which the Tonkin Government was in office there was a fall of some 3 700 people in public sector employment. That reduction was achieved without any sackings and through the process of attrition. That brought savings to South Australian taxpayers estimated to be in the order of $70 million.

When one examines the second reading of the Bill, one finds that there have been small increases on the revenue side in the order of $23 million and that recurrent payments are over Budget by about $20 million. The Treasurer explains that the main improvement in receipts has been in the stamp duty area which, of course, should come as no surprise, given the strong improvement in the real estate area, and that there have also been surpluses over Budget in duty on annual licences for insurance businesses, motor vehicle registrations, share transactions, transfer of business interests, and so on.

It is perhaps ironic that the Treasurer specifically mentions the increase in duty from share transactions, because I previously noted in the debate that Queensland has had the initiative to abolish stamp duty on share transactions with a view to encouraging the development of a stronger stock market in Brisbane which will bring very real benefits in developing Brisbane as a financial centre, apart from increasing employment opportunities.

This Government has not seen fit to follow that lead, nor has it seen fit to resist the temptation to apply financial institution duty. It is interesting to see that FID receipts are running at about Budget, given that, because of the strength of the Opposition and Democrats, the Labor Party was forced to give the business community more time to implement that proposal. Notwithstanding the salary and wages pause, there has been an overrun in the wages component of the Budget. Although a round sum allowance of $67 million had been provided in the Budget, that has fallen short of actual expenditure by some $8 million. This again highlights the point I am stressing: that it is important for the Government to critically examine public sector employment, given that salaries and wages make up such a dramatic component of so many departments. One can look at the Education Department, which is the biggest component of the Budget, and see that salaries and wages make up 90 per cent of their Budget. In the health area—notwithstanding the fact that there is more capital expense associated with health—the salaries and wages component is also very large.

My final point highlights a philosophical difference between the two Parties. There are many public buildings and public works that need to be maintained. In debate on the Highways Act Amendment Bill concern was expressed about the necessary maintenance of State roads. It is equally important to ensure that the State's capital other investments are maintained. When I talk about buildings and their maintenance, bridges, roads and other pieces of capital equipment, I express real concern that this Government has quite deliberately set about to build up the Public Buildings Department. The Tonkin Government, on the other hand, had quite deliberately run down the Public Buildings Department and, where possible, let contracts to the private sector—

The Hon. C.W. Creedon: We have to pay for every pencil stroke now.

The Hon. L.H. DAVIS: The honourable member should wait until he hears this—in the belief that the private sector could provide better value for money. Honourable members may be surprised to know that in other States, even Labor States, far more use is made of private contractors in the maintenance of public buildings.

For example, in Victoria, there are about 30 public hospitals, including the Alfred, Prince Henry's, and the Royal Melbourne which, over the past 10 years or so, have sought to maintain their facilities through the use of private contractors. Railway bridges in Victoria have also been maintained largely through private contractors. I want to underline the important advantages, and the cost savings which attach to the use of private contractors. There is assured quality of work, a reduction in overheads using taller buildings, given that scaffolding is expensive, they receive regular maintenance on an annual basis instead of every seven years.

It is clear, for instance, if you paint and clean a hospital annually that it will reduce the major maintenance which will come every four or five years when you paint the building. It will reduce the building repair costs, and future painting costs will be cheaper. The building will look better. The cleaning, for example, will get rid of chemicals attacking the paint. It will mean an extension of life of the paint so that, instead of having to paint every four or five years, one may need to paint only every five or six years. Maintenance programmes run in the private sector are done on an economic cost basis and mechanised and technical skills are developed to the stage where they will (in some cases that have been quoted to me) mean that the effective cost of maintenance of those buildings (as far as it can be measured) will be about 50 per cent of the cost of maintaining staff within the public buildings arena—that is, to maintain staff in the Public Buildings Department or attached to a public building.

I was given this horrendous example in respect of a flagpole. This example is sadly not in South Australia but I am sure that I could find a similar example if I were given the opportunity. A 40ft flagpole needed repainting. A private contractor could have used an extension ladder and painted it in three hours for a cost of about $300. What actually took place, because it was a Government flagpole in Victoria, was that scaffolding was erected around the flagpole at a cost of $1 500.

I have not had an opportunity to investigate this matter fully, but it appears that there are very few public buildings and semi-government authorities that use private contractors. I know that the Royal Adelaide Hospital has the exterior of three of its buildings on a 12-year maintenance programme. Local government is increasingly using private contractors on a long-term basis and I instance Glenelg and Hindmarsh Town Halls, which are maintained in this manner. Also, I am aware that the Totalizator Agency Board utilises private contractors. I am concerned that there have been reports that the Minister of Health—there is no need to mention that gentleman's name—has sent out a directive either directly or indirectly through the Health Commission

requiring hospitals to use the Public Buildings Department. I believe that is a retrograde step, given the example in Victoria where about 30 public hospitals use public contractors for programme maintenance on buildings.

In talking about maintenance, I am talking about the exterior as well as the interior. It is quite clear that in this area many hundreds of thousands of dollars and, more likely, many millions of dollars could be saved if Governments and semi-government authorities were encouraged to use private contractors rather than the Public Buildings Department or the tradesmen who are retained on staff. I was given a particularly horrific example of an interstate hospital having 20 painters employed on staff until the hospital took on private contractors who did the job with half the number of painters. Sadly, that hospital had to retain its painters until they could be retrenched and so the real benefit was not there. However, in that example private contractors halved the cost of maintenance on that hospital, a major hospital, and the saving amounted to over $300 000 a year. I suggest that the Government examines this area closely. As I said in my opening remarks, it is not customary to go into the fine detail of the Budget at this stage. I will reserve my detailed examination of the Budget for the final figures which will be brought in in August 1984. I support the Bill.

The Hon. R.I. LUCAS: I would like to take time in addressing the Appropriation Bill to refer to the Appropriation debate of 26 October last year. At that time I asked about 37 questions of the Attorney-General, who was the Minister in charge of this Bill in this Council. About five months later on 20 March I received what purported to be responses to those 37 questions. As they were addressed to me in a private letter, those answers have not been incorporated in *Hansard,* and I would like to take time to go through the results to those questions in this debate. The first question that I asked last year concerned each Government department and the Health Commission. I asked a series of questions with respect to what studies had been commissioned in 1982-83 and what had been budgeted for 1983-84. I asked which companies had received a contract, whether there had been public tendering and what was the estimated cost for each study. I asked whether the results of such studies were to be made publicly available and, if not, why not. I seek leave to have inserted in *Hansard* without my reading it the table of the results supplied by the Attorney-General. The table goes through each department and provides the costs and other information that I requested. It is a table which has comments and costings. It is in a tabular form but has writing in it.

Leave granted.

MARKET RESEARCH STUDIES

Attachment A

Agency	1982-83 Studies Undertaken	1982-83 Consultant	1982-83 Cost $	1983-84 Studies Undertaken or Proposed	1983-84 Consultant	Cost $	Comments
Premier & Cabinet	NIL			To sample reaction of South Australians to hold formula 1 Grand Prix through streets of Adelaide	Ian McGregor Marketing Pty Ltd	<1 000	Study undertaken on behalf of Jubilee 150 Board. No other companies were invited to tender. Results were announced by Premier.
Arts	NIL			Arts Economic Impact Study	—	9 500	No companies were invited to tender. The study is a joint project of the Department for the Arts and the SAIT Arts Administration Course. The study is not yet complete.
				Study into the feasibility of a Living Arts Centre in the former D.J. Fowler Building, North Terrace	Cost Management Pty Ltd	10 000	Other companies were invited to tender. The study is still being considered by the Government.
Environment & Planning	Good Neigbour Campaign	Ian McGregor Marketing Pty Ltd	2 600	Good Neighbour Campaign (continued)	Ian McGregor Marketing Pty Ltd	2 000	Internal monitoring reports: results not considered of interest to public. No other companies were invited to tender.
	Heritage Opinion Study—Grange Vineyard, Magill	Birrell, Manly & Cause	2 000				Result made public at Planning Appeal Hearing. No other companies were invited to tender.
Woods & Forests	NIL			Study into supply/demand/ stockholding of timber in the New South Wales market	Clemenger Adelaide Pty Ltd (The Department's appointed advertising agency)	1 591	No other companies were invited to tender. The information sought in the study was in relation to current supply/ demand/stockholding of timber in the New South Wales market to support the Department's countervailing complaint lodged with the Department of Industry and Commerce. The results of the study were provided to the Department of Industry and Commerce as confidential as some of the information included would have been of commercial advantage to the Department's competitors.
Department of Transport	Evaluation of seat belt campaign.	Ian McGregor Marketing Pty Ltd	940	Evaluation of careless driving/ child pedestrian accident promotional campaign.	Mr A. Fischer, Economics Department, University of Adelaide	4 200	Normal tendering arrangements were considered inappropriate for these studies. No other organisations were invited to tender. Results are available publicly.
	Preliminary market research and concept testing for drink driving promotional campaign.	Mike Bowden & Associates	4 550				
	Evaluation of drink driving campaign.	Ian McGregor Marketing Pty Ltd	1 740				
	Preliminary market research and concept testing for careless driving/child pedestrian accident campaign.	Mike Bowden & Associates	5 750				

MARKET RESEARCH STUDIES—*continued* Attachment A

Agency	1982-83 Studies Undertaken	1982-83 Consultant	1982-83 Cost $	1983-84 Studies Undertaken or Proposed	1983-84 Consultant	1983-84 Cost $	Comments
Mines & Energy	Alternative energy market study	Ferris Norton/Merz McLellan Consortium	30 000				Public tenders invited. Evaluation of study not yet finalised.
	Market survey—low quality coal upgrading centre.	AMDEL	16 000				Tenders not invited. Results available publicly.
	Implementation strategy for low energy housing in South Australia.	Hassell Planning Consultants Pty Ltd	30 000				Public tenders invited. Results available publicly.
				Extension of market survey—low quality coal upgrading to overseas countries.	AMDEL	20 000	Tenders not invited.
South Australian Health Commission	Breast self examination.	Techsearch Consultants Inc.	3 900	Statewide anti-smoking campaign 1984—advertising concept testing.	Mike Bowden & Associates	1 950	The Commission does not call tenders for market research because each group of consultants or company is very different in the type of research which it carries out. However the Commission welcomes approaches by market research companies with samples of their work, previous reports and details of their skills and appropriate areas of research. All studies are made available at health promotion services for consultation by those who wish to read them. As with normal practice some are not released until after a campaign has been run.
	Smoking.	Techsearch Consultants Inc.	4 569				
	Attitudes to tobacco and advertising.	McNair Anderson	7 000				
	Drug related attitude survey.	ANOP	32 000				
	Burns injuries programme in conjunction with the Adelaide Children's Hospital.	Dr P. Steidl	9 500				
	Evaluation of the effectiveness of the Skin Cancer Education Campaigns.	Dr P. Steidl	9 500				
	Drink Driving 16-24 year olds.	Mike Bowden & Associates	26 650				
Education	NIL			A marketing survey is being conducted as part of an over all business appraisal of a proposal to expand the marketing of curriculum materials produced by the Department.	PA Consulting Services	17 000	Offers were invited from six individuals and companies. It is unlikely that the results of the survey will be made available publicly.
Tourism	Study of market potential for combined South Australia/ Northern Territory holiday package tours.	Australian Sales Research Bureau Pty Ltd	15 400 (Shared equally with N.T.)	Consumer attitudes and behaviour studies Victoria and South Australia.	Brian Sweeney & Associates	14 000	Other companies were invited to tender. Results available publicly.
	Bi-monthly survey of daytrip activity of residents of Adelaide.	Peter Gardner & Associates Pty Ltd	2 500				
				Modified consumer attitudes and behaviour study New South Wales.	—	5 000	Tenders yet to be invited.

The Hon. R.I. LUCAS: I am sure that members appreciate that that will save considerable time, because I will not have to read through the information. I will refer to one or two small sections of the information that has now been incorporated. A significant part of it is the section in relation to studies commissioned by the South Australian Health Commission, and we recently discussed one, that is, the infamous ANOP drug related attitude survey. There are a number of other studies that the South Australian Health Commission is undertaking or has undertaken in the past.

In the section referring to whether there had been any tendering and whether the information would be made available, the reply that the Attorney-General received from, I dare say, the Health Commission states:

> The Commission does not call tenders for market research because each group of consultants or company is very different in the type of research which it carries out. However, the Commission welcomes approaches by market research companies with samples of their work, previous reports and details of their skills and appropriate areas of research.
>
> All studies are made available at Health Promotion Services for consultation by those who wish to read them. As with normal practice, some are not released until after a campaign has been run.

I believe that was one of the problems incurred by the Minister of Health with respect to the drug related survey, and possibly with other surveys as well. Quite clearly, there is a very strong argument for the pressure of the market place to be brought to bear on tenders for market research consultancies.

In recent days the Premier has appreciated the merits of that argument and has dictated or directed that public tenders for future market research consultancies in most instances shall be called. In the specific area of Mines and Energy, for example, Amdel was the consultant. It may well be in that specific area that it is not appropriate to put consultancies out to general public tender to companies like ANOP, Ian McGregor, and so on. That is a specialised area, and I think that we would accept in that specific instance there is good reason why tenders are not invited if there are no other companies or consultancies that do similar work.

My only other comment in relation to the table relates to the Department of Transport. The Department makes a similar comment and states:

> Normal tendering arrangements were considered inappropriate for the studies. No other organisations were invited to tender.

It then lists the consultants used for a number of studies, such as for the evaluation of the drink driving campaign, preliminary market research and concept testing for careless driving, and child pedestrian accident programmes. That sort of market research is within the capabilities of many market research consultancies in South Australia and other States and should have been left open to public tender.

The second question has been explored in some detail. It was in six parts and related to the ANOP survey, but I do not intend to canvass it again on this occasion. The third question was:

> Which officers in the Minister's office or in the Health Commission advise him on market research matters and assist him in the proper analysis of such surveys, and what are the relevant qualifications and professional experience of those officers?

The answer, in two parts, states:

> *(a)* Officers of the Policy and Projects Division and the Health Promotion Unit of the South Australian Health Commission.
>
> *(b)* It is not intended to set an undesirable precedent by naming individuals employed in the public sector who provide advice to the Government in the normal course of their duties.

I will not refer to the individuals in that area, because I do not know who they are and, therefore, I cannot criticise them. I think that in the area of market research the Government has to become more professional in the way that it commissions that research and in the way that it interprets and analyses it.

Whilst the guidelines released by the Premier in recent weeks will help in some aspects, they will not help with respect to the interpretation and analysis of market research received. I have thought for some time that perhaps some arrangement could be made for this within a section of Government. I notice under the recent Guerin Committee recommendations that there is a recommendation for a services and supply type of department. The Government should consider, if such a department is formed, having a person well versed in market research, perhaps from the private sector or on a contract basis. He could be used in effect as an advisory consultant by Government on market research.

When individual departments have good ideas about carrying out market research they could seek advice from an 'in house' consultant, not just to get him to do it, but to advise on questionnaire design, appropriate sample size and many other important aspects of surveying techniques. When the results are returned, the advisory consultant, in some circumstances, might be requested to simply cast an experienced eye across the results and check to see that the interpretation and analysis are correct.

I have a very strong view, based on previous experience, that many market research studies completed for Government—whether Labor or Liberal—are not good pieces of market research as such, and when interpreted by departmental officers are further distorted. I do not mean that that is done deliberately by those officers; it is simply because they do not understand. The information is provided to them and they are not experienced in interpreting market research results and they are not experienced in understanding not only what the results say but also what the results might not say.

I would have thought that a reform along the lines that I have suggested might be worthy of some consideration by I suppose, in the first instance, the Guerin Committee. The fourth question I asked was:

> How many projects were funded in 1982-83 under the State Government's programme to expand public and community health services? What was the exact nature of each of the projects? What was the cost involved?

Similar questions were then asked in relation to 1983-84. The reply from the Health Minister, through the Attorney-General, was:

> State and Health Commission budgets had been set prior to the change in Government. No funds were provided for this purpose in 1982-83.
>
> In 1983-84, two projects namely, the Salisbury health shopfront and the Munno Para Community Health Centre, were jointly funded with the South Australian Health Commission and local government. The Commission's contributions to the projects were:
>
> Salisbury $62 600
> Muno Para $50 300
>
> It is proposed to provide further funds in 1984-85. These projects will not attract matching funding.

Those answers should be interpreted in the light of the commitment by the Minister of Health that his policy is to eventually reach a stage where $2 million is spent on public and community health facility funding. I may have to be corrected on that figure, but that is the order of the promise in the Government's health policy. Certainly, it was either $1 million or $2 million, which is far greater than the total expenditure of about $112 000 that has been commissioned for 1983-84.

My next question was whether the Government would be introducing freedom of information legislation in 1983-84 and, if not, when; whether the Government had undertaken an assesment of the total administration costs involved in freedom of information legislation and, if so, what was the estimate? The Attorney's answer was:

(a) The Government has established a working party to advise on freedom of information legislation.

(b) The administration costs involved in administration of freedom of information legislation would depend on the form the legislation takes.

Part *(b)* of the answer is strictly correct, I guess, but part *(a)* is extraordinarily disappointing, coming from an Attorney who at that stage had been in power for some 18 months.

The Hon. C.J. Sumner: You can't count.

The Hon. R.I. LUCAS: What is the Attorney talking about? It was in March of this year.

The Hon. C.J. Sumner: You still can't count.

The Hon. R.I. LUCAS: The Attorney says that I cannot count, so perhaps I should go through the laborious process. Perhaps it was 17 months. The Attorney wants to be pedantic. The best that the Attorney could do was say that the Government had established a working party to advise. The Attorney certainly is keeping his powder dry with respect to this aspect of reforming legislation, as we see when exploring answers to other questions and other aspects of legislation that the Attorney is committed to introducing.

The Hon. C.J. Sumner: If the Tonkin Government had not banned the working party we would have been all right; you know what happened.

The Hon. R.I. LUCAS: Obviously the Attorney is stung by the criticism. He is bleating. The next question was:

(a) Will the Government be introducing legislation to provide for a referendum on the power of the Council to refuse supply in 1983-84 and, if not, when?

(b) Will the referendum be conducted in conjunction with the next State election?

The response was:

(a) Whether or not the Government will be introducing legislation to provide for a referendum on the power of the Council to refuse supply in 1983-84 is a matter to be determined by Cabinet and Caucus.

(b) Whether such a referendum will be held in conjunction with the next State election has not been determined.

Once again, that was a disappointing response from an Attorney-General who had been in office for 17 months. He was not able to indicate whether he would introduce a Bill, in effect, in this session and, given that there is only one day to go in this session, it therefore appears very unlikely that the Attorney will introduce that legislation in 1983-84. The next question was:

Will the Government be introducing legislation to provide for fixed terms in 1983-84 and, if not, when?

The reply was:

Whether or not the Government will be introducing legislation to provide for fixed terms in 1983-84 is a matter to be determined by Cabinet and Caucus.

From an Attorney who has been such a fierce and strident advocate of reforms such as fixed terms, once again, that was an extraordinarily disappointing response. It is quite clear that the Attorney is running into quite significant opposition in his own Cabinet with respect to fixed terms. It is no secret that significant members of the Bannon Cabinet are staunchly opposed to the Attorney's reforms in this area, and I might say that I am a bit disappointed, because I had indicated that I would certainly like to support sensible and rational fixed term legislation.

The Hon. C.J. Sumner: And also to remove the blocking of Supply. You have undertaken to do that, too?

The Hon. R.I. LUCAS: I will return to that. I indicated in my maiden speech that I would support sensible reforms in that area, but the Attorney knows from what I said in that speech that it is not *carte blanche.* He knows—

The Hon. C.J. Sumner: You support taking away the power to block Supply?

The Hon. R.I. LUCAS: That is right. I do not support the removal of the power to block all money Bills, and in my maiden speech I gave examples of small money Bills that this Chamber should retain the power to block. Nevertheless, let us get back to fixed terms and the significant opposition within the Cabinet to the Attorney's views on this matter. It certainly appears from the Attorney's reluctance to answer questions directly, and his inability to proceed with the legislation in this session, and I would certainly be prepared to take a wager on this, that the Attorney will not obtain the support of Cabinet and Caucus for fixed term legislation. I would be prepared to have a little wager, if that was permissible, with the Attorney that he will not obtain his Party's support, and that he does not have his Cabinet support for that reform. As I said, that is a bit disappointing, but it is a further indication of an area in which the Attorney has been a passionate advocate of a particular reform and yet, some 18 or 19 months into his term, we have yet to see any substantial results of his reformist zeal. Once again, I have some pity—

The Hon. C.J. Sumner: You think you are in charge of the Government's legislative programme now?

The Hon. R.I. LUCAS: No. I have some sympathy for the Attorney; I am on his side.

The Hon. C.J. Sumner: Don't bother!

The Hon. R.I. LUCAS: If it would help, I would speak to the Cabinet on the Attorney's behalf.

The Hon. C.J. Sumner: I don't need it.

The Hon. R.I. LUCAS: If the stories around the Chamber are correct, it appears that not only will he not get fixed terms but also the only thing he might get will be, in effect the Hawke second best (I suppose that is the best way to describe it). Gareth Evans is in a situation that is similar to that of the Hon. Mr Sumner, having been rolled on fixed terms. The second option appears to be possibly an extension of the terms of Lower House members. That too is fraught with much difficulty, because it raises the old bogey of what we do about the term of Legislative Council members. I certainly would not be keen to see the Legislative Council members under a fixed four-year Assembly term possibly able to continue in office for 11 or 12 years. I am sure that the Attorney would not support an option that would allow a Chamber, or a House of Parliament like this, to continue for a decade or a bit longer without having to face the people at an election. My next question was:

(a) Will the Government be introducing amendments to the Sex Discrimination Act in 1983-84 and, if not, when?

(b) Are there any parts of the proposed Commonwealth Sex Discrimination Act which are not consistent with the State Sex Discrimination Act? If so, will the Government be seeking to amend the State Act to make it consistent with the proposed Commonwealth Act?

The Attorney's response was 'Yes'—unequivocal; no provisos at all there. We will explore that in a little while. To the first part of question 6 *(b)* he replied 'Yes'.

Then, to the second part of question 6 *(b)* he replied, 'Not necessarily'. The Attorney's response to my definite question:

'Will the Government be introducing amendments to the Sex Discrimination Act in 1983-84, and—

I remind the Attorney that 1983-84 ends—

The Hon. C.J. Sumner: 1984 ends on 31 December this year.

The Hon. R.I. LUCAS: I have just appreciated the way in which the Attorney will try to interpret this. I should have said, as I have done with most of the other questions, 'the financial year 1983-84', but I see that there is a loophole for the Attorney to wriggle out of, so there is a chance that we may see something in 1983-84. Certainly, members of the Attorney's own Party in this Chamber indicated that we would see the legislation last week and then this week. I take it that we are not likely to see it tomorrow, as that is the last day of the session. We are certainly not likely to see the proposed amendments to the Sex Discrimination Act until the next session some time later this year. Enough

of the Attorney-General. I then asked a series of questions of the Minister of Health. I asked:

Will the Minister of Health be legislating for the appointment of a Health Workers Advisory Council in 1983-84 and, if not, when?

That was a specific promise of the Minister of Health. The answer was:

The matter of a Health Workers Advisory Council is currently being considered by the South Australian Health Commission along with many other initiatives in the health and hospital areas.

Clearly, there is not much joy there with respect to that answer. The next question was:

Will the Minister of Health establish an office of Executive Co-ordinator of Voluntary Health Service in 1983-84 and, if not, when?

That was another election promise. The answer was:

Cabinet gave approval on 26 October 1983 for the establishment of a Working Party on Health Services provided by voluntary agencies, comprising representatives of voluntary agencies and Government. It is anticipated that the Working Party will submit its report to the Minister of Health by 30 April 1984. The establishment of an office of Executive Co-ordinator of Voluntary Health Services will be considered in the context of the Working Party's recommendations.

Clearly, the Minister has now set up another working party to establish whether or not his promise, in effect, is practically achievable. The next question was:

Will the Minister of Health be abolishing Local Boards of Health in 1983-84 and, if not, when?

That was another promise. The answer was:

The future administration of public health legislation is being discussed between the Local Government Association and senior officers of the South Australian Health Commission. The future of Local Boards of Health will be considered in the light of those discussions.

Again, that was another non-answer from the Minister of Health to that question on local boards of health, a matter that I am sure will be of some import to those local councils involved in this area. The next question was:

Will the Minister of Health be appointing a Commissioner of Mental Health Services and, if not, when?

The reply was:

The State Labor Party Health policy prior to the last election provided that a State Labor Government would appoint an independent commission to enquire into all existing mental health services in South Australia. It was decided, however, that it would be more appropriate for a committee of inquiry consisting of several people with experience and expertise in specific areas to be established. As the member will be aware, that committee of inquiry has completed its review and its report was tabled in Parliament in October, 1983.

Once again, that was a direct question to the Minister of Health as to whether or not he would be implementing another aspect of his health policy. Once again, the question to the Minister of Health was about whether he would be implementing an important part of his health policy. The answer was:

We have formed a committee of inquiry and will be looking at the results of that committee.

The next question was:

(a) How much money was provided by way of grant in 1982-83 for support of long term rehabilitation projects for the brain injured?

(b) How much will be provided in 1983-84?

The answer was:

(a) Nothing.

(b) No funds were provided in 1982-83-84 for long term rehabilitation projects for the brain injured.

I remind honourable members present that a specific plank of the health policy was that funds would be provided for that most important area. The next question was:

(a) How much money was made available in 1982-83 by the South Australian Aboriginal Health Organisation to enable it to commission independent surveys of health needs and problems of Aborigines throughout the State?

(b) How much money will be provided in 1983-84?

(c) Which market research companies have undertaken the research?

The answer was:

(a) During 1982-83 the Aboriginal Health Organisation secured funds to conduct research investigations and surveys relating to Aboriginal health issues from the following sources:

	$
S.A. Health Commission	50 933
Australian Kidney Foundation	6 000
Commonwealth Department for Aboriginal Affairs	24 000
Total	$80 933

These funds were used to finance a number of significant projects including a survey of the health needs for the east Pinjantjatjara area (the 'Nganampa Health Service Report'), a dental assessment and education programme in the North-West Aboriginal communities and a statewide renal/hypertension/diabetes survey.

(b) Money for research projects is normally provided through one of a number of funding bodies in response to specific proposals, and thus no funds earmarked for research purposes have been allocated to the Aboriginal Health Organisation as a part of its recurrent budget allocation for 1983-84. Should a research proposal be developed by the Aboriginal Health Organisation it will be submitted to the appropriate funding body or bodies for consideration in the normal manner.

(c) None.

Question 13 was as follows:

Will the Government be updating and upgrading the regulations for the safe handling, storage, recycling and reclamation of wastes, particularly toxic and hazardous waste products and materials in 1983-84 and, if not, when?

The answer was:

The South Australian Waste Management Commission Act 1979 provides for the licensing and control of the production, collection, storage, transport, treatment or disposal of wastes, including those of a hazardous nature. Due to limited staff resulting from a restraint on its revenue, imposed by the previous Government, the Commission was able to undertake licensing of solid waste disposal depots with little in the way of inspection, policing, monitoring and advisory services being provided. This problem was recognised by our government. An increase in contribution and licensing fees payable to the Commission has enabled the appointment of a chemical engineer and a licensing clerk whose duties include the implementation of licensing hazardous waste producers and transporters.

The aim of the licensing system will be to provide the information whereby wastes can be tracked from their point of generation to final place of disposal. It will also provide a basis for the planning and development of suitable means of treatment and disposal of hazardous wastes by establishing:

- the types of hazardous waste produced in South Australia;
- the quantity of the waste;
- the means of disposal and its location.

Whilst this activity is an important step in upgrading the control over hazardous waste, the Government is concerned that the Act does not provide a sufficient legislative base for the Commission to carry out its functions. Consequently, a committee has been appointed to review the Act with a view to bringing in legislative changes to the next Parliamentary session.

The next question was:

(a) Has the Government established a research and control programme for tenosynovitis and, if not, when will it be established?

(b) Will results be made publicy available?

The answer was:

(a) Yes. In June 1983 the Minister of Health announced the implementation of a four-point programme to identify and reduce repetition injuries in South Australia. A major aspect of the programme is a comprehensive three-stage survey of workers in the Public Service and statutory authorities to examine the prevalence of tenosynovitis and identify causes associated with specific workplace conditions.

The first stage, assessing the indicence, potential, occurrence and possible precipitating factors has been completed. The second and third stages will involove the identification of causative factors in the work environment and the implementation of control measures.

In addition, a special grant has been made to the Adelaide Women's Health Centre in 1983-84 to employ a doctor and part-

time support staff to conduct a clinical survey of repetition injury among women in the workforce.

(b) Yes.

Members will be interested to know that while attending the opening of the new premises for the Working Women's Centre I was informed that it is taking an active interest in the problems of repetition injuries, in particular, tenosynovitis. People present at the opening were treated to a mine of information on the problems of repetition injuries which was most informative and enjoyable. Certainly, the reforms taking place concerning repetition injuries will be an important part of the consideration of legislative changes in occupational health and safety areas. The next questions were:

(a) Will the State Government be appointing a market research company to gauge the effectiveness of the promised anti-smoking programme in Adelaide?

(b) Will a number of market research companies be asked to tender or will the Board again appoint Mr Rod Cameron's ANOP.

(c) will the results of the survey be made available publicly?

The answers thereto were as follows:

(a) A market research company will not be appointed to measure the effectiveness of the proposed Statewide anti-smoking programme. Market research is not the appropriate type of research for measuring epidemiolodical outcomes of programmes. A full epidemiological/experimental research programme will be established as with the pilot 'stop smoking' programme, to gauge the effectiveness of the State-wide programme.

(b) Not applicable.

(c) All evaluation results are published when completed.

The next question and answer was as follows:

Q. Does the Barmes Report on dental health provide any evidence that the spectacular improvement in dental health of children achieved in the 1970s was being disrupted and lost in the young adults of the 1980s?

A. Dr Barmes' review addressed the quality and effectiveness of care provided to primary and pre-school children. He did not study, nor did he report on the dental health status of young adults.

The next question and answer was as follows:

Q. Has the Government established a committee for food quality and nutrition and, if not, when will it be established?

A. New food legislation, which is currently in the drafting stages, will provide for the establishment of an expert food committee.

Question No. 18, to which the answer was 'No', was as follows:

For each of the past five financial years has the amount of revenue raised for the supply of water and sewerage services been greater than the cost of providing those services?

Question No. 19, to which the answer was also 'No', was as follows:

For each of the past five financial years has the amount of revenue raised by way of public transport fares been greater than the cost of providing public transport services?

Question No. 20 was as follows:

Can the Government give any instance in the past five financial years when a particular State charge has been used as a means of raising general revenue rather than just offsetting the cost of providing that particular service?

The answer thereto was as follows:

It is not possible to answer this question specifically. A large range of State charges have been increased over the last five years. Some fee increases have been directly related to increases in the cost of providing services (while not necessarily covering the full cost of that service) and others which are not directly related to costs, such as fines and rents, have been increased in line with inflation.

The last three questions concerning Government costs and charges were in response to claims made by the Treasurer in debate on the Appropriation Bill last year that the Liberal Tonkin Government had been increasing charges, in particular, at a rate greater than the cost of providing a particular service. The charge made by the Bannon Labor Government was that the Tonkin Liberal Government had been using State charges as a means of raising general revenue rather than just offsetting the cost of providing the particular service. Those claims were made by the Premier, based on advice from the Treasury, I suppose. I wondered at the reason for the lengthy delay in responding to my questions. It is clear from the answers to the last three questions that the Premier and Treasurer was unable to provide any evidence to back up claims that he made in the Appropriation Bill and repeated, I think, by the Attorney on his behalf in this Chamber last year.

In specific response to those direct questions, the Treasurer, based on advice from Treasury, answered 'No' to two of them and to the third general question said, 'Well, look, it is not possible to answer this question specifically.' Clearly, there were some problems in devising an answer to that question, because the Bannon Labor Government could not provide evidence to back up the extraordinary claim that it had made in the Appropriation Bill. My next 17 questions to the Attorney, which he presumably passed on to the Hon. Dr Cornwall, were in relation to the Sax Committee. I sought estimates of the costs of providing some of the initiatives recommended by Sax. Those questions, for avid readers of *Hansard*, are listed on page 1349 of *Hansard* of 26 October last year. In response to those 17 direct questions, the best that the Minister of Health and the Attorney-General could offer was that, since the tabling of the Sax Report, the recommendations were being assessed by the South Australian Health Commission'. I leave my contribution to this debate by asking the Attorney, as the Minister in charge of the Bill in this Council, to ascertain from the Minister of Health whether—

The Hon. C.J. Sumner: You can ask him in the Committee stage.

The Hon. R.I. LUCAS: He is not here.

The Hon. C.J. Sumner: Well, I will get him.

The Hon. R.I. LUCAS: Get him then, I ask the Attorney to ascertain the answers to those 17 questions that I put on 26 October last year. The Attorney-General has invited me to put those questions to the Minister in the Committee, and I will certainly take up that kind offer.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Issue and payment of money by Treasurer.'

The Hon. R.I. LUCAS: My questions are directed to the Minister of Health and, in effect, are a repeat of the questions that I put to the Attorney-General in the Appropriation debate of 26 October 1983. To refresh the Minister's mind, the reply that I received from the Attorney, I guess, was based on advice from the Minister or his officers—

The Hon. C.J. Sumner: The only reason you asked those questions is that we had got to the end of the debate and, instead of asking the individual Minister in the Chamber, you put a whole series of questions: they were not asked of me as Minister in charge of the Bill but they were asked of the Ministers.

The Hon. R.I. LUCAS: I said that I guess they came from the Health Minister. Is the Attorney objecting to my saying 'I guess'?

The Hon. C.J. Sumner: There is always some doubt about it—'I guess'. Say what the facts are.

The Hon. R.I. LUCAS: Obviously, the Attorney objects to my saying, 'I guess'. I apologise profusely. The response that was given to me was 'Since the tabling of the Sax Report the recommendations are being assessed by the South Australian Health Commission.' I now ask the Minister of Health whether he is now in a position either at this stage or at some later stage to provide any specific answers to the 17 specific questions that I asked with respect to the costs of some of the specific initiatives that the Sax Committee recommended?

The Hon. J.R. CORNWALL: I will have to be very careful. I am sure that where the Hon. Mr Lucas is concerned if I say that I cannot remember having seen the question I will be in all sorts of difficulty. Most certainly I cannot recall the questions or any of the fine detail of them. Has the honourable member a copy, would he like me to take them on notice, or would he like to go through them one at a time?

The Hon. R.I. LUCAS: I could read them one at a time but I do not think that it would serve the purposes of the Committee. For example, I asked the cost of establishing a patient telephone advice service. I am sure that the Minister off the top of his head is unable to give me that response now. If the Minister would like, I refer him to page 1349 of *Hansard* of 26 October 1983 and the 17 similar questions which involved initiatives recommended by Sax. As the reply I received at that stage was that the recommendations were being assessed, I am asking whether the Health Commission has now finished its assessment and is in a position to provide some sort of response to at least some of these questions.

The Hon. J.R. CORNWALL: The assessment of both the Sax and Smith Reports is very close to being completed, and the 1984-85 Budget will be the first opportunity for implementation of any of those initiatives that cost money. Obviously, some of the recommendations have been implemented already in varying degree. For example, from memory something like an additional $200 000 has been made available in the 1983-84 financial year for upgrading the Accident and Emergency Services and the Outpatient Services at Lyell McEwin Hospital.

In addition to that, the recommendations concerning Accident and Emergency services has been brought to the attention of all the boards of management in the administrations of the major public hospitals, which provide 24-hour Accident and Emergency services. The specific initiatives like the Patient Advice Office has been ranked in order as initiatives which we would like to see introduced in the 1984-85 Budget. Taking into account Sax and Smith and a whole range of other areas directly outside the hospital or mental health area—community health, women's health and so forth, a great range of them, and I would include of course topically community dental health programmes—a whole lot of bids have gone in; in fact it is well in excess of 80. Even a wild optimist would not expect to get all of those initiatives up in the 1984-85 Budget. I cannot at this moment give an exact idea of the cost of the first stage of the Patient Advice Office. However, I can say that we are very close to having the proposition of introducing stage 1 of the Patient Advice Office at least.

I think it would be far more productive and useful of everyone's time if those questions were to be asked by the Hon. Mr Lucas's colleagues in the Budget Estimates Committees. At this stage, the honourable member will get in slightly more specific terms the sort of answer that I have given in general terms, anyway. It is quite premature at this stage. I cannot reveal what is in the Budget because I do not know what is in the Budget. Most of those initiatives that involve a reasonable amount of money cannot be implemented unless they get up as initiatives for 1984-85.

The Hon. R.I. LUCAS: I understand the offer that the Minister has made, and I understand at this stage that he is not able to reveal what is in the 1984-85 Budget. One of the problems with getting my colleagues in another place to ask 17 questions is that they all have dozens of questions of their own and I am not likely to find much ranking. Is the Minister willing to take these questions on notice and, when he knows what is in the 1984-85 Budget, or what has got up, he might be able to ask his officers to provide such answers as can be provided to those questions? Also, can the Minister say whether he will be seeking to establish a system of regular patient opinion studies, as recommended by a section in the Sax Report?

The Hon. J.R. CORNWALL: That has not specifically come across my desk in recent weeks but, as part of the quality assurance programmes that we are putting into hospitals around the State and as part of the on-going programmes of peer review and patient care review that are going into hospitals, quite obviously that is something that must happen. Again, I cannot respond in specific terms because, at this moment, it is not within my knowledge.

The Hon. R.I. LUCAS: I ask the Minister to respond to my first request, namely, whether he would be willing to take the 17 questions on notice so that when he is aware of what gets up in 1984-85 he can get his officers to provide me with such answers to those questions as is possible.

The Hon. J.R. CORNWALL: Historically, the State Budget is not introduced until the week before the Adelaide Show which, from memory, will mean very late August or early September. It is always introduced after the Federal Budget. We then get up for the Adelaide Show and come back for the Budget Estimates Committees. We then have some debate on the Budget in this Council. No response will be available to most of those specific questions that involve initiative money prior to the Budget's being introduced. It would be quite improper, and I am simply not able to do it. I should have thought in those circumstances that it would be far more constructive closer to the event for the honourable member to ask me those questions, either during the Budget debate, or he might wish at that time to put them on notice. Many of the questions will lie fallow as they do concern specific amounts of money and specific initiatives that may or may not be proceeded with.

If the honourable member wishes to do that, so be it. I simply point out again that he will not receive any specific answers in money terms or in any other terms before the Budget is brought in by the Premier and Treasurer.

Clause passed.

Clause 3, schedule and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIA JUBILEE 150 BOARD ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 May. Page. 4093)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition opposes the Bill. It seeks to extend the size of the Board set up to arrange the South Australian 150th anniversary celebrations from 14 to 19 members. I stress that in opposing the Bill the Opposition in no way reflects on the importance of the Jubilee celebrations or on the present make-up of the Jubilee 150 Board. The Jubilee celebrations in 1986 are important for many reasons: the celebrations will make South Australians more aware of their State; certain celebrations will assist in improving State pride; it will be a focus for promoting South Australia interstate and overseas; as an avenue for expanding tourist attractions; and probably most importantly as an opportunity for every South Australian to come together to celebrate our birthday. I am sure all honourable members would support these benefits.

From what I have seen of arrangements to date, the programme being developed by the existing Jubilee 150 Board and its associated committees, appears exciting and imaginative. It is important that the proposals developed are realised. In other words, the valuable work which has been done with the encouragement and co-operation of

successive Governments must continue and not be put at risk. This Bill could put at risk the work already done.

It is possible that the Jubilee 150 celebrations could become political and used not in celebration but as a vehicle for vote winning and as an excuse for spending public funds which could be used for political benefit. It is hoped that that does not occur. The celebrations should be for all South Australians—whatever their beliefs, backgrounds or tastes. Fortunately, the 1986 celebrations coincide with an Adelaide Festival of Arts year and a Royal visit, making it a gala occasion. Regrettably, 1986 could easily be an election year, and we all know what happens in election years.

The Government has failed to adequately justify increasing the Board from 14 to 19 members. The Government has failed to show how it could possibly improve the already first class organisation that has been established under the Chairmanship of Mr Kym Bonython. In comparison with interstate experience in organising Jubilee celebrations, South Australia's performance to date has been excellent and members of the Board should be commended for the work already done. If the Board had comprised solely five or six members without the capacity to exploit the assistance of various subcommittees, then there could have been some justification of criticism that there might have been a lack of broad skills needed to organise the celebrations. But the Board of 14 people is more than adequate to meet all the necessary criteria. Expanding the size of the Board from 14 to 19 members provides the Government of the day with the opportunity to change the plans and direction of the Board.

The Board is aware that several people have been approached to join the expanded Board who would be sympathetic to the attitudes and political ideals of the present Government, and it would be a tragedy if the present Government attempted to use the additional positions on the Board to move control of the arrangements for 1986 away from the Board and effectively into Cabinet's hands.

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: We will watch with interest, if the Bill passes. I have no idea who the members are. The Board must remain an independent organising body organising functions and activities which will be enjoyed by South Australians and not exploited as platforms for political advancement.

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: It is not an accusation. I said that it could be. The Government has given no guarantees that the independence of the Board will be maintained. I will be interested if the Attorney gives that guarantee. It is very strange that at this stage the Board will be increased from 14 to 19 members with no real reason given. Indeed, the Premier in another place was silent on the matter of independence.

I am also concerned that the Government desires that the Deputy Chairperson be appointed by the Government from the next members of the Board and not from the existing members. That is rather odd. Surely it is important that a Deputy Chairman be someone already fully conversant with the arrangements for Jubilee 150, aware of the work done to date and able to complement the work of the present Chairman. The Government's actions threaten this opportunity.

In summary, I oppose the expansion of the Jubilee 150 Board from 14 to 19 members. The present membership has done an outstanding job. The present Board is representative of a wide cross-section of the community. It is assisted by a wide range of other groups, public and private. The expansion of the Board from 14 to 19 members allows the Government of the day to change the broadly independent composition of the Board and make it subject to Government direction.

The position of Deputy Chairperson should come from within the 14 present members. Again, let me stress the continuing support of the Opposition for the work of the Board and for the Jubilee 150 celebrations which I believe will offer something for every South Australian.

If there is any criticism or any indication that the present Board has been political, let the Attorney-General say that. In what areas has the present Board taken steps or adopted an attitude that could be considered political? From my information, that is not the case. I ask the Attorney-General to answer those questions. The Opposition does not support the Bill.

The Hon. C.J. SUMNER (Attorney-General): I am very disappointed in the Opposition's attitude to this matter. The Leader has given no substantial reason for opposing the Bill. The second reading explanation contains very cogent reasons for expanding the Board.

Members interjecting:

The Hon. C.J. SUMNER: I know. I have checked it. The reasons are very valid. The Board also has the responsibility of involving as many people as possible in the Jubilee celebrations, and for this reason the Government now believes that it is appropriate to expand the size of the Board from 14 to 19 members to allow for wider representation from all sections of the community.

Members interjecting:

The Hon. C.J. SUMNER: It seems to me that members opposite want to keep it in the club.

The Hon. L.H. Davis: What does that mean?

The Hon. C.J. SUMNER: The Hon. Mr Cameron made some veiled allegation that somehow we would take over the Board, that the Board would be interfered with, and other accusations of that kind. The honourable member knows that, apart from two members who were not reappointed, the Board is the same as that appointed by the Tonkin Government. I do not want to embarrass the honourable member by listing the card carrying members or the supporters of the Liberal Party on that Board.

The Hon. L.H. Davis: We don't carry cards.

The Hon. C.J. SUMNER: I bet members carry receipts, though.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I would be interested to know whether members get receipts.

The Hon. L.H. Davis: We take Bankcard.

The PRESIDENT: Order! That is about enough.

The Hon. C.J. SUMNER: However members opposite become members of their Party—

The Hon. L.H. Davis: There are only two.

The Hon. C.J. SUMNER: The honourable member says there are only two members, but I think that I could identify a few more than that. However, I will not embarrass those people or members opposite.

The Hon. R.I. Lucas: You don't know.

The Hon. C.J. SUMNER: I do know.

The Hon. L.H. Davis: This is bringing politics into the sesquicentenary celebrations, and that is disgraceful.

The Hon. C.J. SUMNER: The Hon. Mr Cameron introduced politics by making unfounded allegations about the Government's motives in introducing this Bill. All I can say is that, if the Government had questionable motives, surely it would have replaced the batch of Tonkin appointees on the Board and appointed its own people.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: There is no justification for that, either. The members of the Board and the Chairman have been reappointed, except for two members.

The Hon. R.I. Lucas: Who are these two appointees?

The Hon. C.J. SUMNER: Mr Lou Crotti and Mr Bruno Ventura.

Members interjecting:

The Hon. C.J. SUMNER: Other appointments will be made.

The Hon. M.B. Cameron: From the ethnic community?

The Hon. C.J. SUMNER: Yes. I do not want to go into their credentials in that area, but further appointments will be made, as the Bill provides an increase in the number of members from 14 to 19. The present Government will make five appointments, and that is not unreasonable. The great majority of the appointees of the Tonkin Government were reappointed by this Government, and there is no attempt to politicise the Board. One might say that it is the Government's desire to have some input into the Board by way of its own appointees, and that is not an unexceptional expectation for a Government to have. I reject the accusations made by the honourable member. We have reappointed most of the members who were appointed by the previous Government, and additional appointments will be made.

The Hon. Diana Laidlaw: In what areas are you looking for a wider representation?

The Hon. C.J. SUMNER: That is for the Premier to determine. It is not unreasonable for a new Government, in regard to a Board such as this, to at least be given some discretion in making its own appointments. This Bill will provide not that there be wholesale removal of members of the Board—that is not the intention. All but two members have been reappointed, and this Bill will provide some option for the Government to make its own appointments on this Board.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Membership of the Board.'

The Hon. K.L. MILNE: This Board, of all Boards, should not be political in the sense of its being Party-political, and if we are not careful between the lot of us that is what it will become. People will talk about it and that will spoil it. All sections of the community will want to take part in organising the celebrations, and they will want to be part of it and feel that they are wanted. What the Government is doing is quite natural, justifiable and sensible, and it is what any Government would do to appoint some of its own people. The fact that the Government has already reappointed 12 of the appointees of the previous Government shows good faith and discounts any criticism regarding politicisation. If the Government made deliberate provocative appointments, that would be a different matter. That would be very unwise and I do not expect the Government to do that. We support the Bill.

Clause passed.

Clause 3 and title passed.

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

That this Bill be now read a third time.

The Council divided on the third reading:

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

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

Pair—Aye—The Hon. M.S. Feleppa. No—The Hon. R.C. DeGaris.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

LIBRARY COMMITTEE

The House of Assembly intimated that it had appointed Ms S.M. Lenehan to fill the vacancy on the Committee caused by the resignation of Mr M.K. Mayes.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL (1984)

Returned from the House of Assembly without amendment.

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 4046.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition opposes this legislation. One of the amendments that we ought to look at if the Bill passes the second reading is to change the name from the Highways Act Amendment Bill to the Highways Fund Robbery Bill because that is what it sets out to do. The Bill contains two measures: first, it attempts to increase from 12 per cent to 15.4 per cent the amount of the contribution paid by the Highways Department to the Police Fund for Road Safety Services. Yes, Ned Kelly is still alive.

Secondly, the Bill provides that the Minister be allowed to further vary that percentage after giving notice in the *Government Gazette*. This is an extraordinary provision because it would mean that one could increase the percentage to 100 per cent and that would be the end of the Highways Fund. The whole lot could go without any need to come back to Parliament. The increase in the percentage of money paid from the Highways Fund to the Police Road Safety Services will result in the next financial year 1984-85 of an additional transfer of $2.3 million. This increase, it should be noted, is on top of an increase 12 months ago when the Government put forward a proposition to increase the percentage from 9.8 per cent to 12 per cent. It will mean this year an amount until 1 July of $1.5 million additional to the amount that would have been allocated under the old percentage. So, in 12 months the Bannon Government has increased the percentage of money transferred from the Highways Fund to the Police Road Safety Services Fund from 9.8 per cent to 15.4 per cent. That is an extraordinary increase in that short period. it is a very large increase and it will mean that funds available for vital road works are lost because the Government is not prepared to make the necessary allocation for road safety purposes from general revenue.

I have been informed that an amount of $1.5 million will be given as a loan to the Highways Fund from the Treasury to offset the extra sum, but the fact is that the money is a

loan and will have to be repaid; so, it is an amount that will eventually be taken off the Highways Fund. The Liberal Party has the utmost concern for road safety services. We recognise the need to improve road safety at every opportunity. However, road safety relies not just on the work of the Police Road Safety Services, no matter how important they are, but also on the condition of the roads themselves, and that is probably an even more vital factor in road safety.

This action by the Government simply robs Peter to pay Paul within these areas of concern. By eroding the funds available for highways construction, the Government is contributing to the creation of further road hazards and to the increased likelihood of road accidents. The Opposition believes that insufficient funding has been made available for road construction in South Australia for some time. That is not just the fault of State Government, but also of Federal Governments, and not the fault only of the present Federal Government, but of Federal Governments for some years now; in fact, since 1969, when South Australia was treated very badly indeed in relation to the highways funds in comparison with other States.

As a result of this diminution of funds, as you would be aware in your area, Mr President, the state of the roads has not only been not maintained, but it has deteriorated. The roads have deteriorated to the point that they are now a significant risk to road users in certain areas. I can indicate this with some knowledge of the main highway—Highway No.1 to the South-East—where now to travel on a wet night is an extreme hazard for any traveller. In fact, it has got to the stage where on some evenings warnings ought to be issued to travellers that it is not safe to travel on that road because it is a main highway, which travellers would expect to be in good condition; because of the dips in the road, the water build-up is enormous and it is almost impossible, if not impossible, to pass heavy vehicles on that road on a wet night.

The Hon. Peter Dunn: Is that the one you are getting done up?

The Hon. M.B. CAMERON: I am not sure. One would hope that it would be done up in the near future because it is a main highway, but with this money disappearing from the Fund one doubts that we would have the opportunity of having it rectified in the near future. I am sure that the Hon. Mr Dunn, who is very well aware of the situation in the Eyre Peninsula region of this State, will raise that fact; right through the Mid North and in the metropolitan area there are areas where roads have deteriorated, and it is not fair to take money from this Fund to assist the Police Road Safety Services when road safety itself has been threatened by the condition of the highways in this country.

All honourable members, I am sure, receive requests for road works from constituents which they consider to be urgent. We all receive requests for the installation of pedestrian crossings to improve safety. Invariably, the Government maintains that it cannot afford to allocate additional funds to do this work, yet it is prepared to bleed the source of funds for road use in the Highways Fund which should be used only for road construction. The Government is transferring funds from the Highways Fund to what it describes as the Road Safety Services of the Police Department. We have no guarantees, however, that what the Government is really doing is simply to prop up the police budget and reducing the pressure on the Government's general revenue.

The transfer of funds, which I referred to earlier and which took place 12 months ago, resulted in an additional $1 million being lost for road construction work. The transfer this year means that further $1.5 million will be written permanently into the formula for transferral. The Government has taken in total $2.5 million out of the Highways Fund and put into the Police Department when, in fact, if it considered the money was necessary, it should have taken it out of the general revenue. The amount taken this year would be retrospective to 1 July 1983 if the Bill passed. One wonders what is occuring in this area.

I stress once again that we do not in any way lessen what we believe to be a priority of services of the Police Department. The use of moneys traditionally made available for road construction for propping up general revenue is becoming a frequent practice of this Government. Approximately seven months ago the Government imposed an additional 1c per litre tax on petrol, but, instead of paying that money as it previouly had been into the Highways Fund, it was paid into general revenue. In a full year $15 million will be used to prop up general revenue.

During the debate last year on the Estimates we found another convenient accounting ploy of this Government whereby it has asked individual departments to pay for their own accommodation, whereas previously that has always been covered by the Public Buildings Department. That meant that an extra $1.1 million which should have gone into the Highways Fund was transferred from the Highways Fund into accommodation for the Motor Vehicle Registration Division. We have had $1.1 million for Government Accommodation; $1 million for what was transferred last year. A further $1.5 million for what was transferred this year and probably with this extension an extra $2.3 million for next year, which is a total of 3.8 million that has been so far transferred out of the Highways Fund. A further $11 million this financial year will be lost from the extra fuel tax. That means that up to $15.4 million has been lost to road construction in South Australia through the actions of this Government in the past 12 months alone.

The Hon. J.C. Burdett: That's dreadful.

The Hon. M.B. CAMERON: It is dreadful.

The Hon. R.I. Lucas: $15 million?

The Hon. M.B. CAMERON: Yes, $15.4 million. Between 1970 and 1981 (in 1982 constant dollar terms), the funds allocated by the Federal Government for road construction and maintnance in South Australia fell from $100 million down to $64 million, which is a decrease of about 40 per cent in real terms for road construction in South Australia. There is a great urgency in certain parts of the State for unsealed roads to be sealed and made as quickly as possible. There is also great urgency in parts of the State to provide reconstruction on deteriorated sealed roads. It is well known that there are now serious congestions and serious road hazards developing through the lack of road funds, particularly the road maintenance and construction.

There is a serious depletion and deterioration of the highway system in South Australia, as any member who travels in this State would know, to the point where the roads are becoming unsafe. This is a serious situation and not a one-off thing. The Royal Automobile Association, which represents over 400 000 South Australian motorists, is very much concerned with this trend. Its executive expressed concern last year when the Government introduced legislation to increase the percentage from 9.8 per cent to 12 per cent. Now, the Government in increasing it from 12 per cent to 15.4 per cent before the year is finished.

The Minister has admitted that the funds for road construction and maintenance this year will be less in real dollar terms than they were last year, despite the crisis that already exists. We now have before us a further erosion of those funds as well as a commitment embodied in legislation passed last year that there is no obligation on this Government to incerease the percentage of funds in the Highways Department beyond what it was in 1982-83 in constant dollar terms, let alone real dollar terms. In other words, this

Government has committed itself to an erosion of between 8 per cent and 10 per cent, while the current inflation rate applies, in moneys available for road construction in this State each year as we progress. That is an appalling situation and clearly shows deterioration in every area of the State—whether metropolitan, the Eyre Peninsula, the Mid North, the Murray Lands or the South-East.

The next part of this so-called simple and innocuous Bill, which the Minister introduced at short notice, gives the Minister the right, without recourse to Parliament, to vary the figure of 15.4 per cent. Obviously, he will not vary it downwards—no Government has ever varied a sum of money downwards—he is certain to vary it upwards. The Premier and Treasurer wants to get his sticky little fingers on even more of our road funds. It is incredible that the management of the Budget in this State is now being put into effect by means of notices in the *Government Gazette*. We can alter the Budget and the whole balance of the State's finances, especially in respect of the area of road transport as controlled by the Highways Department and the Police Department, and transfer as much money as we like simply by publishing a notice in the *Government Gazette* without reference to Parliament.

The Hon. L.H. Davis: Open government?

The Hon. M.B. CAMERON: Yes, it is incredible. The control of this is totally wiped from the Parliament.

The Hon. L.H. Davis: The secret siphon.

The Hon. M.B. CAMERON: Yes. The Liberal Opposition will not stand by without protesting while this erosion of the powers of Parliament takes place. I do not believe that the Government should have the power at all, but the Minister should have done the thing more decently and provided for promulgation by regulation rather, than by notice, in the *Government Gazette* if he wanted to do this at all.

I had an indication that the Hon. Mr Milne will put some amendments on file. It was the intention of the Opposition to vote against this Bill at the second reading. However, as the Hon. Mr Milne has indicated his desire to have amendments considered by this Council, the Opposition will not be opposing the second reading but will be looking at the amendments. If they are acceptable, obviously our situation will alter, but, if the amendments are not acceptable, we will certainly oppose the third reading.

The Hon. K.L. MILNE: I had the courtesy of hearing what the Hon. Mr Cameron was going to say. I do not disagree with him and think that all he says is true. It is a very serious matter that should not be allowed to continue. The Democrats do not like this Bill at all, and I doubt whether the Minister likes it, either. Under the present somewhat clumsy arrangements for financing a part of the South Australian Police Force from the Highways Fund, this sort of situation is likely to continue as it has continued over a number of years through successive Governments. I strongly suspect that this arrangement was temporary and, like so many temporary arrangements, has continued by default. First, I support the Minister (Hon. R.K. Abbott) when, during his second reading explanation, he said in part:

> I would like to see one other thing, which I have suggested to the Commissioner of Highways. I asked him in his discussions with Treasury, and I will see to it that this point is made to Treasury when we are talking about the next Budget, to request that a specific line be made in the Highways budget for this very purpose. That amount should be allocated for contribution to the Police Department for road safety purposes. Then I do not think there would be any argument. It would be an amount provided for this purpose, spelt out in the Budget.

So, the Minister is not happy with this arrangement and will try to improve it in the next Budget. My advice to him is to have a special line made in the Police Department budget, not just the Highways Department budget, so that the Department is paid directly and has to manage the fund itself. That is the nub of the matter.

There should be a separate line in the State Budget for financing this area of the Police Force—not connected with the Highways Fund at all. Really, there is a conflict of interest in some ways, although it has been argued that the Police Force is working on road matters, road safety and road control. I say here and now that I would support legislation to bring about what the Minister is suggesting, with the slight variation that I think ought to be directed to the Police Department's line, if such legislation is needed. Perhaps legislation is not needed. Meanwhile, we have this situation before us where the Minister is required to find $1.5 million from the Highways Fund to finance increased costs in the road surveillance and patrol sections of the Police Force.

The increase in contribution from 12 per cent to 15.4 per cent of the Highways Fund receipts in fact represents $1.5 million, but I do not want to agree to an increase in a percentage form. It is in the Minister's interests to name a figure and not a percentage. Also, I do not want to agree to it at all if I can avoid it, because it is just another example of how the Government simply raises more money if costs increase, rather than trying to cut costs. This cannot go on for ever. The previous Government should have taken more care also. It should have foreseen that this situation was arising, and this Government has been slow to correct it.

What this Government intends to do is transfer another $1.5 million from the Highways Fund; it would create employment to pay the increased salaries of certain police officers who are already employed. The Highways Fund is then to receive by way of a loan from the Treasury the $1.5 million back for road works. Whichever way one looks at it, this is Alice in Wonderland financing if ever there was such a thing.

The Hon. R.J. Ritson: It's a Budget adjustment Bill, isn't it?

The Hon. K.L. MILNE: Yes. In discussing this matter with the Hon. Mr Cameron we decided it would be much simpler for Treasury to make a loan to the Police Department in the first place.

The Hon. M.B. Cameron: Or give them a grant.

The Hon. K.L. MILNE: Yes, you are right. I am not blaming the police. It is not their responsibility—it is the Government's responsibility and, when you boil it all down, it is an additional tax, an additional expense which is going to cause more tax and I think another election promise broken. We disapprove thoroughly of the Minister's having the power to vary the percentage. The Minister was kind enough to discuss this matter with me and I thank him for that. As a result, I have designed some amendments—

The Hon. R.I. Lucas interjecting:

The Hon. K.L. MILNE: Yes—which have been tabled in my name and I hope that the Council will consider them. The alternative is to disapprove the Bill altogether and I do not think at this stage that would be sensible—

The Hon. R.I. Lucas: Earlier in the session, would it be?

The Hon. K.L. MILNE: Do shut up. You have had a fair go. Now cut it out. It is conceit; that is what it is—political conceit.

The Hon. Frank Blevins: Immaturity.

The Hon. K.L. MILNE: Immaturity from the junior back bench.

The PRESIDENT: Order!

The Hon. K.L. MILNE: I hope that the amendment on file will hold the situation until the Minister can get the formula rearranged, and I hope he will do that in the next

Budget. I seek the support of the Council in this matter and I support the second reading.

The Hon. R.C. DeGARIS: I do not want to say very much on this Bill, except to say that I believe that it is time that the Government, as maker of Budgets, should get rid of funds such as the Highways Fund altogether and work through the normal course of the Budget. The Highways Fund and many funds such as this were established many years ago for a particular purpose. I do not believe any longer that that is a valid way to do it, because Governments, irrespective of their type or colour, will lean on that fund in some way or other to transfer money to particular functions that are related to that fund. For example, we have for some time now taken a certain amount of money out of the fund for the financing of road safety and police work in that regard.

How long will it be before there is another Bill coming out dealing with the question of hospitals, which must relate to large expenditure concerning roads and accidents occurring on roads? So, we continue the argument on to its nth degree, and it becomes quite stupid. In the last few years we have been using a consolidated Budget in which all moneys, Loan funds and ordinary recurrent expenditure are included in the one Budget. So, in that particular category, once we start in that area many things can happen.

What is happening with this Bill now is that we are going to take a bit more money out for road safety and then we are going to lend money to the Highways Department, which will not be an absorption of money for current expenditure but the capital funds which will be used for a capital purpose—the making of roads. As the Hon. Mr Milne suggested, if we allow the money to be transferred (the capital funds to be transferred to police funds), it will be the utilisation of capital funds for the payment of recurrent expenditure which will be seen on a different line of the Budget. I point out that in regard to taxes on roads and road users and the like, fuel taxes applied by the Federal Government do not come back to financing roads: they are a form of taxation.

The Hon. M.B. Cameron: It is intended to come back, but it does not.

The Hon. R.C. DeGARIS: That may be so. Certainly, all the funds taken for roads never come back.

The Hon. M.B. Cameron: Successive Governments have done that.

The Hon. R.C. DeGARIS: Yes, it has been a taxation measure. I suggest that the Government should consider the question of the abolition of the Highways Fund. The Government should establish the normal expenditures in regard to road funds as they do in relation to all other services rendered to the community. There is no case for us to be having a Highways Fund for which we will have a Bill before us practically every year dealing with the percentage or the amount of money that the fund is going to contribute to the State. That is going to happen because there will be other demands on the Highways Fund as time goes on. I am willing to support the second reading and hear the Hon. Mr Milne's amendment, but I suggest to the Government that we should make a new approach altogether and dispense with the idea of the Highways Fund once and for all.

The Hon. PETER DUNN: Much has been said about this Bill. There are a couple of other fundamental things that I wish to mention that have not been emphasised by previous speakers. The Highways Fund finances the building and maintaining of the highways. However, it works in other ways as well. That needs to be highlighted. Every little bit taken out of the fund takes away from the South Australian community and from Australia in a Federal context. Road funding is one of the most important things for the community.

We are a country with few people. Per head of population over a square area we probably have less population than any other country in the world. We must have good roads to communicate. Our cities are on the periphery of the continent, and to get around we need good roads.

The Hon. K.L. Milne: Chad is worse.

The Hon. PETER DUNN: Yes. To highlight this highway robbery Bill, I will refer to comments made at the Eyre Peninsula Local Government Conference a couple of years ago, as follows:

> Finance to local government generally and in particular the area of road funding is rapidly losing ground in real terms, and we must be forever vigilant to correct this situation.

This is not correcting it: it will make it worse. The conference also stated:

> Eyre Peninsula has had to accept being even more disadvantaged by the State, to the point of being treated like second-class citizens. The main reason for this is because of our small percentage of State population—about 2.6 per cent—if Whyalla is included it rises to 5.1 per cent—
>
> However, Eyre Peninsula has 17.9 per cent of the State's road length. We do consume about 20 per cent of the State's auto distillate and 6.3 per cent of its motor spirit (including Whyalla).

To support my claim for the expenditure of more money on roads on Eyre Peninsula, I refer to production figures. Eyre Peninsula produces about 40 per cent of the State's wheat, 15 per cent of its wool, 25 per cent of its barley, and half the State's fish catch. That brings in about $200 million annually to the State.

The Hon. R.C. DeGaris: From the production of fish?

The Hon. PETER DUNN: No, from the production of wheat, wool, meat, and fish. However, Eyre Peninsula receives only a very small part of the Budget. We are disadvantaged because 98 per cent of the roads under council control on Eyre Peninsula are unsealed. For the rest of the State it is 88 per cent, which is still not good. That emphasises the fact that we need more roads and more funds to build and construct those roads. As the Hon. Mr Cameron said, those roads that have been constructed need to be maintained.

It appears that it is a Federal, State and even local government idea that we should run down the construction of roads. It is fast becoming such a problem that I believe that we will shortly have to spend massive sums of money to get our road construction back into some sort of order. Even though we have arterial roads in reasonable repair, few people in the outer areas of this State live near those arterial roads. In fact, those people must drive on dirty, muddy and wet roads in winter, and dusty, rough and potholed roads in summer. My emphasis relates to road construction. It is a bane to people who live a long way from the centre in which they trade.

The imposition of a levy of 1c a litre on fuel did not improve our situation at all, because the $11 million raised went straight into Consolidated Revenue. Therefore, that money was lost. If we add to that the charge for accommodation against each department, there is an extra $1.1 million, and there is also $1 million transferred from last year to the Police Road Safety Services Fund, and another $2.2 million for this year. That amounts to $3.27 million as a result of the percentage rise from 9.8 per cent to 15 per cent in the past year. If that is added to the $11 million, the figure becomes closer to $14 million—a considerable sum of money.

Like the Hon. Mr Milne, I believe that this should be a separate item. It should not be confused and muffled under the Highways Fund. It should be a separate item that can be seen and identified. I do not think that any of us would

like to see road safety expenditure decreased in any way. That is a very important part of today's society. We should lower the death toll on the roads, because the cost is horrific to the community and to the people involved in road accidents.

My Party believes that roads should be maintained to a high standard. If we are going to pay the expense of maintaining our roads, I believe that the rest of the community should share in that cost. Last year we supported a rise from 9.8 per cent to 12 per cent. I think that the Labor Party thought that it would try it again and get it up to 15 per cent. However, enough is enough. I think that point has been made. The Hon. Mr Milne has foreshadowed some amendments that I have not seen. I will look at them later and decide whether I can support them.

I do not know what the Minister of Transport is doing. Did the Treasurer pull the wool over his eyes when he took this money? If that is so, he should stand up and be counted and he should demand the return of some of that money from the Treasurer. The most insidious aspect of the Bill has been discussed at some length. It is a fact that 75 per cent of the police road safety budget will be funded from the Highways Fund. How ridiculous! They can put in a budget for whatever suits their fancy and it will be funded from the Highways Fund. That is open-ended and plainly stupid, given today's method of accounting. I believe that that system must be changed. In summary, it is really a matter of who is funding the roads and how we are going to fund them. If we continue to cut back on funds for roads at Federal, State and local government levels, we will have no roads. That would be a sad day. I oppose the Bill for the reasons that I have mentioned.

The Hon. L.H. DAVIS: The Highways Fund derives most of its money from licence and registration fees collected and received under the Motor Vehicles Act. There are other sources of revenue for the Highways Fund, and the detail is set out in section 31 of the Act. More importantly is the manner in which the moneys standing to the credit of the Highways Fund are to be allocated. Those funds are used to defray the cost of operations undertaken by the Commissioner in connection with roads and works, for payments to councils, and for annual grants for main roads as determined under the Highways Act. There have been amendments to provide that one-sixth of the fees received by the Registrar of Motor Vehicles should be paid towards the purpose of road safety services provided otherwise than by the Police Department. Finally, the matter before the Council, that there should be provision for the purpose of road safety services provided by the Police Department, came into effect in the Highways Act Amendment Act, 1979.

The amount required to be set aside from the fees received from the Registrar of Motor Vehicles for safety services provided by the Police Department was initially only 6 per cent. So, five years ago only 6 per cent of registration fees was required to be set aside for that purpose, but now it is proposed that 15.4 per cent of fees be set aside. In anyone's language, that is a dramatic increase. If one calculates that 15.4 per cent of registration fees should be set aside for road safety services provided by the Police Department, one can estimate that the amount collected in fees is $52 million in total. This matter has become a contentious issue, because each year this Parliament has been asked to increase the amount set aside from registration fees for safety services provided by the Police Department.

We know that the Highways Fund was established principally to make available funds for road construction and maintenance. I would suggest very strongly that road safety begins with good roads, and that good roads and the proper maintenance of roads are prerequisites of road safety. Certainly, it can be argued that it is a catch 22 situation in that, if more money is provided for road safety, that in itself is a good thing, but I would argue very strongly that it is more important to start with good roads. The Hon. Mr Dunn has very forcibly and rightly drawn attention to the appalling state of country roads, notably the roads on the West Coast. I believe it is most important that the Highways Fund be used for the purpose for which it was established.

It is high time that this Parliament came to grips with the need to maintain our roads, because in 1983-84 the sum spent on South Australian roads has decreased in real terms. That is simply not good enough. There has been a cut back in Commonwealth road funding. Certainly, one could look to the bicentennial road programme as making a valuable contribution in regard to some of the main roads and important roads in South Australia, but we cannot deflect from the argument that we as a Parliament are being asked to increase this allocation each year. In the second reading explanation the argument was put forward that this will not be the last increase, because the Government's aim is to ensure that 75 per cent of the road safety services operated by the Police Department are provided by funds from motor vehicle registration fees.

Even though the amount set aside from registration fees under this Bill has been increased from 12 per cent to 15.4 per cent, that will only ensure that 66 per cent of Police Department funding for road safety services will be met from the Highways Fund. So, quite clearly next year, as things stand, the Government will have to increase the sum diverted from the Highways Fund to road safety services of the Police Department yet again. Making a judgment as to what that sum will be, one could guess that it might be about 17.5 per cent, that is, increasing from 15.4 per cent as proposed in this Bill—if it passes. Finally, I believe that it is time that the Government took a stand on road safety and recognised the importance of moneys being provided for road safety. I would argue very strongly that the moneys to be diverted to road safety should come from general revenue rather than the Highways Fund, and I would also argue very strongly as a current member of the random breath test committee and as a member of the original committee that the sum spent on road safety in South Australia should increase at a greater rate than the general increase in budget spending.

Accepting this proposition (and I would hate to think that anyone in this Council would disagree), the percentage from the Highways Fund would have to progressively increase if this Government was ever to reach the 75 per cent target that it has set. That point has not been made in this debate, and I believe that it is important. The time has come for road safety to be regarded as an important and quite separate issue. It should be set apart from the Highways Fund, the nature of which has changed completely since it was first introduced in 1979. I give public notice that, if such a proposal comes up again at the same time next year, I will oppose the measure, because it will inevitably require a further increase in the percentage of moneys to be diverted from the Highways Fund into safety services provided by the Police Department. I will support the amendment that the Hon. Mr Milne has on file, but with severe reservations, because this measure is retrospective to 1 July 1983. This is a money Bill, but even so we as a Parliament should adopt a bipartisan approach to road safety while at the same time recognising the importance of the Highways Fund in helping to provide adequate funds for the roads of South Australia.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank all honourable members who have contributed to the debate. It was with something of a sense of *deja vu* that I approached this debate, because I recall that I handled this matter for the then Opposition in February 1982.

When I was giving the second reading explanation on behalf of the Minister of Transport, I thought how similar the words were to those contained in the second reading explanation that was given by the Hon. Trevor Griffin when he was introducing a similar measure—in fact one identical to this—on 10 February 1982. So, I recognise very much the second reading debate on this point of the Bill, which was identical. The Hon. Trevor Griffin, at that time the Attorney-General, gave the second reading explanation that I gave today.

There was a significant difference, which I raise as a point of interest to the Council, in the handling of the proposition by the Opposition. I will read from Legislative Council *Hansard* of 11 February 1982 in response to this measure that the then Liberal Government proposed. I said the following:

> The Opposition supports this Bill. It basically does two things: it increases from 7½ per cent to 9.8 per cent the stamp duty from the Highways Fund which is applied to the police budget for safety purposes. The Opposition believes that that increase is well warranted and that no amount of expenditure is too great in an attempt to prevent the terrible tragedies that do occur on our roads. We support that completely.

I made a very brief speech, concluding, 'The Opposition certainly does not want to oppose these trivial matters'. The Opposition of those days handled the matter quite differently from the way in which the present Opposition handled the matter while in Government.

The Hon. L.H. Davis: What percentage was it then? 9.8 per cent?

The Hon. FRANK BLEVINS: The percentage was increased from 7.5 per cent to 9.8 per cent.

The Hon. L.H. Davis: We are up to 15.4 per cent.

The Hon. FRANK BLEVINS: The principle is exactly the same. It is no different. There were no other speakers on the Government side. I have researched this as well as I could in the short time that has been available to me this evening. There were no other speakers. I am surprised at that, because we have had four speakers here tonight in the second reading debate. The Hon. Martin Cameron, the Hon. Legh Davis and the Hon. Lance Milne were here at that time. As I said, apart from the Hon. Trevor Griffin, who introduced the measure, I was the only speaker at that time. I thought that, as we appear to have plenty of time while waiting for the House of Assembly, I would draw that to the attention of the Council as a point of interest. It proves again that in this game a little consistency is very welcome and does not go astray at all. I am not the least bit embarrassed by my response to this measure when I was in Opposition; I hoped, probably in vain, that there would be a little bit of embarrassment on the other side of the Council.

I appreciate the points that all members who have spoken on the second reading debate have made. Essentially, it is a matter of judgment as to how much one can allocate to one area or another. It is a balancing Act that all Governments have to contend with, irrespective of whether they are Liberal Governments or Labor Governments, and I cannot see any way around that. What proportion of total funds is to be allocated to roads, road safety, or to various other important functions that Governments perform is something that we will always have to wrestle with.

At this time, the varying amounts that are being allocated are appropriate, given the financial contraints that are on the Government. Whilst I sympathise with the calls that have been made by the Opposition for increased spending on our roads, and I particularly sympathise with the call and the plea made by the Hon. Peter Dunn for a greater share of the allocation for Eyre Peninsula (as someone who lives on Eyre Peninsula, as you do, Sir, would like to see the roads in that area improved considerably), the point is, where do we get the money from? Whilst the spokesmen for the Opposition were very eloquent in stating that more money should be allocated to roads, what they did not say was that if they were to take the additional money to spend on roads from other services and areas, precisely what other services they would cut out.

Alternatively, if they are not going to cut out any other services, which taxes would they raise to pay for the improvement of the roads of this State? There is an obligation on everybody who demands that the Government spend more money in a specific area to, at the same time, tell the Government what services they would cut out to re-allocate the funds, or what taxes they would increase to enable that expenditure to be made. It is very easy to demand more services, but much more difficult to state where those resources are coming from, particularly when we have the Budget position that exists in this State. When we came to office 18 months ago, it is completely fair to say that the Treasury position we inherited was probably the worst that this State had ever known.

The Hon. M.B. Cameron: That is a lot of rubbish.

The Hon. FRANK BLEVINS: The Hon. Mr. Cameron and the Hon. Mr Hill said, 'That is rubbish.' I am not being in the least political; I am merely stating a fact.

The Hon. R.C. DeGaris: Will you get on to the question of the abolition of the Highways Fund.

The Hon. FRANK BLEVINS: I will in a moment; the honourable member is next. There has not been a more financially irresponsible Government than the Tonkin Liberal Government. I refer honourable members or anybody who is interested, rather than develop the argument myself at this time, particularly as we now have the Local Government Act Amendment Bill back, to the remarks, comments and very detailed analysis that was made by the Hon. Mr DeGaris of those three years of Tonkin Liberal financial mismanagement.

The question was raised by the Hon. Mr DeGaris as to whether the Highways Fund should continue at all and whether roads should be funded by funds coming through General Revenue and being allocated in a more straightforward, open and orderly way. That is something that is certainly worthy of consideration. I know that the Minister of Transport heard the Hon. Mr DeGaris make those remarks. He will be made aware of my response to them. It is something to which the Minister of Transport and the Government should give very careful consideration.

The questions raised by the Hon. Mr Milne will be more properly dealt with when he moves his amendments in Committee. I will be supporting the amendments which I think are very reasonable. I point out to members opposite that during the debate on this matter in another place the Minister of Transport said to the Opposition, 'If you wish to move amendments to deal with the problems [as the Hon. Mr Milne has done this evening], I will give that favourable consideration'. So, the offer has been there throughout the debate for the Government to agree to amendments to the legislation, very much in line with the amendments that will be moved by the Hon. Mr Milne.

As I say, the question of roads is always vexed. Certainly, the question of road safety is not: that is something on which I feel we are developing a bipartisan policy in this Parliament, and that has certainly been occurring over the past 4½ years at least. Whilst the Tonkin Government was hopelessly irresponsible financially, at least in this area it had many things to its credit and many things on which, when I handled these matters in Opposition, I congratulated them. I did not hesitate to do so. I commend the second reading of the Bill to the Council. As I stated, I will be supporting the amendment of the Hon. Mr Milne during the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Application of Highways Fund.'

The Hon. K.L. MILNE: I move:

Page 1, lines 17 to 30—Leave out paragraphs *(a)* and *(b)* and insert the following:

'by striking out subparagraph (i) of paragraph *(m)* of subsection (1) and substituting the following subparagraph:

(i) allocating for the purposes of road safety services provided by the Police Department—

(a) an amount, in respect of the financial year commencing on the first day of July, 1983, of seven million seven hundred thousand dollars; and

(b) an amount, in respect of each subsequent financial year, that has been prescribed by regulation;'

I think that all members feel that the percentage idea is not good. I hope that I am not being unfair when I say that I believe that the Minister feels it is not a good idea either, and is somewhat sympathetic to what we are trying to do. As I quoted from his second reading explanation earlier, the Minister is uneasy about the formula system. The proposed new subparagraph (i) *(a)* will allocate the amount of money for which the Minister has asked for this year. I think that this will hold the situation while the Government, or the Government with others, gets the matter tidied up. I think that most of us are now sympathetic to what the Hon. Mr DeGaris said—that the real answer would be to get rid of the Highways Fund altogether because, while it is there, it is bound to be looked at avariciously—

The Hon. M.B. Cameron: Used and abused.

The Hon. K.L. MILNE: Used and abused by one interest or another. But, pending that time, I hope that the Council will give consideration to my amendment.

The Hon. M.B. CAMERON: The Opposition will not vote against this amendment. In the short term the transfer that has taken place of the initial $1.5 million is being replaced in the Highways Fund by a $1.5 million loan. I have already indicated the effect of that during the second reading debate: the Highways Fund will have an impost that will have to be paid back at some future time. In the opinion of the Opposition it is an advantage to get rid of the percentage altogether. In spite of what the Minister of Agriculture has said, there is a fair bit of difference between the percentage that applied in the time of the Liberal Government and that which was forecast in the Bill of 15.4 per cent. If we keep going at this rate it will not be too many years before the whole Highways Fund goes into the Police Road Safety Service. To try to draw a parallel between what we were doing and what has been done here is not on.

I agree that we must look at the whole area and decide whether or not this is the proper way to go about the allocation of funds to the Police Road Safety Service, or whether there is a better way of doing it. I think that there is a suspicion, to which the Hon. Mr DeGaris referred, that this is a way of getting Loan funds into the revenue system without the Government's having to be seen to be actually using Loan funds for revenue purposes. That is the very thing of which the Government was critical with the previous Tonkin Government—a practice which was criticised very severely by some members and which was continued in the last Budget.

It is a suspicion that this will offset some of that amount, and I have no doubt that there are grounds for that suspicion. Certainly, this amendment is a lot better and means that there is a fixed amount of money. It could well be that, if registration fees increase, we will have saved the Highways Fund an extra amount that might have been taken out of it because we have now fixed the amount at this figure. There is no doubt that this Government will be looking at every taxation or revenue measure that it can find and that the registration of motor vehicles will be one of the areas at which it will be looking at—

The Hon. Peter Dunn: What makes you think that?

The Hon. M.B. CAMERON: Well, it is pretty rapacious, in spite of what the Labor Party said prior to the election. So, the Opposition will not vote against this amendment.

The Hon. L.H. DAVIS: I have already indicated that I support this amendment with some reservations. It certainly is much more satisfactory to have the amount prescribed to be allocated for the purpose of road safety services by way of regulation rather than by notice in the *Government Gazette*, as the Government intended. Of course, that method of prescribing by regulation each year has its own weakness. I am sure that the Hon. Mr Lance Milne recognises that.

The Hon. M.B. Cameron interjecting:

The Hon. L.H. DAVIS: Yes. I hope that, notwithstanding the fact that there has been much more debate on this occasion than there was on the last occasion in 1982, when the Hon. Mr Blevins recalls the debate on that matter, it will not detract from the issues that have been raised by speakers focusing attention, as they did, on the need to have adequate road funds. I also high-light the point that when this measure was first introduced in 1979 the percentage for allocation to road safety services provided by the Police Department was only 6 per cent. In the space of five years it has been increased 150 per cent to 15.4 per cent. It is a rollercoaster out of control. I hope that the Minister will take back to the Minister of Transport the very real concern of members, at least on this side of the Chamber and, I believe, shared by the Hon. Mr Milne, and look at the funding of road safety in South Australia.

Not only is that matter picked up in this Bill but also funds are provided in an earlier part of section 32 of the Highways Fund providing for road safety service payments to people other than the Police Department. It is an important matter that needs to be resolved. I believe that there is a better method of attacking road safety than this ad hockery that we have had before us.

The Hon. FRANK BLEVINS: As I stated in the second reading debate, the Government supports the Hon. Mr. Milne's amendment. The offer was made in another place where amendments in line with these amendments were moved and were accepted by the Government. When commenting on how much more debate there has been now than there was in the past when the Liberals moved a measure such as this, there was an interjection that the then Opposition did not understand it. That is totally incorrect. The Opposition understood it fully. What the Opposition was able to do, which this Opposition does not seem to grasp, was to make some pertinent points on a Bill succinctly, without constant repetition by a number of speakers, and sit down. We have reaped the reward of that by our now sitting on this side of the Chamber.

The Hon. K.L. MILNE: I thank honourable members for the contributions that they have made and for their support which will apparently be forthcoming. I would like to clarify one thing, namely, that the basic fault of the arrangement of the formula at present is that a percentage of the money collected by one department and one Minister must be transferred ultimately to another department organised by another Minister. That is not fair. It is bound to lead to trouble and, since the Minister of Transport has very little control over what the Minister in charge of the Police Department does—

The Hon. M.B. Cameron: And spends.

The Hon. K.L. MILNE: —and spends, it is unfair for the Minister of Transport to be collecting that money, raising registration fees and whatever to finance someone else's programme.

Members interjecting:

The Hon. K.L. MILNE: The sooner the system changes the better.

Amendment carried; clause as amended passed.

Title passed.

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

That this Bill be now read a third time.

The Hon. M.B. CAMERON (Leader of the Opposition): I want to say a few words at this stage following the stirring speech of the Hon. Mr Milne just prior to the acceptance of his amendment. The honourable member convinced us that this Bill is one way of starting the cessation of the transfer of these funds and enabling the Minister of Transport to retain control of his funds and not have to transfer them to the Police Department. The amendments that were moved by the Hon. Mr Milne have undoubtedly improved the situation. If this Bill passes, there will be a line in the Budget that can be debated, and this Council will be able to look at regulations that change this amount. Nevertheless, it does not alter the fact that if this Bill is passed the Highways Fund will be subject to a dimunition of an extra $1.5 million.

Any loan from the Treasurer does not really offset the fact that there is a dimunition of funds, because it will be a dent on the funds; it will be a loan that will have to be repaid. It does not really alter the situation. That is the point to which the Opposition is opposed. We support the amendment because it improves the Bill, but the Bill in our opinion is still not sufficiently improved to justify our not continuing with our opposition, and we intend to vote against it.

The Hon. R.C. DeGARIS: I will be brief, I too, will oppose the third reading, not because I have objection to the use of money from road funds for purposes relating to road usage but because I believe that it is time that we as a Parliament expressed ourselves clearly on the question of fund financing. It is time that the Highways Department was suspended altogether, and I believe that the Hospitals Fund, in relation to the payment of lottery moneys, is in exactly the same category. I do not think that anyone here would say for one moment that because money comes from lotteries and other types of gambling that extra money is spent on hospitals, because it is not. Everyone appreciates that it is a form of taxation, so I take the view that in opposing this Bill the Government may feel it necessary to move towards a system of getting rid of the particular funds that are used in relation to our Budget.

The Hon. FRANK BLEVINS (Minister of Agriculture): Whilst I have some sympathy for the argument that has been put by the Hon. Mr DeGaris, I believe that the Council should pass the third reading. I have stated on behalf of the Government that the proposition put by the Hon. Mr DeGaris will be considered carefully. I have also stated that I believe that there is some merit in what he stated: the proposition will be given careful consideration, but it would be unfair for the Council not to pass the Bill and to force that position on the Government without—

The Hon. M.B. Cameron: We can't support highway robbery—

The Hon. FRANK BLEVINS: You did in 1982 vigorously—without careful consideration. It really is not good enough, particularly in money matters, for the Legislative Council to be—

The Hon. M.B. Cameron: It is not a money matter.

The Hon. FRANK BLEVINS: It is. I did not say that it was a money Bill—I said that it was a money matter. It is not good enough for a Legislative Council to be compelling a Government to arrange its finances in a certain way. The idea may have some merit and will be considered by the Government. If there is any rationale for a Legislative Council, it is to point out to the Government what it believes; by making such points in debate is as far as a responsible Council should go. I urge the Council to pass the Bill.

The Council divided on the third reading:

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

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

Pair—Aye—The Hon. M.S. Feleppa. No—The Hon. R.I. Lucas.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

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

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 7, 20, 21, 22, 34, 36, 38, 39, 40, and 43 and had disagreed to amendments Nos. 1 to 6, 8 to 19, 23 to 33, 35, 37, 41 and 42.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments Nos. 1 to 6, 8 to 19, 23 to 33, 35, 37, 41 and 42, to which the House of Assembly had disagreed.

The Hon. C.M. HILL: I oppose the motion. We had very long debates on all these issues in the earlier stages of the Bill. If the motion is lost, as I hope it will be, the procedure is that the amendments will immediately go back to the other place and it will be up to that Chamber to request a conference. That is the reason for my opposition to the motion.

Motion negatived.

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

That so much of Standing Orders be suspended as to enable messages to be delivered to the House of Assembly while the Council is not sitting.

Motion carried.

[*Sitting suspended from 11.25 p.m. to 12.17 a.m.*]

LOCAL GOVERNMENT ACT AMENDMENT BILL (No.2)

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council committee room at 9 a.m. on 10 May, at which it would be represented by the Hons J.R. Cornwall, C.W. Creedon, C.M. Hill, R.I. Lucas, and K.L. Milne.

DENTISTS BILL

Returned from the House of Assembly with the following amendments:

No. 1. Clause 85, page 30, line 1—Leave out 'Subject to subsection (2), the' and insert 'The'.

No. 2. Clause 85, page 30, lines 4 to 7—Leave out subsection (2).

Consideration in Committee.

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

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

The Hon. J.C. BURDETT: I ask the Council to insist on its amendments and not to agree to the amendments moved by the House of Assembly. I have noted that an amendment has just been placed on file by the Hon. Mr Milne headed 'consequential amendment'. I take it that that is an amendment alternative to the amendments moved in the House of Assembly, but I totally oppose the amendments moved in the other place. The amendments moved in this Council, particularly in regard to the treatment of 12-year old children were, in my view, totally correct. That argument certainly impressed the Hon. Mr Milne at the time but I understand that he has changed his mind.

The CHAIRMAN: Does the Hon. Mr Burdett have an amendment on file?

The Hon. J.C. BURDETT: A consequential amendment has just be placed on file by the Hon. Mr Milne, although I cannot see that it is consequential. It must be an amendment alternative to those proposed by the House of Assembly. The principal point that I want to make is that the amendment that we passed with the concurrence and help of the Hon. Lance Milne was entirely correct. Although the School Dental Service has operated satisfactorily in regard to primary school children, it is my view (a view accepted by the Council and by the Hon. Mr Milne previously) that when dealing with secondary students or students over the age of 12, which was the benchmark used in that amendment, it is necessary, in considering patient care, especially the care of children, that the child be cared for in regard to his dental health by a registered dentist.

Broadly speaking, in regard to children over 12, or secondary students, one is looking at permanent teeth, whereas in primary school children or those below the age of 12 one is looking at deciduous teeth. When one is looking at permanent teeth, which the child will have for the rest of his life, if one wants the best care and if the Government is serious in wanting to look after school children and provide a service to them, it should be looking at the best kind of care that is available, namely, that which is provided by fully qualified professional people—registered dentists.

I totally reject the amendment of the House of Assembly. I ask this Council to insist on its amendment, which it passed with the support of the Hon. Lance Milne, to provide that there should be adequate and proper, fully qualified professional dental care—the best care—for secondary students and for children over 12. I noticed in the press that when the Hon. Lance Milne was asked for a comment he said that such children were entitled to the best care.

If the Hon. Lance Milne has changed his mind and is not prepared to insist on the amendment that he supported before, I hope that all people will know this; I hope that the dentists and all parents will know that he has changed his mind and is not prepared to support the best dental care. The amendment that has been placed on file will be debated if and when it is moved. In the meantime, I ask the Council to insist on its amendment to provide for the best dental care of children.

The Hon. K.L. MILNE: The Hon. John Burdett is correct. I have learnt a great deal since we made the first decision, and I have changed my mind since the first time that I had to make it up, which was about two days after the problem was brought to us. I am only a layman, and the problem is a very complicated one. I do not know how long the Hon. John Burdett had to consider it, but I should have thought that he would have to consider it for a long time to stand his ground on this one, when the evidence is well and truly in favour of the advice that I have had from the Dental Service.

The honourable member is saying that he hopes that the parents and the dentists will know that they are not getting the best service. He does not know whether they are or not, either. He has no proof that what he is suggesting will be better or any more effective than what is being proposed by the Dental Service. It has been reported to me that there have been literally no complaints with the School Dental Service so far; that indicates to me that it has been efficient and that it has been eminently successful; that is not contested.

One set of dentists is saying that when children turn 12 years they must be treated only by dentists because they have adult teeth, but they have adult teeth from the age of 6 years. Most children have all or nearly all their adult teeth except wisdom teeth by the age of 12. As a result, the therapists have been treating adult teeth. Forty per cent of the fillings that have been done have been to adult teeth, anyway, under the present system. One set of dentists—the ADA dentists in private practice—is saying that children at the age of 12 must be treated by dentists if the scheme is to increase. The dentists in the Dental Service are saying that the same system can apply because it is no different when the children are 12 from when they were 11, and it will not be much different when they are 13. In other words, there is no need to make a different system.

I am a layman and I have to believe one side or the other. The Health Minister believes the dentists in his Service, and he says that there is no need to go as far as is suggested by the dentists in private practice. He says that it would be very expensive and almost impossible if they did. I have taken the trouble to see a school dental clinic in operation at Linden Park school, where there are three chairs, three or four therapists, and Dr Burrow—the dentist in charge—and I must say that I was very impressed with both the work and the attitude of the therapists, who are obviously very appropriate for very young children, particularly.

I saw some records that were kept. I saw the record of the peer review where Dr Burrow reviews the work of the therapists. I suppose that that is a special kind of clinic; he is extraordinarily able, has a very high reputation and is there all the time. This standard may or may not be reached in other clinics; I am not prepared to say. Neither the Hon. John Burdett nor I would know whether that standard was reached in other clinics.

The Hon. J.C. Burdett: I know; I can tell you.

The Hon. K.L. MILNE: I do not know how the honourable member knows; he is not dentally trained, and neither am I.

The Hon. J.C. Burdett: It is not reached.

The Hon. K.L. MILNE: Perhaps I should explain while the honourable member is interjecting that in 1983 the children from fluoridated areas averaged .8 of a cavity per child per annum. That is less than one cavity in one child's mouth per annum. The figure was 1.2 cavities in non-fluoridated areas. That average is taken over the whole lot, so that the others cannot be all that bad. One should look at the statistics for children coming into the dental system from other dentists and note the number of cavities that have to be filled when they are first examined by the dental service. I am not promoting the dental service against the Australian Dental Association dentists. I wish that the dental service would employ more dentists. I am hoping that we can arrange a compromise and put the fire out—there is a war between the two sides—and that the Minister will once more negotiate with the Australian Dental Association and employ more dentists.

In fact, if the Minister is telling me the truth (and I believe he is), his plans for the next Budget include seeking more assistance from outside dentists in this part of the general scheme. It would be helpful to the dental profession if it went along with this compromise. I suggest that the compromise will prove whether or not more dentists are needed. As the Hon. Mr Burdett has been criticising the service, I will tell members the rules for examination by dentists. The South Australian Health Commission, Dental Health Branch, School Dental Service, under the heading 'Dentists and Dental Therapists duties with explanatory notes', states:

It is the policy of the school dental service to examine children at maximum intervals of 12 months. The recall period for individual patients must be adjusted to meet their special needs.

I hope that the Hon. Mr Burdett heard that it will be intervals of 12 months. It continues:

The dentist is responsible for the promotion and, where necessary, the restoration of oral health of every child, and therefore must maintain a periodic surveillance of every one. The dentists must examine each child as soon as possible after enrolment, i.e., during the initial course of care. The dentist must certify that this examination has been completed by dating, initialling and printing his name on the front of the treatment record book. The dentist's initials indicate both that the examination has been carried out, and that the initial treatment plan harmonises with the development and anticipated growth of the child.

I have seen some of those cards. They are signed by the dentist. The child was seen by the dentist first, which is the policy that is certainly carried out at the clinic that I attended. In relation to the dental therapist's examination of the patient, it states:

Preferably, the therapist should examine children immediately prior to the dentist's examination.

The reason for that is that the therapist would then put on the child's sheet what she thought, and the dentist would examine the child and put down what he thought. If there is any discrepancy, it does two things: it is a kind of peer review and a double check on the child's first examination. It continues:

The therapist is responsible for the diagnosis and recording of dental caries, and for the planning of appropriate treatment. Therapists may use bite-wing radiographs, but not at intervals of less than 18 months without prior approval of the dentist. The therapist must assess and record the status of oral hygiene and gingival health, and note the presence and severity of enamel hypoplasia and fracture of the teeth. The therapist is responsible for recording and updating the medical history.

A dental therapist has 15 duties set out in detail in this book, and those dates are limited to those things and those things only. This book is the Bible for every clinic dentist and therapist in the service, and I do not see much wrong with that.

The sole question in dispute is whether the system of treatment from the age of 12 years should be different from the system of treatment up to the age of 12 years. One group says that it need not be and the other says that it should be. I have asked the Minister to compromise. One can see from the amendment that I am suggesting that the child will be examined again by a dentist, whatever the treatment has been up to that stage, when it goes to secondary school—as if that child was starting a new schedule.

The Hon. Diana Laidlaw: Would you explain to me the point of even having dentists, other than for supervision?

The Hon. K.L. MILNE: Dentists do a tremendous lot of work. What about a child with an abnormal mouth? There are a number of them around. I leave that to the Minister of Health, who is in the game.

The Hon. Diana Laidlaw: I think that the question is justified.

The Hon. K.L. MILNE: I am only saying what I have seen. I did not see a dentist in operation. I have not seen the results. Dentists have been there all the time under this scheme, which was approved by the Liberal and Labor Parties when it first started. I assure the honourable member that dentists have a very big—

The Hon. Diana Laidlaw: That was for primary schools. That was the distinction.

The Hon. K.L. MILNE: I must have misunderstood the honourable member's question. She asked me why dentists are necessary. Does she mean at primary schools?

The Hon. Diana Laidlaw: Anywhere. As far as I can see from your argument they would be taking a purely supervisory role, other than for extreme cases.

The Hon. K.L. MILNE: It is not only a supervisory role, dentists examine the children every so often to make sure that there is no complaint. I do not think that the question is fair. The Hon. Miss Laidlaw is asking why dentists are there. I cannot imagine a dental service without dentists.

The Hon. Diana Laidlaw: That is right.

The Hon. K.L. MILNE: What is the honourable member trying to get at?

The CHAIRMAN: I think that the Hon. Mr Milne has explained the interjection very well.

The Hon. B.A. Chatterton: Ignore the interjections.

The Hon. K.L. MILNE: I do. The Hon. Miss Laidlaw is very practical normally. There must be something worrying her. I hope that the Minister can clear it up. Whether it means more dentists or not, I do not know. I have asked in my amendment (and the Minister has agreed) that all children be examined at the age of 13 when they enter the secondary school system, which means that they will, in fact, start another cycle of treatment. I think that that is fair enough. Dentists will then prepare the programme for each child.

If the child's teeth are in good condition, as they normally are at the age of 12, because they are examined at the age of 12 where possible, under the programme they would not be recalled early. However, it could be a migrant child or a child who has not been examined before. I refer to the condition of some children's teeth when they come into the service, because the condition is bad indeed; even when they come from private schools—non-Government schools are in the scheme as well—the condition of the teeth can be poor.

If honourable members saw this scheme operating, many of their fears or criticisms would be overcome. That was certainly the case with me. It is not fair for me to continue to pretend that the service is as bad as we are given to understand when that is not so. I do not have to stick with that—right or wrong. My decision was not as good as it could have been. I sought all the information that I could. I have now absorbed a great deal. I have confidence in the system. I shall be happy if children are examined at the age of 13. Whatever the system has been up to then, they will be examined at 13, which gives them a good start.

I ask the Committee to support this amendment, which is a fair compromise in the circumstances. I hope that from there the heat will get out of the argument and that both sides will be able to get together again and, if necessary, improve on the system under these conditions.

The CHAIRMAN: I have given the Hon. Mr Milne the opportunity to explain why he has changed his mind. We should clear up the question.

The Hon. J.C. BURDETT: I want to speak further on whether the Council shall insist on its amendments and I would like to reply to what the Hon. Mr Milne has said. He spoke of two groups of dentists. One group was comprised of almost the whole profession, about 95 per cent, including dentists in hospitals, who support the amendments which were moved and carried with the support of the Hon. Mr Milne in this Chamber. The other so-called group is comprised only of members of the School Dental Service.

Obviously, they have brainwashed the Hon. Mr Milne and shown him what they wanted to show him. They are a very small group. They are supporting their own empire. The supervision in the School Dental Service is often very bad. I could name a country town where the two dentists involved came to Adelaide for a conference yet their therapists carried on treating children. What sort of supervision is that? That occurrence is quite common—commonly the supervision is not close. It is not the sort that the Hon. Mr Milne was shown at Linden Park. It is the sort where the dentist is not even in the same town as the therapist whom he is supervising.

I want to make it clear, as I said before, that the correct amendment is the amendment moved in this Council and passed with the support of the Hon. Mr Milne. The primary school service has been developed and it has been accepted that it works well. When children have their permanent teeth and when basically that is what is being treated, then the best service ought to be available to them; namely, the service of a professionally qualified and trained person, a person subject to complete peer review under the Bill—a dentist. Obviously, the Hon. Mr Milne has been got at by the Minister's advisers. He has been taken around the place and has been shown Linden Park, but I am confident in my amendment which was supported by the Hon. Mr Milne and which the Committee supported. It provides that, in regard to children over the age of 12, the service ought to be provided by a registered person.

The Hon. J.R. CORNWALL: I simply want to speak to the proposition that the Council does not insist on its amendments. I want to defend the good dentists in the South Australian Dental Service, particularly the School Dental Service, upon whom the Hon. Mr Burdett has just cast some serious aspersions. Amongst other things he said that they had an interest in building their empire. In fact, they have established the finest school dental service in the nation—the finest by far—and one of the best in the world. No-one with any professional confidence and ethics within the profession seriously argues against that. Of course, we have the evidence of Dr. Barmes, the Chief of Oral Health, World Health Organisation and, if honourable members want to go further, we have the quite glowing praise of the former Minister of Health, Mrs Adamson, who has given the School Dental Service such praise on many occasions—

The Hon. K.L. Milne: And tonight.

The Hon. J.R. CORNWALL: —and as recently as tonight in another place. Really, the senior dental staff are unable to defend themselves in coward's castle, but I on their behalf would on their behalf rebut anything that the Hon. Mr Burdett said—that they were empire builders and had a vested interest and a number of other things which quite frankly do the Hon. Mr Burdett no credit at all.

The Committee divided on the motion:

Ayes (9)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, I. Gilfillan, Anne Levy, K.L. Milne, and Barbara Wiese.

Noes (8)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, Peter Dunn, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pairs—Ayes—The Hons M.S. Feleppa and C.J. Sumner. Noes—The Hons R.C. DeGaris and K.T. Griffin.

Majority of 1 for the Ayes.

Motion thus carried.

The CHAIRMAN: The Hon. Mr Milne wishes to move a consequential amendment to clause 85.

The Hon. K.L. MILNE: Yes, Mr Chairman. I move:

Clause 85, page 30, lines 2 and 3—Leave out all words in these lines after the word 'may' and insert 'provide dental treatment to children through the instrumentality of dental therapists if—

(i) the provison of the dental treatment is under the control of a dentist; and

(ii) the child has, before the commencement of his first course of treatment by a dental therapist after he attains the age of thirteen years, been examined by a dentist employed by the South Australian Dental Service.

(2) In this section—

"dental therapist" means a person who has qualifications and experience determined by the Minister.'

I think that I have already explained my amendment, through your forbearance, Mr Chairman.

The Hon. J.C. BURDETT: I notice that the Hon. Mr Milne's amendment is headed 'Consequential amendment'. I am not quite sure what it is consequential upon—whether it is consequential upon the honourable member's changing his mind or something else. I do not know. I think that the amendment means very little and achieves very little. However, because it may achieve something and because the Committee is no longer prepared to support the amendment that it previously carried, I am prepared to accept the Hon. Mr Milne's consequential amendment for what it is worth, if it is worth anything at all.

The Hon. I. GILFILLAN: I indicate my support for the amendment. I expect all honourable members in this place would like to ensure that all secondary school children receive the best dental service. The best in terms of actual delivered dental care is one criterion that could be used. If that is the actual standard that we adopt, it would probably mean that that standard would never come into effect, because the money from the Government for the service—either Liberal or Labor—would never be provided for full costs to provide full dental care for all children. The best service must have as one of its ingredients for assessment whether it will actually come into effect. I believe that this amendment, with the likely funds that are available and for the standards that we are prepared to accept, is certainly a big step towards improving dental care for children. This is the best and most feasible method that can be provided in the current circumstances with the money available and at the current rate at which dentists are prepared to provide a service to secondary school children. Incidentilly, dentists that I have spoken to have indicated that their surplus capacity for work would be better directed toward mature patients—those who are unable to afford the current rate for dental treatment. I suport the amendment.

Consequential amendment carried.

[Sitting suspended from 1.1 to 1.26 a.m.]

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

A message was received from the House of Assembly agreeing to a conference, to be held in the Legislative Council committee room at 9 a.m. on Thursday 10 May.

DENTISTS BILL

The House of Assembly intimated that it had agreed to the Legislative Council's consequential amendment.

ADJOURNMENT

At 1.30 a.m. the Council adjourned until Thursday 10 May at 2.15 p.m.