

## LEGISLATIVE COUNCIL

Tuesday 6 August 1985

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

## PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

*Pursuant to Statute—*

Rules of Court—

Local Court—Local and District Criminal Courts Act, 1926—Court Proceedings.

Local and District Criminal Court—Motor Vehicles Act—Probationary Conditions Disqualification Appeal.

Trustee Act, 1936—Regulations—Elder's Finance and Investment Co. Ltd.

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

*Pursuant to Statute—*

Residential Tenancies Act, 1978—Regulations—Leigh Creek South Exemption.

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

*Pursuant to Statute—*

National Trust of South Australia Act, 1955—Rules and By-laws—Membership and Administration.

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

*Pursuant to Statute—*

Forestry Act, 1950—Proc.: Forest Reserve Resumed.

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

*Pursuant to Statute—*

Fisheries Act, 1982—Regulations—Size Limits and Definitions.

By the Minister of Tourism (Hon. Barbara Wiese):

*Pursuant to Statute—*

Racing Act, 1976—Rules of Trotting—Two State Sire Registration.

## QUESTIONS

## RAPE VICTIMS

**The Hon. M.B. CAMERON:** I seek leave to make a short statement before asking the Attorney-General a question about advice given to rape victims.

Leave granted.

**The Hon. M.B. CAMERON:** I refer to a report in today's *Advertiser* that does not pertain to any incident in this State, but it raises concern in my mind. The report refers to Geraldton in Western Australia where a person has raped seven women. Police are advising women who live alone in that town that, if they are confronted by this person, they should submit to him. That raises a question that is probably more serious than it has been in the past, although that advice in itself raises a very serious question.

The question that obviously arises when women are faced with this situation is that, if they do resist and use a weapon and injure the assailant, they face the problem of being charged with assault. However, if the women do not put up at least some sort of fight, I understand they can be put through a fairly gruelling process in trying to prove that they did not submit voluntarily to what was happening.

I am not a person to raise this matter as a scare tactic, but even more serious these days, if this advice is given (particularly if it is given in this State) to women in certain situations, is the question of AIDS. By submitting, women may be condemning themselves to almost certain death. That in itself is a very serious problem, because it is not only women who are involved.

Is the advice given to women by people in rape centres, and perhaps also by the police, that women should not resist in certain situations? If this is the case, could this whole situation that women face be considered and the advice given to women revised if, in fact, this advice is still being given, because of the very serious situation that people now face because of the outbreak of this new disease?

**The Hon. C.J. SUMNER:** The honourable member refers to a report in a newspaper and to advice that, apparently, has been given in another State, and he expects me somehow or other to divine from that what should be happening in South Australia or to ascertain whether certain things are happening in South Australia. All I can say is that the Government has already announced that it intends to amend the rape laws and the definition of rape to ensure that the offence is seen to be committed whether or not physical resistance is offered. That is probably the law in any event, but we have indicated that we will clarify that matter by amending the legislation. That is the situation.

The fact that there is no physical resistance as such does not imply consent. That is a matter to be determined on the facts of each individual case. It must be determined whether or not there was consent. The fact that no physical resistance is offered does not negate lack of consent.

I am not aware of the advice that is given in these circumstances. I can certainly ascertain for the honourable member whether the advice that has apparently been given interstate is given in South Australia and in what circumstances. I wish to make clear that amendments to the rape laws have been announced and legislation is being prepared and will be introduced into Parliament at the earliest opportunity.

## IONISING RADIATION REGULATIONS

**The Hon. J.C. BURDETT:** I seek leave to make a brief explanation before asking the Minister of Health a question about the ionising radiation regulations.

Leave granted.

**The Hon. J.C. BURDETT:** I refer to a letter from the South Australian Health Commission dated 9 July 1985 and directed to a doctor which states:

Your application for a licence to operate ionising radiation apparatus . . . is acknowledged. Unfortunately, the correct amount of money was not received with the application. It is therefore necessary for you to forward the amount of \$10 to enable your application to be processed. It should be stressed that this fee is not an application fee but a licence fee for the period 1 April 1986—

April Fools' day might be a good day for it—

to 31 March 1987. As you were licensed before the new regulations were gazetted, you are not required to pay an application fee. Should your application be unsuccessful—

that is strange since it states, 'you are not required to pay an application fee'—

the licence fee will be refunded. Please return this letter with your remittance.

It seems strange to me that a letter dated 9 July 1985 is asking for a licence fee so far in advance and in respect of a period from 1 April 1986 to 31 March 1987.

**The Hon. R.J. Ritson:** It is called a 'free overdraft', John.

**The Hon. J.C. BURDETT:** Probably. Can the Minister explain why a licence fee for this period is required so far in advance?

**The Hon. J.R. CORNWALL:** The Radiation Protection and Control Act has a long history. There was a comprehensive report prepared and completed relating to this matter during the time of the Labor Government in 1979. If the Hon. Mr Burdett casts his mind back I am sure that he will recall my asking various questions as to when the then

Tonkin Government intended to act on that report. Eventually there was a complex and lengthy Radiation Protection and Control Bill introduced by the Tonkin Government in 1982. My recollection is that that Bill was handled in this Chamber by the Hon. Mr Burdett, who was then Minister of Community Welfare.

The Act is long and complex, covering all sorts of ionising radiation apparatus and medical isotopes. It covers the whole spectrum, including the mining and milling of radioactive substances. The business of drawing up new regulations under the Act has been long and difficult and has involved an enormous amount of consultation. It will be ready ultimately to proceed on 1 April 1986.

All that the radiation protection and control people are trying to do at this moment is make the transition to the new Act as easy as possible. It is quite different legislation from the old Act and has necessitated a lot of advance planning. It is for that reason that they have started at this time to send out notices so as to make life as easy as possible for everybody involved (and that is many hundreds of people and organisations in this State) during this difficult transition period.

#### DR G. DUNCAN

**The Hon. K.T. GRIFFIN:** I seek leave to make a brief explanation before asking the Attorney-General a question about the Duncan case.

Leave granted.

**The Hon. K.T. GRIFFIN:** During the past week there have been public calls for the release of a report prepared by two Scotland Yard detectives into the investigation by South Australian police into the death of Dr Duncan in May 1972. The call for release of that report has been prompted essentially by statements made by a former police officer, Mr O'Shea. I have stated publicly that I saw that report some five years ago when I was Attorney-General and that it is a report of an investigation that does not establish sufficient evidence to lead someone to reasonably believe that a successful prosecution might be launched. In these circumstances, I was then of the view that it was not proper to release the report and that because the report refers to persons by name it would be an improper abuse of Parliamentary privilege to table it. I remain of that view.

At the time of the Duncan investigations the then Premier, Mr Dunstan, is reported to have said that he was satisfied that everything possible had been done to solve the Duncan death. Mr Dunstan is also reported to have said:

I think that the result—

that is, of the Scotland Yard investigation—  
shows that the South Australian Police Force did make a meticulous investigation.

Yet, on Wednesday last he was reported as saying that he had always suspected that members of the South Australian Vice Squad had covered for each other over the Duncan case and that he had always suspected a police cover-up.

On Saturday last there were serious allegations in the *Advertiser* of a political cover-up at the time of the death of Dr Duncan. In the light of these disturbing allegations and in an effort to put all these matters to rest once and for all, I ask:

1. Will the Government establish a totally independent commission of inquiry to fully investigate the allegations of political and police cover-ups and report publicly on its findings?

2. Will the Government offer a substantial reward to any person providing evidence leading to the conviction of any person responsible for Dr Duncan's death?

3. Will the Government be prepared to grant immunity from prosecution to any witness who can assist in giving evidence leading to a conviction, provided that that person is not a principal in any crime?

**The Hon. C.J. SUMNER:** The situation with respect to this matter is that certain allegations were raised in the daily media of this State. Following those allegations being raised, I was contacted in Brisbane, where I was on the State's business, along with the honourable member, at the Constitutional Convention. I said when first contacted that I would examine Mr O'Shea's allegations further with respect to the report that has been referred to by the honourable member. I said that I would not consider releasing that report at this stage. I have not seen the report myself. I have never read it; I have never had any occasion to do so until the events of this week.

Following those allegations and that initial statement that I made, the Acting Attorney-General in South Australia, Mr Keneally, indicated that the allegations were serious and requested that the person who made them should contact Mr Bowering, the Deputy Crown Solicitor, with a view to putting his statements to Mr Bowering so that the people concerned with this issue did not have to rely on media reports of the allegations. Further, following some media attempt to find a fourth person, the police decided, in conjunction with me and after consultation, that a formal oversighting of the investigation should be carried out by the Deputy Crown Solicitor, Mr Bowering, and the Deputy Commissioner of Police, Mr Killmier, who were asked to co-operate to oversight any inquiries or investigations with reference to the public statements that had already been made in the media.

It was announced that the Assistant Commissioner (Crime), Mr Harvey, would co-ordinate a task force headed by Detective Superintendent R.G. Leane, whose purpose would be to take a statement from any person who wished to come forward. Furthermore, Mr Bowering of the Crown Solicitor's Office would make available independent facilities for the taking of statements from persons wishing to provide information to him, that is, those who wished to place their statements before the Deputy Crown Solicitor rather than directly before the police.

The Deputy Crown Solicitor is in a position to provide advice to the investigating team, and Mr O'Shea had been invited to contact Mr Bowering to provide a comprehensive statement of his allegations which I understand he has now done. The overall purpose of that investigation is to collate and evaluate information with a view to advising the Attorney-General, who will decide whether further action is warranted.

That is the current situation. That task force is still in existence. Certain statements have been made to Mr Bowering, at least that I am aware of, and statements may also have been made to Superintendent Leane. But, at this point in time I am not in a position to report further on the matter. The Government has taken all the action that it can possibly take with respect to this matter up to this point in time. However, that does not mean that further action may not be needed. It may not be indicated. I suppose that a whole number of things could be suggested as being appropriate. Before we reached that point, it was necessary for the statements to be obtained to enable us to identify what allegations there were that might be new in what Mr O'Shea has said and, if there were any, to work out how they were to be dealt with.

I indicate that I hope to be able to discuss the matter further with the Deputy Crown Solicitor, Mr Bowering, in the near future and, if there is anything further to report to the Parliament or to the honourable member, I will be quite pleased to do that at the appropriate time. The fact is that

at this stage the task force has been established, and statements are being made to that task force. What further inquiries are indicated will have to await my discussions with Mr Bowering and Mr Killmier. Indeed, it may be indicated that further investigations are required, and that is obviously one possibility.

With respect to the report to which the honourable member referred, I indicated last Monday or Tuesday, when I was contacted, that I was not prepared to indicate that I would release it at that stage. I had not read the report, and that is still the position, because I still have not had the opportunity to do so. In any event, whether or not the report is to be released will have to be the result of a decision taken following an assessment of the additional statements that have been made by Mr O'Shea.

There have been a number of suggestions that the report could be released in a summary form, or that it could be released with the names deleted. Everyone has a lot of suggestions to make about how the report could be released. I noticed that the honourable member, when he was in Government, resisted all those suggestions, as he has quite rightly indicated. Indeed, it was on 13 November 1979 in this Chamber that the honourable member said that he did not believe that there were any substantial reasons for releasing the report. That was certainly his position, but, if that position is to be altered, it will be altered only after a proper assessment of the further allegations that have been made.

With respect to the other matters that the honourable member has mentioned, namely, the reward and the question of immunity, that is not something on which I can make a decision at this stage, either, until we have the statements that have been requested from Mr O'Shea which have been taken, and any others, and until those statements have been assessed. Obviously, in further investigating this matter, if that is something that needs to be considered, I am certainly not averse to giving proper consideration to those issues. At this stage I do not believe that I am in a position to announce what further action is indicated, whether that be a reopening of the coronial inquest, which is an option, a further investigation with the task force examining matters in more detail, or any other sort of inquiry.

**The Hon. I. GILFILLAN:** I desire to ask a supplementary question. Does the Attorney intend to read the report and, if so, when?

**The Hon. C.J. SUMNER:** I understand that it is in very great demand at the moment. In fact, I am having difficulty obtaining it from the library.

*The Hon. K.T. Griffin interjecting:*

**The Hon. C.J. SUMNER:** The Hon. Mr Griffin informs me that it is in the Commissioner's safe.

**The Hon. R.I. Lucas:** Doesn't he tell you those things?

**The Hon. C.J. SUMNER:** I have not inquired as to where the report is being kept.

**The Hon. C.M. Hill:** Perhaps a copy is in the library.

**The Hon. C.J. SUMNER:** Perhaps the honourable member should look and see. In Government and in Parliament things can sometimes find their way into libraries. If the honourable member approaches the Parliamentary Librarian, he might telephone the Police Commissioner, who could well say that he had made it available to the Parliamentary Library. But, so far that is not indicated. Obviously, I will now have to read the report and take into account its results, together with the other statements that were taken at the time and the additional statements that are now being made to the task force in order to decide what further action is required.

## LOCAL GOVERNMENT VOTING

**The Hon. C.M. HILL:** I seek leave to make a short statement before asking the Minister of Local Government a question about compulsory voting in local government.

Leave granted.

**The Hon. C.M. HILL:** First, I congratulate the Minister upon her recent appointment. I wish her well during her term of office, short though that term may be.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. HILL:** I refer to an article in the Adelaide press by Rex Jory in January of this year headed, 'Council voting may be compulsory. Turn out or else: Minister'. The first paragraph of the article states:

The South Australian Government will make voting in local government elections compulsory unless more people turn out to vote.

Then, one of the present Minister's predecessors in office (I say 'one', because local government has been blessed with three Ministers during the term of this Government), Mr Keneally, was quoted in the article as follows:

The voluntary voting system in local government elections is on notice. If people do not come out in larger numbers we will introduce compulsory voting. We would be looking at a much higher turnout than 75 per cent. We are trying to make local government election procedures as similar as possible to those applying to Federal and State elections.

We are trying to eradicate confusion. If we can make all three elections as similar as possible it will help eradicate the types of discrepancies which now exist. The Local Government Association is very well aware of the Government's attitude.

During the subsequent local government general elections in May this year, there was not a turnout in excess of 75 per cent. Indeed, the figures issued by the South Australian Local Government Association in the press of 9 May this year showed that an overall turnout of 19 per cent Statewide was achieved.

I understand that the ALP platform on this question of compulsory voting, which was approved in 1981, states that local government elections should be compulsory. I also understand that at the 1985 convention there was a resolution on the agenda on this question but that discussion on the item was deferred. I assume from that that the strict rules of the ALP therefore bind Parliamentary members to the position adopted in 1981. My questions to the Minister are as follows:

1. What is the Minister's view on the subject of compulsory voting in local government elections?

2. Does the Minister intend to take any action to introduce compulsory voting for local government elections at some stage?

**The Hon. BARBARA WIESE:** The Labor Party's position on compulsory voting, as the honourable member has outlined, is quite clear: we are in favour of compulsory voting for local government. As the honourable member also knows, following changes to the Local Government Act, when new voting systems were introduced for local government elections, and as a result of discussions which arose surrounding those voting systems last year and this year at the time of the local government elections, it was decided by the former Minister that the complaints and issues that have been raised by various local government authorities about the voting system and other matters relating to elections should be reviewed. A task force has been established and is doing that. On the question of compulsory voting, my predecessor announced some time ago that the State Government would not look at the question of introducing a system of compulsory voting until after these reviews had taken place, and certainly not before the 1987

local government elections. That is my position on the issue, too.

### ROXBY DOWNS

**The Hon. L.H. DAVIS:** I seek leave to make a brief explanation before asking the Attorney-General a question about Roxby Downs.

Leave granted.

**The Hon. L.H. DAVIS:** Mr Bannon, as Premier, accompanied the Managing Director of Western Mining, Mr Hugh Morgan, to Japan recently to have discussions with the Japanese Government and power utilities about uranium contracts involving ore from Roxby Downs. On his return from Japan Mr Bannon was quoted in the *Advertiser* of 29 July as saying that Roxby Downs with its copper, gold and uranium would be one of the major resource projects in South Australia for a long time. However, he also said that there were residual doubts about supply because of the controversy which had surrounded the development. At the press conference the Premier was quoted directly as saying, 'I think the dissension in ALP ranks is behind us.' Of course, he was referring to the issue of Roxby Downs.

However, as the Attorney-General would well remember, only days before Mr Bannon flew to Japan the media had given prominence to the fact that the Hindmarsh Federal Electoral Council of the Australian Labor Party had passed a motion apparently condemning any involvement by the Premier in a visit to Japan to promote Roxby Downs. The *Advertiser* believed that that was true and, perhaps more particularly, that the Federal Labor member for Hindmarsh, Mr John Scott, had written a letter to the Premier, Mr Bannon, urging him not to involve himself in the promotion of Roxby Downs in Japan.

On page 8 of the *Advertiser* of 24 July Mr Scott's letter was quoted verbatim where he expressed concern about the outcome of the State election. The letter states:

Should we embark on the divisive path of uranium mining and promotion of the product?

It is remarkable how the *Advertiser* obtained a copy of this letter, which one would have presumed would be confidential, from Mr Scott to Mr Bannon. The letter also states:

Our efforts and energies would, I believe, be better directed to matters other than the sales promotion of Western Mining's Roxby Downs uranium. We do not need their eggs—

that is, Roxby Downs eggs—  
in our basket.

'Our basket' refers to the Labor Party's basket. My questions to the Attorney-General are as follows:

1. Does the Attorney-General agree with the views expressed by Mr John Scott in his letter to the Premier?
2. Will the Attorney-General confirm that the Hindmarsh Federal Electoral Council of the Labor Party in fact passed a motion condemning any involvement by the Premier in his trip to Japan in the promotion of Roxby Downs?
3. Does he agree that the comments made by Mr Scott, and prominently reported, can only make it more difficult to convince potential buyers of Roxby Downs uranium that the Labor Party in South Australia is united in supporting this major project at Roxby Downs with its potential to create jobs and provide valuable export dollars?

**The Hon. C.J. SUMNER:** The honourable member has been in this Council for some considerable time. I have been here for a little longer, but certainly our time here has coincided. The honourable member has on numerous occasions raised the question of the South Australian Government's attitude to Roxby Downs and I have always given him a clear and succinct statement of the South Australian Government's policy—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** —but it seems that the honourable member has forgotten. I can only suggest to the honourable member, now that the indexed *Hansard* volumes are available, that he should go back over the years—in particular, to the period since November 1982—and peruse the questions he has asked me about the South Australian Government's attitude to Roxby Downs and look at the Premier's policy speech at the last election. He will see that the Premier, all Government spokesmen on this issue and I have stated that the South Australian Government supports the development—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** —of the Roxby Downs mine.

*The Hon. L.H. Davis interjecting:*

**The Hon. C.J. SUMNER:** That is all right; I will come to the honourable member's question, but I must recapitulate.

**The Hon. L.H. Davis:** You recapitulate for me every time.

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** Yes, because the honourable member seems to have a defective memory and is unable to appreciate that whenever he and the Hon. Mr Cameron have asked me this question and whenever the question has been asked of the Premier, the Premier and I have reiterated what I said, what the Premier has said and what I have said subsequently in this Council: that the South Australian Labor Government (and if the honourable member wants it again, if he is still unclear, and if somehow or other he thinks there is any doubt about the issue, I will repeat it) is committed to the Roxby Downs development proceeding. Surely there could not be anything more explicit than that. I do not know whether the Hindmarsh FEC passed a motion; I am not particularly bothered whether or not it did.

**The Hon. L.H. Davis:** You don't care.

**The PRESIDENT:** Order! The Hon. Mr Davis asked a question. No matter whether the answer suits him, he must listen.

**The Hon. C.J. SUMNER:** Whether the Hindmarsh FEC passed such a motion is irrelevant to my reply. As I have indicated before, and I will repeat again, the South Australian Government is committed to the development of the Roxby Downs mine. I do not know whether that motion was passed. There is no point in my commenting on what Mr Scott might have said. That is not the view that the Premier has taken. The Premier—

**The Hon. L.H. Davis:** What is your view?

**The Hon. C.J. SUMNER:** I am expressing the view of the South Australian Government, and that is what I am here to do. If the honourable member wants me to repeat it, I will do so. In pursuit of that commitment which the Premier has given on many occasions, and which I have given on many occasions, the Premier decided, in conjunction with the Managing Director of Western Mining Co., Mr Morgan, to go to Japan with a view to exploring the market for the products from that mine. The question of markets for the products of that mine has always been a matter of some debate, whether by the Select Committee that this Council established on the question of uranium mining, during the debate on the indenture Bill for Roxby Downs or subsequently. I think that the joint venturers indicated that—

**The Hon. L.H. Davis:** That is not true. Gold will be very easy to sell, and you know that.

**The Hon. C.J. SUMNER:** I understand what the honourable member is saying.

**The Hon. L.H. Davis:** You were wrong in what you said.

**The Hon. C.J. SUMNER:** I was not wrong in what I said. I was accurate in that there is a market for the products of the mine. That is one question about which there has always been some concern, particularly with respect to uranium. It was in pursuit of those markets that the Premier went to Japan, and obviously the question of markets will have to be pursued.

**The Hon. L.H. DAVIS:** I wish to ask a supplementary question. Will the Attorney-General answer my first question: does he agree with the views expressed by Mr John Scott? Yes or no?

**The Hon. C.J. SUMNER:** I have already answered the question. The views expressed by Mr Scott are certainly not the views of the South Australian Government. I put to the Council again, as I did in the previous reply (but the honourable member was too busy interjecting to hear what I said) that what Mr Scott said does not represent the view of the South Australian Government. If the honourable member wants me to repeat the South Australian Government's position on the Roxby Downs mine, I will do that for his benefit.

### NON-DEDICATED CROWN LANDS

**The Hon. PETER DUNN:** I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Lands, a question about increased rentals on non-dedicated Crown lands.

Leave granted.

**The Hon. PETER DUNN:** Yesterday the Premier announced sweeping tax cuts for the people of South Australia, but I am not so sure, in the light of the evidence, that that is correct. I have a letter addressed to the District Council of Cleve which states that the rental on non-dedicated Crown lands will be increased. The land is used by the Cleve Field Day Committee, which raises money and puts most of it back into the community for public use—for example, homes for the aged, for the Scouts, Guides and public utilities. The letter from the Minister of Lands to the council states:

The Minister of Lands has recently made it very clear to another council that using Crown land for agricultural purposes to raise funds for community organisations is now not a public purpose for which he is prepared to make concessions from commercial practice . . . Therefore I believe that for the time when the 26 hectares balance . . . is not being used for the field days—

in this case 26 hectares is involved and the balance is not being used for the field days—

the rental should be set in accordance with the Department's practices for agricultural land. The current basis for determining rents is 5 per cent of the value of the Crown's interest in the land (the value recognising the permitted use under the lease, rather than the highest and best use accorded the land under open market conditions). That value for the 26 hectares has been determined to be \$22 000, being its site value (cleared land without permanent improvements).

My proposition is therefore that the annual rental for the 26 hectares of land should be \$825 . . . I believe I have no choice but to recommend to the Minister of Lands a rental for the second five-year period of this lease in the order of \$860 per year.

Circumstances where a lease could be obtained of agricultural land for a peppercorn rental (as was approved five years ago) no longer apply.

That land was subject to a peppercorn rental that has now jumped to \$860 a year. My questions are:

1. Is it the Government's intention to increase all Crown land rentals where that land is used for quasi commercial purposes?

2. Is this increase from a peppercorn rental to \$860 a year to be continued in relation to the Cleve field day site?

3. Can all commercial users of non-dedicated Crown land expect rental increases of the same order as those imposed on the Cleve District Council?

**The Hon. J.R. CORNWALL:** I will refer the honourable member's question to the Minister of Lands in the other place and bring back a reply.

### WORKERS COMPENSATION

**The Hon. R.I. LUCAS:** I seek leave to make a brief explanation before asking the Minister of Labour a question about workers compensation.

Leave granted.

**The Hon. R.I. LUCAS:** In 1982 the Liberal Government introduced a Bill to amend the Workers Compensation Act. One aspect of that Bill was that after 12 weeks on compensation a recipient's weekly payment would be reduced by 5 per cent and that 5 per cent would be paid into a rehabilitation fund. The then Labor Opposition opposed that provision, and others, vociferously. In particular, the shadow spokesman on such matters in this Council, the Hon. Frank Blevins, made some remarks in relation to that matter, the first on 30 March, as follows:

The principle of asking a sick and injured worker to pay, if this Bill is passed, from his depleted compensation payments for his own rehabilitation when he has been injured is one of the most revolting provisions of which I have ever heard.

Then, on 1 April, he said that the philosophy behind that idea was appalling, and he commented:

I have never heard anything as sick as that before; it must be the product of a warped mind.

It is interesting to note that the confidential first draft of the South Australian workers rehabilitation and compensation proposals relating to the State Government's new compensation package, which is to be introduced during this session, makes the following recommendation at page 16:

As soon as it appears to the Corporation that the incapacity is likely to be permanent a pension will be struck based on 90 per cent of the weekly payment for temporary total incapacity.

On page 17 further adjustments are mentioned that might result in those weekly payments rising to one or two percentage points above that 90 per cent. It is clear that this confidential first draft of the Government's package in relation to this matter recommends a significant cut in the weekly payment, in some circumstances to as low as 90 per cent.

At page 38 of the document there is a recommendation for the removal of the right for workers to sue at common law—a proposal that is strongly opposed by some union leaders in the Hon. Frank Blevins's own PUS faction. As the Hon. Mr Blevins is now the Minister responsible for workers compensation, it will be interesting to see whether these provisions will remain in the next draft and the final package of proposals relating to this matter that come into this Chamber.

Does the Minister still adhere to his strongly expressed views of 1982, that a reduction in weekly payments to injured workers of only 5 per cent then, and possibly 10 per cent in the Government's proposal, would be, to use his words, 'appalling, revolting, sick', or 'the product of a warped mind'?

**The Hon. FRANK BLEVINS:** I am happy to address myself to the Hon. Mr Lucas's question regarding the first draft of the alleged proposal on workers compensation. The Hon. Mr Lucas, the same as everybody else, will have to wait and see the proposal that comes into the Parliament. He will know all about it at that time.

*The Hon. R.I. Lucas interjecting:*

**The Hon. FRANK BLEVINS:** I am happy to stand by what I said.

**The Hon. R.I. Lucas:** Do you stand by it?

**The Hon. FRANK BLEVINS:** If the honourable member keeps his mouth shut for long enough, he will hear why. The particular clause that I said was the product of a warped mind (and I adhere to that strongly; only a warped mind would support it) related to long-term illness. I said that there were three parties involved in the matter—insurance companies, employers and the injured worker—and that, of the three parties, only the injured worker had to pay the cost of rehabilitation. He was the only party to be levied anything at all. The short-term compensable injured were not affected, nor was the person with a medium-term injury. Only the person who suffered a long-term injury was to be affected by the legislation. It seemed to me then (and it seems to me now) absolutely outrageous to say to that most seriously injured of workers, that he, and he alone, will pay the cost of his rehabilitation.

That was sick. It is a product of a warped mind. I will check to see how much it raised: it would raise a few tens of thousands at most—certainly not hundreds of thousands of dollars. I will see how good my estimate was. Certainly, to say that only the long-term sick shall pay for their rehabilitation was and is the product of a warped mind. The fact that the Hon. Mr Lucas supported it so enthusiastically says something about his mind, too, in relation to sick workers.

#### SERO NEGATIVE AIDS

**The Hon. R.J. RITSON:** I seek leave to make a brief explanation before asking the Minister of Health a question about sero negative AIDS.

Leave granted.

**The Hon. R.J. RITSON:** In the *Weekend Australian* there was an article that reported a number of statements by a Dr Gold, who is a member of the AIDS Task Force and a worker at an AIDS clinic in Sydney. I quote just a bit from his statement:

AIDS is a much more complicated disease than most people think. It is not just a matter of one blood test and getting an answer on whether you are clear or not.

Testing for AIDS in the blood transfusion system only detects people with AIDS antibodies. It does not screen out people who, while they have not developed the antibodies, may be infected with the virus.

The question of sero negative AIDS casts a shadow over the whole of the transfusion service. I certainly would not even be raising this question if the only purpose of it was to cause alarm. I appreciate the harm that unnecessary alarm can cause. Nevertheless, if Dr Gold is right and there are cases of sero negative AIDS or if that is possible, obviously the Transfusion Service represents a channel through which ultimately this disease can be passed widely through the whole community. So it is a very serious matter.

Will the Minister obtain the Health Commission's view on the accuracy of Dr Gold's statement? Does the Commission believe that there can be sero negative AIDS? If Dr Gold's statement is regarded as correct or possibly correct, what assurance does the public have that screening tests will prevent the ultimate spread through transfusion? Does the Minister believe that there is some merit in a policy of active encouragement of autologous blood transfusion? Does the Minister believe that there is some merit in active encouragement of the use of plasma expanding blood substitutes wherever possible so as to minimise the use of fresh blood? Does the Minister consider that a long-term follow-up of the recipients of fresh blood will be of some value in the charting of the course of this disease? I am sorry about

the time, but perhaps the Minister could bring back an answer in due course.

**The Hon. J.R. CORNWALL:** It is most unfortunate that the Hon. Dr Ritson chooses to get to his feet with about four minutes to go in Question Time, says that he does not wish to spread any alarm abroad at a time when in South Australia we have been handling the AIDS problem perhaps arguably better than almost anywhere else in the world and then proceeds to raise matters that would imply that alarm is in order. That is absolutely reprehensible. I was the first Health Minister in Australia—

**The Hon. R.J. RITSON:** I rise on a point of order, Mr President. I have been unduly and injuriously reflected on and accused of being reprehensible for raising the issue. There it is in the *Weekend Australian*. I did not do that. I ask the Minister to withdraw and apologise for the word 'reprehensible'.

**The PRESIDENT:** There is no point of order. The time for questions has expired.

**The Hon. C.J. SUMNER (Attorney-General):** I move: That Standing Orders be so far suspended as to enable the Hon. Dr Cornwall to complete his answer.

Motion carried.

**The Hon. J.R. CORNWALL:** As I said, we have always adopted the most positive and responsible approach to this very serious disease. We have taken every possible precaution from the outset to protect the Blood Bank in South Australia. The fact remains that, unarguably, even before serum testing was available, blood transfusion in this State was still saving immeasurably more lives—many hundreds of lives—*vis-a-vis* every haemophiliac or other recipient who might have been placed at risk. That remains the position.

To raise fear and alarm now that AIDS serum testing is available is, I repeat, totally and recklessly irresponsible, and I am most disappointed that somebody with Dr Ritson's medical training should have done so in this place. This is a matter that Dr Ritson could well have raised with his colleagues, either in the Red Cross Blood Bank or with Dr Scott-Cameron in the Communicable Diseases Unit of the South Australian Health Commission. It is irresponsible—I repeat, recklessly irresponsible—for him to raise it in this forum where it can serve no purpose whatsoever except to raise the level of concern and alarm in South Australia quite unnecessarily.

The fact is that to date there has not been a clinical case of AIDS in this State. There have been (from memory) two deaths due to AIDS, but both of those patients returned to South Australia after long periods interstate and had contracted that disease interstate. The incidence of AIDS positives in South Australia is very low by Australian standards, and certainly very low by the standards of other Western democracies. There is no doubt, however, that it is in the community, and that it is only a matter of time until we have some deaths from AIDS—I have said that consistently—but for Dr Ritson to raise it in this forum and at this time is most regrettable.

It is true that Dr Seale raised a number of questions with regard to AIDS. That article was reproduced in the *Weekend Australian*. It was a technical article, which would have been understood by a very small percentage of the community. It talked in some technical detail about lentiviruses and about viruses making trans-species crosses and so forth. It is not the sort of article that could be comprehended by the great majority of the population.

It was commented on in turn by Dr Gold. It is true—and everybody knows, and it has always been acknowledged—that there will be a small percentage of false negatives, no matter how good any serum testing is. That position has always been acknowledged and has not changed. It was not changed one iota by the article attributed to Dr Seale

or by the comments attributed to Dr Gold. So, in the circumstances, I repeat what I said at the outset: it was recklessly irresponsible and reprehensible for Dr Ritson in those circumstances, given his medical training and background—and I am sure that all of his colleagues would support me in these remarks—to raise the matter in the manner in which he did in this Parliament.

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#### SUSPENSION OF STANDING ORDER

**The Hon. C.J. SUMNER (Attorney-General):** I move:  
That, for this session, Standing Order No. 14 be suspended.

It has been customary to move this motion in this Council to enable business other than the Address in Reply to be dealt with before the conclusion of the Address in Reply debate. I commend the motion to the Council.

Motion carried.

#### SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

#### ADJOURNMENT

At 3.24 p.m. the Council adjourned until Wednesday 7 August at 2.15 p.m.