LEGISLATIVE COUNCIL

Wednesday 18 September 1985

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

QUESTIONS

TATIARA MEAT COMPANY

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Labour a question about the Tatiara Meat Company.

Leave granted.

The Hon. M.B. CAMERON: The Tatiara Meat Company is a success story that is in danger of being ruined by the irresponsible actions of bloodyminded trade union officials. The company specialises in chilled lamb exports and it ships overseas on a weekly basis. Its clients demand absolutely reliable weekly shipments for a very good reason: they supply restaurants, supermarkets and other outlets in other countries who cannot suddenly stop supplying customers. Chilled lamb is not a product that can be stored for any length of time, so fresh weekly shipments are absolutely essential.

Last weekend, due to TWU bans, the shipments failed to leave and as a direct result two orders were lost immediately. One American contract, I understand, has been lost for good to local American producers. Switzerland, which is another country that is supplied, is getting supplies elsewhere and the company is waiting to hear whether that contract is also lost.

There is still no answer from Japan, where a market was recently secured but it was made plain to Tatiara Meat Company that if supplies were not continuous then it could forget about commencing a contract. It had to give an assurance that supplies would be reliable and regular. It has carried out its side of the bargain but it had not counted on the absolute irresponsibility of certain trade union officials who, of all things, according to the information I have received, are taking actions that will lose other people's jobs to achieve a 38-hour week for themselves. If one ever needed an example of complete and utter self interest and selfishness, then this is it.

Tatiara Meat Company, when trying to explain what was happening to its overseas clients, was told that Australian workers must be a bunch of 'loonies' (that is a direct quote). Its clients could not believe that trade union officials here would be prepared to take action that would cause loss of contracts and, through that, jobs. The effect on the rural industry will also be dramatic because the lamb market is difficult enough this year and markets are very difficult to obtain, particularly new markets. Any loss of market will have a very direct impact on rural producers. On top of that, this meatworks, I understand, will be closing some time later this week and 80 to 100 people will be out of work; whether this is permanent or not will depend on how many of these fragile markets can be salvaged.

The Minister of Labour has often claimed to be sympathetic to the problems of country people. He now has an opportunity to demonstrate his concern, because very real and direct damage has already occurred and the effect on the farming community, particularly the township of Bordertown, will be dramatic if these bans are not lifted this week. My questions are:

1. What steps has the Minister taken to have these bans lifted on Tatiara Meat Company?

2. If no steps have been taken, will the Minister, as a matter of urgency, take steps to have the bans lifted today, if possible, and tomorrow at the latest?

3. Will the Minister immediately indicate to the union officials responsible for the actions against Tatiara Meat Company his condemnation of their actions, which have already caused the permanent loss of some markets for the company?

4. Will the Minister offer assistance to Tatiara Meat Company to try and help regain some of those lost markets, if possible?

The Hon. FRANK BLEVINS: The explanation given by the Hon. Mr Cameron demonstrates clearly one of the problems that occurs in industrial relations when people such as he become involved. The emotive language used, the abuse of trade unions and trade union officials—

The Hon. M.B. Cameron interjecting

The Hon. FRANK BLEVINS: The Hon. Mr Cameron says, 'They deserve it.' That might well be the honourable member's opinion. All I ask is does it help to solve an industrial dispute to abuse people in that way? I urge strongly that the Hon. Mr Cameron not approach industrial disputes in that manner.

Members interjecting;

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: If the Hon. Mr Cameron has a genuine concern about solving this dispute, or any dispute, then I suggest that he does not do that by being abusive to one of the parties. The dispute is a difficult one for a State Minister to become involved in, because it involves a federal union and it is a federal dispute.

The federal office of the Transport Workers Union is negotiating at present with the airline companies. The federal commission is also involved and I hope that there will be a speedy resolution of the matter for the sake of the trade to which the Hon. Mr Cameron has referred. I repeat, however, that this is a federal union and a federal dispute: we do not have the jurisdiction to become involved in solving this dispute—none whatsoever. That is unfortunate, and that is the State's rights argument, I suppose, that honourable members opposite would support.

There is a good argument that has been put that all the various industrial tribunals should be abolished and handed over to the Federal Government. In many ways, that would simplify disputes like this. Of course, members opposite would not go along with that. It is interesting, also, to go into the background to this dispute—the question in the airline industry of a 38-hour week. I would have thought that any argument for a 38-hour week would be over some time ago. It is the general standard in industry and, overwhelmingly, Australian workers work under a 38-hour week arrangement, or lower in the case of some public servants. Therefore, I would have thought that perhaps the argument was not all one way.

If I could give any advice to the meat company concerned it would be that it contact the federal office of the Transport Workers Union directly and perhaps it might also contact the airlines, which are the other side of the dispute, urging those airlines to come to an arrangement with airline employees.

My guess is that the employees at the meatworks concerned are already on a 38-hour week and, if it is good enough for the employers of the meat workers to pay on the basis of a 38-hour week, I do not see why they should not contact the airline industry and suggest it do the same. In that case, the cause of the dispute would be eliminated.

The Hon. Peter Dunn: What sort of reasoning is that?

The Hon. FRANK BLEVINS: The reasoning is very good; there are two parties to the dispute. If the honourable member feels that all the fault is on one side, he obviously

knows little about industrial disputes. I am certainly keeping my eye on this dispute. If there is any way in which I can usefully intervene, I will certainly do so, the operative word being 'usefully'. When it is a federal dispute it is extraordinarily difficult for State Governments to become involved in any practical sense. It would be easy for me to fire off telegrams left, right and centre and say in the newspaper that I have done this and that, but that would have no practical effect whatever.

They are my suggestions. If there is ever a debate in this Council while I am around regarding the merits of having various State tribunals or one central tribunal, I will draw members' attention to this dispute and will be interested to see the Liberal Party's approach, because my guess is that it is totally opposed to any central commission. In fact, I am not sure whether it is in favour of any commission at all, judging by some of the remarks presently coming from Canberra.

NURSING HOMES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about nursing homes.

Leave granted.

The Hon. J.C. BURDETT: Mr President, you and other members of the Council may recall that not long ago I asked the Minister a question about this matter. To recapitulate, my question addressed the fact that the Commonwealth subsidy to private nursing homes had previously been on a different basis from State to State and that South Australia and Victoria had received the highest subsidies because of the properly high standards set by the local health authorities. I said that some time ago the Federal Government had announced a freeze of these subsidies in relation to South Australia and Victoria. As elsewhere the subsidies were increased, they were to remain the same for the time being in those two States.

When I last asked this question I understood that the Minister had been to see his appropriate federal colleagues. In the event it turned out that he had not been able to get there, but would go in the future. The Minister announced in the press that he was going last week, and I understand he went. From the reports I have received I understand that he probably received some satisfaction from the meeting. Will the Minister give the Council a progress report about how he got on in this most important matter? I understand that probably the results of the discussions he had with his federal colleagues have not yet been completed and that he may have to make a more complete statement later. Because of the importance of the matter to the quite large ageing section of our community, will the Minister say whether he has been able to achieve anything in this regard?

The Hon. J.R. CORNWALL: Following discussions I had with the Federal Minister for Community Services in Canberra last Thursday, my office issued a press release Thursday evening. That was carried by the *News* on Friday. The outcome of the discussions that I had with Senator Grimes was that he undertook to take to federal Cabinet a number of options that would address the problems that would be created in South Australia if there were a total freeze on nursing home benefits in November this year.

I am sure that all members will recall that for more than a decade November has been the month in which the new levels of nursing home benefits were set, based on the identified costs that had occurred during the previous 12 months. The charges that the nursing homes were allowed to impose were adjusted during the course of the succeeding 12 months so that with these participating nursing homes, as they are called—and most of them are private for profit nursing homes—one started in November with a situation where around 70 per cent of them charged what is commonly known as the State standard charge, that is, 87.5 per cent of the pension, plus supplementary assistance.

That figure of 70 per cent was at a level where pensioners were able to meet their own costs from their pensions, but it was then eroded through the subsequent 12 months because increases in nursing home charges were approved by the appropriate Commonwealth agency. What was proposed (because, as the Hon. Mr Burdett rightly says, our staffing levels are higher in South Australia than in the other States) was a freeze. I have argued publicly and very strongly on behalf of the frail aged of South Australia that that would be an unjust position. I have argued loudly and very vehemently that we should not be forced into a lowest common denominator situation, where our standards might be lowered, for example, to those that are acceptable in Queensland.

I put this case to Senator Grimes, who was most receptive, courteous and friendly. I find Senator Grimes a very pleasant and forthright person with whom to conduct negotiations—his manner and personality in some ways are not unlike mine—so that we do not tend to waste time skirting around issues, but tend to go to the nub of any issue under discussion. I put it to him—and he conceded—that, among other things, the benefit level in November last year had been set immediately prior to the introduction of the 38-hour working week for the nursing profession, via the 19-day month. Very simple arithmetic allows one, therefore, to calculate that we were placed in a position of disadvantage, even relative to Victoria. When the last adjustment was made in Victoria the 38-hour week in the health industry was already in place and, therefore, our situation was disadvantageous compared to that in Victoria. That is one of the things that will be put to Federal Cabinet.

I do not believe that it is either desirable or courteous for me to canvass in any detail the other options that Senator Grimes has undertaken to present to federal Cabinet. Subsequently, I have tried to ensure that as many people as possible are positively lobbying those South Australian members of Parliament who are also members of the federal Cabinet. For the benefit of anybody on the other side who might like to join the lobby, I believe the key figures, from South Australia's point of view, are probably Chris Hurford and Mick Young, who are not unknown in this State and who are very prominent members of the Cabinet.

That is the current position. I have an undertaking that that will be ready for presentation to Federal Cabinet within a fortnight. In the meantime, we are actively lobbying in the hope that the position of South Australia will be reconsidered and that there will be some adjustment made in November, as has been the case for about the past 12 years.

MURDER TRIAL

The Hon. K.T. GRIFFIN: I seek leave to make an explanation prior to directing a question to the Attorney-General on the subject of a murder trial.

Leave granted.

The Hon. K.T. GRIFFIN: Some 36 citizens have written to the Attorney-General expressing their very deep concern about a particular murder trial and the attitude of both the Crown Prosecutor and the trial judge. That concern can best be demonstrated if I read the letter, which was written on 30 August 1985. I will not identify the defendant except by reference to him as Mr L. The letter reads:

Dear Attorney-General,

We write, as friends of a man who died as the result of a gunshot wound inflicted by another person, to express very deep concern at what appears to be some anomaly in court procedures in this State. The deceased, Mr John Robert Bruce Walpole, died as the result of being shot by Mr L. on the morning of 14 November, 1984. Some of us attended the trial of Mr L. and some also know of event, which took place prior to the shooting of Mr Walpole, and were aware that for some time Mr Walpole had lived in fear of his life following threats by Mr L., a violent man who had served a gaol term for violence. He was, in fact, on parole at the time of the incident, and we understand that he was being sought by the police for having violated the terms of that parole. He has yet more charges of violence to face.

We waited in vain for the prosecution to submit evidence of Mr L's violent behaviour, and the fact that one of the witnesses had been hospitalised with injuries as a result of that violence. We waited in vain for evidence to be given of the victim's appeals to the police for protection for his family and himself. He also wrote to the Commissioner of Police setting out his fears. He also apparently rang the police again the day before his death.

We have since learnt that the judge would not allow any of this evidence to be presented, presumably because it was regarded as 'prejudicial' to the defendant. According to a principal witness, she was repeatedly warned by His Honour that on no account was she to mention the accused's violence or his threats.

The Hon. C.J. Sumner: Who is the Judge?

The Hon. K.T. GRIFFIN: I do not know. The letter continues:

We find this absolutely incomprehensible.

We can understand why the defendant's previous convictions and history of violence in connection with other offences would not be permitted as evidence. However, the evidence which was denied referred specifically to this particular case, provided evidence of Mr L's threats against Mr Walpole, and explained the reasons for Mr Walpole's fears.

To further compound our astonishment at the way the trial appeared to be developing, the defendant read an unsworn statement which was highly emotional, and to the knowledge of some of us, not very accurate. We, who had known the victim, in some cases for more than 30 years, felt very strongly that his actions as described by the defendant were completely out of character. Had the accused been subjected to cross-examination, the prosecutor could probably have revealed the weaknesses and untruths in the accused's statement.

So there appeared to be a situation where a man had threatened the life of another, taken an action which killed him, could not be questioned about it in front of the jury, and evidence which directly related to the crime could not be tendered in court. No wonder the jury was probably confused, could find no motive or history of violence or threats by the accused, and subsequently found him not guilty of the charges of murder and manslaughter.

Another person against who Mr L. had apparently made the same threats when he threatened Mr Walpole, is now very fearful for her safety. We, who previously had the greatest respect for the judicial process, ask the following questions:

1. Was the judge acting within the law to refuse the presentation of evidence of the defendant's threats against the victim?

2. Was he also within his rights to instruct a witness that no mention be made of violent threats by the accused which had relevance to this case?

3. If so, this would appear to be very helpful to any accused and has possibly affected the verdicts of other juries in other cases.

Therefore, in the interests of the public and others whose safety might be at risk following similar cases, is the Government willing to legislate to allow evidence of this kind, with direct relevance to a case, to be admitted?

4. If not, what action will you take to ensure that such a situation does not occur again?

To recap briefly: Mr Walpole was in fear of his life and safety; documentary evidence apparently exists to prove this; witnesses were prepared to confirm this; he was shot and killed by the person he had indicated had threatened him; presumably because of lack of evidence presented to the jury, and on the grounds of an unsworn statement read in court, the defendant was found not guilty of any offence.

We, who have not before had any direct contact with legal proceedings in such a case, and who held the law and judicial system in great respect, are now sadly disappointed and deeply disturbed. We look to you as the principal legislator of the law in this State to correct any anomaly which might exist regarding the tendering of evidence in cases where violence has been threatened and reported, so that justice may not only be done, but will also be seen to have been done.

Yours sincerely.

Mr Walpole wrote a letter to the Commissioner of Police on 11 November 1984, three days before he was shot, expressing his fears for his safety. There were also recordings of two threats made by the defendant, but they were not used in evidence; nor was that letter from the Commissioner of Police. I am informed that the prosecutor spent only about five minutes talking to the principal prosecution witness before the trial and that that was grossly inadequate to gain a proper appreciation of the history of threats and violence. The defendant, several years ago, was the principal in an armed siege in a house south of Adelaide involving one of the witnesses in the most recent murder trial. In fact, Mr Walpole was then involved in trying to talk the defendant out of the siege.

There are a number of disturbing aspects in this case—the hard evidence of violence and threats which was not used in Court; the minimal contact between the prosecutor and the principal prosecution witness; the fact that the defendant was out on parole at the time of the shooting.

My questions are:

1. Will the Attorney-General investigate as a matter of urgency why the evidence of violence and threats and the letter to the Police Commissioner by the deceased were not used in court?

2. Why did the prosecutor not obtain a full briefing from the principal prosecution witness?

3. Will the conditions attaching to the defendant's parole be reviewed?

The Hon. C.J. SUMNER: Clearly, I will investigate the matters raised by the honourable member, who has no doubt sought to put the worst possible interpretation on the events for his own purposes, he knowing full well what the law is in this State, having himself been Attorney-General in this State for a brief period. He also knows that the crown prosecutors employed in the Attorney-General's Department and who were employed there while he was Attorney-General are highly professional officers who have been trained as lawyers and who are, of course, specialists in the business of prosecutions before the courts of this State. So, I would ask honourable members to bear those facts in mind when considering the statements that the honourable member has alleged as facts. He has sought, no doubt for his own purposes, to put the worst possible interpretation on the matters that he has raised in the Parliament. However, I will certainly inquire into the matters that he has raised.

I would not wish to accept the honourable member's assertion in his criticism of the crown prosecutors, and I trust that he would not do that, although clearly he sought to besmirch the name of the prosecutor in this particular case by suggesting that the Crown Prosecutor did not adequately carry out his duty. That is what the honourable member has said, and he has not named the prosecutor concerned. In a way, that is even more reprehensible, because what he is attempting to do is besmirch the names of all crown prosecutors and besmirch the name of the prosecution branch of the Attorney-General's office, knowing full well as he does, a former Attorney-General, that many of those people were employed when he was Attorney, and that they are a highly professional and well trained group of prosecutors.

I am not willing to accept, on his say-so, that that statement about the time spent with the principal prosecution witness. I would be surprised if that were the case. As the honourable member knows, in any event, crown prosecutors have detailed briefs of statements from Crown witnesses, including police officers, before they go into court. As the honourable member raised the allegation I will have the

matter inquired into, but no doubt he has sought to besmirch and slur the crown prosecution section of the Attorney-General's Office by the unsubstantiated allegations that he has made.

The honourable member knows also that, with respect to the question of the admission or otherwise of evidence that may be prejudicial to a trial, it is a matter for the trial judge to determine in the course of the trial in accordance with rules of procedure and rules of evidence laid down by Statute and by the courts. He also knows that to be a fact, yet he has sought for his own purposes to attempt—again, without naming the people concerned—to cast a slur over the conduct of the particular case without being willing to give any balance to the facts that he outlined. He knows full well, as a former Attorney-General, what the role of the court is in a matter like this, and what is the role of prosecution authorities in such a matter.

The question is whether the allegations will be inquired into. Certainly, I will do that and provide a response as soon as I can. I should also point out that the Government has announced that the provision for a defendant to give an unsworn statement will be abolished in legislation to be introduced into Parliament in the near future, along with other major changes to the rape laws in this State. As I said yesterday on the question of law reform and the area of protection of the community from violent acts, this Government has a record second to none.

The Government has taken strong action in the three years over a whole range of areas that I outlined before of procedures in the courts relating to rape victims and victims of sexual assault, penalties in the Police Offences Act and the clarification of powers for police officers in detention. We have taken many other initiatives, such as the support for the National Crime Authority—we were the first State to announce our support for the authority. We took action with respect to the very sexually aggressive and violent videos that the honourable member as Attorney-General allowed to circulate in this State by not amending the Police Offences Act when he was Attorney-General and on which this Government acted.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: You know that to be the truth. You did not amend the Police Offences Act and hard core pornographic videos were allowed to circulate—

The Hon. K.T. Griffin: Nonsense.

The Hon. C.J. SUMNER: It is not nonsense. There was no Bill; there was no action by the former Attorney-General on that issue. His Government took no action in three years, despite knowing well that that material in the form of videos was circulating in this State. This Government took that action. I have mentioned the initiatives with regard to the Controlled Substances Act and the drug matter, including the confiscation of assets that I mentioned yesterday, and full support for police reorganisation and such programs as the neighbourhood watch program that has been developed by the Police Department. Let not the Council or the public be under any misapprehension as to the active role that this Government has taken in this area, including my role as Attorney-General in appealing against lenient sentences.

No doubt the honourable member sees for his own purposes this as being some means of making his own political point. All I can say in summary is that I will investigate the matters. He knows what the rules of evidence are with regard to the matter—but he has sought not to comment on that. He knows what rules the police and Crown Prosecutor have, yet he sought without any attempt to balance the situation to accuse them, in effect, of negligence in the performance of their duty. That is what he has done in this Parliament in this matter. However, I will certainly inquire into the matters and bring back a reply.

TAX PROPOSALS

The Hon. R.C. DeGARIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier in this Council, a question about the new tax proposals.

Leave granted.

The Hon. R.C. DeGARIS: In today's *Financial Review* is an article by Mary Holm Ansley that reports on the Federal Government's tax proposals. Amongst other things she states:

> The corporate tax rate to rise to 49 per cent. Certain fringe benefits such as company cars and low interest home loans are to be taxed to the employer at 49 per cent.

I emphasise the words 'to the employer'. She also states:

> Entertainment expenses will no longer be deductible.

My question to the Attorney (and I am sorry my explanation is not longer) is whether he can advise the Council what the position will be in taxing fringe benefits provided in organisations such as State Government departments, State Parliament and statutory authorities in South Australia that are not subject to corporate taxation.

The Hon. C.J. SUMNER: It is interesting to see the honourable member comment on a tax package that has not yet been announced by the Federal Treasurer.

Members interjecting:

The Hon. C.J. SUMNER: It is all very well for the honourable member to say that. As I understand it, a formal package will be announced tomorrow. That was the statement that the Treasurer made earlier this week and no doubt at that stage the State Government will be able to give detailed consideration to the proposals of the Federal Government in this area. Yesterday this matter was raised in another place and the Leader of the Opposition made a speech on the matter and the Premier also made a contribution. I can only refer the Hon. Mr DeGaris to those contributions if he wishes to ascertain the views of his colleague and Leader in another place, and of the Premier in another place.

I have not yet studied the speech of the Premier in full, but it appears that he did express some concerns about the fringe benefits tax, particularly with respect to the entertainment and motor vehicle industries, and has indicated some concerns about that aspect of the tax package. With respect to how the package will work, it is clearly a taxation package and it is a matter for the Federal Government to decide upon and to announce. It will then be up to individuals and the State to take into account what the law is as it is passed, when and if it is passed by the Senate and Federal Parliament. It will then be up to individuals to examine those proposals in detail to see what effect they will have on employers' responsibilities, the taxation system, and also individual employees' responsibilities regarding the taxation system.

SCHOOL RETENTION RATES

The Hon. ANNE LEVY: Has the Minister of Tourism a reply to my question of 13 August about school retention rates?

The Hon. BARBARA WIESE: My colleague the Minister of Education has advised that research into factors influencing school retention rates in South Australia was triggered by the sharp increases of 1982-83 in upper secondary retention. However, the studies were not comparative and concentrated on factors at work in South Australia rather

than on studying the significance of the same factors in other States. The outstanding diversity, flexibility and innovation of South Australian secondary schools together stimulate improved retention in two ways:

(1) by providing opportunities to a wider range of motivated students to continue post compulsory education;

and

(2) by helping poorly motivated students to overcome any disposition to leave school early.

Much of South Australia's good retention performance also reflects the structure and quality of primary education in South Australia. Although firm comparative research does not exist, the indicators strongly support that South Australia can take considerable pride over its achievement in retaining a higher proportion of schoolchildren into years 11 and 12 than occurs in any other State.

EQUAL OPPORTUNITY OFFICERS

The Hon. ANNE LEVY: Has the Minister of Tourism a reply to my question of 15 August about Equal Opportunity Officers?

The Hon. BARBARA WIESE: My colleague the Minister of Education has advised the Director-General of Education and the Director-General of Technical and Further Education that he is happy for briefing meetings to be held between himself and Equal Opportunity Officers from each department on a regular basis. This has not yet commenced because the Education Department position has been vacant. However, these meetings will commence as an appointment has now been made.

COMPUTER SERVICES

The Hon. I. GILFILLAN: Has the Minister of Labour an answer to my question of 27 August about Pandora software?

The Hon. FRANK BLEVINS: Yes, I have that answer. The answer is extensive and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

1. There has been no advertisement for a request to tender. The advertisement for the registration of interest to supply a petroleum exploration and production data base was placed nationally on 21 May 1985 and internationally, thereafter, in newspapers and journals. The close of registration was advertised locally as 11 June 1985 and internationally as 7 June 1985. Responses were received as late as the end of July and no party has been denied the opportunity of registering interest regardless of the advertised closure date.

2. The description of requirements for the registration of interest was modelled upon Pandora, but significantly expanded to suit the specific requirements of the Oil and Gas Division.

3. No tenders have yet been called.

4. Details of the computing background of Mr Northcott and Mr Polatayko were provided in an answer given in the Legislative Council on 22 July 1985. The department is satisfied that this background and previous work in and for the department make them suitable advisers in this instance. However, it should be noted that there are other officers in the department also advising on computer software acquisition. In addition, officers of the Data Processing Board will scrutinise the proposal when it is finalised by the department.

5. Mincom Pty Ltd was engaged by the Oil and Gas Division to provide an assessment of estimated costs of developing the software independent of the ADP Technical Committee, whose input was not invited.

6. There is no local Adelaide agent for Scicon. Ian Northcott and Associates Pty Ltd is not in a position to provide software backup and servicing for Pandora.

HEALTH COMMISSION

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health a question about the Health Commission.

Leave granted.

The Hon. R.I. LUCAS: In recent weeks there have been many serious allegations about the operations of the Health Commission. In particular we had a discussion about falsification of returns and attempted cover up at the Lyell McEwin. One further case has been referred to me which I want to raise today. I have been informed that some country hospitals were directed around April of this year to contribute $10 000 from their budget allocation for the year ended 30 June 1985 to allow the Central Sector of the Health Commission to reallocate those additional funds to a large hospital under the Central Sector's control that had a sizeable deficit for the year ended 30 June 1985.

I am further informed that those country hospitals were promised that, in the event that they agreed to this directive to give back the $10 000, they would receive an additional allocation for the 1985-86 year as part of the arrangement. If this is correct, then it is clearly another most serious example of the Health Commission juggling the books; we have had others recently. My questions to the Minister are as follows:

1. Is it true that some country hospitals were directed to contribute $10 000 from their 1984-85 allocation back to Central Sector?

2. Were those country hospitals promised that, in the event that they agreed to the directive, they would receive an additional allocation for the 1985-86 year?

3. What were the names of the hospitals involved, and how many obeyed the directive?

4. Was the Minister aware of the arrangement and, if so, when was he aware of it?

The Hon. J.R. CORNWALL: The only 'serious allegations' that have been made about the Health Commission in recent weeks have been made by the Prince of Slander and the Parrot.

The Hon. R.I. Lucas: By the Auditor-General.

The Hon. J.R. CORNWALL: No—not by the Auditor-General, at all.

The PRESIDENT: Order! The Minister will reach a point in a moment where somebody will want him to withdraw, so why say these things in the first place?

The Hon. J.R. CORNWALL: The Hon. Mr Cameron has parroted, parroted and parroted. The Prince of Slander persistently, day after day for two weeks, spent a great deal of time in this place slandering senior Central Sector employees in the Health Commission, including Dr Bill McCoy and Mr Des McCullough. It was a disgraceful performance. Let us examine the reality. As I told this Council previously, the Health Commission, in its very large budget, came in $5 million overall under budget. In terms of net cost to the State, it came in favourably by $18 million. How is it conceivable, in those circumstances, that the Central Sector would go about directing unnamed country hospitals—and this is the form of the Prince of Slander, the class traitor who sits opposite—

Members interjecting:

The Hon. J.R. CORNWALL: Yes, a class traitor if ever there was one: he and Neal Brown. The only difference is that he does not speak with a plum in his mouth.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Could you imagine, Mr President, in those circumstances senior officers with the background and reputation of the Executive Director of the Central Sector and the senior financial officer of the Central Sector wandering about directing unnamed country hospitals (because this is the form of that fellow, he of the supple loins is down in the gutter again, he stoops to the gutter on a regular basis).

The honourable member puts forward unnamed hospitals but does not fail to name senior, respected officers in the commission under privilege in Cowards Castle. I challenge the Hon. Mr Lucas to go outside and name those officers, and to repeat the slanders that he has carried on with in this place for the past three weeks. Of course he will not say a dicky bird, now.

The Hon. R.I. Lucas: Anywhere, anywhere!

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Let the honourable member go outside this place and repeat those allegations to the media.

The Hon. R.I. Lucas: I will repeat them now. Come outside with me.

The Hon. J.R. CORNWALL: I do not want to go outside, inside, or anywhere else with that fellow, Sir.

The Hon. R.I. Lucas: You got five years in reverse.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I challenge the honourable member to go outside—

The Hon. R.I. Lucas: Come outside.

The PRESIDENT: Order! Honourable members can arrange what they like outside, but I want order now.

The Hon. J.R. CORNWALL: —and repeat the slanders that he has carried on with in this place for the past three weeks. He will not need my assistance: I would not be seen with him. I value my reputation far too highly for that. Not only would I not be seen with him but it would be well below my dignity. What he has done is stand in this place today and talk about 'serious allegations'. The only serious allegations have been made by the Prince of Slander and the Parrot, as I have said, parroting away on the front bench with material prepared for him by his research officer: not knowing what he does, but parroting away—his stock in trade on the front bench for 10 years. The only contribution he has made, he has made in the past four—like a sulphur crested cockatoo.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. I ask the Minister whether he can point to the relevance of his remarks.

The Hon. J.R. CORNWALL: There is great relevance to them because it is disgusting and disgraceful for Mr Lucas to rise in this place day after day and defame senior members of the Health Commission.

He is a disgrace to this Parliament. Today he rose to his feet and talked about unnamed country hospitals. Let him name the hospitals, and say who was supposed to have said what to whom. I will make inquiries as to what basis there might be. Let me assure the Council, however, that it would be beyond the bounds of reason and comprehension for a commission—a very well run commission in the best hospital system in this country—to skulk about the country directing hospitals, whose boards of management under their constitutions have a very real degree of independence, to put these relatively small amounts of money into some central pool so that they can help out some unnamed metropolitan hospital. That, of course, is the stock in trade of Mr Lucas; it is how he carries on and is what we have come to expect. Let him go outside and name the hospitals, the officers and the people concerned and not slander people in here under privilege.

YOUTH EMPLOYMENT SCHEME

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Youth Affairs a question about the Youth Employment Scheme.

Leave granted.

The Hon. L.H. DAVIS: On Sunday the State Government launched the Youth Employment Scheme with the acronym YES. YES has been heavily promoted through a television and radio commercial and, in part, it says, 'If you are young and unemployed, take heart. The answer is YES.' There is also a toll free YES hotline. It is not my intention to comment on the merit or otherwise of the scheme. However, the State Government, in adopting the acronym YES, was knowingly and deliberately usurping an existing scheme assisting young people which, for 10 months, had used the acronym YES. The Service to Youth Council, which is the largest voluntary youth service organisation in South Australia has, since November 1984, been running a Youth Enquiry Service with the acronym YES, designed to help young people on issues affecting them, including employment, housing, education and finance.

This program had been well promoted and is widely used by young people. I understand that the existence of the program was known to at least four Government departments. In fact, I understand that the South Australian Health Commission allocated $8 000 to promote the Service to Youth Council's YES program on 5KA and SAFM during September. The young people of South Australia will be confused by the existence of the two YES organisations. The Government's behaviour in adopting an identical name would simply not be tolerated in the business community.

I find it remarkable that a State Government knowingly and deliberately embarked on a program with an identical name to that of a well known and respected voluntary youth organisation that it had encouraged by allocating money for promotion. Why did the State Government embark on the YES program with that name when it knew that a well established and highly regarded YES program had been operated by the Service to Youth Council over the past 10 months, and that the operation of the two YES programs would, quite clearly, be confusing to young people?

The Hon. BARBARA WIESE: I find it extraordinary that the honourable member wants to raise an issue such as this in respect of the Government's Youth Employment Scheme without saying anything at all about the scheme itself, which is probably one of the most innovative and useful employment schemes that has ever been devised in this country for young people. To completely ignore the merits of the scheme in the way he has and to raise an issue such as this, which is essentially a side issue, is absolutely extraordinary to me.

I was not involved with the original negotiations that took place with the Department of Labour and others who put the scheme together. I am not aware of the reasons for calling the scheme YES. However, I will make inquiries about that and bring back a reply.

ENTREPRENEURIAL MEDICAL PRACTICES

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

Leave granted.

The Hon. R.J. RITSON: It has been a matter of topical news reports recently that great difficulties are experienced with entrepreneurial medical practices, particularly in the Eastern States in relation to pathology services, where there are instances of a third party intervening in the relationship between the pathologist rendering the service and the patients and general practitioners to whom and through whom the service is rendered. Personally, I have always found such a practice to be ethically objectionable.

The word 'entrepreneurial' does not refer to the size or wealth of the practice, but to the fact that, for example, in pathology, the owner of the laboratory is not the practice of the pathologist that renders the service, but some third party—some business and, in some cases, overseas business—that would own and manage the practice and employ the professionals. Thus, this third party becomes a source of pressure and the medical people become beholden to the third party as well as to the patient and general practitioner.

Fortunately, we do not have, to my knowledge, such pathology practices in South Australia. However, there are other types of practice with a similar flavour. I refer to the situation in which a locum service may, from time to time, be owned and run by businessmen, not being doctors, as quite distinct from a locum service which is a cooperative of general practitioners formed to serve the patients in their area.

Other examples have this flavour to them, for example, industrial medicine practices in which people, perhaps practitioners not being surgeons, may canvass industry to attract referrals of workers from industry to such practices while simultaneously attracting surgeons to come and work for the practices. This results in workers being told, I believe, quite incorrectly—but nevertheless being told—that they must go to such a practice or their workers compensation will not be paid. In fact, the entrepreneurs in that practice have a greater interest in pleasing the employer, in many cases, than in dealing primarily with the patient.

Another type of entrepreneurial practice that may come into being which has the same principle, although opposing interests may be on opposite sides of political philosophical fences, would be practices owned and run by unions. Will the Minister place on record his ethical attitude to the principle of entrepreneurial practice in whatever form such entrepreneurial practice should take?

The Hon. J.R. CORNWALL: I do not believe that my personal views on entrepreneurial medical practices are directly relevant. I have taken legal advice in recent weeks in view of the suggestion that Dr Edelsten, in particular, may be contemplating moving into South Australia. I make clear that anyone who wishes to practise in South Australia must satisfy all the requirements of the law, and they will be applied very scrupulously.

As to the question of entrepreneurial practice in general, I think it probably highlights the fact that fee for service general practice, as we have known it traditionally over very many decades, is probably becoming increasingly difficult to sustain in the 1980s. The fact that with increasing technology there is reliance less and less on the hands, stethoscope and thermometer perhaps, and more and more on batteries of laboratory tests—

The Hon. R.J. Ritson: Expensive.

The Hon. J.R. CORNWALL: —expensive laboratory tests and expensive aids to diagnosis, is presenting real challenges to the profession to which it, primarily, will have to find an answer. It is not for me to be writing prescriptions for the medical profession, but it is important that we get back to a position where the profession and the patterns of practice in this country are such that doctors are rewarded for keeping people healthy rather than, as tends to happen in the most extreme cases under the present position, having a vested interest in seeing sick patients and, in some cases at least, deliberately over-servicing those patients.

INFORMATION SYSTEM

The Hon. R.J. RITSON: Has the Minister of Health an answer to a question I asked on 7 August about the in-patient separation information system?

The Hon. J.R. CORNWALL: It is a long and detailed answer. I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

(1) The total cost of the ISIS development program is $442 500 spread over the period 1984-85 to 1986-87. Of this, the major component ($329 400) is the cost of developing software to process ISIS data. The estimated annual operating cost (once established) resulting from the ISIS development program is $132 300. This is mainly accounted for by the additional clerical and support staff required due to the transfer of the system from the ABS and Government Computing Centre software processing charges. Details of the estimated development and operational costs are shown in the following tables:

	Development Costs		
	1984-85	1985-86	1986-87
	$	$	$
Software Development	26 700	232 700	70 000
Staff Training	46 000	10 000	5 000
Computer Processing	4 000	20 000	5 000
Non-Software Development	3 100	10 000	10 000
	79 800	272 700	90 000

	Operational Costs		
	1984-85	1985-86	1986-87
	$	$	$
Additional Staff	36 500	46 000	46 000
Computer Processing	10 000	71 300	71 300
Maintenance	2 000	7 000	7 000
Systems Support	5 000	8 000	8 000
	53 500	132 300	132 300

(2) Under subsection 23F (1) of the Health Insurance Act, an agreement was made between the Commonwealth and each State and Territory, relating to the provision of public hospital services. In the agreement, the States and Territories shall supply the Commonwealth data on each public hospital in-patient.

The Commonwealth requires the following edited data for each public hospital in-patient attendance be supplied to the Health Insurance Commission:

- patient identification
- period of hospitalisation
- patient eligibility
- patient status details on admission
- change of patient's status
- leave days.

The data collected are used by the Health Insurance Commission for administrative purposes to assist in the assessment of medical benefits claims and to provide the Commonwealth Department of Health with statistical information. These data do not include any clinical details for a patient (for example, principal diagnosis, procedures performed, underlying causes) nor any information for private hospital in-patients.

(3) ISIS has an important role in the areas of health services planning, research management and clinical quality assurance. Examples of recent studies into which ISIS data were input include:

- Analysis of the incidence of diabetes at Barmera Hospital.

- Clinical research into syncopal attacks at Flinders Medical Centre.
- Evaluation of the diagnosis related group classification system at Flinders Medical Centre.
- Role and function study of the Queen Elizabeth Hospital.
- Analysis of the incidence of pelvic inflammatory disease in females in South Australia.
- Analysis of the reasons for admission of females to Whyalla region hospitals.
- Analysis of the incidence of surcoidesis in South Australia.
- Analysis of the incidence of anorexia nervosa in South Australia.

As previously mentioned, the Commonwealth data banks do not collect clinical data and thus would be unable to provide the information required for these projects.

(4) A fully developed ISIS system will enable:

- Studies to identify patterns of trends in disease incidence, e.g. incidence of diabetes at Barmera Hospital.
- Identification of cases for quality assurance studies.
- Low cost special studies or surveys through the collection of supplementary variables.
- Analyses of activity levels in South Australian hospitals (for example, characteristics of patients presenting for treatment, trends in admission patterns, calculation of utilisation rates).
- Review of hospital outputs and activities (for example, types of services delivered, methods of service delivery).
- Measurement of hospital performance (for example, length of stay analyses).

(5) ISIS is a health management system and as such its major role is to provide a comprehensive, accurate, quantitative base to commission decision making. Additionally, the system's potential for contributing information to health services planning, resource allocation, research and management issues within the South Australian Health Commission has been recognised.

The system is also of considerable value to clinicians as an information resource supporting clinical research and quality assurance activities. Reports of case listings which display a set of summary data for each separation from hospital are available to them. These reports are used also by the hospital's Medical Records Departments to prepare data or identify cases for quality assurance studies and clinical research.

Other reports from the system include the case-mix analysis reports which may be used by clinicians to monitor the incidence of specific diseases such as the incidence of diabetes at Barmera Hospital.

NON-DEDICATED CROWN LANDS

The Hon. PETER DUNN: Has the Minister of Health a reply from the Minister of Lands to a question that I asked on 6 August about non-dedicated Crown lands?

The Hon. J.R. CORNWALL: I seek leave to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

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

A. The Government sets rent for miscellaneous leases (terminating tenure) on Crown land based on the following formula:

Land Type	*Annual Rent*
Agricultural	5 per cent of unimproved value
Horticultural	7 per cent of unimproved value
Residential	8 per cent of unimproved value
Industrial and commercial	10 per cent of unimproved value

Most rents set are lower than the figures derived from the application of this formula, particularly in agricultural leases where some regard is had for productivity. Occasionally concessional rents are granted for particular purposes. These may include community purposes.

Q.2 Is this increase from a peppercorn rental to $860 a year to be continued in relation to the Cleve Field Day site?

A. The figure of $860 was mentioned in a letter from the Department of Lands Regional Manager to the District Council of Cleve. It was a negotiating figure which has not been recommended to the Land Board or the Minister of Lands. Furthermore, the rent to be negotiated applied only to that part of the site leased by the Cleve District Council that is used for commercial cropping. The remainder of the site will still only attract a minimum rent of $35 per annum as it is used for the Cleve Field Day, a clear community purpose.

Q.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?

A. It is reasonable to expect that where possible the Crown should achieve a commercial return on its investment in property. Therefore the answer to question one applies to question three.

ETSA LEVY

The Hon. C.J. SUMNER: I seek leave to have incorporated in *Hansard* an answer to a question asked by the Hon. C.M. Hill on 7 August about the ETSA levy.

Leave granted.

In announcing the Government's package of tax concessions, the Treasurer made the following statement—

> The State Government had decided to remit to ETSA a large proportion of the State Government levy on electricity turnover. This move, costing the State Government $11 million, will enable ETSA to actually reduce its charges this November by 2 per cent. This will be the first time in South Australia's history that ETSA has cut its charges. This year's cut replaces the normal increase.
>
> To ensure that this is not a one-off event, I have told ETSA that next year electricity charges must be frozen below the inflation rate. ETSA has agreed.

Three points emerge from this statement:

- the Government has remitted $11 million to ETSA
- ETSA will reduce its charges in November by 2 per cent
- electricity charges next year will increase by less than the inflation rate.

Decisions as to any future remittance of the levy will be taken at the appropriate time.

SAFETY RAMPS

The Hon. M.B. CAMERON: Has the Minister of Labour an answer to the question that I asked on 7 August about truck safety?

The Hon. FRANK BLEVINS: I seek leave to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

Two safety ramps are located on the Mount Barker Road between Cross Road/Glen Osmond Road intersection and Measdays (near Eagle-on-the-Hill). The signs erected to alert motorists to the presence of these safety ramps are consid-

ered adequate, as are the 'No Standing Any Time' signs erected on the ramps.

The Highways Department is not aware of any improper use of these ramps, but has drawn the matter to the attention of the Police Department. As part of its ongoing review of safety installations, the Highways Department is presently examining the need to further upgrade these ramps.

ABALONE FISHING

The Hon. PETER DUNN: Has the Minister of Fisheries an answer to a question that I asked on 20 August about abalone fishing?

The Hon. FRANK BLEVINS: I seek leave to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

The historical data from the Department of Fisheries shows that there was little or no production of greenlip abalone from the western side of Gulf St Vincent in the early 1970s. Professional abalone divers who explored the area during the late 1960s and early 1970s claim that abalone were not abundant there. During the late 1970s and early 1980s production of greenlip abalone peaked and there has since been a decline.

GREENLIP ABALONE CATCHES FROM WESTERN GULF ST VINCENT FROM 1967-85

Financial Year	Catch (tonnes) Meat Weight
1967-68	0.1
1968-69	0
1969-70	0
1970-71	0
1971-72	0.2
1972-73	2.3
1973-74	2.3
1974-75	1.6
1975-76	2.1
1976-77	3.2
1977-78	8.0
1978-79	16.5
1979-80	21.6
1980-81	16.5
1981-82	10.6
1982-83	6.7
1983-84	9.9
1984-85	6.0

Research on abalone indicates that along the western side of Gulf St Vincent this abalone species is near its temperature tolerance limits and, therefore, long-term fluctuations in population numbers are very likely.

The fact that considerable numbers of abalone were exploited from the western gulf area in the late 1970s and early 1980s suggests that strong settlements of abalone larvae occurred along this coast from about 1970 to 1976 (allowing six years from birth to takeable size). It should be noted that abalone reproduction and consequent settlement occur during summer and research on the species indicates that average summer seawater temperature is a significant factor determining the success of recruitment. These strong settlements are likely to be associated with the below average summer sea temperatures of the years 1969 to 1978 (except for 1973, which had above average summer sea temperatures, and there is likely to be less successful recruitment). It can be expected that exploited abalone population numbers in the western gulf area would decline. Current abalone catch returns from the area confirm this trend.

In the summers of 1982 and 1983 there were sporadic but persistent reports of abalone dying along the western coast of Gulf St Vincent. The reports of adult mortalities during summers of above average temperatures are consistent with the view that in this part of the gulf the species is near its temperature tolerance limits. The marginal nature of western Gulf St Vincent as a viable area for commercial exploitation of abalone is well appreciated by the Department of Fisheries.

It was considered that the abalone adult mortalities in the area could be attributed to natural population fluctuations determined by seawater temperatures; however, the Department of Fisheries did not dismiss the theory that disease may have been the cause of death. Divers were repeatedly asked to collect specimens so that they could be examined. However, none did so.

In reply to the Hon. P. Dunn's specific question:

1. The report indicates that the abalone population changes may be attributed to natural seawater temperature changes. There would appear to be little need to send a research team to the area to collect samples of dead abalone because the animals' soft parts are eaten out rapidly after death; it would be more appropriate for the abalone divers, while operating in the area, to collect samples of the affected abalone.

2. The metropolitan coastline has experienced a significant loss of seagrass since 1945. This loss is adjacent to the Glenelg and Bolivar sewage discharges. The Engineering and Water Supply Department is responsible for the sanitary condition of discharges from their outlets. Due to the possible impact on primary production and maybe subsequent loss in fish productivity, the Department of Fisheries is undertaking a large scale and multidisciplinary research program into this decline off Glenelg and Grange. This program involves studies on the seagrass communities, plants and animals growing in and on these seagrasses, sedimentology and oceanography of the area, and involves personnel from a number of Government departments, University departments, a private consultant company and the Australian Atomic Energy Commission. It is considered that these discharges on the eastern side of Gulf St Vincent could not bacteriologically and viralogically affect abalone populations on the western side of Gulf St Vincent.

3. The phenomenon reported could be attributed to natural population changes and, although there were several overseas laboratories with specialists in diseases of marine animals, none claimed any competence in respect of abalone.

TOBACCO SMOKING

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

That this Council, being aware of the harmful effects of side—stream tobacco smoke on non-smokers in the community, requests the Minister of Health to introduce legislation that would:

1. Prohibit smoking in confined working and public places;
2. Enforce the provision of non-smoking areas in all recreational, retail, restaurant and working areas not covered by 1. above;
3. Prohibit the advertising or sale of all tobacco and tobacco smoking products on Government premises.

I apologise to the Minister of Health for not having discussed this matter properly with him before introducing it, but members may understand that I have had one or two other matters on my mind over the past week or two. The health effects of smoking on the smoker are well documented and widely accepted. I do not believe that there would be a single member of this council who would seriously dispute the medical evidence, overwhelmingly endorsed by medical bodies world-wide, that smoking is the number one preventable cause of death and disease in the western

world today. We are usually discussing smokers smoking and puffing out smoke: I am now talking about smoke absorbed by non-smokers by inhaling smoke blown out by people who are smoking. I quote one or two extracts from a pamphlet called 'So you think you are a non-smoker: the health effects of passive smoking', put out by the Heart Foundation of Australia earlier this year. In one place it states:

> It is only in the past ten years or so—especially in the past five years—that scientists have begun to do intensive research on a rather obvious question: if tobacco smoke does all that harm when the smoker breathes it, can't it also harm the non-smoker who is forced to breath it too?

In another place, it states:

> So you think you're a non-smoker! One in four Australians smoke. Although surveys show that most of them wish they did not smoke, they can be called intentional (or 'active') smokers. Three in four Australians choose not to smoke. They are non-smokers—or at least they think they are. But many of these non-smokers are forced to be unintentional smokers ('passive', 'involuntary' or 'second-hand' smokers).

Finally, another extract states:

> What does the non-smoker breathe? The burning end of a cigarette releases twice as much smoke directly into the air ('sidestream' smoke) as is inhaled directly through the cigarette by the smoker ('mainstream' smoke). Sidestream smoke can then be breathed in by the non-smoker in amounts that depend on how many cigarettes are burning at a time; how close the non-smoker is to the source of the smoke, and the size, shape and ventilation of the space involved, etc.

The indoor pollution created by cigarette smoking is considerable, as we all know. We have only to use the evidence of our own senses to realise this: if we were all blindfolded and an honourable member were to light a cigarette in the Council right now, we would be able within minutes, probably seconds, to detect that that cigarette had been lit because the smoke would go right around the Chamber. If we had to endure out-of-doors what we so often experience in restaurants, lifts and offices, we would have the most enormous anti-pollution outcry. And rightly so! Levels of carbon monoxide found in smoky rooms are commonly about three times those found close to the city roadways, and levels of many carcinogens are poured into the air from the end of cigarettes at a higher concentration than those which the actual smoker receives from direct inhalation. That comes from a resource manual of the New South Wales Department of Health, entitled 'Smoking in the Workplace'.

We should realise that this matter of sidestream smoke and passive smoking is becoming a matter of great interest in other States of Australia. Not surprisingly, research has been increasingly showing that it is not only smokers who are taking serious health risks by exposure to cigarette smoke, but also those who are being 'passively' exposed to it. The medical evidence is now widely accepted that passive smoking can lead to serious harm, such as lung infections in children, lung damage in children and adults, lung cancer, and a worsening of health in those with existing heart and lung disease. These findings have been endorsed by the US Surgeon-General, the Royal College of Physicians in London, the World Health Organisation, our own National Health and Medical Research Council, and others. This year the National Heart Foundation of Australia has recognised that passive smoking is a major health concern in our community today and chose to give it top priority by devoting an entire campaign to publicising and educating us on the health risks associated with environmental exposure to tobacco smoke.

There is no doubt that there is enough evidence against passive smoking to warrant remedial and preventive action. The old idea that the smoker is only harming himself is simply not true. Not only do we have an enormous obligation to support the smoker in his efforts to give up, but it is now the case that we need to protect the non-smoker from this unsolicited and frequently unavoidable source of pollution, as is happening in other States, as well as overseas.

When I say 'unavoidable' I mean it is unavoidable for the individual to get away from it, but it is not unavoidable if we take appropriate action. The main places of unsolicited exposure to tobacco smoke by the non-smoker occur in the home, the workplace, or in public places like retail outlets, restaurants or other recreational areas. Naturally, the ideal would be to allow for both smoking and smoke-free zones, but in confined spaces it is not always possible to allow for adequate separation by ventilation to maintain clean air. Of course, that happens frequently in large offices and factories. It then becomes a matter of logic that these areas be made smoke-free.

Obviously we are not seeking to get legislation covering the home but there is certainly a place for control of smoking in those other areas that I have mentioned—the workplace and other public places, such as restaurants and retail outlets. We are already seeing the working community respond to these needs. At the federal level the Public Service Board has taken a number of responsible initiatives and made recommendations in this area to protect the health of its workers. Unions—including the State branches of the Administrative and Clerical Officers Association—are increasingly recognising passive smoking for the widespread and pervasive occupational health danger that it is and are making their own protests.

Surveys in the States of Tasmania, Western Australia and New South Wales have shown that the vast majority of restaurant patrons—both smokers and non-smokers, interestingly enough—are in favour of separate smoking areas; nor is this surprising. Many non-smokers find that tobacco smoke greatly impairs their enjoyment of a good meal and smokers usually choose not to smoke while they are, themselves, eating. We are seeing fine initiatives being made in Victoria under the auspices of the Victorian Smoking and Health Project, concerning smoking in restaurants. It has been agreed there to hold a voluntary trial period during which restauranteurs can choose to set up separate smoking and non-smoking areas, thereby catering for the needs of all patrons.

If the Government wants to take seriously its responsibility to work for the reduction of smoking in the community, and hence better health for South Australians, it needs to be consistent with its policies. It is obviously unacceptable to seek to reduce tobacco consumption on the one hand and then on the other promote and sell products on Government property. Victoria and New South Wales have both seen the inconsistency in this and have banned the advertising of tobacco on public transport and public transport property. We should also show this cohesion of policy and extend it to a ban on the sale of tobacco and tobacco-smoking products on Government premises. I believe that we have made a start in public transport—

The Hon. J.C. Burdett: Years ago.

The Hon. K.L. MILNE: Yes, but I am really talking about Government premises. Smoking is a minority habit; if we include children, approximately three-quarters of the population do not smoke. Recent Australian polls conducted nationally overwhelmingly endorsed smoke-free space for non-smokers in restaurants, the workplace and other public places. There is no doubt that the smoker has the right to choose to smoke, but not at other people's discomfort and expense.

Overriding this, there is no doubt that everyone has the fundamental right to clean air, whether in their workplace or in public areas, but particularly in the workplace, because one is there for so long each day. Health of the people is

acknowledged as a Government priority. I therefore call upon this Council to urge the Minister of Health to act to protect the well-being of South Australians by supporting the motion which I have introduced today. I trust that we can all consider this over the next fortnight or so and discuss it seriously as a vital matter when we resume.

The Hon. ANNE LEVY secured the adjournment of the debate.

ENERGY NEEDS

The Hon. I. GILFILLAN: I move:

That a Select Committee be appointed to inquire into and report upon—

1. Present energy decisions regarding future power needs in South Australia.
2. The most economical means of providing South Australia's long-term power needs with due consideration of environmental factors and local employment.
3. The relative advantages of—
   (a) an interstate connection;
   (b) importing interstate black coal;
   (c) development of local coal-fields, e.g., Kingston, Lochiel, Sedan, Wintinna;
   (d) Northern Power Station No. 3 and further development at Leigh Creek.
4. The 'Future Energy Action Committee, Coal-field Selection Steering Committee, Final Report' (known as the 'FEAC' Final Report).
5. The advisability of having the portfolios of both Mines and Energy in the one Government Department and under the control of one Minister.

The motive for this motion springs from several hasty decisions for it was prompted by several rather hasty decisions for power supply in South Australia and the general chaos surrounding the gas supply and price and the most recently handed down Future Energy Action Committee's report on the next coalfield selection for South Australia. I will make a few observations about some of the terms of reference for this select committee. In starting I would comment on the recently announced interconnection with the eastern States. The figures quoted by the Government are misleading. The cost of ETSA's share of the work, said to be $102 million, will actually be $172 million. This difference is the cost of a transmission line which the Government has claimed would have to be provided to Mount Gambier, in any case, and therefore it has been deducted from the overall cost.

This is complete nonsense. The trust in no way expects it would ever have to put down a line of that capacity to Mount Gambier; if it needed to put any extra capacity at all, it would be a much more modest capacity line. The figure of $102 million, as publicly stated by the Government, is therefore inaccurate. In my opinion, it will actually be between $172 million and $178 million. The cost to Victoria, which was said to be $46 million, will actually be only $16 million. ETSA's share of fuel savings is said to be $10 million, but this will not even cover the interest bill, which will be over $20 million a year, without taking the other costs into account.

This fuel saving also appears to be based on a continuing high gas price. It reflects the Government's schizophrenia about importing coal, because while it rejects proposals for new power stations fuelled with imported black coal, it is promoting, through this interconnection, an uneconomic proposal which will involve the equivalent of importing about 500 000 tonnes of New South Wales coal and 900 000 tonnes of Victorian coal annually.

The major beneficiary of interconnection will be Victoria, which will find a use for the excess plant it insists on installing in the Latrobe Valley in order to maintain employment there. It will then have the excuse it has been desperately seeking to rewrite its deal with Alcoa to reduce the price of power to the Portland smelter, all at South Australia's expense. It is noteworthy that the interconnection proposal was announced in some haste in Melbourne a week before the last Victorian election.

Commenting on the South Australian coalfield selection (and I will deal with this a little bit more extensively later) I point out that the report which the FEAC committee released recently from the Coal Review Group is a dubious document, to say the least. While the committee makes recommendations on the basis of generated electricity cost, it is interesting to note that none of the committee members has any experience or practical knowledge of power generation, and that certainly throws some misgivings into the reliability of the findings of that particular committee. The statistics are that, from virtually an impossible position, Wintinna, the Meekatharra owned field, came up to the point of being able to have equivalent costs for a 1 000 megawatt station as against Sedan's 500 megawatt station. This is according to the assessment by the committee itself, yet it is interesting to note that Sedan was the one that got the preferred comment and recommendation from the committee, quite ignoring at least one factor about Sedan, and that is the use of 8 000 megalitres per annum of Murray River water, which would be enough to irrigate over 1 000 hectares. Also ignored in the case of Sedan were the sulphur emission problems, which would add substantially to Sedan's costs.

I think it is interesting to ask the question: why is Sedan being favoured? Is there any connection, however tenuous, between this favouring of Sedan, being a CSR owned mine, and the fact that CSR was involved with the Honeymoon uranium project and was bitterly disappointed at the Government's decision not to proceed with that? Another factor in this report that I would comment on here is that they took as a base for estimating the cost for the Wintinna coal boilers the extremely high price of the northern power station boilers, but that base was completely inapplicable. It was one of those extraordinary Rolls Royce expenses for boilers because of the uncertainty of the ability to burn Leigh Creek coal. That is just one other reason why there should be serious misgivings about the recommendations of this committee's report.

The Hon. M.B. Cameron: Are you saying the report was cooked and false?

The Hon. I. GILFILLAN: I did not use those words. If I heard the honourable member correctly, he was asking me whether the commitee's report was cooked and false.

The Hon. M.B. Cameron: Yes.

The Hon. I. GILFILLAN: I would not say I believe that, but I consider there is enough uncertainty in what I have had pointed out to me in that report that it is possible.

The Hon. M.B. Cameron: That is pretty serious.

The Hon. I. GILFILLAN: It is pretty serious, but what is even more serious are the consequences of following an erroneous or falsified recommendation. It would mean that South Australians would be paying more for power for generations to come. It is not just a once up mistake; it is a mistake with enormous consequences.

Dealing with the Leigh Creek coalfield and northern power station No. 3, the Stewart committee report, which is the FEAC report, shows that this is by far the most expensive option because of the high cost of mining extra coal from Leigh Creek due to sloping seams. Costs are even higher than indicated, because the Stewart committee figures only covered mining to relatively shallow depths and not to the full depth needed to produce coal for the northern power station No. 3. The environmental impact statement recently issued is seriously deficient because it makes no mention

of northern power station No. 3 costs, particularly fuel costs; nor does it deal in any way with environmental impacts of further mining at Leigh Creek. There are considerable uncertainties and risks in relation to increased mining at Leigh Creek because of slopes and other uncertainties with the extra depth.

There are also uncertainties in the risk of further increasing the heating of the upper gulf waters, its effect on mangroves and marine life, and the effects of atmospheric pollution. In my opinion there has not been adequate work done in assessing the effect of the two units already being installed which are not yet fully operational. So there again there could be grounds to say it would be irresponsible to add a third unit at this stage. The option of imported black coal has shown an indication of being perhaps even cheaper than anything else that is being considered currently in South Australia, yet it is continually ignored or rejected on very questionable grounds. For example, the coalfield selection steering committee, the CRG, in its latest report rejects the black coal option on the basis of what appears to be an assumed cost of around $80 a tonne, which is a ridiculously high price. The coal costs approximately $15 a tonne to extract. It costs approximately $12 a tonne to seafreight from New South Wales to Wallaroo and therefore it is quite unfair to have had it costed into a comparison at $80 a tonne.

The Government continues to ignore the possibility of obtaining coal from the Dubbo area on the western side of the Great Dividing Range, from where it could probably be mined and railed to a power station at Wallaroo and produce power considerably more cheaply than from the very poor quality local coals at Lochiel or Sedan. It is known that this was a possibility that ETSA was anxious to explore, but all reference to it appears to have been suppressed. The Government also refuses to pursue the possibility of obtaining coal supplies at a reasonable cost in exchange for South Australian natural gas. It should be remembered that the reason we are looking for new coal supplies is that we have sold the bulk of our natural gas to New South Wales and it would be reasonable to expect something from that State in return.

What the Government fails to point out—and the report has not put much emphasis on it—is that the cost of producing electricity from any of our local coals will be very high—around twice the cost applying to coal produced in the Eastern States, which have better quality and more easily mined coal. Unless we look for the cheapest possible alternative—and I will just remind honourable members that it will cost approximately 5c per kilowatt hour for any of the options we are currently looking at in South Australia, compared with approximately 2.5c per kilowatt hour based on coal produced in the Eastern States—we are on the way to having the most expensive electricity of any of the Australian States.

The FEAC final report is subject to a particular criticism, and I would just like to read a few comments which have been made in relation to that report from mining consultants. In this case, they have been engaged by Meekatharra and I think it is reasonable for people to accept that fact and make whatever judgment they will on it. I emphasise that the consultants that I quote are of international repute and are most unlikely to have made statements which would expose them to ridicule or jeopardise their reputation for high integrity. Gibb Australia, extremely well-known consulting engineers, have made several comments about the FEAC report, and honourable members will notice that point 4 of my terms of reference asks for an inquiry and further analysis of this report. I quote from the Gibb statement:

The draft comments also contain many subjective statements, often unsupported by facts, some erroneous statements and a number of editorial misstatements and omissions which together add up to an unnecessarily negative view of the Wintinna project for the lay reader, and possibly even for the expert reader who may be new to the facts of the project.

I now turn to comments made by Coleman and Associates, mining consultants of Sydney, New South Wales. They are commenting on a shortfall; the Coal Review Group commented:

The detailed stage plans indicate a shortfall of 5.4 Mbcm in the first four years of production. This is simply not true.

They go on further in criticising some volume calculations and state:

We have double checked our volume calculations and can only deduce that the CRG have made an error.

In the same context they discuss the bucket wheel conveyor spreader availability and state:

Productivity calculations were performed in close association with Demag's Australia representative. He agrees with productivities proposed. We are not at variance with Demag as was claimed by CRG.

Coleman and Associates go on then to make another rather disturbing observation of the inaccuracy of the report. Again, dealing with equipment under the heading 'Equipment lifetime—replacement periods' there is a purely statistical table, and I seek leave to have it inserted in *Hansard* without my reading it. It deals with work performance of heavy mining equipment.

Leave granted.

Performance Data

	Submitted For Wintinna	Subsequently Adjusted By CRG	Utah Practice (Saraji)
Truck 154 T	50 000	40 000	N.A.
Dozer D9L	30 000	19 000	30 000 plus
FEL 992	18 000	12 000	34 000
Anc. FEL 950	13 000	11 000	26 000
Grader 16G	20 000	15 000	30 000
RT Dozer 834	18 000	15 000	36 000
Scraper 631	18 000	14 000	30 000

The Hon. I. GILFILLAN: In referring to that table, Coleman and Associates say that it speaks for itself. This is a significant statement:

CRG—

the committee about which we are talking—

are indefensibly wrong and out of touch with the reality of private enterprise mining practice in Australia.

This is the group that South Australia is depending on to advise it on the selection of the next coalfield. We have a highly reputable consultant making these statements about the work of that committee in this report. Finally, the comment on that report was summarised by Gibb Australia in these words:

The FEAC final report considers projects on an individual basis and endeavouring to compare them on this basis. The small project size is masked by unsubstantiated concerns over uncertainties, which can be readily quantified and assessed, but have not been rationally addressed in the final report. No attempt has been made to optimise the limited number of individual projects considered by the FEAC final report, in the context of system size, future developments and plant retirements. Preliminary optimisation procedures show that the project size selected is too small to be economic and that the arguments for selecting this project size in terms of system development flexibility are invalid; other developments offering more flexibility, less capital intensive development and more economical power production are available.

Recommendations: The FEAC final report should be detached from its individual, isolated and insular approach to independent projects and integrated into the context of the entire system, with development plans being produced relating to the scale of future

proposals to the system requirements. As it stands, the report is incomplete and requires review and reappraisal.

I ask the Council to pay particular attention to that last sentence, because it is exactly what I hope to do through the select committee. I repeat the sentence:

As it stands, the report is incomplete and requires review and reappraisal.

The report is not only deficient in its own capacity to make recommendations but it has been severely restricted by two substantial factors. One is that the time frame for which there has been detailed projection and allowance is only for the period to 1997. We believe that that is completely inadequate for responsible decision making for power generation for South Australia and that it should be at least on a 50-year time span.

The second major restriction is that the actual terms of reference for the work were purely to select a coalfield and it was outside, according to the Chairman (Mr Doug Stewart) of the committee, its terms of reference to look at possible use of coal either in the Northern Power Station No. 3, which would have been appropriate for Wintinna, or for conversion to coal for the Torrens Island Power Station, which is presently predominantly gas, or for any of the other significant factors in overall energy consumption in South Australia.

The Meekatharra field is an enormous coalfield. It is South Australian coal and many people tend to regard the coal from this field as being the property of the mining company that owns the lease and the mining rights, but it is essential that we realise that we have potentially an asset of enormous size that could produce coal for many years, probably hundreds of years, in certain circumstances.

I conclude my remarks on that report by saying that it is essential before the Government makes any decision on the next coalfield that the report be reassessed and its relevance to the overall energy requirements of the State be considered before the decision is made. My final point in support of the select committee involves consideration of whether the portfolios of mines and energy should be in one Government department and under the control of one Minister. I have discussed this with others who have had close contact with the department and with the provision of electricity. They believe that having mines and energy areas together has been a fundamental cause of our problems with power supplies in South Australia. It is one of the major reasons why we have a problem with the price of gas. Therefore, it is worth while in the context of a select committee looking to see whether it would be more appropriate to separate these two important areas so that they can exercise their own initiative and influence on government, detached and separate from each other.

Certainly, I consider it undesirable that energy requirements for South Australia should in any way be influenced or intimidated by the mining requirements of the State; they are often influenced to a large extent by large individual companies. I urge the Council to support the formation of this select committee. My colleague the Hon. Mr Milne has a motion for a select committee to look into the pricing of gas and other matters that are closely akin to the issues raised in my motion. We believe it would be practical to consider one select committee dealing with all these matters. It is not impossible for one select committee to have amalgamated terms of reference.

The Hon. Anne Levy: Don't you want a right wing one and a left wing one?

The Hon. I. GILFILLAN: We can get them in together and they can fly. Finally, unless we have a balanced contribution from a Legislative Council select committee we face the risk of what has happened so often in the past—of the Government making hasty decisions just before an election. I know that there is eagerness for the Government to announce the next coalfield before the next election. However, I do not accept that that is a reasonable ground for a decision to be made without having had the full impartial assessment of all the factors put before the Parliament and before the Government, and I cannot think of a better vehicle than a select committee of this Council.

We do not pretend to be expert in the field of either mining or power generation, but I believe that Legislative Council select committees are in many ways as competent as Governments, which do not have any further claim to expertise than members of the Legislative Council. With decisions as critical as these for so many years involving the future of South Australia, it is imperative that the matter be looked at by a select committee of the Legislative Council. I urge members of the Council to support my motion.

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

Dr GEORGE DUNCAN

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

That this Council calls on the Government to table, in this Parliament, the report made by the two Scotland Yard detectives on the drowning of Dr George Duncan in 1972, with the names of individuals deleted if necessary, where, in the opinion of the Attorney-General, the release of those names would not be relevant to the significance of the report and would not interfere with the principle of full disclosure to the people of South Australia.

I have moved this motion so that members can speak to it later, if they wish. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT REGULATIONS

Order of the Day: Private Business, No. 3: Hon. G.L. Bruce to move:

That regulations under the Narcotic and Psychotropic Drugs Act 1934 concerning repeal, made on 9 May 1985 and laid on the table of this Council on 14 May 1985, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

CONTROLLED SUBSTANCES ACT REGULATIONS

Orders of the Day: Private Business, Nos 4 to 8: Hon. G.L. Bruce to move:

That regulations under the Controlled Substances Act 1984 concerning declared poisons, made on 9 May 1985, and laid on the table of this Council on 14 May 1985, be disallowed.

That regulations under the Controlled Substances Act 1984 concerning prescription drugs, made on 9 May 1985 and laid on the table of this Council on 14 May 1985, be disallowed.

That regulations under the Controlled Substances Act 1984 concerning drugs of dependence, made on 9 May 1985 and laid on the table of this Council on 14 May 1985, be disallowed.

That regulations under the Controlled Substances Act 1984 concerning prohibited substances, made on 9 May 1985 and laid on the table of this Council on 14 May 1985, be disallowed.

That general regulations under the Controlled Substances Act 1984, made on 9 May 1985, and laid on the table of this Council on 14 May 1985, be disallowed.

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

That these Orders of the Day be discharged.

Orders of the Day discharged.

TELEPHONE TAPPING

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

That, in order to fight drug trafficking and to bring offenders to justice, this Parliament express to the Prime Minister its desire for the Commonwealth Government to grant South Australian police the power to tap telephones, subject to judicial supervision.

On the night of 18 July 1985, or the morning of 19 July, Mr Carmelo Marafiote and his wife, Mrs Rosa Marafiote, were shot in the head at their modest Hanson Road, Woodville North, home. Later, police found the truck of their son, Dominic Marafiote, abandoned near Mildura. He is believed to have been murdered also. During the evening of 18 July, reports indicate that Mr Marafiote Senior had a telephone conversation with his son, Dominic. Police in both States, South Australia and Victoria, have been making extensive investigations into the deaths of Mr and Mrs Marafiote Senior and the disappearance of Mr Dominic Marafiote. Only days ago the head of the investigating squad repeated frequent pleas for anybody having information which might lead to the apprehension of the murderer of Mr and Mrs Marafiote Senior to come forward and anybody who could throw light upon the disappearance of their son, Dominic, also to come forward and assist the police. He reiterated the police frustration with the wall of silence with which their inquiries are being met.

The Mildura CIB believe that Mr Dominic Marafiote was to collect an unknown quantity of marijuana, to take it to South Australia, on the night of his disappearance. Subsequently, it was discovered that Mr and Mrs Marafiote Senior had assets valued in excess of $4 million, which may have been quite legitimately obtained, but suspicions are that those assets were, in part, obtained from involvement in drug trafficking.

Among other things, Mr Dominic Marafiote had been involved in plans to set up a massage parlour in Mildura last year and had met with considerable opposition from many members of the community in Mildura. It is well-known that prostitution goes hand-in-hand with organised crime. A few days ago, the Willesee program boldly showed attempted interviews with three brothers Alvaro, clearly stating that there was no evidence to link them with the Marafiote murders, but wishing to ask questions about how they had acquired quite substantial assets, including houses in Adelaide up to $500 000 in value, when two of them were invalid pensioners and the other was unemployed.

Of course, it is not a crime to have substantial assets. Most people in Australia who have substantial assets have worked hard to build up their property, all within the law. However, there is a minority which has used organised crime to acquire substantial assets. It is well-known that organised crime operates frequently behind respectable facades. It is also well-known that pornography, gambling and drug trafficking are well used in both the laundering or washing of ill-gotten gains and in adding to the accumulation of assets, derived from organised crime.

The relevance of the reference on the Willesee program to the three brothers Alvaro was, in fact, that they were related to the Marafiotes and that there appeared, at least on the face of it, to be inadequate evidence to establish that their quite substantial assets had been derived by legitimate effort and undertaking. I raise the question in the context of this motion, whether, if State police had had the power to tap telephones in the course of investigations into drug trafficking, the Marafiote murders could have been prevented, and whether any concerted drug trafficking program in which they and the Alvaro brothers may have been involved, could have been detected. However, there is no power for State police to tap telephones subject to judicial supervision. There is no power in the federal police to tap telephones other than the investigation of criminal activity involving drugs being imported into Australia.

There is no power for the State police to tap telephones in relation to murder investigations, the manufacture of drugs, such as heroin, in Australia, kidnapping, extortion, or even the growing of marijuana in Australia, and it is time that the present Government addressed that grave deficiency in police powers. The South Australian Commissioner of Police, Commissioner David Hunt—

The Hon. C.J. Sumner: You're a long way behind the times: you're about three months out of date. You're astonishing!

The Hon. K.T. GRIFFIN: I am not out of date.

The Hon. C.J. Sumner: You're three months behind.

The Hon. K.T. GRIFFIN: You listen to what I have to say. I am not out of date. You have not taken any initiative to give State police—

The Hon. C.J. Sumner: We have.

The Hon. K.T. GRIFFIN: You have not.

The Hon. C.J. Sumner: I will tell you about it in a minute. You are three months out of date.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: It is the first time you have come clean.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! I call the Council to order and will take what steps are necessary to see that it stays in order.

The Hon. K.T. GRIFFIN: The South Australian Commissioner of Police (Commissioner Hunt) is on public record as saying that the police lack adequate powers to deal with drug trafficking. He has specifically referred to the lack of telephone tapping powers. In addition, the power to pursue a paper trail or cash flow of a suspected organisation is limited.

However, the Costigan Royal Commission and now the National Crime Authority have certain powers which, if used, could assist in chasing that paper trail. In relation to telephone tapping, it is relevant to note that in June this year the State Coroner is reported to have said that law enforcement agencies should be given every facility and assistance in the fight against the illegal drug industry, and that this could include the use of telephone tapping. In fact, the Coroner was there commenting on the drug industry before hearing evidence in the Adelaide Coroner's Court about the drug-related deaths of four people. Therefore, the State Coroner supports telephone tapping along with the Commissioner of Police. There are two recent Royal Commissions. The Australian Royal Commission into Drugs—

The Hon. C.J. Sumner: It is agreed. I will tell you about it if you sit down. What is the argument? There is no argument.

The PRESIDENT: Order! The Attorney-General can tell the Hon. Mr Griffin when he sits down.

The Hon. K.T. GRIFFIN: If there is no argument I will be delighted. It is the first positive step that the Government has taken in six months.

The Hon. C.J. Sumner: What are you talking about? You're a very funny fellow.

The Hon. K.T. GRIFFIN: The Australian Royal Commission of Inquiry into Drugs conducted by the Hon. Mr Justice Williams made some reference to telephone tapping and recommended that police be permitted by law to intercept oral communications in aid of drug law enforcement, and that the use of such power to intercept be restricted to cases where drugs are illegally imported, produced or trafficked on a substantial scale. In the case of the interception of communications by telephonic or like systems, the inter-

ception should be permitted only on the order of a judge of a Supreme Court of a State or Territory or of the Federal Court of Australia. The report particularly referred to the Interim Report on Privacy by the Australian Law Reform Commission which also was recorded as being in support of telephone interception. It states:

> Monitoring of conversations without the consent of either party ought to be permitted in certain narrowly defined circumstances. Such authorisation should only be granted by a federal judge or a judge of the Supreme Court of a State or Territory and should be available only in respect of very serious offences.

In relation to the other Royal Commission of Inquiry into Drug Trafficking by Mr Justice Stewart, he said that he, too, believed that the State police should have this power. He stated:

> The main criticism of the present legislation is that the circumstances in which telephone interception may be made are far too narrow. There should be a right to apply for a warrant when it is likely that a criminal scheme or a conspiracy involving organised crime is on foot. For convenience the Commission here sets out its proposals:
>
> 1. An officer of the ABCI or an officer of the State BCI should be enabled to apply to a judge for a warrant to carry out interception of telephone conversations.
> 2. A judge should be empowered to issue a warrant for the interception of telephone conversations where the activities of persons are such as to point to the likely existence of a criminal scheme or conspiracy involving organised criminals. It should not be restricted to the commission of certain narcotics offences as presently provided for by section 20 of the Telecommunications (Interception) Act 1979 although similar procedures should apply to the issuing of such warrants.

There is quite strong evidence in favour of State police having power to tap telephones in the fight against drug trafficking. Last April the Premier asserted that he was in favour of State police having the power to tap telephones. His statement was made, together with the Prime Minister, at the conclusion of the drugs summit. Since that time publicly—six months later—there has been no action on the part of the Premier or the Attorney-General to grant those powers to State police.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: I said 'publicly'.

The Hon. C.J. Sumner: Don't you read the newspapers?

The Hon. K.T. GRIFFIN: I said 'publicly'. There is no evidence—

The Hon. C.J. Sumner: I will read it out to you. I have letters—

The PRESIDENT: Order!

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will cease interjecting.

Members interjecting:

The PRESIDENT: Order! I will name one member at a time and deal with members separately.

The Hon. K.T. GRIFFIN: Although the Premier and Attorney-General have made statements saying that they will be prepared to do this, on one occasion the Attorney-General is reported to have said that he had received no request from the police to grant this power and when the request was received he would do it. He has not made any request to the Prime Minister or the Federal Attorney-General—certainly none that is publicly available.

The Hon. C.J. Sumner: I have. It was done three months ago.

The Hon. K.T. GRIFFIN: There has been nothing on the public record. Every time it has been raised you have prevaricated. If you had made a request positively, that is good.

The Hon. C.J. Sumner: It is in the *Sunday Mail*, the *Advertiser*, I have correspondence with the Prime Minister. It is all here.

The Hon. K.T. GRIFFIN: I have all those papers, too.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: You read them out.

The Hon. C.J. Sumner: I will.

The Hon. K.T. GRIFFIN: I know about all those newspaper comments. They just say, 'We are going to do it', but the Attorney has not done it. If he has a letter to the Prime Minister that says, 'We want the powers', then that is the first time that that statement has been made known to the Parliament or the public at large. If it has been done, that is good. Let us see some action in relation to drug trafficking and have no shilly-shallying as has been demonstrated during the past six months.

The Hon. C.J. Sumner: Extraordinary behaviour!

The Hon. K.T. GRIFFIN: There is nothing extraordinary about my attitude. I have been consistently calling on the Government to take some action to get this power for State police forces.

The Hon. C.J. Sumner: We have done it.

The Hon. K.T. GRIFFIN: We will wait and see what is in this so-called letter and when it was written. I suggest that if the Attorney-General has been doing something by writing letters, then it has not been made public because he has had problems with Mr Peter Duncan and Senator Bolkus, who led the charge at the ALP State Convention against telephone tapping powers.

Subsequently, the Premier was reported to have said that his Government may baulk at the decision of the ALP Convention in relation to telephone tapping. However, he has not committed himself publicly and taken action publicly because he has been afraid of the left wing of the ALP. There has to be support for the police in the granting now of this very important power to tap telephones in the fight against drug dealing. I recognise that there are sensitive civil liberties questions involved, but they can be overcome by putting the Judiciary in charge of the issuing of warrants for telephone tapping purposes.

There is no doubt in my mind, and in the minds of the public, that telephone tapping is a valuable tool that the police should have, and they must have it now, and not at some indeterminate time in the future.

The Hon. C.J. Sumner: Do you think that we have constitutional powers to give the federal police telephone tapping powers?

The Hon. K.T. GRIFFIN: I say that the Federal Attorney-General in Parliament has indicated that he stands ready to grant this power, but he has not received a request.

The Hon. C.J. Sumner: Are you saying that we can do it?

The Hon. K.T. GRIFFIN: I am saying that you can make a request to the Federal Government to do it.

The Hon. C.J. Sumner: I have a letter.

The Hon. K.T. GRIFFIN: All right, let us see it.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! The debate will drag on long enough without the honourable member continually interjecting. The Attorney-General says that he has all the answers so we will see when we come to it. However, I hope that the honourable member will refrain from interjecting.

The Hon. K.T. GRIFFIN: My motion is designed to demonstrate to the Federal Government that as a Parliament we want those powers granted to the South Australian police, and I hope that all members of this Parliament will support it. I propose that if it is passed it will go to the House of Assembly with a message requesting its concurrence. I urge support for it and I will be very interested to hear what the Attorney-General has to say about the way in which he has kept his light under a bushel.

The Hon. C.J. SUMNER (Attorney-General): This has really been an extraordinary performance by the former Attorney-General, the Hon. Mr Griffin. I make no bones about it: he has been guilty on two occasions—today and when he introduced the Bill on listening devices—of deliberately and maliciously misleading this Council. There is absolutely no question about that. When he introduced his Bill on 28 August he said that the State Government had not done anything to request the power from the Commonwealth, nor taken any other action to demonstrate that it is really serious about the police having this power. He said, further, that this should overcome the State Government's reluctance to request the power. That is grossly misleading. He knows the facts; he knows what the Premier said about this issue; he knows what I have said about it, and he has come into this Parliament deliberately and maliciously to mislead it on this important issue. He did it on 28 August and he has done it again today, and I can clearly demonstrate that that is the case. The genesis of this matter was the drug summit that the Premier attended. The drug summit communique stated:

> The conference agreed that telephone interception powers can be a valuable aid in investigation of drug trafficking. The Commonwealth will extend such powers in relation to drug trafficking to the States, subject to stringent controls being exercised over their use. The controls will include a requirement for judicial warrants.

That was the statement agreed to by the Premier at the drug summit in April. Details will obviously have to be worked out. It is absolutely astonishing that a prominent constitutional lawyer like the Hon. Mr Griffin comes into this Parliament and gives the Parliament and this Council the impression that somehow or other this Government on its own can give its State police the power to tap telephones. It is astonishing that he has misled the Parliament by giving it that impression when he knows that that is clearly incorrect under the Federal Constitution.

He knows that there has to be federal legislation, and probably complementary legislation. For him to give the impression, as he sought to do when he introduced his Listening Devices Bill and today, that this Parliament can legislate and solve the problem overnight is incorrect and he ought to know better. The fact is that federal legislation is necessary. Details have to be worked out between the State and Commonwealth Parliaments on this issue. He says that no statements have been made by the State Government on this issue.

The Hon. K.T. Griffin: I didn't say that.

The Hon. C.J. SUMNER: Yes, the honourable member did: he said that we had hid our light under a bushel on the issue. He said that we had not pursued the issue with the Commonwealth Government. I refer him to the *Sunday Mail* of 19 May this year, where the headline written by Mr Andy Williams is: 'State seeks phone tap power', and it quotes the Attorney-General as saying:

> The move followed a national drug summit decision in April for the Commonwealth to extend telephone tapping powers to the States. The State Government will seek legislative powers from the Federal Government to enable SA police to tap the telephones of suspected drug traffickers.

What could be more unequivocal than that? Further, if the honourable member wants the statements from the Government on it, the Premier on 11 June 1985, again publicly, in the *Advertiser*, said that, as far as he was concerned, if telephone tapping was necessary in order to counteract drug trafficking, it would be done. He said:

> We have to ensure drug traffickers are brought to justice and will take what steps are necessary ... If there is anything that will impede successful prosecution of drug traffickers then obviously we can't accept that imposition.

The statements have been made by this Government. There has been no shilly-shallying about it. Furthermore, in the light of the honourable member's maliciously misleading comments and in the light of those statements made by me and the Premier, I point out that on 14 May 1985 the Prime Minister, no less—Mr R.J.L. Hawke—wrote to the Premier of South Australia to deal with a large number of matters following the drug summit in April. He said:

> As indicated at the conference, the Commonwealth is prepared to extend telephone interception powers to State police in relation to drug trafficking. I made it clear that any such access would be subject to acceptance by the States of both strict controls and the costs of interception operations. I would ask you to confirm whether or not you wish your Police Force to have access to the powers in question. There will need to be close consultation between the Commonwealth and those States seeking access to telephone interception powers in the development of detailed proposals. The system of controls, which would need to involve State as well as Commonwealth legislation, would include judicial warrants, audits of interception operations by a State Ombudsman (or like independent State authority) and reports to the State Attorney-General who, in turn, would report periodically to the Commonwealth Attorney-General on reasons for, and results of, interceptions.

What is the response to that? Almost three months ago, the Premier responded in a letter dated 28 June to no less than the Prime Minister, the Hon. R.J.L. Hawke, AC, MP, in which the following is said:

> The question as to whether State police should be given the powers to intercept telephone calls has been the subject of much debate recently. However, my Government believes that it is a vital tool in the fight against drug abuse in this country. To this end, I wish to confirm agreement at the drug summit to the conferral on State police of similar powers as have the Australian federal police in this regard. There should be provision for the Commissioner of Police to report to the Attorney-General on the details of warrants obtained and the use made of information obtained by intercepting communications. These working procedures need to be thought through at the national level and I suggest that the Attorney-Generals' committee may be the appropriate forum to deal with this.

On 28 June the Premier responded to the Prime Minister and confirmed the agreement at the drug summit that the South Australian police were prepared to accept and wanted the power to tap telephones with respect to drug offences and with the sorts of conditions outlined by the Prime Minister in his letter and as referred to at the drug summit.

So, with respect to the Hon. Mr Griffin's comments that somehow or other there has been no statement about this, we had the drug summit on 1 April, the Premier party to that communique with the Prime Minister; we had my statement in May saying that the State Government would request those powers; we had a public statement by the Premier in June, reaffirming that and saying that everything necessary with respect to this matter would be done, and we had an exchange of correspondence between the Prime Minister and the Premier in May and June, affirming that those powers would be granted on a cooperative basis. The honourable member knows that we cannot give those powers to our police to tap telephones because we do not have the constitutional power. He knows that, but he has deliberately attempted to mislead the Parliament on this issue.

It is a shocking indictment of his contribution on this issue in the Parliament and in the public, because it is not just in the Parliament that he has done this: he has gone out into the public and attempted throughout the public arena to misrepresent the Government's position on this issue.

He should be condemned for that attitude. However, it is now placed clearly on the record for the honourable member, if it had not been there before—public statements made and an exchange of correspondence. The fact is that he is trying to chase votes. However, in doing that, he is prepared to relinquish the integrity that I thought he had by making misleading statements in this Parliament and by attempting to put a distorted view of the Government's position in respect of his listening devices legislation, with

which I will deal shortly when that matter is debated. That was a pure stunt, as he knows, because of his knowledge of the laws of this State and what powers there are in this Parliament to deal with this issue. Everyone shares the concerns expressed about organised crime and the issues that have been raised in a series of Royal Commission reports. As Attorney-General, I was active at the seminar that was called by the Commonwealth Government to deal with the establishment of a National Crime Authority, and I played an important role in the development of that legislation. I believe that we were the first Government in Australia to introduce legislation to support the National Crime Authority, which was specifically set up to deal with problems of organised crime.

As I said earlier this afternoon, our record on drugs is second to none in this country. We have introduced a Controlled Substances Act, which has increased penalties for drug trafficking, and we have dealt with the confiscation of assets, a very important part of the fight against organised crime and, in particular, the trafficking in drugs. I will not rehash all the actions taken by this Government in this area. Suffice to say that the former Attorney-General has been completely on the wrong track in this issue. He has attempted to distort the public debate on it; he has attempted, maliciously and deliberately, to mislead the Parliament, and he should be condemned for it.

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

That this debate be now adjourned.

The Hon. C.J. Sumner: We want a vote today. Come on, vote.

The Hon. K.T. Griffin: All right, vote on it.

The Hon. J.C. BURDETT: I seek leave to withdraw my motion.

The PRESIDENT: The Hon. Mr Burdett asked leave to withdraw. Is leave granted?

Leave granted; motion withdrawn.

The Hon. K.T. GRIFFIN: I am not afraid to confront the arguments.

The Hon. C.J. Sumner: Why did you get him to move to adjourn the debate?

The Hon. K.T. GRIFFIN: I thought other members may want to speak on it, but I am happy to speak on it. I will go to a vote on it.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! The honourable Attorney-General is not going to take over the Chair as well as the rest of the House. He can listen or I will have to take action.

The Hon. K.T. GRIFFIN: I have certainly not misrepresented the position so far as the Government is concerned. It is in *Hansard* and on the public record that there were disagreements between the Premier and the Attorney-General.

The Hon. C.J. SUMNER: A point of order, Mr President. That is just not true.

The PRESIDENT: What is the point of order?

The Hon. C.J. SUMNER: That is the point of order. He is abusing the procedures of the House.

The Hon. K.T. GRIFFIN: For those who wish to check the record in *Hansard* there are differences between answers the Attorney-General has given in the Parliament, compared to those that the Premier has given in the Parliament. On the one hand, the Premier has no reservation at all about telephone tapping power and, on the other hand, the Attorney-General did express some uncertainty about the power, and he also expressed uncertainty as to when the power was to be granted. On one occasion he said he thought it would have to go to the Standing Committee of Attorneys-General, and I am sure he would quite readily accept that if it went to the Standing Committee of Attorneys-General—the point I made at the time—we would be waiting until well into next year before we received any response to the drug summit proposal that State police have the power to tap telephones in the fight against drug trafficking. It appears that it is going to the Standing Committee of Attorneys-General—

The PRESIDENT: Order! Some of these private conversations will have to be toned down.

The Hon. K.T. GRIFFIN: When will we see the State police getting that power? It was April when at the drug summit it was agreed that the State police should get that power. It certainly will not be granted this year, as far as I can see. Is it going to be next year? We just do not know.

The Hon. C.J. Sumner: Don't blame us for that. We can't take any action. Don't mislead the Parliament on that, as you did before.

The Hon. K.T. GRIFFIN: My criticism of the Government is that it ought to be constantly pressuring the Federal Government for this power to be granted. If there is to be complementary legislation, it ought to do something about introducing it—even in anticipation.

The Hon. C.J. Sumner: That's ridiculous.

The Hon. K.T. GRIFFIN: It is not.

The Hon. C.J. Sumner: You are misleading the Parliament.

The Hon. K.T. GRIFFIN: I am not; I am saying that if you were serious about granting this power to State police, you would get up off your behinds and you would do something, instead of putting it off until the Attorneys-General conference, or putting it off to the Federal Government.

The Hon. C.J. Sumner: You're misleading the Parliament.

The Hon. K.T. GRIFFIN: I am not.

The PRESIDENT: The honourable Attorney-General keeps repeating that but it does not alter the debate.

The Hon. K.T. GRIFFIN: The fact is that, if the Government is really serious about this matter, it would not just write letters, it would do something about it. Anybody can write letters. The Attorney-General has indicated that the Premier has written to the Prime Minister saying that he confirms his support for the decision of the drug summit. That is good to hear. It is the first time it has been said in the Parliament. It is the first time that it has been said that there has been a request.

The Hon. C.J. Sumner: Look at it.

The Hon. K.T. GRIFFIN: You have said that you have supported it but nowhere has it been said that there is a formal request to the Federal Parliament for the granting of this power. That is what it is all about. It is the extent to which the Government puts pressure on the Federal Government and makes its intentions and actions known to the people of South Australia. This matter cannot wait until next year, the year after or maybe never. It has to come as a matter of urgency. I thought this drug summit, which was held in March/April, was designed to bring together a coordinated plan for dealing with the drug trafficking problem.

It sounded great to have a drug summit and everybody making the right noises and coming out of it with a uniform statement, but that is six months ago. When will we see this concerted program? Perhaps we will see it next year. What I am saying is that the State Government has a responsibility to keep pressuring to get this valuable aid to detection and law enforcement for the State police.

It is all very well to say that the State police should have the same power as the federal police have, but I draw the Attorney-General's attention to the fact that the federal police have very limited telephone tapping power in relation

to importation of drugs. What I am suggesting—and I understood this to be the decision of the drug summit—is that the power which is given to the State police ought to be in respect of drug dealing and drug trafficking and not the mere importation of drugs into Australia, because that is too limited.

As I pointed out in my speech in moving the motion, the fact is that the federal police cannot even use telephone taps in detecting offences relating to the growing of marijuana in Australia, or the manufacture of marijuana, heroin or any other drug in Australia. Their power is limited to the importation of those drugs into Australia.

There needs to be concerted action to get this power sorted out and to do so as soon as is physically possible. That does not mean leaving it to the Standing Committee of Attorneys-General. It does not mean leaving it until next year when we may get some action. It means doing something now. I think six months is long enough to get this show in order. I hope that the Council will support this motion.

Motion carried.

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

That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

Motion carried.

LISTENING DEVICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 August. Page 571.)

The Hon. C.J. SUMNER (Attorney-General): It was in introducing this Bill that the former Attorney-General and noted constitutional lawyer, the Hon. Mr Griffin, was guilty of grossly misleading the Parliament on this general issue. As I said in the previous debate, he said—and quite wrongly, in a quite misleading fashion—that the State Government had not done anything to request the power from the Commonwealth nor had it taken any other action to demonstrate that it is really serious about the police having the power.

I have conclusively demonstrated that that was an absolute nonsense, and I am not sure whether the honourable member wishes me to repeat it again, but I have referred to the exchange of correspondence and I have referred to the public statements made by me and the Premier. So, to suggest that there has been any reluctance or any indecisive attitude is quite erroneous. I believe that the Hon. Mr Griffin knew that it was erroneous. However, he believes that there is some kind of politics to be played in this area and that he can somehow or other grub out of the community a few extra votes on this issue, despite the Government's very good record on this particular issue. That has been explained on previous occasions—the participation in the National Crime Authority, the action over the Controlled Substances Act, the increase in penalties, including confiscation of assets, and a whole range of initiatives in the area of law and order—a whole range of initiatives taken by this Government in support of those people who find themselves the subject of victimisation as a result of criminal activity.

As I have said before, South Australia over a number of years now has been a leader in the world in that particular activity. There can be no way that honourable members opposite can be critical of this Government on this issue. The problem of law and order is an important one for the community. It is an important one for all of us to understand, and it is an important one for all of us to cooperate in taking decisive action. However, it is quite clear that honourable members opposite are not going to do that. They are going to use the issue if they possibly can in some sort of grubby political way which will not do them any credit and will not overall assist in dealing with what is a very difficult problem. As I said before, in this general area the Government's actions have been second to none in pursuing criminal activity and providing support for the victims of criminal activity, whether it be in the drug area or any other area, whether it be in relation to penalties or with respect to telephone tapping powers. I will not repeat the arguments that I have just put on that particular issue, but I believe that anyone who was sensibly listening to the debate would be clearly aware of the actions that the Government has taken and that we have acted with all due expedition, knowing of course that the granting of powers to State police to tap telephones is an authority that rests within the power of the Federal Parliament and not the State Parliament. It has to be done by a cooperative arrangement, the details of which are currently being worked out.

This Bill, as I said in the previous debate, is simply a stunt. This Bill really has no substance. What the honourable member is attempting to do in one sense is in fact to limit the Listening Devices Act and the powers that the police have under it in one respect, because he is suggesting that a judicial warrant should be necessary for the use of listening devices, whereas of course that is not the case at the present time. What he is also saying is that there can be authorisation for a member of the State Police Force with the warrant of a judge to use a listening device presumably also with respect to federal offences. One really wonders just what this Bill does that is not already in the existing law. In one sense, of course, it constitutes a restriction on the power that the police already have with respect to listening devices, because it requires a judicial warrant. That is one problem with it.

Perhaps the honourable member believes that a judicial warrant should apply with respect to listening devices in general. What he is attempting to do is to say that the Listening Devices Act (the State Act) can be used by State police with respect to federal offences, despite the fact that he has not been in touch with the Federal Government, that he has not been in touch with the federal police, and of course he has no authority from them to introduce such legislation. I am not sure that the federal police would necessarily agree with the State police having power to use the Listening Devices Act with respect to the pursuit of federal offences. That is something that ought to be worked out in cooperation between the State and Federal Governments. What this particular Bill provides and what it could lead to is different procedures with respect to listening devices compared to the procedures that are needed with respect to telephone tapping when they are introduced.

Clearly, this Bill is a stunt. It should not proceed as it is at the present time because there has been absolutely no discussion with the Commonwealth Government about it. There has been no discussion between the State and federal police about it, yet the honourable member purports to extend the Listening Devices Act to the State police with respect to federal offences. The fact that that is what he is trying to do clearly indicates that it is a stunt and he has introduced it as part of this general misleading impression that he wishes to give about what action has been taken.

The Hon. K.T. Griffin: That is nonsense.

The Hon. C.J. SUMNER: It is not nonsense and you have deliberately attempted to mislead the Parliament and the public about the powers that this Parliament has with respect to this issue. This Bill is another example of it, because it is a Bill which purports to give State police the power to use listening devices with respect to federal offences, and there is some doubt as to whether they have that power in any event. He attempts to do it without consul-

tation with the State police. He attempts to do it without consultation with the federal police and he is doing it to try to give to the public and the Parliament the impression that somehow or other this Parliament has the power to ensure that State police can be involved with the use of listening devices and telephones for federal offences. It is an attempt to muddy the waters, to not be completely clear, to not be completely explicit, so that he can give the impression that he is doing something, knowing full well that this Parliament cannot do anything about telephone tapping without complementary federal legislation, and knowing in the case of the Listening Devices Act that the matter has not been discussed with any of the Commonwealth authorities.

I do not believe that this Bill should proceed in its present form. I do not believe that the honourable member can possibly believe that it should proceed in its present form, because there has not been any discussion with State or Commonwealth police about the matter and there must be severe doubts as to whether there is any efficacy in different procedures being established in different Acts. Accordingly, that is the Government's position at this stage, at any rate. Whether the matter ought to proceed following further discussions with the Commonwealth Government is a question that will have to be determined. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

NATURAL GAS PRICES

Adjourned debate on motion of the Hon. K.L. Milne:

1. That a select committee be appointed to inquire into and report upon—
   - *(a)* the current contractual agreements for the pricing of Cooper Basin gas sold to South Australia and New South Wales;
   - *(b)* the desirability of establishing a single price formula giving rise to the same well-head price for gas sold ex Moomba to South Australia and New South Wales;
   - *(c)* the role for Government action in the event of large price increases which are relevant to economic stability and growth in the State;
   - *(d)* the determination of a price formula that adequately protects the Electricity Trust of South Australia, the South Australian Gas Company and other major gas consuming industries, present and future;
   - *(e)* the Cooper Basin (Ratification) Act 1975 which covers the endorsement of the rights of the producers to enter into sales contracts and to report on the continuing obligations of the Government to preserve the agreements for the sale of natural gas endorsed by the Act;
   - *(f)* the impact of Commonwealth powers over gas supplies and sales, natural gas being a petroleum product;
   - *(g)* alternative sources of energy and methods of conserving energy; and
   - *(h)* any other related matters.
2. That in the event of a select committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order 389 be so far suspended as to enable the Chairman of the select committee to have a deliberative vote only.
3. That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 11 September. Page 815.)

The Hon. ANNE LEVY: Since my contribution on this matter last week there has been much speculation both in this Parliament and in the newspapers about the imminence of an agreement on gas pricing arrangements. This speculation, I believe, emanated from rumours that were apparently circulating late last week that agreement had been reached on a price schedule with a starting point of $1.50 per gigajoule from 1 January 1986 and that the price will then escalate to $2 per gigajoule by 1990.

These rumours were refuted by the Managing Director of Santos (Mr N.R. Adler). In Saturday's *Advertiser* he is reported as saying:

> The situation is that negotiations which have been conducted for some time are continuing, but as yet no agreement has been reached on the basis upon which gas will be sold to PASA after 1988.

I quote him again:

> A mutually acceptable contract covering supplies until 1992 should be resolved soon.

That certainly seems to be an indication that progress is being made. Both the Government and the producers have made it abundantly clear that the speculation which has taken place has not been constructive. Headlines such as last Friday's 'Gas price may drop and soar later' seem to be based on at best rumour and on at worst misinformation which is deliberately intended to create alarm and divert attention from the real and critical issues that the negotiations are addressing.

In particular, there seems to be a preoccupation amongst the uninformed that the negotiations are only concerned with price and the speculation last week would seem to be designed to make political capital out of what are manufactured apprehensions on that score.

A headline, a bit of personal or political publicity for someone like the former Minister in another place seems to be the objective in these forays into the media. It is the performance of the former Minister in another place in this area in his term of office that created a large part of the price problem on which he now has the hypocrisy to pontificate. What we need is a rational and objective discussion of a very complicated commerical and technical issue which affects the whole community—not misinformation. I have endeavoured over the last few weeks to bring to the attention of honourable members the wider issues which are involved in this question, more so than the actual price of gas.

These matters were clearly set out in the report of the Stewart committee. They relate, first, to the extent of proven and probable reserves in the Cooper Basin, secondly, the prospectivity of the Cooper Basin, thirdly, the economics of its development and, fourthly, the complicated contractual arrangements which have been established over two decades and which have important implications for the way in which that resource will be exploited. The primary issue is that of supply. I draw honourable members' attention to remarks made by the former Minister in another place on Wednesday 16 June 1982, as follows:

> There is not enough gas yet discovered to satisfy the Sydney contract. In fact, between 600 and 700 billion cubic feet has yet to be discovered between now and 1987 to satisfy that contract.

As I pointed out in the first part of my address on this motion, the AGL contract has precedence over supply to PASA after 1987. In April 1984 the Stewart committee reported, citing reserves figures based on a producer's forecast for September 1984 which inferred only one or two years full supply for PASA after 1987.

The producers subsequently advised AGL that full schedule A quantities were available to the year 2006 for the Sydney market, and the final determination of that matter is apparently still awaiting the report of an independent expert appointed under the AGL letter of agreement.

The contractual situation overlays the reserves position. The PASA future requirements agreement requires PASA to give first right of supply of gas to the Cooper Basin unit partners, yet the producers can offer gas in small volumes throughout the contract without providing long-term lead time advice on that supply. PASA is being required to take a minimum of 80 per cent of the annual contract quantities

of 100 petajoules if it is available. That makes entering into alternative long-term supply arrangements both difficult and commercially risky if supply is not assured, since a subsequent discovery would put PASA in a position in which it would be contractually obliged to take or pay for more gas than it could sell. On top of that, PASA could be required to accept gas at a price up to 10 per cent above that of fuel oil, subject to an arbitration provision.

These two issues are matters of even greater significance than is a short-term price schedule, that is, concerns of assuring long-term supply and, in the absence of being able to assure long-term supply, renegotiating the future supply arrangements so that the State can obtain gas from alternative sources without being left in a commercially vulnerable position. These matters are issues of great significance that will govern the terms on which the supply of this element of the State's long-term energy requirements are based.

All these matters were thoroughly examined by the Stewart committee and its report has been in the public domain since April 1984, that is, for the past 18 months. The Government has, since then, throughout the past 18 months been engaged in negotiations with the Cooper Basin producers to address those vital matters and, because of their complexity, those negotiations have been protracted, lasting to date for more than 12 months.

This can certainly be contrasted with the negotiations which led to the infamous Goldsworthy agreement, which at the earliest could have commenced on 10 September 1982—that being the day after the last PASA price arbitration was handed down—and which certainly concluded on 12 October 1982, 32 days later with the execution of that most unfortunate agreement, as a classic short-term election fix to avoid electricity and gas price increases before the Tonkin Government went to the polls. It has certainly been demonstrated that it left the major issues unremedied.

In complete contrast to the speculation put about in the last week, there is one thing of which the people of South Australia can be assured, that is, that the Bannon Government will not contemplate a short-term fix. When the negotiations are complete the matter will be seen to have been dealt with in a manner which befits the seriousness and importance of this issue to South Australia. Last Thursday, the Minister representing the Minister of Mines and Energy in another place, indicated that he had serious doubts about the competence and ability of a select committee to deal with this important matter. I agree with his comment.

This subject has been examined by a committee consisting of people expert in these matters—the Stewart committee. This Government released that report over 18 months ago and has since that time been addressing the issues it raised. It is not now time to reconsider the basic issues that have been addressed and the Premier has made quite clear that he intends to finalise the matter very soon. The Minister representing the Minister of Mines and Energy has said that this Council should not do anything to jeopardise the present negotiations. I heartily endorse that statement.

It is quite obvious that a select committee on this topic could not proceed without seriously jeopardising the continuing negotiations. The questions and notices of motion which have been placed on the Notice Paper by the Hon. Mr Milne have helped to demonstrate the widespread concern throughout the community about this matter, and he should be commended for pursuing these critical issues so vigourously.

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

ELECTRICITY SURCHARGE

Adjourned debate on motion of Hon. Peter Dunn:

That in the opinion of this Council, the Government should immediately abolish the 10 per cent surcharge which applies to certain parts of the State and further calls on the Government to institute an electricity pricing policy in which all citizens of South Australia are charged on the same basis, and that this Council condemns the Government for its failure to implement a fair and equitable system of charging for electricity in country areas.

(Continued from 21 August. Page 429.)

The Hon. PETER DUNN: In summing up this debate, I say that the reasons why I put this motion on the Notice Paper have been vindicated, because the Government has accepted the motion that the 10 per cent electricity surcharge be reduced on Eyre Peninsula. The Government has given instructions for that to be done. I commend it for that. I ask all members to support the motion.

Motion carried.

HISTORIC STABLES

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

That this Council condemns the Deputy Premier's decision to secretly destroy the historic stables at Yatala Labour Prison which is contrary to recent written assurances given to interested parties by the Deputy Premier and which also ignores the fact those stables were on the Register of the National Estate and the State Heritage Register.

(Continued from 28 August. Page 581.)

The Hon. I. GILFILLAN: I support the motion. Most of the arguments in relation to this matter have been substantially and eloquently put by previous speakers. I do not intend to speak at length. I think that the letter from the Hon. Dr Hopgood to Mrs Thorndike on 16 November 1984 was an incredible statement compared to the eventual destruction of the stables—the claim that the stables were 'very carefully and sensitively photographed, marked and stored for future use'. That is rather difficult to accept.

I had occasion to go to Yatala and looked at the site where the stables previously stood. I observed that some of the stalls, which had obviously been inside the stables, had been very roughly handled and were leaning in a damaged state against a wall of the prison. At some distance I saw the so-called 'sensitively handled heap of stones', which was not marked in any cohesive way, and about which I would like to be proved wrong. I can only say what I saw.

This matter is a most unfortunate reneging of responsibility. The Government acted quite irresponsibly in destroying these stables. I believe that it would have been possible to house these stables in an extension of the fencing so that the sterile zone around Yatala could be retained. The stables should have been retained because they are listed on the Register of the National Estate and the State Heritage Register. It is a sad testimony to the sincerity of the Government that, having destroyed both A block and the stables, it has now introduced legislation which would restrict its ability to have done that. I am conscious of the sensitivity of the area, but that is no excuse for what I regard as heritage treachery in destroying the stables. It will take a lot of redemption by future actions of the Government to restore any confidence in its sincerity in really wishing to retain items of real value and historic significance in the State.

I am sorry that it has now come to the stage where we are debating this motion, which I have no hesitation in supporting. I believe that there has been a deception by the Government in its statement that it 'dismantled' rather than 'destroyed' those stables. I am more than willing to apologise

if I am proved wrong, but I do not believe we will ever see those stables reconstructed in any form anywhere. It is a significant loss and reflects badly on the Government. I support the motion.

The Hon. G.L. BRUCE: I oppose the motion and take exception to the words 'secretly destroy the historic stables at Yatala Labour Prison' contained in the motion. The Final Report of the Parliamentary Standing Committee on Public Works, dated 20 March 1984 (page 5), states:

At Yatala Labour Prison an inspection was made of the existing perimeter fence and the location proposed for the new high security fence and sterile land area which is to surround Yatala Labour Prison. The sterile area to the east of the main gate and south of the Northfield Security Hospital is adequate but it is somewhat restricted on the eastern corner of that hospital. Further along the hospital wall towards tower 7 the contours are rather difficult for adequate above-ground electronic surveillance and in addition there is a disused stable immediately adjacent to the north-east wall of the hospital. The stable which is built mainly of bluestone is quite old and in reasonable condition, but it is not in its original type of construction.

I understand that recent developments have been made by prison personnel during the past 20 to 30 years to keep the structure maintained. Therefore, the original old structure is not as has been suggested; there have been improvements to it. The report continues:

It would be a further security risk in an area that has difficult terrain and is being converted to a sterile area.

At page 9 the report states:

Mr Rowney's evidence in the main dealt with the significance and value of a building termed the 'newer stable' which is located immediately to the north-east of the Northfield Security Hospital and within the proposed sterile area of the Yatala Labour Prison and his statement was as follows:

I understand there is an intention to demolish the building called the newer stable. It was looked at a few years ago when this matter was raised because of the 'no-man's' land system that is going around the outside of the walls. I looked at the building with members from the Correctional Services Department and the Public Buildings Department and, as a result of that, we gave $2 800 for work to be done to that building. There were new shutters or louvres for the windows, painting and new guttering, and some further work done to the surrounding buildings to enable the water to flow away from it. The building was assessed by the department some years ago and found to be a building which was admirable in itself. It is a very fine bluestone structure and the quoins are of dressed bluestone which is unusual because usually the dressing around windows is constructed in brick to make the corner much easier. The walls are also made of bluestone and in this case the bluestone has been cut. It is Dry Creek bluestone, which was quarried nearby. The other buildings are also constructed from bluestone from the same quarry. It is very fine indeed. The pointing is tuck-pointing which was reserved for buildings of much higher distinction than stables. I do not know why it would be on stables but they did a good job on it. It was found to be a building of significance in itself, and it also forms part of the whole group of those buildings of about that period. This is 1874 and by that time there were already some buildings there. I believe that B block was the first, followed by A block, all of the same construction, including the walls themselves. This forms part of a whole group of that complex of buildings and it is all part of that group which forms an historical development. The buildings at the Yatala Labour Prison were part of the whole correctional services at that time and this stable forms part of it, even though one might consider it a menial building. It would seem to have some significance and is placed on the register.

This statement is the reason why the stones have been stored on Highways Department land at Northfield and there has been photographing of the building and demolition process. Therefore, the Government was aware of the significance attached to maintaining the stables but, because of the security risk, it could not leave the building there. In the future it is possible that the building could be reconstructed. At page 21, the report states:

7. The findings of the committee are as follows:

(1) An improved perimeter security at Yatala Labour Prison is essential.

(2) It is desirable to reduce the proposed height of the external security fence from 4.8m to 3.6m and weld-mesh is the suitable material for this external fence.

(3) A 20m sterile area inside the external fence is generous but desirable.

(4) The sterile area should be gravelled because of storm-water disposal problems as well as severe instability in the soil conditions at Yatala.

(5) Because of severe instability in the soil, a below-ground leaky cable sensor detection system is preferable to either an above ground microwave detection system or the Israeli LAE 78 system.

(6) If the sterile area is to achieve its objective any extraneous buildings should be removed.

(7) The 'newer stable' which is an unoccupied building in difficult terrain from the security aspect and located to the north-east of the Northfield Security Hospital is a serious hazard to security and should be demolished.

The recommendation on page 22 states:

8. The committee recommends the proposed public work of construction of a security perimeter fence and microwave detection system at Yatala Labour Prison (modified proposal) at an estimated cost of $1 500 000, but draws attention to its findings in paragraph 7 above.

I refer again to paragraph 7, which states:

The 'Newer Stable', which is an unoccupied building in difficult terrain from the security aspect and located to the north-east of the Northfield Security Hospital, is a serious hazard to security and should be demolished.

That was drawn to the attention of the public by this paper being printed on 20 March. Where the secrecy was—that there was some problem associated with that—I do not know.

On the Public Works Committee we have the Hon. Mr Creedon from this Council and the Hon. Mr Hill from this Council, who was aware of exactly what was going on—there was no secrecy; the Hon. Mr Hill was at liberty at any time to draw this to his colleagues' attention or comment on it; from 20 March on, this was a public document. Also on the committee is Mr J. Mathwin, also a member of the Party that has moved the condemnation of the Minister, Mr Mayes, Mr Plunkett, and Mr Rodda. The Hon. Mr Hill, Mr Mathwin and Mr Rodda on 20 March could have drawn public or Party attention to this matter at any time had they so chosen and if they felt the necessity of it. Evidently, they did not feel that it was urgent or vital enough to make an issue of it then.

It was certainly public property: there was no secret to try to destroy the stable, in fact, by the admission of that report and three members of the Opposition approving it, they condoned what eventually happened when this stable was demolished. A letter from Mr R.F. Power, the Director of the Professional Services Division, South Australian Department of Housing and Construction, on 30 July 1985, stated:

YATALA LABOUR PRISON

Newer Stable

One of the features of the development proposals to make Yatala Labour Prison this State's high security institution is the establishment of a new security perimeter. The security fence and 'no man's land' area around the prison are designed to contribute significantly to the security of the institution.

As a consequence, the 'Newer Stable' is now located within the sterile zone between the institution wall and the security perimeter fence. The Public Works Standing Committee received submissions during its inquiry into the perimeter fence project concerning the Newer Stable. However, the findings of the committee were specific in that the stable represents a serious hazard to security and its demolition and removal was recommended.

A proposal to take down the stable and reconstruct it on land owned by the Corporation of the City of Enfield, while acceptable to the council, presented a number of difficulties. It was difficult to locate a suitable site, bearing in mind that the stable has three levels, and a rejection of this proposal by the Heritage Conservation Branch of the Department of Environment and Planning. The Heritage Conservation Branch view of such a proposal was stated by Mr B. Rowney before the Public Works Standing Committee. He said that reconstruction on another site, that is, a replica, had no historic value and that demolition after historical

recording was more acceptable. A number of inspections have been made by various Government Ministers, and agreement has been reached that the building presents a serious threat to the security of Yatala Labour Prison. The retention of the building in its present position would also preclude visits and inspections by members of the public.

On 11 January 1982, the Government agreed to exempt Yatala Labour Prison from provisions of the Planning Act 1982, and agreed that no further demolition of the heritage items at the Yatala Labour Prison site would occur except where there is a severe risk to health, safety and security. Now agreement has been reached that the building does constitute a severe risk to the security of Yatala Labour Prison in its future role as a high security institution, it is proposed to prepare an historical record of the building and then proceed with its demolition. Cabinet approval was given for this to proceed on 22 July 1985.

I cannot see how it was secret when three members of that Standing Committee on Public Works from the Opposition were on it and back on 20 March, and prior to that, evidence was being taken. How one can say that it was secret and that it would be done under the cloak of secrecy I do not know.

What the Opposition is doing when it agrees to a motion along these lines is voting no confidence in its three members on the Yatala Labour Prison investigation by the Public Works Committee because those three members, as well as the three members from our side, decided that it should go, believing that it was in the interests of security at that prison. If the Opposition proceeds along those lines—and the Hon. Mr Gilfillan has indicated his support for this—I cannot see the basic thrust of its argument that this was done in secrecy. It was done with full knowledge of the Opposition and full knowledge of the Government because of the members on that committee. It is a public document that has been around for a long time. We see no need for the condemnation of the Minister as outlined in this motion and that we will not support it.

The Hon. L.H. DAVIS: I thank honourable members for their contributions. In particular, I note the Hon. Mr Bruce's gallant but lame attempt to defend the indefensible. The fact is that this was a secret destruction of a heritage building. It is clear that five Government departments conspired in this secret destruction of the Newer Stable at Yatala one day before the proclamation order that exempted the Yatala prison from the Heritage Act was to be taken off.

The Departments of Correctional Services, Housing and Construction, Public Works, and Environment and Planning, and the Premier's Department were part of this conspiracy—a conspiracy of silence. It appears that those five departments got together at ministerial level and determined that these buildings should go.

The Newer Stable was not destroyed in the middle of the day or after discussion with the Enfield and District Historical Society and other interested parties: it was destroyed in absolute secret. The destruction commenced, as far as can be ascertained, at 7 p.m. and was concluded within 24 hours. The Minister of Correctional Services claimed that the building was not demolished but that it was dismantled. For the Newer Stable to have been dismantled, according to experts, would have taken six days.

The Hon. Frank Blevins interjecting:

The PRESIDENT: Order! The Minister knows that his interjection is prohibited.

The Hon. L.H. DAVIS: The Newer Stable was demolished in 24 hours. Where is the stone from that stable? As far as one can ascertain, it is at Cadell, yet on 2 March 1984 the Enfield council received a letter from the Director-General of Public Buildings, advising it that if the stable was to be dismantled it could be constructed on the council's reserve, which is now known as the Stockade Botanical Park, and that the work of re-erecting the stable would be undertaken at no cost to the council, which would assume responsibility thereafter. On 5 March 1984 the council agreed.

The PRESIDENT: Order! There are too many conversations at high volume. We cannot possibly conduct our business with this. That applies to the Hon. Mr Milne and the Hon. Dr Ritson.

The Hon. L.H. DAVIS: On 5 March 1984 the council agreed that in the event of the stable being dismantled it would accept the Public Buildings Department's offer to re-erect the stable at the Stockade Botanical Park.

However, that approach was overtaken by the letter of 16 November 1984—the now famous letter from Dr Hopgood, the 'king of the environment'—which promised the Enfield and District Historical Society retention of the stable and said there was no security problem. Then we had no further public comment on what was going to happen to the stable. The fact was that the stable was demolished secretly, the day before the proclamation order exempting Yatala Labour Prison from the operation of section 6 of the Planning Act was revoked.

The Hon. R.I. Lucas: Joh Petersen revisited.

The Hon. L.H. DAVIS: As my colleague the Hon. Mr Lucas rightly observed, it is Joh Petersen revisited—it is South Australia's Bellevue Hotel. The lack of candour, integrity and honesty of the Government in this matter is distressing.

I would like to pay a tribute to the leadership, diligence and concern of the Enfield and Districts Historical Society in trying to monitor the position of the Newer Stable at Yatala. It is no fault of theirs that ultimately the cause they fought so hard and long for was lost.

It is a matter of some irony that during the course of this debate the Government in another place lamely accepted an Opposition amendment to the South Australian Heritage Act by which the Crown in future will be bound by the operation of that Act. Sadly, that came too late to affect this issue.

As I mentioned in opening the debate, this is the third leg in a sad trilogy of destruction of South Australia's heritage—the Grange vineyards, Yatala A Division and now the Newer Stable at Yatala. I appreciate the support that has been given to me by the Hon. Mr Ian Gilfillan and the thoughtful contribution that was made by my colleague, the Hon. Diana Laidlaw, and I would urge members to show their concern for heritage by supporting this motion.

The Council divided on the motion:

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

Noes (7)—The Hons Frank Blevins, G.L. Bruce (teller), J.R. Cornwall, M.S. Feleppa, Anne Levy, C.J. Sumner, and Barbara Wiese.

Pairs—Ayes—The Hons C.M. Hill and R.J. Ritson. Noes—The Hons B.A. Chatterton and C.W. Creedon.

Majority of 2 for the Ayes.

Motion thus carried.

PEST PLANTS ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Pest Plants Act 1976. Read a time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The principal object of this Bill is to give pest plant control boards a clear power to enter into contracts with landowners for the control of pest plants on their lands. A recent judgment in the District Court of Adelaide ruled that such a power was not contemplated by the principal Act, and that therefore any such contract was invalid. This decision has the potential to impede quite seriously the proper control of pest plants in this State as, in many cases, it is only the pest plant control boards that can carry out the necessary work. In the remoter areas of the State in particular, landowners do not have access to private contractors and, if an owner does not himself have the resources or equipment for effective pest plant control on his land, then the nearest pest plant control board is the only alternative.

Private contracting work has also had the desirable effect of generating funds to enable control boards to meet their obligations under loans taken out for the purpose of setting up the boards with all the plant and equipment necessary for the enforcement of the Act.

Clauses 1 and 2 are formal. The commencement of the amendment is back-dated to the commencement of the principal Act, so that any contracts previously entered into by control boards are validated. Clause 3 inserts a new provision empowering a control board to enter into contracts with landowners or other control boards for the destruction or control of pest plants. It is provided that such contracts may relate to land outside the control area of the board.

Clause 4 recasts the immunity from liability provision. The present provision gives immunity to not only various individuals such as control board and commission members and staff, but also to the boards themselves and to the commission. This is undesirable, as such provisions are only intended to give immunity from personal liability. The new provision is therefore limited to protecting staff, board and commission members, authorised officers and other persons acting at the direction of the commission or a control board. The section also contains the now standard provision requiring the Crown to pick up any liability from which such a person is protected.

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

DAM SAFETY BILL

The Hon. BARBARA WIESE (Minister of Tourism): I move:

That the Dam Safety Bill be restored to the Notice Paper as a lapsed Bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation incorporeted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill is designed to protect life and property by making provision for the structural safety and surveillance of dams. For many years now the Australian National Committee of the International Commission on Large Dams (known as ANCOLD) has been concerned with the definite risk of serious dam failure occurring in Australia. This concern that the community is not adequately protected against possible dam failures is shared by dam engineers of the Engineering and Water Supply Department and by many local councils and their officers, especially in those councils whose areas include the Mount Lofty Ranges.

In 1972 ANCOLD wrote to the Prime Minister and all State Premiers stressing the need for the establishment of legislation to provide adequate control of the design, construction, operation, maintenance and surveillance of dams. Further concern was expressed in 1978 and reiterated in 1982. Once again, ANCOLD requested State Premiers to endorse the need for adequate controls to ensure the safety of dams. As a result of these approaches, New South Wales and Queensland have implemented legislation whilst Tasmania, Victoria and Western Australia have done preliminary work on draft leglislation, but enactment has not proceeded for a variety of reasons.

Here, in South Australia, on 19 February 1979, and again on 19 June 1980, the then Cabinet gave approval for Parliamentary Counsel to prepare a draft Bill incorporating the principal recommendations of ANCOLD with the Engineering and Water Supply Department as controlling authority. However, the drafting of the Bill was not proceeded with due to lack of sufficient resources within the Engineering and Water Supply Department for administration of the Act.

Overseas experience has demonstrated that there are owners, both private and public, that are, either knowingly or through ignorance, constructing and maintaining dams that represent an unnecessary risk to the community. Occasionally, some of these dams fail causing hardship and economic loss to the community. Australia has, to date, been fortunate in that no major dam has failed with loss of life since 1929, when a mining dam in Tasmania was washed away with the loss of 14 lives. However, Australia's recent good fortune is no cause for complacency. Worldwide statistics indicate that about 5 per cent of all major dams will experience an incident of some sort. Of these 'incidents' about 25 per cent will be failures. On average each failure claims about 50 lives.

My concern for the safety of dams in this State stems from the fact that there are a number of dams being built each year for non-government bodies, without adequate professional design and supervision. Under existing legislation nothing can be done to avert the danger posed by unsafe dams until they fail. At present, councils and Government departments have only very limited control over the siting and construction of dams, with the result that some are considered unsafe or have been placed in hazardous locations.

In the Adelaide Hills, for example, expanding urban development may well result in a dam, built 40 years ago in a rural setting, now being located directly above a housing development. The hazard to life and property posed by possible dam failure in such developing areas is increasing. Concern from both local government bodies and residents is being expressed, along with the many inquiries directed to the Engineering and Water Supply Department's Dam Inspections Unit. Historically, development has been such that dams already built have generally been located in the best possible places. Future dam sites will have less favourable foundations and this problem is compounded by the tendency to use people with little or no dam design experience.

In addition, there is an increasing number of old dams. Owners tend to be under the impression that, if a dam has stood up for many years, then it be considered safe. This is not always so. A good example was a large dam near Lara in Victoria which failed in 1973, after giving 70 years of successful performance. The Bill establishes a statutory authority known as the Dam Safety Authority, which will be a corporate body subject to direction and control of the

Minister. This Bill does not bind the Crown. This was omitted from the settled Bill on advice from the Parliamentary Counsel whose view is that it would not be logical to include both that clause and the clause providing the Minister with the power to give directions to the Authority. The latter clause is desirable to ensure that the Authority is properly accountable. However, it is the Government's view that both clauses should be included. In particular, it will allay any suspicion that in spite of the undertaking that Government agencies will be directed to comply with the Authority's requirements, there may be inconsistency between the treatment of private and Government bodies. Therefore I shall move an appropriate amendment.

The Authority will comprise four members appointed by the Governor. Three shall be nominated by the Minister and one shall be nominated by the Local Government Association. The primary emphasis for the selection of members of the Dam Safety Authority is to be on technical expertise, preferably combining extensive dam experience with senior managerial skills.

In addition, there will be a staff of about three people whose task will be to provide professional and administrative support to the Authority. Because of the downturn in capital works, the Engineering and Water Supply Department now has experienced staff available to provide professional and technical support. The Authority's function will be to ensure that all dams prescribed under the Dam Safety Act are designed, constructed, operated and maintained to appropriate standards acceptable to the Authority, and that proper monitoring and surveillance is carried out on dams, to ensure that the structures and their impounded storages do not impose a threat to life and property.

These dams, referred to as 'prescribed' dams, are all those which fit the following categories: over 10 metres in height and over 20 megalitres in capacity; over five metres in height and over 50 megalitres in capacity; or any smaller dam which is considered to be of danger to life or property and has been prescribed by regulation.

As one can imagine, these dams are larger than the average farm dam. It is not the intention of this legislation to control small dams (other than small dams in high risk areas) but rather to safeguard against failure of large dams (or smaller high risk dams) and thereby benefit the whole community. Owners of prescribed dams will be required to adopt acceptable standards and procedures in relation to their dams at all stages during the lives of the structures and will be responsible for their dam's safety.

If in the opinion of the Authority a dam is hazardous, it may order the owner to rectify the hazard. Where the owner fails or refuses to render the dam safe, then the Authority will engage a contractor or public authority to enter that property and carry out such work or repairs as are necessary. The cost of such work shall then be recovered from the owner. Besides requiring regular maintenance, the legislation will prevent an owner from constructing or altering a prescribed dam without prior approval of the Dam Safety Authority. All work on a prescribed dam, including the design, is to be under the direction and control of a suitably qualified professional engineer, unless that dam by reason of its location poses no threat to life or property.

There are a number of farm dams throughout the State that, because of their remote location, do not pose any threat to life or property downstream, should a failure occur. The purpose of the legislation is not to assist on low risk dams of this type being constructed and designed by professionals. Therefore, the Authority will allow the owner to construct the dam to his own standards. However, if future development occurs downstream of such a dam, then its status would have to be reassessed according to the risk presented. It is anticipated that reassessment of these low risk dams would be made every five years but, should a major development such as a mining operation occur downstream of such a dam, it would be necessary to make a reappraisal of that dam's status.

A provision in this Bill gives the Authority delegative powers to seek assistance from any district or municipal council, should that council so desire. It is only intended to give councils powers to allow them to act as forwarding agents for applications. The Authority will make recommendations to the Governor as to the small dams that should be prescribed and will keep records of all prescribed dams, together with information supplied by the owner or obtained by the Authority, under the requirements of the Act. Though the duties of the Dam Safety Authority involve inspection, monitoring, giving of advice on the requirements of the Act and issuing approvals to construct or alter dams, it is to be understood that no authorised officer or member of the Authority will incur any personal liability whilst carrying out those duties.

We in South Australia have been fortunate in being free of major failures of large dams to date. Other countries with much longer experience and no less skill in dam building have been less fortunate. The failure of a major dam can have tragic consequences in the loss of human life as well as property. This Bill is commended as an important step in ensuring that our State will never need to suffer the tragedy of these consequences.

Clauses 1 and 2 are formal. Clause 3 provides definitions of terms used in the Bill. Clause 4 establishes the Dam Safety Authority. Clause 5 provides for membership of the Authority. Clause 6 makes the Authority subject to written directions from the Minister. Clause 7 provides for the appointment of a Chairman of the Authority.

Clause 8 sets out procedures at meetings of the Authority. Clause 9 validates acts and proceedings of the Authority and provides immunity for members of the Authority. Clause 10 provides for remuneration of members of the Authority. Clause 11 sets out the functions and powers of the Authority. Clause 12 sets out powers of delegation. Clause 13 will enable the Authority to use the services of public servants. Clauses 14 and 15 are financial provisions. Clause 16 sets out reporting requirements. Clause 17 requires that the construction and alteration of prescribed dams must comply with the regulations and must have the approval of the Authority. Clause 18 empowers the Authority to appoint authorised officers. Clause 19 sets out the powers of authorised officers. Clause 20 enables the Authority, by notice served on a dam owner, to require him to take action to remedy hazardous conditions or to maintain and repair the dam. Clause 21 enables an authorised officer to act in an emergency involving a dam.

Clause 22 provides penalties for hindering an authorised officer or failing to comply with his requirements. Clause 23 gives the Authority and authorised officers power to enter and occupy land in order to carry out their functions and exercise their powers under the Act. Clause 24 prevents mining or quarrying operations near prescribed dams. Clause 25 requires the owner of a prescribed dam to report any failure of the dam to the Authority. Clause 26 requires the Authority to give its reasons for decisions made under the Act. Clause 27 requires the Authority to publish a list of prescribed dams annually.

Clause 28 provides immunity from liability for any person acting in pursuance of the Act. Clause 29 provides for service of notices. Clause 30 requires the owner of a prescribed dam to notify the Authority of the dam within three months of commencement of the new Act. Clause 31 makes the directors of a company which has committed an offence under the Act liable to a similar penalty. Clause 32 provides

that offences under the Act will be summary offences. Clause 33 provides for the making of regulations.

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

PLANNING ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 17 September. Page 924.)

The Hon. I. GILFILLAN: I support the second reading, bearing in mind I have an indication from the Hon. Martin Cameron that he will be moving for the formation of a select committee with certain terms of reference which appeal to us, and we believe that that is the way to go.

The effect of section 56 was to ensure that, where land at a time that the Planning Act came into operation was being used for a lawful use, then it could continue to be used for that purpose irrespective of what might be said in a development plan or what was defined as development by the Planning Act. The courts had extended section 56 to include acts of development which were necessarily incidental to the carrying out of the purpose which was lawful.

The form of authorisation could have been by a former planning approval given under the Planning and Development Act or without that approval as a permitted use. There would have been no need to obtain planning approval even if construction work was necessary or just a change of use occurred, if such use was permitted. In some cases some uses were established prior to the Planning Act coming into operation. Those would often be established under council by-laws or as a result of Building Act applications. The extent of the control on land use throughout South Australia was, prior to the early 1970s, very limited.

The repeal of section 56 now makes it obligatory for all applications for development to be considered by the council or Planning Commission irrespective of their significance or whether they form part of the existing activity on that land. The regulations presently exempt certain types of development from the need to obtain consents because they are excluded from the definition of development. These categories can always be changed. Indeed, the amount of change to the regulations since they first came into operation and the schedules attached to them has been enormous.

The effect of the repeal of section 56 is to therefore create uncertainty in the minds of existing users of land, both small and large enterprises, whether they will be able to develop to meet current needs. Such development may involve construction of new buildings or the alteration or conversion of existing ones.

This uncertainty is undesirable where an existing use takes place in a zone in which that use is subject to consent or is even stated to be permitted subject to compliance with certain conditions. The uncertainty is extreme where the use is now stipulated as prohibited and only approval by the council with the concurrence of the Planning Commission would enable even minor work to proceed. Furthermore, there would be no right of appeal should either the council or the commission refuse to give approval. There could, however, be a right of appeal if an objector were to be dissatisfied with the council or commission decision to approve. Examples of developments which might not be approved are:

(1) A new security fence around a factory in a fashionable residential area, e.g. Bowden.

(2) The conversion of a classroom to a tuck shop in an educational establishment.

(3) The extension of a boarding house for an independent school.

(4) The construction of a new theatre for a hospital or the upgrading of a nurses home.

(5) The construction of a loading bay for a shop.

(6) The employment of extra staff or the parking of vehicles on site by a family business operating from a residential area.

The former Planning and Development Act later provided for the protection of existing uses and their development but also stipulated that, as a general rule, extensions or expansions of existing uses over existing allotments be limited to 50 per cent of the existing floor area without approval (though subject to conditions). There was argument that this was an unreasonable expansion, and I certainly agree with that. It was not a formula which would have been acceptable to us. However, to completely abandon the freedom change would seem draconian.

The proposed new section 56 does not overcome these problems. 'Authorisations' as defined mean authorisations under the Planning Act and consents of all kinds given under the Planning and Development Act. It is difficult to see how an amendment to the development plan could affect the validity or effect of such an authorisation. If the amendment is a question of law, then the law to be applied to the authorisation would be the law that was in force at the date of the application (section 57). If the amendment to the development plan is only an amendment to the guidelines governing the decision making process, it is difficult to see how such an amendment could affect the validity of an authorisation or prevent implementation. The second reading explanation does not assist in interpreting these issues.

I am abbreviating my remarks in order to facilitate the progress of this Bill. No doubt in view of the select committee, some of these other matters can be brought up. It is difficult to understand why amendments to the development plan attempt to prevent the completion of a lawful development. One can only assume from all this that the form of development plans in the future is going to be very different from those in the past. As a result of the High Court judgment in the Dorrestjin case section 56 (1) *(a)* allowed expansion of existing use without planning approval, and section 56 (1) *(b)* allowed a person who did not require approval for a certain form of development prior to November 1982 to undertake development after November 1982 without consent—despite zoning changes since. This is quite disturbing and therefore is an issue which Parliament has to address.

Members should note, however, that the existing section refers only to provisions of the development plan which are considered could affect 'existing use rights'. They should also note that section 56 (1) *(a)* refers only to the use of land (which is a component only of 'development' as defined in the Planning Act), whereas section 56 (1) *(b)* refers to 'development (which includes building, land division and change in land use). The proposed amendment by the Government to section 56 refers only to the effect of an amendment to the development plan.

The PRESIDENT: Order! It really is impossible to hear what the Hon. Mr Gilfillan is talking about. There is just so much noise. I am sure that anyone listening to the broadcasting system we have would be most interested in about six conversations.

The Hon. I. GILFILLAN: This raises questions about, first, why the section has been changed to relate to an amendment to the development plan rather than the development plan itself.

The PRESIDENT: Order! I can suspend the Council if members really want to have a chat; I can move out for

half an hour while they do it. On the other hand, let us hear the member who is speaking.

The Hon. I. GILFILLAN: I apologise for the speed with which I am making this speech but, as I explained, I am doing it in an attempt to facilitate the work of the council. The second question is about the fact that presumably all kinds of authorised or operative amendments are referred to. Section 56 (1) *(a)* concerns the effect on the validity or effectiveness of a planning authorisation given before the date of the amendment. This clause raises questions about, first, when a planning authorisation is 'given', is it when it is issued or is it when it becomes effective (for example, after satisfaction of all but running conditions of consent)?

Secondly, what is the date of an amendment to the development plan—the date when it is authorised or the date on which it first becomes effective (for example, under section 43 a supplementary development plan that has been given interim effect by the Government)? Thirdly, does the Coty principle still apply?

The Coty principle is the extraordinary provision whereby if there is pending legislation or regulation planning decisions are held up and made contingent on what are likely changes in regulation or legislation. Does the Coty principle still apply where section 56 (1) *(a)* is involved in an appeal to the extent that some recognition might be given to provisions of a draft amendment to the development plan which is well-advanced in its progress towards authorisation?

Fourthly, what is the position regarding an application for planning authorisation which has not yet been given authorisation but during the consideration of which is or could be affected by the authorisation of an amendment to the development plan (section 57 (1)).

The amendment to section 56 does not appear to give specific protection to existing use or to a current authorisation from the existing provisions of the development plan. Some of these provisions refer to a change of use for the purposes of improvement or the removal of undesirable conditions. This is contrary to what has been claimed by the Minister in parliamentary debates.

Further material that I would like to put into the debate I will hold, in the optimistic belief that we will have the select committee in place and that the implicated terms of reference are satisfactory. I conclude my remarks by supporting the second reading because this matter definitely needs to be dealt with. The Government has made an attempt to solve the problem. The sunset clause expires on 31 October. However, I am adamant that I shall not be happy if the proposed Bill—as it is—becomes law. It is essential that we form a select committee with adequate terms of reference. From that I am optimistic that the right solution will be produced. In those circumstances I support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): At this stage I will sum up briefly. As I see it, and given the state of the numbers in this Council and the indications given to us by the Hon. Mr Gilfillan—the young bull or rent-a-mouth, as someone referred to him quite disparagingly and unfairly on 5DN this morning (very unfairly, I thought)—

Members interjecting:

The Hon. J.R. CORNWALL: You can take your pick: the young bull or rent-a-mouth. It was not me who said it but Murray Nichol. The Government does not have the numbers. I believe, and it is my advice from the Minister for Environment and Planning, that the Government's Bill would have solved the inordinate problems that have been created by section 56 (1). This provision has been in and out of the Council so many times in the past three years that my mind spins trying to recall the number of times that I have had carriage of a Bill relating to this section. However, the position is that, if the Government persists with the Bill, the Opposition and the Democrats between them can take the Bill to a select committee, anyway. Clearly, there is a real chance that that committee will not finish its deliberations before 31 October or before the inevitable prorogation of Parliament for a general election. That would be an entirely unsatisfactory circumstance.

Alternatively, we are faced with the situation in which we can accept the amendment on file in the name of the Hon. Mr Cameron, in which case the operation of section 56 (1) would be further suspended until 31 August 1986. I can give an undertaking that we will accept suspension of Standing Orders tomorrow to allow the Hon. Mr Cameron to move for the setting up of a select committee to consider all of the matters relevant to section 56, with particular reference to subsection (1). That offer is one that in the circumstances I am unable to refuse.

It is interesting that, in the amicable negotiations that have occurred leading up to the position that we have seen fit to adopt, the Hon. Mr Cameron gave an undertaking that for his part members would be nominated from the Opposition who are not up for re-election and who are not in any danger in the forthcoming election. One presumes that the Hon. Mr Gilfillan—who is not up for re-election—will also make himself available for the select committee, because he seems to have an acute interest in it.

From our part, we will certainly nominate three people whose positions we do not expect will change after the election. Because of the tradition that a Government Minister normally chairs select committees of considerable moment, I expect that I will be the chairperson of the committee. As the Council knows, I am not only a born optimist—I am a good judge in these matters. Therefore, I have nothing to add, other than to indicate that there are reasons why the Government is put in a position where it has no option (in the sense of acting responsibly to ensure that there is protection during the deliberations of the select committee) but to accept the amendment to be moved by the Hon. Mr Cameron. We do that graciously, albeit a trifle reluctantly.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Saving provision.'

The Hon. M.B. CAMERON: I move:

Page 1, lines 16 to 24—Leave out clause 3 and insert the following clause:

3. Section 56 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) The operation of subsection (1) is suspended until 31 August 1986.

I indicate that the course we are adopting is short circuiting what could have been a more protracted way of getting to a suspension of section 56 (1) *(a)*. That is why I have not used the contingent notice of motion that was standing in my name to put this Bill to a select committee. It saves the Government the bother of having to bring another Bill through another place to this Chamber, and in that way to achieve its objective.

While I accept that the Minister is somewhat reluctant, I believe his reluctance will be unfounded because he will find out that from this move could well come a sensible solution to the problems concerning section 56. Tomorrow I will be moving for a select committee. I have been given an undertaking that that will be supported.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: That is right. For that reason I move this amendment, and I trust that the suspension

does not cause too many problems. The suspension will cause fewer problems than leaving clause 56 as it was and letting it continue unfettered while we have the select committee. That course was considered, but it was decided to continue with the suspensions to enable this whole problem, which is causing so many worries in the planning community as a whole and not just in the Department of Environment and Planning, to be resolved.

Existing clause struck out; new clause inserted.
Title passed.
Bill read a third time and passed.

ADJOURNMENT

At 5.57 p.m. the Council adjourned until Thursday 19 September at 2.15 p.m.