LEGISLATIVE COUNCIL

Wednesday 20 August 1986

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

QUESTIONS

LIBRARIES BOARD ANNUAL REPORT

The Hon. L.H. DAVIS: I seek leave to make a brief statement before asking the Minister of Local Government a question about the Libraries Board annual report.

Leave granted.

The Hon. L.H. DAVIS: The Minister will recollect that on Tuesday, 12 August, I asked her a question about the Libraries Board annual report for 1984-85. I cited excerpts of the draft report which highlighted the funding crisis at the State Library. The excerpts read:

> Cancellations are a regular necessity and new subscriptions an impossibility.
>
> The reference collection becomes yearly less able to discharge its responsibility as one of the preservers of the nation's literacy heritage and publishing history.
>
> Figures clearly establish South Australia as the worst funded State Library in the country.
>
> In effect the library is able to function credibly as a State Library only with the support of Mortlock money. It is debatable whether that philanthropic family intended to take over the role of virtual provider of the State reference collection.

I pointed out that the recently tabled report of the Libraries Board did not contain that stinging criticism. I asked the Minister to confirm that the report had been delayed several months because she had demanded at least two redrafts of the annual report. In her answer, the Minister said:

> It is true that when I received the draft report of the Libraries Board I asked that the preface of the report—not the report itself but the preface to it—be reconsidered by the Libraries Board . . .

The Minister further stated:

> When I received the first draft of the Libraries Board report, it was my view that the preface to the report was not in accordance with Government policy or the policy that had been followed by the Libraries Board itself for at least the past 10 years, and it seemed to me that it was reasonable to ask the Libraries Board to reconsider the preface that had been written in the light of that information. The Libraries Board was in fact prepared to reconsider the preface to the report, and it did so. The result of that is the preface that is now contained in the Libraries Board report, to which the honourable member has referred.

I have just received copies of correspondence on this matter between the Library Association of Australia (South Australian Division) and the Minister. I wish to read that correspondence. On 23 April 1986, a letter was sent to the Minister of Local Government from the Library Association of Australia (South Australian Division) by the President of that division, Mr A. L. Bundy, who stated:

> This association is concerned at reports that changes have been requested in the annual report of the Libraries Board of South Australia. Such reports do nothing to allay the considerable concern about funding levels for the State Library, which we are currently investigating and will be writing to you about soon. Your comments at this stage on the status of the board's report would be appreciated.

Two months later, on 23 June, a further letter was sent by the President of the Library Association of Australia to the Minister, stating:

> On 23 April 1986 a letter was sent to you arising from this association's concern about the publication of the annual report of the Libraries Board. We have received no acknowledgement of, or response to, this letter. I therefore attach a copy in the event that the original was not received. In view of the increasing concern of our members about this matter, your early response would be most appreciated.

Eventually, on 3 July 1986, Mr Bundy, President of the Library Association of Australia, received the following from the Hon. Ms Wiese in reply:

> I refer to your letter of 23 June 1986 regarding the Annual Report of the Libraries Board. Upon the initial receipt of the report ending 30 June 1985 I sought additional statistical information on certain aspects of the report. On receiving these details it was not possible to have the report tabled prior to Parliament going into recess.
>
> You can be assured that the report will be tabled on the first available day of the new sitting of Parliament which commences at the end of the month.

The first point to make from that letter is that the Minister did not have the courtesy to acknowledge the association's letter of 23 April. The Library Association is highly regarded and deserves more respect. It wrote again on 23 June and eventually received a reply on 3 July. The Minister did not even have the decency to apologise for her tardiness. That was bad enough, but the Minister deliberately misled the Library Association. She denied its concern about reports that 'changes had been requested in the annual report of the Libraries Board of South Australia.' She said in her letter of 3 July that she had, 'sought additional statistical information on certain aspects of the report'. The Minister has quite clearly deceived the Library Association of Australia in this State. As she admitted in the Council last Tuesday:

> It is true that when I received the draft report . . . I asked that the preface of the report . . . be reconsidered . . . When I received the first draft . . . it was my view that the preface to the report was not in accordance with Government policy.

My questions to the Minister are as follows:

1. Why did the Minister so blatantly mislead the Library Association in South Australia?
2. Does she believe that this is a proper way for a Minister of the Crown to behave?
3. Will she immediately apologise to the Libraries Board for her deception?

The Hon. BARBARA WIESE: I would have thought that the honourable member would realise that he has got just about all the newsworthiness out of this story already that he will get. I believe I have answered all questions with respect to the redrafting of the preface of the Libraries Board report quite adequately already by way of question and reply in this place and also by way of responses that I have given to various representatives of newspapers. As far as the Library Association letter is concerned, it is regrettable that an acknowledgement was not sent to that letter. It is the practice in my office to send acknowledgements to letters immediately they are received by my staff in my office. We make sure that we do that. However, on this occasion obviously a mistake has been made and an acknowledgement was not sent.

The Hon. L.H. Davis: A very sloppy office.

The Hon. BARBARA WIESE: If the honourable member can find other examples of such cases that are significant, I will be prepared to take them up, but I think he will have a bit of trouble doing that. As far as my reply to the Library Association is concerned, I deny emphatically that I misled the association in any way. When I talked about statistical information, I was referring quite correctly to the information that I sought in the first place with respect to the preface of the Libraries Board report.

My difference of opinion about the preface, as I have said already and shall repeat, related to the fact that the preface did not represent fairly, in my opinion, the funding arrangements for library services in this State, since it criticised funding for the State Library, and in particular the reference section, in isolation from the whole funding pic-

ture for library services. It ignored State Government and Libraries Board policy with respect to the direction of funding during the past 10 years in the area of libraries. A deliberate policy has been pursued by the Libraries Board to give priority to the development of a community libraries program at the expense of the central library services.

What I asked the Libraries Board to reconsider was whether those comments were being made in isolation from the full picture. I suggested to the board that, if it was to maintain that position, then the whole funding picture should be included in the preface. The board agreed that that was appropriate and it did include information about the funding program for the Communities Libraries Program. That was very much related to statistical information and, in fact, some of the tables that are included in the preface of the report were inserted following the redrafting. So, I did not mislead the Libraries Association, and I think the honourable member is trying to create controversies where they do not exist.

FRENCH NUCLEAR SALES

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Leader of the Government a question relating to the sale of uranium to France.

Leave granted.

The Hon. I. GILFILLAN: It was clear from press reports about the recent ALP National Conference this year that policy was confirmed that Australian uranium would not be sold to France. Last night the Federal Treasurer announced, and it was confirmed by statements in the Senate, that the Federal Government has now decided to lift the embargo on the sale of uranium to France. On 5 August in the *Advertiser*, when the question of France was raised as a possible buyer for our uranium, a story was headed 'France not suitable buyer for our uranium: Bannon' and part of it stated:

> The Premier, Mr Bannon, said last night he did not support lifting the ban on uranium sales to France.
>
> He said that while France refused to sign the nuclear non-proliferation treaty and continued to test atomic weapons it was not a suitable customer for Australian uranium.
>
> The Deputy Leader of the Opposition, Mr Goldsworthy, said the ban was illogical and mines in other parts of the world, particularly Canada, were benefiting at Australia's expense.

It is interesting to see who has more influence on the Hawke Government—Mr Goldsworthy or Mr Bannon. Further on, the same article claimed that Mr Bannon was of the opinion that sales to France had not been 'part of the equation in terms of decisions made by Roxby'. The report continues:

> The work that is in progress and the commitment has not been based on the possibility of sales to France.

The final paragraph in that same story states:

> WMC spokesman Mr John Reynolds said yesterday the company knew nothing about the reports. WMC's view was that any move towards nomalising trade in uranium had to be good.

Obviously, WMC has a very gung ho attitude towards the sale of uranium to France and would be in there very quickly. Therefore, my questions to the Leader of the Government are:

1. Is it ALP policy that no Australian uranium will be sold to France?

2. Does the South Australian Government welcome the decision to lift the embargo on selling Australian uranium to France? If so, how does that reconcile with the Premier's statement as previously quoted? If not, what action will the Government take?

3. Will the South Australian Government move to prohibit the sale of South Australian uranium to France? If not, why not?

The Hon. C.J. SUMNER: The question of sales of uranium or any other product from Australia to overseas countries is clearly a responsibility of the Federal Government. It is not a matter that the South Australian Government has any constitutional power or responsibility for. Clearly, the question of overseas trade is something that is squarely within the ambit of the Federal Government.

The Federal Government, apparently, has decided to permit the sale of uranium to France. That decision is within the responsibilities and constitutional authority of the Federal Government. I do not imagine that the decision taken by the Federal Government has affected the statements made by the Premier, Mr Bannon, that the honourable member has quoted, but I can certainly ascertain from the Premier whether there has been any change in his position. I will let the honourable member know whether that is in fact the case, but I do not anticipate that it is.

That, Madam President, is the situation as far as I know it. I do not have the details of Party policy in front of me but, if the press reports on the matter are accurate, presumably the honourable member has outlined the situation correctly. I am not in a position to answer that one way or the other at this time. As to whether the South Australian Government can take any action with respect to the sale of uranium to France, I do not know whether uranium mined at Roxby Downs would be destined for France, in any event. From what the Premier said in the comments quoted by the honourable member in this Council, and assuming that those quotes are correct, it would appear that there was not, at this point in time at any rate, any Roxby Downs uranium destined for France, but I cannot say that that is the situation that will pertain for all time.

The essence of the matter, simply, is that decisions on this sort of issue—that is, what products will be exported from Australia and what are Australia's trading relationships with other countries—are matters for the Federal Government. Apparently, that Government has taken a decision in the context of last night's budget. From what the honourable member has quoted in this Council, that decision is not one that the Premier indicated was necessary as far as Roxby Downs was concerned but, if there is any further information I can add to what I have said in relation to the Premier's view, I will bring back a further reply.

The Hon. I. GILFILLAN: I wish to ask a supplementary question. Is it the opinion of the Leader of the Government that the Roxby Downs (Indenture Ratification) Act can be amended to prohibit the sale of uranium to a particular or general location and is it not surprising that the Attorney is so unclear about ALP policy on uranium?

The Hon. C.J. SUMNER: The last statement was not a question: it was a gratuitous comment unnecessary in the asking of a supplementary question. It seemed to me that it did not add anything of particular significance to the question asked by the honourable member. As to the State Government's capacity in this area, I doubt whether the power existed to overrule Federal Government decisions in this matter but, if the honourable member wishes me to obtain further advice, I am happy to do that.

EMERGENCY FINANCIAL ASSISTANCE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about emergency financial assistance.

Leave granted.

The Hon. DIANA LAIDLAW: On 13 February this year, in reply to a question I asked on the same subject, the Minister, first, acknowledged that more than 90 per cent of the 35 000-plus people who seek emergency financial assistance from the Department for Community Welfare on an annual basis are recipients of social security benefits. Secondly, he conceded that payments were minimal compared to the applicants' financial needs and, thirdly, he advised that he would 'pursue with great vigor' at the forthcoming Community Welfare Ministers conference (which, in fact, was held in April) the need for the Commonwealth Government to recognise and assume its full responsibility for emergency financial assistance.

In view of the fact that pensioners and beneficiaries will be worse off following the presentation last night of the Federal budget, I ask the Minister the following questions:

1. Does he anticipate as a consequence of the Federal Government's budget that demand for emergency financial assistance through the Department of Community Welfare will increase?

2. Were his efforts at the Conference of Ministers of Community Welfare last April to persuade the Federal Government to assume full responsibility for emergency financial assistance rewarded last night by an increase in the Federal Government's allocation for this purpose?

3. If not, does the Minister intend either to use his so-called persuasive powers within Cabinet to increase funding from State sources or, alternatively, to pursue the option which he foreshadowed last February in response to my question? On that occasion, he said:

> If the Commonwealth does not recognise its responsibilities soon, we may be forced to withdraw from providing emergency financial assistance.

The Hon. J.R. CORNWALL: I must say that I am very surprised—not amazed, because nothing that this Opposition does amazes me any longer—at the reaction that we have had both at State and at Federal level. There has been a consistent demand, in the quite extraordinary economic circumstances in which we find ourselves in this country, for a very large decrease in the deficit. People in the business sector in particular—and certainly the Opposition led by John Howard—have been talking about the necessity for a deficit as low as $4 billion. Quite frankly, in those circumstances, they should have been delighted with the budget that was introduced last night because, not only did it reduce the deficit for 1986-87 to $3.5 billion—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. J.R CORNWALL: —the lowest for a generation, and a level that would have been consistent with the 1950s and early 1960s, but also it did it with a great deal of skill and political honesty. I can understand this Opposition not being able to cope with the combination of skill and political honesty. The fact is that, by and large, given all the circumstances and the enormous difficulties relating to overseas trade which have occurred due to a whole range of factors completely outside the control of the Federal Government of Australia, that Government took what I think was a range of appropriate, honest and competent options.

Turning specifically to the question of pensioners and beneficiaries being in need, I wonder where Ms Laidlaw was a few weeks ago when I put poverty back on the agenda. She was conspicuously absent. She is happy to line up and say, 'I support the Blanket Appeal.' She does not mind the old 19th century charity approach to welfare, but where is she when we talk about genuine social justice and genuine social welfare? Where is she when we talk about active intervention to put people back into the mainstream of life?

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Where is she? She is invisable! By and large she has been the invisible woman ever since she got the shadow portfolio.

The Hon. C.J. Sumner: What is her shadow portfolio?

The Hon. J.R. CORNWALL: I cannot remember—women's affairs, I do believe. She has had one or two things to say about women's affairs.

The Hon. C.J. Sumner: Is that all she's got?

The Hon. J.R. CORNWALL: I think she is also the shadow spokesperson on community welfare. However, she has virtually been invisable while I have been trying to energise and provoke public conscience on matters of social welfare, on pro active policies—

Members interjecting:

The Hon. J.R. CORNWALL: The punk group is playing its guitars again. Let us turn specifically to the question of how much worse off pensioners and other beneficiaries are. In this budget, everyone, in one way or another, has been asked to bear some burden. Wage and salary earners, more than anyone else, have been asked to bear some burden. They have been asked to bear the burden of a 2 per cent reduction in wage claims under the Accord. Over the past three years or thereabouts, during the period of the Accord, real wages and salaries in this country have been reduced. I think there is general agreement that by and large the net result of the cooperation that the Federal Government has had from the trade union movement will have resulted in a loss of real wages and salaries of about 7 per cent.

There is supposed to be a rampant trade union movement that is running the Government. Quite frankly, if one looks at the facts they completely defy the rhetoric of our conservative Opposition. Real wages, and the wage earners of this country, have been prepared to shoulder a burden. At the same time, there has been a need to stimulate the economy. We have a very small but significant number of people who, quite frankly, are obscene in their ostentation. We have multimillionaires in this country—

The Hon. J.C. Irwin: Good.

The Hon. J.R. CORNWALL: 'Good' says the fellow from the South-East.

Members interjecting:

The Hon. J.R. CORNWALL: The millionaire from the South-East, one of the landed gentry, interjects when I talk about the ostentation of the very rich in this country, which I find obscene, and is on record as saying 'Good'. That is the Party to which the Hon. Ms Laidlaw belongs, and they are, largely, the sentiments of the Party to which the Hon. Ms Laidlaw belongs. Wage and salary earners are prepared to make sacrifices in the current very difficult economic circumstances created by international trade difficulties beyond the control of any national Government. Let us talk about pensioners and beneficiaries. They have been asked—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Stop prattling on and I will get on with it. They have been asked to accept a deferral of their full indexation—which is not available to wage earners in this country—for six weeks.

I find that regrettable. I am very sorry, indeed, that in the current financial and economic climate that has been necessary, but by and large I believe that they are prepared to participate in the sacrifices at that level. Certainly in relative terms, because the Government clearly recognises them as a financially disadvantaged group, they have been asked to bear significantly less in the way of a burden than

have wage earners. It is also true that single income families, in particular those on or about minimum wages, are the face of the new poor in this country. I regret that that has had to be deferred for that period, but nevertheless it is not right to say that in the medium term pensioners and other beneficiaries will be worse off.

As to how much increased demand there might be for emergency financial assistance, that is a matter that would be fairly hard to predict at this time. What the position might be over the next 12 months with unemployment is difficult to predict at this time. I am not able to comment specifically on the fine details of the Department of Social Security or the Minister of Social Security's position as a result of the budget introduced last night, so I do not really know the fine details of what impact there might be with regard to emergency financial assistance, but that assistance in South Australia will be continued.

I have already been able to announce some additional funding in the area of child protection, despite the very real financial difficulties that we face. In terms of using my further persuasive powers in Cabinet, this is a caring Cabinet and a caring Government that likes to do and be seen to do the right thing by a caring and civilised South Australian community. I can assure the honourable member, and anyone else who wishes to listen, that we will ensure in the forthcoming State Budget that, consistent with financial responsibility, we will endeavour to protect those in the community least able to protect themselves.

MODBURY TRANSPORT CORRIDOR

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Transport in another place, a question about the Modbury transport corridor.

Leave granted.

The Hon. J.C. BURDETT: On 25 March 1986 I asked a question concerning the Government's plan to flog off part of the land adjacent to the Modbury transport corridor for development. I pointed out that residents had complained that such a scheme would deprive them of the only safe playing area for their children and would create considerable danger for the children.

On 14 May the Minister of Health replied by letter on behalf of the Minister of Transport saying that the Minister had asked the Commissioner of Highways to consult with the Corporation of the City of Tea Tree Gully and the Department of Environment and Planning about the future of the parcel of land in question. On 20 May I wrote to the Minister of Environment and Planning on the matter and he replied on 15 July saying that he had conveyed his views to the Minister of Transport. Has the Minister yet made a decision and, if so, what is it and, if not, when will the decision be made?

The Hon. J.R. CORNWALL: It is interesting to reflect, in light of some of the more inane interjections of the Hon. Mr Cameron as to what a singular failure I am in politics as he sits in his permanent role as a member of the Opposition, that this Opposition is so bereft of representation in the metropolitan area of Adelaide that Mr Burdett has become the surrogate member for Newland and Todd. I understand that he is quite active in community groups out there, which is presumably why he brings this question to the Council. It is a good and sensible question and I shall be pleased to refer it to my colleague and bring back a reply as expeditiously as possible.

WASTE MANAGEMENT COMMISSION

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation prior to asking the Minister of Local Government a question on the Waste Management Commission.

Leave granted.

The Hon. T.G. ROBERTS: The reintroduction of the Waste Management Commission contribution to the country areas has generated some controversy within local government. While some councils are continuing to object to the increases, I notice from the press that some councils now seem more ready to accept the arguments for the increase but question the value for money provided by the commission. A lot of energy has been spent by many individuals in maligning the commission and the Government over this issue. Does the Minister believe that there is any basis for this allegation that the commission provides poor value for money?

The Hon. BARBARA WIESE: This is a very important issue because, since the decision was made to increase the Waste Management Commission fees and rural councils were included in the fee structure, we have come to learn that there is considerable misunderstanding in the community, in particular amongst the local government community, about the role and function of the Waste Management Commission. Initially when the fee increases were introduced there was some fairly normal resistance to the idea of increased costs. The problem was the question of misunderstanding that particularly councils in the rural areas felt they were not getting reasonable value for money from the Waste Management Commission. That soon became obvious to me from the sort of letters and inquiries I was receiving in my office about the fee increases. As a result of that, I asked the chairman and director of the Waste Management Commission to make themselves available for meetings throughout the State, which they did, over a period of a couple of months. They attended a number of regional Local Government Association meetings and other meetings to discuss the role and the work of the commission and to explain to councils why it was that the fee increase was necessary and what the work of the commission was really about.

I put on record, Ms President, that the Waste Management Commission is primarily an environmental protection agency. It is an agency whose responsibility it is to protect people, the environment and property. The work that it does is in controlling the waste management industry in order to achieve those goals. It works on the polluter pays principle, namely, that those who pollute shall pay, which means that the true costs of pollution are borne by the polluters and not by the community at large. As a secondary part of its function it provides assistance and advice to those people who run waste management depots or who transport waste. That is one of the benefits that local government agencies and others receive from the work of the commission. I stress that that is a secondary role of the Waste Management Commission. Its prime purpose is to act as an environmental protection agency.

An associated issue, and it was one raised yesterday in a question by the Hon. Mr Irwin, relates to the discussions that took place prior to the introduction of the fees. I think I indicated towards the end of my reply that there was one matter I was not quite certain about with respect to the Hon. Mr Irwin's question. I have since had an opportunity to look at the *Hansard* report on that issue and there is one question I would just like to clarify with respect—

The Hon. M.B. Cameron: You didn't understand it?

The Hon. BARBARA WIESE: I did not hear it, actually—to the consultation that took place with the Local Govern-

ment Association. It was, as I said yesterday, a confidential consultation and we agreed to disagree on the issue of the increase in fees, and we each respected the confidence that surrounded the consultation that we had. However, I understand that there were some statements made at a meeting at Mount Gambier, for example, that indicated that the Local Government Association had been consulted about this matter, and I felt that that placed the LGA in a potentially embarrassing situation. So, in response to a question that I received in a regional meeting of the Local Government Association at Strathalbyn a few weeks ago, I indicated that there had been consultation with the LGA but it had taken place on a confidential basis, so the LGA was not free to oppose publicly the fee increase at that time. The purpose of my statement was to explain that, and I want to make it clear that at no stage did I give a press release or make a public statement of any kind that included Local Government Association opinion on the question of fees.

I think that many of the criticisms that have come forward during the course of the discussion about fees have also centered on the on-going operations of the Waste Management Commission. For that reason, I have also instituted a review of the Waste Management Act and I have already publicly announced that I am doing that. I have now put together some proposed amendments to the Act which I have circulated to various interested bodies, including the Waste Disposal Association, the Chamber of Commerce, the Trades and Labor Council, and unions which have some interest in the matter. The Local Government Association and conservation bodies have also received information about my proposed amendments. Among other things, they deal with such questions as the reduction in size of the commission and also proposals that streamline the licensing provisions of the Act and the operation of the commission itself. I hope that once that consultation with those organisations is complete, I will be able to introduce appropriate legislation towards the end of this session.

POLICE CAR ACCIDENTS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation prior to asking the Minister representing the Minister of Emergency Services a question about road accidents involving police cars.

Leave granted.

The Hon. G. WEATHERILL: I have been concerned over recent years at the number of accidents which arise out of high speed car chases. Given the Government's concern at the unacceptably high road toll, this matter needs to be investigated. Will the Minister provide the following information for the period 1981-86:

1. The number of accidents, involving police cars, arising out of chases in South Australia and interstate;

2. The reason for such chases;

3. What injuries or fatalities, if any, arose from such chases?

The Hon. C.J. SUMNER: I will seek the information for the honourable member and bring back a reply.

VEHICLE REGISTRATION DISCS

The Hon. PETER DUNN: I seek leave to make a brief explanation prior to asking the Minister representing the Minister of Transport a question about registration discs and stickers.

Leave granted.

The Hon. PETER DUNN: It has come to my attention from not one but several people that the present system of not putting the registration number on registration discs and stickers, particularly in relation to motor bikes and trailers which have a round disc only normally contained in a plastic cover screwed on to the vehicle, has led to those plastic containers being ripped from vehicles and stolen. Unless whoever steals the sticker puts it on his vehicle, there is no way of checking whether or not it belongs to that vehicle, unless the vehicle is in an accident. I understand that there is a good business in this at the moment and a number of motor bikes and trailers have lost their registration discs. The situation now is that cars do not have the registration number printed on the disc and, if by some chance a wrong letter is opened which contains a registration disc, that disc can be placed on any vehicle. Unless the vehicle is involved in an accident, the practice is not likely to be detected. This has caused quite some concern first to people who are receiving these discs and having them stolen and secondly to members of the Police Department who cannot check them as they walk past the vehicle. People who own trailers and whose disc is stolen have to go to the police, have themselves identified and fill out a statutory declaration stating that they have lost the disc. This is quite a rigmarole and an inconvenience. Will the Minister take action to ensure that registration numbers are printed on the registration stickers and discs?

The Hon. J.R. CORNWALL: I will refer that question to my colleague and bring back a reply.

HUMAN SERVICES

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question on human services.

Leave granted.

The Hon. J.C. IRWIN: In a letter to councils in mid July 1986, Nicholas Clarke and Associates, who are based in Melbourne, announced that they had been commissioned to undertake a human resources planning study for the Local Government Industry Training Committee. My questions are:

1. How was Nicholas Clarke and Associates appointed?

2. Is there no association or body in South Australia which could undertake this study?

3. What plans are there to combine the findings of the Human Services Task Force and the Human Services Resource Planning Study?

4. When does Nicholas Clarke and Associates report to the Minister?

5. Does the State Government plan to legislate a specific direction to the State Grants Commission for grants to be made to local government for human services?

The Hon. BARBARA WIESE: With respect to the commissioning of the report by the Industry Training Committee, I will seek the information from the committee about the company employed to do its survey and provide the appropriate information about the nature of that survey. In relation to combining the findings of the research being undertaken by that organisation with any information that might come from the Human Services Task Force Report, first, probably there will be different issues addressed by both organisations, since the Human Services Task Force, in looking at the role of local government, is specifically working on a State Government position on this issue rather than looking at the general issue of human services. Its brief is to report to me and to the Government on a suitable

policy for this Government to pursue with local government in the delivery of human services in South Australia. Can the honourable member repeat the last part of his question?

The Hon. J.C. Irwin: Does the State Government plan to legislate in a specific direction for the South Australian Grants Commission grants to be made to local government for human services?

The Hon. BARBARA WIESE: Certainly, at this stage it is not the Government's intention to do that. As I have said, we are still working on a policy, and it would be the intention of the Government to reach a mutually satisfactory arrangement with local government authorities about the delivery of appropriate human services through local government or assisted or facilitated by local government in local communities. I expect that that sort of thing will be done on a one-to-one contract basis and that local government authorities will be able to choose which areas they will or will not be involved in, depending on local circumstances and their own community needs. So, at this stage I do not think it will be necessary for us to pursue the sort of line about which the honourable member is talking.

EDUCATION DEPARTMENT

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about the Education Department reorganisation.

Leave granted.

The Hon. R.I. LUCAS: In 1982-83, the decision was taken by the Government to reorganise the Education Department into five areas. Cabinet dockets at that time show that the move was intended to achieve savings of $1.5 million. The Minister of Education went on record two weeks ago arguing that the savings had been achieved—I might add that he is the only person in South Australia who still believes that. The Minister went on to say, as reported in the *Advertiser* and on 5AN, that he had never heard any stories of a rumoured $7 million to $8 million budget blowout in the cost of the reorganisation. I seek leave to table a copy of a letter from Mr Alec Talbot, President, South Australian Primary Principals Association Inc. to the Hon. Greg Crafter, Minister of Education.

Leave granted.

Members interjecting:

The Hon. R.I. LUCAS: It is very disappointing to hear the Attorney-General and the Minister of Health maligning the reputation of a respected member of the education community, Mr Talbot.

The Hon. C.J. Sumner: Not us; we didn't say that.

The Hon. R.I. LUCAS: I quote two brief excerpts from that letter by Mr Talbot to the Minister of Education, as follows:

> I have a very clear recollection, as do my colleagues, that in response to the question, you as Minister made it quite clear that you were aware of claims that the cost of the reorganisation had been between $6 million and $8 million and that that matter had been discussed within Government circles.

A later paragraph states:

> A number of people, well known to me, have claimed that they heard the Premier say at a meeting open to the public that the reorganisation had cost $7 million more than planned. Therefore, it is quite clear that the initial claims about overspending conveyed to the SAPPA—

South Australian Primary Principals Association—

emanated from statements attributed to the Premier himself.

My questions to the Attorney-General, representing the Premier, are:

1. Who provided the information to the Premier upon which he based his statement that the blowout had been $7 million?

2. On what date did the former Minister of Education (Hon. Lynn Arnold) first indicate to the Premier that there had been a blowout in the Education Department's reorganisation?

3. Did the Premier say at the meeting to which Mr Talbot has referred that the reorganisation had been one of the major mistakes of the Bannon Labor Government?

4. Is the Premier convinced that the reorganisation of the Education Department has achieved the $1.5 million savings that it was meant to achieve?

The Hon. C.J. SUMNER: The honourable member has sought information. I will refer the question to the Premier and bring back a reply.

ANZAC DAY DAWN SERVICE

The Hon. C.M. HILL: My question is addressed to you, Madam President. Was the Legislative Council represented by you or by your nominee at the annual dawn service at the War Memorial on Anzac Day this year? If not, what was the reason for that?

The PRESIDENT: I did not attend the Anzac Day dawn service this year, although I was invited to do so. I was unable to attend because I was attending a National Women's Conference in Canberra that weekend that was attended by women from all political Parties throughout Australia, including women from the South Australian Liberal Party. We attended this conference, which was held in Canberra over the Anzac Day week-end. Thus, I was unable to attend the dawn service. The invitation that I received was to me; it was not to the Legislative Council. Therefore, I did not feel it appropriate to get someone to deputise for me at that ceremony.

The Hon. C.M. HILL: I desire to ask a supplementary question. Will you, Madam President, give further consideration to the point of seeking someone to represent you in situations such as this, so that at such an important function as this, and in keeping with tradition, the Council is represented by one of its members in circumstances as you have explained, when you are not available?

The PRESIDENT: I am happy to consider this matter, but it seems to me that, if I am invited in my capacity as President, it is appropriate to decide whether someone should deputise for me. I point out that there is no formal deputy to the President in this Parliament—unlike the Speaker who does have a formal Deputy Speaker to act for him when he is unable to act himself. As far as I know, invitations to the dawn service are sent to every member of Parliament, so that any member of this Chamber can attend as a member of Parliament. I took it that the invitation to me was as a member of Parliament—not as President. I was unable to attend as a member of Parliament.

QUESTION ON NOTICE

FRINGE BENEFITS TAX

The Hon. L.H. Davis for the **Hon. DIANA LAIDLAW** (on notice) asked the Minister of Health: If the State Government intends to pay fringe benefits tax to the Commonwealth, what is the amount of such tax in a full year payable by the Government in respect of—

1. the Minister's office;

2. the Department for Community Welfare;
3. the Children's Interest Bureau;
4. the Office of the Commissioner for the Ageing and, in each case, what are the details of the benefits in respect of which the tax is payable?

The Hon. J.R. CORNWALL: I refer the Hon. Ms Laidlaw to the Premier's reply to the Deputy Leader of the Opposition's question on fringe benefits tax on page 180 of *Hansard* on 7 August 1986.

PROSTITUTION BILL

The Hon. CAROLYN PICKLES obtained leave and introduced a Bill for an Act to regulate prostitution; to make related amendments to the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953; and for other purposes. Read a first time.

The Hon. CAROLYN PICKLES: I move:

That the Standing Orders be so far suspended as to enable the Bill to pass through its remaining stages without delay.

The Hon. R.J. RITSON: In view of the time available for the passage of this Bill over the following weeks or months, I do not quite understand the urgency. I am very happy for Standing Orders to be suspended to enable the second reading to occur without delay, but the purpose of Standing Orders requiring different stages to occur on different days is so that the community can respond to reports of the proceedings of the Council or lobby members further during the passage of the Bill. It may be that, if the Bill is read a second time, there will be opposition at the third reading stage.

The Hon. C.J. Sumner: Are you amending it?

The Hon. R.J. RITSON: Yes, I would be prepared to amend the motion to allow the second reading to proceed without delay, but not all stages.

The PRESIDENT: Is the honourable member moving an amendment?

The Hon. R.J. RITSON: Yes.

The Hon. C.M. Hill: It was suggested by the Hon. Mr Sumner that it be amended.

The Hon. C.J. Sumner: I said, 'Are you amending it?'

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

Leave out all words after 'Bill' and insert 'to be read a second time without delay'.

Amendment carried; motion as amended carried.

The Hon. CAROLYN PICKLES: I move:

That this Bill be now read a second time.

The purpose of the Prostitution Bill is to protect young people from involvement in prostitution; to protect adult prostitutes from violence and intimidation; to restrict and regulate advertisements for prostitution services; to remove criminal penalties for off-street prostitution; and to control the location of brothels.

As members are well aware, prostitution has been with us throughout recorded history. There have been attempts to eradicate it in various ways, but with little success. The Bible story of the prostitute, Mary Magdalene, is one of christian charity. Jesus managed to forgive Mary and did not believe punishment was the answer. Perhaps a little more christian charity and less bigotry and hypocrisy is required today to deal with the situation.

In later years we have had attempts to eradicate prostitution by legislation—this has not worked. Prostitution, while not exactly flourishing, still exists. In my many contacts with all sorts of community groups the majority felt that, while not condoning it, most people did not believe that prostitutes were criminals, because they took part in an adult consensual sexual activity in private. I make it quite clear that I do not support prostitution, but neither do I view prostitutes as criminals. Therefore, I moved from this fundamental view to looking at ways in which we could decriminalise prostitution while ensuring that certain community attitudes were upheld and safeguards were introduced, particularly with regard to young people.

I would like to outline the recent history of the prostitution debate in South Australia. In August 1978, a Select Committee of Inquiry into Prostitution was established by the House of Assembly which was chaired by Labor's Don Simmons, then Chief Secretary (my interest in this issue began at this time as I was working for Don Simmons in 1978).

This committee was not able to report prior to the 1979 election. In November 1979, following the election, a further select committee chaired by Michael Wilson, then Liberal member for Adelaide was established. The committee examined the extent of prostitution in this State, the need for amendments to relevant laws, and that select committee recommended that:

The law relating to soliciting be maintained;

That it be an offence for persons under the age of 18 to engage in acts of prostitution;

That living off the earnings of prostitutes should continue to be punishable where the prostitute is under 18 but otherwise punishable only where it is accompanied by violence, threatened violence or coercion;

That amendments be made to the local government and planning legislation to prevent places of prostitution operating in residential areas;

That adequate controls be provided for the advertising of places of prostitution to prevent offence to the public;

That the use of the words 'massage' and 'health' and other words be prohibited in connection with operations involving prostitutes.

Following presentation to Parliament, the then Leader of the Australian Democrats, Mr Robin Millhouse, introduced a Private Member's Bill in the House in 1980 to give effect to the committee's recommendations. The legislation caused widespread debate and was finally defeated on the casting vote of the Speaker.

Since that time there has been no amendment to legislation relating to prostitution; nothing has changed; and prostitutes are still treated as criminals. Ms President, I would like to address some arguments in favour of de-criminalisation. The present laws penalise the provider of the service, not the client. Prostitution would not exist in the absence of a demand. Even in jurisdictions where there are laws directed at clients, prostitutes are prosecuted more frequently than clients because of difficulties in obtaining evidence. Laws penalising prostitutes are selectively enforced. Prostitutes servicing the top end of the market (high class 'call' girls) are not subjected to criminal penalties, whereas women working in brothels are more likely to come to police attention.

Evidence from Victoria contained in the Inquiry into Prostitution, October 1985, prepared by Professor Marcia Neave, now Professor of Law at Adelaide University, and elsewhere shows that the majority of prostitutes are poorly educated, have low employment skills and often have children to support. For example, in the study of 115 men and women prostitutes interviewed by the Victorian Government inquiry, about half of the women respondents had children and most had begun prostitution after the birth of their first child. Over half of the women with children had borne their first child at 19 or under. By comparison, less than 10 per cent of women in the general population having a first child in the years 1975-80 were aged 20 or under. The majority of men and women interviewed in the Vic-

torian inquiry gave economic reasons, including the need to pay for necessities and the need to support their family, as their reasons for entry into prostitution. This was also the reason given by prostitutes during a phone-in conducted in July 1986 by the Prostitutes Association of South Australia (PASA) hence, laws penalising prostitutes punish the victims of sexual and economic inequality.

As I mentioned at the outset, prostitution laws have never succeeded in eradicating prostitution, but only affecting its form. Police resources are used to obtain convictions of prostitution rather than for more socially important purposes, for example, prosecution of drug dealers. Laws penalising prostitutes increase their powerlessness. Criminal sanctions against prostitutes force them into a criminal subculture and make it difficult for them to complain to police if they are exploited or abused. Hence, criminalisation increases the possibility of organised crime control and police corruption. There has been quite a lot written about the United Nations report, but people forget to quote the 1982 report of the special rapporteur on 'Suppression of traffic in persons and the exploitation of the prostitution of others', which found that, and I quote:

> Treating prostitutes as criminals maintains their dependence on the world of procurers which is the world of crime and makes their social rehabilitation more difficult.

Prostitution-related activities which cause community concern, for example, brothels in residential areas, are controlled in this Bill. The major argument in favour of penalising prostitutes is that prostitution laws have an educational effect in that they reflect community disapproval of the exploitation of men and women for sexual purposes. It is just possible that these laws may have a marginal effect by discouraging some people from working as prostitutes or from using the services of prostitutes. However, the costs of this approach are considerable and include discrimination, punishment of the 'victim' and injustice. On balance, the costs of this approach exceed the benefits.

In the area of health, which I appreciate at the present time is a very important issue, the Neave report states in its recommendaitons:

> Increase in sexually transmitted diseases such as gonorroea, herpes and non-gonococcal urethritis caused by the chlamydia bacteria (which may cause infertility in women) are causing serious concern to public health authorities. Community alarm has been heightened by the advent of acquired immune deficiency syndrome. These epidemiological changes are the result of a number of factors, including changing attitudes to sexual morality, an increase in the number of people with more than one sexual partner and ignorance about the means of disease prevention. Although prostitutes play some part in the spread of disease, our study at the Communicable Diseases Clinic shows that most men were not infected by prostitutes. Consequently, legal and administrative policies directed solely at prostitutes are unlikely to be successful in preventing disease.
>
> The report supports the Health Department policy of voluntary prevention and treatment of sexually transmitted diseases. Our recommendations cover:
>
> Updating of the legislation covering sexually transmitted diseases, to reflect changes in epidemiological patterns;
>
> Introduction of a community education program on sexually transmitted diseases, with particular emphasis on provision of information to adolescents and alerting high risk groups, including prostitutes and their clients, to the need for regular testing;
>
> Promotion of condom use as a means of disease prevention;
>
> Expansion of facilities for the prevention and treatment of sexually transmitted diseases, including the employment of additional 'tracers' to identify sexual contacts of infected people.
>
> The report rejects licensing and compulsory medical examination of prostitutes. Overseas experience has shown that licensing is difficult to enforce and tends to discourage prostitutes from voluntarily seeking testing or treatment if they are infected. The United Nations has rejected licensing on the ground that it institutionalizes prostitution and makes it difficult for prostitutes to change their occupation. In addition, such systems are discriminatory because they do not apply to the clients of prostitutes or to other people in the community with multiple sexual partners who may contribute to the spread of disease.

I support these recommendations and will have ongoing discussions with the Minister of Health regarding the need to expand the facilities for the prevention and treatment of sexually transmitted diseases. I believe that our Government and the Federal Government have taken a laudable, enlightened and supportive approach to the problem of acquired immune deficiency syndrome (AIDS). All prostitutes that I interviewed were much more knowledgeable about sexually transmitted diseases than members of the general public. They were much more expert in picking the symptoms and more careful about inspecting themselves and their clients. Australian and overseas attempts to regulate these health issues have sent the problems underground. The condom is, for the prostitute, basic health and safety equipment. This is unfortunately not true of the general community. In South Australia in 1985 only 4 per cent of gonorrhoea and no syphilis diagnosed by the Sexually Transmitted Diseases Clinic was attributable to prostitutes. The Prostitutes Association of South Australia phone-in showed that 92 per cent of prostitutes have regular checks, and 82 per cent always use condoms.

I would like to direct my remarks to the present situation in Australia. In New South Wales, subject to some restrictions, the criminal penalties for both street and brothel prostitution were repealed. Provisions designed to prevent exploitation were retained. The law has recently been reviewed by a parliamentary select committee. Its report tabled in April 1986, recommend that:

> Brothels be subject to planning requirements;
>
> Controls be placed on ownership of brothels;
>
> Street soliciting not to be permitted in residential areas or near schools, churches and hospitals;
>
> Criminal sanctions be applied to those who use violence, coercion or other forms of exploitation in order to live on the earnings of prostitutes;
>
> Clients be subject to the same enforcement of soliciting laws as are prostitutes;
>
> Advertising of prostitution be prohibited in the electronic media and limited elsewhere;
>
> Changes to social welfare arrangements be made so that it is less difficult for prostitutes to leave the trade and to make prostitution less of an alternative to those who may be forced to consider it as employment; and
>
> Health measures be implemented to reduce the incidence of sexually transmitted diseases and drug abuse.

In Victoria, since 1984, it has been possible for the owner of a brothel to apply for a town planning permit in appropriately zoned areas. The criminal law distinguishes between prostitution-related activities occurring in brothels with town planning permits which are no longer subject to criminal penalties and prostitution related activities occurring elsewhere.

In September 1984 the Victorian Government established the inquiry into prostitution, conducted by Professor Marcia Neave. The inquiry examined the social, economic, legal and health aspects of prostitution and is the most contemporary in-depth information we have in Australia. The recommendations contained in the Neave report released in December 1985 have been accepted by the Victorian Government, bar one, which was to permit street prostitution in council approved zones. The Government intends to introduce legislation to effect the changes later this year. The recommendations of the Neave report and accepted by the Government are:

> Repeal criminal penalties for most prostitution-related offences, while retaining penalties for street prostitutes;
>
> Give local councils the option of permitting street prostitution in specific areas;
>
> Extend the law to provide more protection for young people against sexual abuse and exploitation;

Continue regulation of the location of brothels by town planning controls;
License brothel operators to exclude people with serious criminal convictions or criminal association;
Regulate the prostitute who works alone from a self-contained dwelling where he or she lives; and
Prohibit explicit advertising.

All other States adopt a policy of criminalisation. In Western Australia regulations are similar to South Australia but in practice prostitution is controlled by a police policy of containment and toleration. However, it is evident that horrendous discrimination exists for the people who work in the industry.

These recent inquiries in Australia and other countries have recognised the inequality and ineffectiveness of the law and have recommended change. Canada has taken a particularly enlightened view and has recommended the adoption of measures to remove economic and social inequalities between men and women and the provision of adequate welfare to women and young people in need, and further recommends that prostitution-related activities of prostitutes and their clients be removed from the criminal code.

In trying to establish community attitudes, the Victorian inquiry sought a great deal of evidence, as did the South Australian Select Committee. I have also followed up some of this evidence. However, I do not have the resources of either the Victorian or South Australian Governments. I have interviewed members of the community, police, prostitutes, their employers, lawyers, politicians and members of religious organisations of many demoninations.

In April 1985 an Australia-wide *Age* poll was conducted, and contained two questions inserted at the request of the Victorian inquiry, as follows:

1. Do you think that prostitutes should be allowed to work legally in premises in certain areas?
2. Should prostitutes be allowed to work legally on the streets in certain areas, or not allowed to work on the streets at all?

Seventy-five per cent of all those surveyed and 66 per cent of South Australians surveyed said that prostitutes should be able to work legally in premises in certain areas. Nineteen percent of all respondents and 17 per cent of South Australians believed prostitutes should be able to work legally on the streets in certain areas, whilst 76 per pent of the sample and 79 per cent of South Australians did not consider that street prostitution should be permitted at all.

I would like to mention the problem of law enforcement under existing laws. Because of the privacy of prostitution, convictions are gained by entrapment and by using clients as witnesses against prostitutes. This clearly demonstrates the discriminatory nature of the law. It is my understanding that, since the police are also required to obtain other evidence to gain a conviction, they seize used and unused condoms and material relating to the prevention of sexually transmitted diseases provided to brothels by the Sexually Transmitted Diseases Clinic. So we have the ludicrous situation of one arm of Government removing what another arm of Government has allowed to be provided for the health protection of prostitutes and their clients.

Prostitutes who work for escort agencies are not at present necessarily committing a criminal offence. The police records estimate there are 15 'massage parlours' in Adelaide, there is no significant street prostitution and about 74 escort agencies exist. Most women in the poll, conducted by the Prostitutes Association of South Australia, and as also shown in the Neave report, stated they would prefer to work in a small brothel rather than an escort agency because of safety factors and for the control of their own health.

I now turn to the Bill. The purpose of the Prostitution Bill is to overcome various deficiencies in the present law, whilst recognising that it is inappropriate for adults to be punished for their private sexual behaviour. As I stated at the outset, the Bill has five main aims.

First, it is designed to prevent the sexual exploitation of young people by introducing provisions making it easier to convict both clients and employers of prostitutes under 18 years of age. Secondly the Bill protects adult prostitutes by imposing penalties on those who coerce a person to work as a prostitute, or to share his or her earnings. Thirdly, while it is recognised that it is unlikely that prostitution will vanish in the near future, the Bill strictly controls promotion or advertisement of prostitution. Fourthly, it is recognised that the behaviour of clients outside brothels sometimes causes public nuisance, and that it is undesirable for brothels to operate in residential areas or close to schools or churches. Consequently, the Bill controls location of brothels and enables the prosecution of operators of brothels established in residential areas. Finally, the Bill is based on the recognition that laws punishing prostitutes who work in brothels are not cost-effective, punish the victims of sexual and social inequality rather than the clients who demand the service, and are discriminatory because they apply ony to some forms of prostitution. The Bill proposes removal of criminal penalities for prostitutes who work in brothels while retaining heavy penalties for the managers of brothels which breach planning controls.

Clauses 1 and 2 are formal. Clause 3, combined with the schedule, has the effect of repealing existing prostitution-related offences, including common law offences. Later clauses of the Bill create a number of new offences. Clause 4 is designed to protect young people from sexual exploitation. Research has shown that the majority of prostitutes are adults. However, unfortunately a small minority of homeless or disadvantaged young people drift into prostitution, and there is a demand among clients for their services.

The present law is paradoxical. A 50 year old man who pays a 17 year old girl for sex is not necessarily guilty of any criminal offence, while the girl can be punished for prostitution. Clause 4 makes it an offence to obtain the services of a prostitute under 18 years of age and carries a maximum penalty of imprisonment for up to three years.

The clause also makes it an offence to cause or induce a person under 18 to work as a prostitute, to admit young clients or employ young prostitutes in a brothel, and to obtain money from a child which he or she has earned by prostitution. The penalty for causing or inducing a young person to work as a prostitute or obtaining his or her earnings is imprisonment for up to seven years.

In order to obtain convictions for these offences, it will be unnecessary to prove knowledge that the victim was under 18. However, if the victim was in fact over 16, the child or employer will have a defence if he or she believes there were reasonable grounds for believing the person was 18 or over. This provision is consistent with the present law which makes it an offence to have sex with a person under 17 but provides a defence of reasonable belief as to age.

I now turn to clause 5 of the Bill. Under the present law, a person who shares the earnings of a prostitute is guilty of an offence. The husband, lover, friends (and, theoretically, even the children of a prostitute) could be convicted of living on his or her earnings. Two women who set up business on a cooperative basis could be convicted of living on each other's earnings. Although the law was intended to prevent coercion, it goes too far by depriving prostitutes of the ability to share their earnings in any circumstances.

Prostitutes are concerned that the law may be used to victimize their husbands and friends.

Clause 5 concentrates its attention on questions of intimidation or force while permitting adult prostitutes to deal with their earnings as they choose. A person who forces another to work as a prostitute, or to share his or her earnings, may be imprisoned for up to seven years.

Clause 6 of the Bill retains the present law which makes it an offence for a person to loiter or accost another in a public place for the purposes of prostitution. The clause recognises that, while the majority of the community supports decriminalization of off-street prostitution, street soliciting is regarded as offensive and unacceptable.

Clause 7 is a central feature. The reasons for adopting a policy of decriminalization have already been explained. However, recognition of the ineffectiveness of criminal penalties as a means of reducing the level of prostitution does not imply that society should support or encourage the business. Efforts should be made to reduce the level of prostitution because it is an exploitative activity which would not exist in a society in which men and women are truely equal.

Consistent with this view, clause 7 restricts the content of prostitution advertisements and the places where they can be published. Radio and television adertising is prohibited. The content of newspaper advertisements is controlled so that they do not contain offensive, degrading or sexist material. Brothels will be able to carry small identifying signs, but will not be permitted to display neon signs or pictorial material. To prevent confusion between prostitution and legitimate business, it will be prohibited to use words such as 'health', 'massage', or 'masseur' in prostitution advertisements. It will also be an offence to advertise employment as a prostitute in a brothel or massage parlour, entirely refuting statements regarding employment offers in the CES.

The effect of decriminalization is that brothels will be able to operate and prostitutes who work in them will not be subject to criminal penalties. However, clause 8 subjects brothels to normal planning controls and excludes them from residential areas and the vicinity of schools, churches and kindergartens. This means that people living in residential areas will be protected from the possibility that a brothel may open nearby. A person who operates a brothel without planning authorization or in a prohibited area will be subject to stringent penalties under planning legislation. These include fines of up to $10 000 with additional penalties for continuing default.

A person who wishes to open a brothel employing more than two prostitutes will be required to apply for planning authorisation in the normal way. Authorisation will be granted or refused after consideration of normal planning matters. A council might, for example, refuse to grant a permit in industrial or commercial zones if the proposed brothel was close to residences or in a local shopping area.

The Bill makes more generous provision to deal with small brothels, although these are also prohibited in residential areas or close to schools or churches. As I previously stated, the United Nations has emphasised that the most effective way of protecting women against exploitation and enabling them to leave the business is to give them greater power over their own lives. Research has shown that small brothels are often run by women on a cooperative basis. Such establishments tend to have less oppressive working conditions, and to impose more onerous health conditions on clients. A requirement that all brothels (including very small ones) should obtain planning authorisation would be very difficult to enforce. It would have a tendency to force prostitutes working alone at present into large brothels, where exploitation is more likely. Hence, clause 8 provides that small brothels (which will not employ more than two prostitutes at any one time) may operate outside residential areas without obtaining planning authorization. Several overseas countries (including England) also differentiate between small and larger scale prostitution. Finally, clause 9 recognises the importance of reviewing the effect of the legislation after a reasonable period. The Minister is required to report on the operation of the Act within four years of its commencement.

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

SPECIAL BROADCASTING SERVICE

The Hon. L.H. DAVIS: I move:

That this Council expresses deep concern at the foreshadowed amalgamation of SBS and the ABC and condemns the Federal Government for this regressive action.

This is a sad day for South Australians and, indeed, all Australians. At a time when Australia's economy is in tatters, at a time when we need to appreciate the world we live in and indeed in which we must compete, the Federal Government has abolished SBS. SBS was playing a valuable role not only for the large ethnic community in Australia but also for its many Australian devotees who could grasp a better understanding of the culture and economies of the many countries featured on both television and radio programs. The bipartisan approach to communications in the ethnic affairs portfolio area has been shattered. Despite the fact that the Labor Government in South Australia has made noises about the importance of maintaining the independence of SBS, their cries have fallen on deaf ears. Their mates in Canberra have let them down.

Mr Hurford, the Minister for Immigration and Ethnic Affairs has not been sighted on this issue. He has burrowed and buried underground. Messrs Young and Blewett, with many ethnic people resident in their electorates, have been silent. The important thing to remember is that Messrs Bannon and Sumner play in the same football team as Messrs Hurford, Blewett and Young—they are all mates. We know now how strong is their mateship. We know now that Mr Bannon and Mr Sumner have no influence over their Canberra mates.

This decision is a regressive move. It will not only be costly to amalgamate the SBS and the ABC but will also be against the spirit of the original concept of SBS. It has understandably provoked the wrath of the ethnic community in South Australia. It gives me no pleasure to have to move this motion, but it is important to go back to the original concept of SBS, to go back to 1977 when the Minister of Immigration and Ethnic Affairs, the Hon. Michael McKellar, and the Minister for Post and Telecommunications, the late Hon. Eric Robinson, announced government approval for the structure and the operation of a new independent special broadcasting service.

In the first instance, it was responsible for the operation of ethnic broadcasting services in Sydney and Melbourne. In the initial press release by both the then Minister for Immigration and Ethnic Affairs (Hon. Michael MacKellar) and the Minister for Post and Telecommunications (Hon. Eric Robinson)—and that is quite appropriate, given that SBS straddled two portfolios, Ethnic Affairs and Communications—it was stated:

The role of the new authority would be to produce special broadcasting programs which would not be appropriate for the ABC or other established broadcasters to undertake.

The importance of SBS is underlined by the fact that Australia now has 4 million people who have been born overseas; that is the post-war intake in a period of nearly 40 years. Forty per cent of these have come from the United Kingdom and the remaining 60 per cent have come from well over 100 sources—Italy, Greece, Yugoslavia, the Netherlands, and Germany being prominent for most of the post war period. In the last decade there have been significant intakes from other areas including Latin America, the Americas, Africa, the Middle East and most notably Asia, with many Indo-Chinese refugees.

The charter of SBS made specific provision not only for people born overseas but also for Australians to enjoy its television and radio broadcasts. I want to read into *Hansard* the criteria set down for this Special Broadcasting Service, and I quote from the initial press release in 1977 when the new service was first proposed:

Ethnic broadcasting should:

Provide a medium for presenting to non-English-speaking residents of Australia, entertainment, news and other information in their own languages;

Assist those from other cultures to maintain those cultures and to pass them on to their descendants and to other Australians;

Provide information and advice on the rights and obligations of residence in Australia and on other matters to assist the non-English-speaking migrant to settle speedily, happily and successfully;

Encourage and facilitate the learning of English;

Provide as adequately and equitably as possible for all ethnic groups including those which are numerically small;

Assist in promoting mutual understanding and harmony between and within ethnic groups and between ethnic groups and the English-speaking community;

Avoid political partisanship;

While avoiding institutionalisation of differences (e.g. by means such as the election of station managements), maximise the participation of ethnic groups and individuals.

One only has to look at 5EBI, the local ethnic radio station, to see how wonderfully it has maximised the participation of the many ethnic communities in Adelaide. So, last night, after the worst budget secret of all was finally confirmed (the amalgamation of the ABC and the SBS), where are we now?

The amalgamation will take place as from 1 January 1987. This amalgamation has been proposed in the budget but no details have been given. They have yet to be completed. New legislation and financing arrangements are still to be drawn up. Mr Duffy, the Minister for Communications, claims, 'Amalgamation will help overcome any perception that multi-cultural broadcasting is some separate or secondary service.' That is the weakest excuse that I have ever heard for an amalgamation between the ABC and the SBS. Does anyone watching the magnificent entertainment on SBS television or listening to 5EBI think that they are watching or listening to some secondary service? Of course they do not. The Hon. Mr Sumner's Canberra colleagues stand condemned for this regressive action, because they have torn apart one of the most valuable tools which Australia had in bridging itself to the rest of the world, in cultural and economic terms. It has just been shredded. When one imagines the costs of winding up ethnic radio over the last seven or eight years—

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: I am saying setting it up, winding up ethnic radio over recent years. When one considers that cost and the cost of establishing SBS television in the past three years, a program continued by the Hawke Government to its credit when it came to power in 1983, to then turn around and undo all that good work and to amalgamate the ABC and the SBS will be a costly and unnecessary exercise.

Quite understandably, it has provoked the wrath of ethnic communities in South Australia. The President of the Ethnic Communities Council, Mr Joseph Garamy, has been in touch with me and has expressed dismay at this merger between the ABC and the SBS. The Chairperson of the United Ethnic Communities, Mr Frank Barbaro, together with Mr Garamy in a joint release, said, 'The takeover is a further attack on multi-culturalism, a policy which works to end the position of migrants as second class citizens.' In that joint statement, they went on to say, 'There are no logical reasons for the merger given that the SBS has been renowned as a cost efficient organisation.' They also said, 'We are not convinced there are savings to be made in taking such a step but, if there were, does it mean a multicultural Aust is only relevant in good economic times?'

The point made by the Federal Opposition spokesman on communications is also relevant. Mr Ian MacPhee said in October 1985, when this merger was proposed, that the ABC seemed to be having so much trouble handling its own affairs, it was hardly in a position to take on the SBS. No-one would seriously maintain that the ABC has been in clear water over the past 12 months. It has been swimming in very muddy water. Yet here is the Minister for Communications saying, 'We will amalgamate them.' We do not know how, and he has given no reason why. Multi-cultural broadcasting, both television and radio, will become second class. How is any other result possible? How can an amalgamation provide the same quality and the same time devoted to ethnic programs as is the case at present? So, we oppose this amalgamation.

The Hon. C.J. Sumner: There will still be two channels.

The Hon. L.H. DAVIS: We understand the Hon. Mr Sumner's embarrassment. We understand the Premier's embarrassment because this Parliament over many years has adopted a bipartisan approach to ethnic broadcasting. On a previous occasion in this Council, when the Hon. Murray Hill was shadow Minister of Ethnic Affairs, we passed a motion expressing support for ethnic broadcasting, but today we are expressing condemnation of both the Federal Government and the South Australian representatives in that Cabinet team, Messrs Hurford, Young and Blewett, mates of the Premier and Mr Sumner, who have stood silently by and allowed this to happen. That disappoints me because Mr Sumner knows full well his position. He has maintained a consistent position on this matter, but it has amounted to nothing with his Cabinet colleagues in Canberra. So, I want to indicate the indignation of this side of the Council at the proposed amalgamation.

Whilst it is not particularly relevant to the motion that we are now debating, it seems that the Federal Government has put a shredder through multiculturalism. It has broken with that bipartisan spirit that has existed in this area because the Australian Institute of Multicultural Affairs, which was established as an independent statutory authority in 1979 by the Liberal Government, was abolished last week. That may well be the subject of a separate debate, but I just want to inject into this debate that I also abhor that decision—after the deliberate decisions to establish the Institute of Multicultural Affairs and to develop an awareness of the diverse cultures of Australia and an appreciation of their contributions, and to promote tolerance, understanding and a cohesive Australian society, to promote a society just and equitable, in that it accepts people irrespective of their background and that affords them the opportunity to achieve their own potential. Those were the objectives of the institute.

That has been put through the shredder and it now goes into Mr Hurford's department—under his control and direction. Of course, the objects of the institute in many ways were reflected in ethnic broadcasting. I know that my colleague the Hon. Mr Hill supports my remarks because he has been a leader in fighting for ethnic broadcasting in Australia and in South Australia for many years. I know that he is disappointed by the decision. Like I have, he has received many calls from members of the ethnic community who have expressed deep concern at this proposal to amalgamate the ABC and SBS. It is no longer a proposal—it is a reality, and for that the Government stands condemned.

The Hon. C.M. HILL: I support the motion and congratulate my colleague the Hon. Mr Davis on his initiative in bringing the matter in this form before the Council, because it gives the Council yet another opportunity to support unanimously, I hope, ethnic television, and the general principle that migrants from this State should obtain and retain a fair go in this whole matter of ethnic television in particular.

The Hon. C.J. Sumner: There is a good show on tonight at 10.15 p.m.

The Hon. C.M. HILL: There is a good show on every night, I can assure the honourable member who interjected. When we speak of migrant communities as a whole in this State we refer not to a small minority at all. The Hon. Mr Feleppa made the point yesterday that about 25 per cent of the Australian population is of non-British extraction, and those of us involved in this ethnic administration had known that fact for a considerable time.

The Australian Council of Population and Ethnic Affairs figures for 1978 disclosed that figure, and on page 32 the same point arises in the Multiculturalism for All Australians report of May 1982. As I sense it, the feeling in South Australia amongst migrant communities, is running high on this point. They strongly oppose this proposal to remove SBS from its present form and situation and to merge it as the Federal Government intends to do with the ABC. They want, and I most certainly want, SBS to continue in its present form. It is an extremely successful form of television. Indeed, from my viewing, I believe the programs are getting better and better all the time. For example, in recent weeks we have had opera programs culminating in the Verona program of Aida last Sunday night. It was simply a magnificent television spectacle and I have not seen programs comparable to that on the ABC or on any other television channel in South Australia.

The Hon. C.J. Sumner: What about Monday night simulcasts?

The Hon. C.M. HILL: Some of the simulcasts on the ABC are quite good. The point I am making is that the standard of SBS presentation is excellent. The worth of SBS goes beyond that. Its purpose is to develop the State and the nation harmoniously on the level of human relations. It is not only, as some people assume, television for migrants; it is not simply ethnic television of interest to ethnic people: it is multicultural television for the benefit of all, and that point cannot be overstressed.

Of course, it does provide some essential information about Australia for people who come to live here and that is an important and worthwhile service. The merging of this television station with the vast Australian Broadcasting Corporation—a bureaucratic institution with immense programming resources (it is not unfair to say that it has quite inflexible procedures)—will mean most certainly the demise of SBS as we know it today.

The migrant character of SBS, the migrant input into the running of SBS is the secret of its success. If it meets up in this merging operation with overriding controls and procedures with executive decision-making imposed by senior ABC officers and the ABC board, it will spoil if not ruin the entertainment, educational and informative programming of SBS as we know it now.

This tragedy that has befallen this State is just another in a long trail of incidents that seem to be against what we might call ethnic television in South Australia. We all remember the long battle that we had to fight to get ethnic television to South Australia. Both the State and the Federal Liberal Parties were slow in introducing the service to our State. I can remember the Federal Liberal Party's record from 1980 to 1983. Indeed, there was an election promise at the 1980 election by Mr Fraser that we would be getting ethnic television in South Australia, but it certainly took that Government some time to come to the final decision to introduce it to South Australia.

The Hon. M.B. Cameron interjecting:

The Hon. C.M. HILL: I have an article of July 1982 from one of our Adelaide newspapers headed 'SA Government backs ethnic TV call'. This report occurred when the then Government of which I was proud to be a member fought hard to obtain SBS television in this State. The article stated:

> The South Australian Government wants multicultural television in South Australia. The Minister Assisting the Premier in Ethnic Affairs, Mr Hill, said last night there was a strong demand from many sections of the ethnic community for the service.
>
> 'The Government fails to see why people in Sydney and Melbourne can enjoy this facility at the taxpayers' expense, while South Australians are denied the service,' Mr Hill said. The Cabinet had agreed that the Premier, Mr Tonkin, should write to the Prime Minister, Mr Fraser, seeking to have the special broadcasting service extended as soon as possible.

Strong effors were being made in those years urging the Fraser Government in Canberra to have the service extended to South Australia. In 1982 there was a breakthrough. In the *Advertiser* of 26 June 1982, an article by Greg Kelton (a correspondent well known to most members here) under the heading 'Adelaide included in national multicultural TV service. $21 million ethnic program lift', stated, in part:

> A $21 million package designed to extend and improve special programs and services for migrants was announced yesterday by the Federal Government. Included is the establishment of a multicultural television service for Adelaide in the 1983-84 financial year.

The article gives a lot of detail about programming. At that time the Fraser Government intended that ethnic television would operate in South Australia in the 1983-84 year, but it did not arrive prior to the 1983 election, when the Labor Government won government in Canberra. Still time seemed to be passing by. People here were waiting for that service, but it was not arriving. I recall that on 30 July 1983 there was a big march down King William Street and representatives of ethnic people assembled in front of Parliament House. Speeches were made and strong feelings were expressed that the Federal Government of the day (at that time a Labor Government) was not getting on with the job quickly enough.

The Hon. C.J. Sumner: It had been in office for only four months.

The Hon. C.M. HILL: The Government was taking its time. In August 1983 unanimous resolution was passed in the Council urging the Federal Government to transmit ethnic television to South Australia. The Premier wrote to the Prime Minister at that time explaining the resolution that was passed by this Council and the need for action in this matter. Pressure, of course, was being brought to bear by a wide range of people. For example, in July 1983 an article in the *News* under the heading 'Push for ethnic TV urged' stated:

South Australians are being urged to write to the Federal Communications Minister, Mr Duffy, calling for the introduction of multi-cultural television. Senator Bolkus (ALP SA) said today he feared the extension of channel 0/28 to Adelaide might be shelved, because of the Federal Government's determination to reduce this budget deficit.

These fears were being expressed and all Parties were urging the Government to act, yet nothing seemed to be occurring. Ethnic television did not come in the 1983-84 year and ultimately in this Council, in reply to questions, the Hon. Mr Sumner explained that the Minister in Canberra had stated that he hoped that ethnic television would arrive here in the second half of the 1984-85 year. From memory, it was July 1985 when finally ethnic television arrived.

Long years were spent in the fight to bring the service here. People waited for it, especially those from the ethnic communities, and ultimately it arrived. In my view, it proved to be very successful when it did arrive: to me it seems to be getting better and better all the time. Now, suddenly, the axe falls and there is an announcement from Canberra that SBS will be merged with the ABC. I just cannot help leaving that long story of the battle that was undertaken to bring ethnic television here without commenting that an article in the *Bulletin* of March 1983 clearly stated that during the election campaign prior to Mr Hawke's winning office he said that the Party had no plans to abolish SBS.

The Hon. C.J. Sumner: They haven't abolished it.

The Hon. C.M. HILL: It is not good enough from the point of view of the migrants of this State to say that, simply because there will be a merger, it will not change the situation and that is not abolition. In the literal sense, it is not abolition but, my word, it can certainly lead to abolition. We all know how Governments work—step by step and stage by stage.

The Hon. L.H. Davis: And stealthily.

The Hon. C.M. HILL: And stealthily too. The only way to obtain true independence is to leave it as it is.

The Hon. C.J. Sumner: Has Mr Howard announced that he will split it off again if he is elected?

The Hon. C.M. HILL: No, of course he has not. If the Hon. Mr Sumner can produce that sort of thing, let him read it out to this Council. I am very disappointed that the change has been announced. I believe that this Council should say in one clear and strong voice that we believe it is wrong, and that message should be transmitted to Canberra by the Premier on behalf of this place.

The Hon. C.J. Sumner: By the President?

The Hon. C.M. HILL: No, it is not good enough from the President. The resolution should be transmitted by the Premier. I can read a copy of the Premier's letter, if the honourable member wants to hear it.

The Hon. C.J. Sumner interjecting:

The Hon. C.M. HILL: No, this one was not. I will refresh the Hon. Mr Sumner's memory. The first paragraph of Mr Bannon's letter to the Prime Minister dated 26 August 1983, stated:

My Dear PM,

On Thursday 18 August 1983 the Legislative Council of the Parliament of South Australia passed the following resolution.

The resolution was in three parts: first, that in the opinion of this Council there was an urgent need for ethnic television to be provided for South Australia; secondly, that the Hawke Government should be acquainted with the very strong feeling on the issue that existed in South Australia; and, thirdly, that this Council ask the Premier to convey this message to the Prime Minister. I support the motion and I hope, because I know that a great ground swell of protest and opposition is developing throughout the land, that this can be our little thrust in that ground swell. I hope that by doing this we will play a part in a further decision in the not too distant future by the Federal Government to rescind the plans it has announced and leave SBS as it is.

The Hon. C.J. SUMNER: (Attorney-General): The Government supports the motion moved by the Hon. Mr Davis. As I indicated yesterday, I regret a decision taken by the Federal Government to amalgamate the ABC and SBS. For many years, in fact since 1975, State Labor Governments have been active supporters of multicultural broadcasting in this State. When Ethnic Broadcasters Incorporated was established and started to transmit, State funds were made available to assist in the establishment of that station, despite the fact that broadcasting is a federal responsibility and, since 1975, other support has been given to Ethnic Broadcasters Incorporated for radio transmissions in community languages in South Australia. More recently, the State Government has actively supported the extension of channel 0/28 to South Australia and the Hon. Mr Hill has outlined the details of that issue, but the State Labor Party, the State Government, the Premier, and I, as Minister of Ethnic Affairs, have all in the past supported the activities of SBS and, in particular, the extension of Channel 0/28 to Adelaide.

The State Labor Government's position on these issues has revolved around the proposition that multiculturalism is for all Australians and that, in delivering the services to the groups in our community, service deliverers should take into account the diverse multicultural nature of our community. SBS provides a service to groups in the Australian community whose native language is not English, and it also opens up the world to Australia, and that is a very important aspect of the activities of SBS. Multiculturalism is not just about service to ethnic minority groups, but is also about a policy for the whole of Australia and, through those policies, opening up the world's diversity to Australians of all origins so that all of us, no matter where we came from, gain respect, knowledge and understanding of the different cultural groups that now make up the Australian society. We thereby also gain a greater knowledge, respect and understanding for other countries in the world.

It is in that policy context that the South Australian Government has taken the actions that it has taken, dating back to 1975, in support of ethnic broadcasting, initially through 5UV, and principally then through Ethnic Broadcasters Incorporated and 5EBI, and subsequently by support for the extension of channel 0/28 to Adelaide. With that history, the South Australian Government could do none other than support this motion which expresses deep concern about the foreshadowed amalgamation of SBS and the ABC and condemns the Federal Government for this regressive action.

I will not repeat the reasons why I believe that SBS is an important organisation offering important services to all Australians. In answer to a question yesterday, I outlined the South Australian Government's position on that matter. Needless to say, I do not believe (and this is in evidence that I gave before the Connor inquiry into SBS) that the ABC really came to grips with the changed nature of Australian society and it was therefore necessary for another organisation to be established, to in fact recognise the change that had occurred in Australian society.

I think that the ABC, for all its good points, was not particularly innovative in relation to broadcasting, taking into account the multicultural nature of Australian society. For that reason, I do not feel that the marriage between SBS and the ABC would be desirable. I have asserted that view to the Connor inquiry in evidence on behalf of the

South Australian Government and also in public statements since that inquiry. I certainly regret this decision. However, it should be noted that some of the more extreme statements made by members opposite seem not to be in accord with reality. The Hon. Mr Hill's suggestion that channel 0/28 arrived last year but now the axe has fallen on that channel is, I believe, an exaggeration of the situation. As far as I know, there is no suggestion that channel 0/28 will no longer continue to operate in South Australia. No doubt further details will be forthcoming from the Federal Government, but channel 0/28 will continue to operate.

The Hon. R.I. Lucas: Are you giving a commitment?

The Hon. C.J. SUMNER: The honourable member really is impossible because, as he would know, I am not able to give a commitment on behalf of the Federal Government, but I do not see any suggestion that channel 0/28 and so-called ethnic television will not continue to operate in South Australia and indeed throughout Australia. It is not true to say that this decision is the abolition of so-called ethnic broadcasting, or the abolition of ethnic television. It is an amalgamation of SBS and the ABC in certain respects that are still to be outlined, but I fully expect that there will still be broadcasting in community languages in South Australia and the other States, and that television transmission in community languages also will be continued in South Australia and the other States.

I cannot associate myself with the more extreme statements made by some members in this Council. Certainly, if the amalgamation meant that there would be a cessation of broadcasting and transmission in community languages in South Australia that would be quite appalling, but I do not believe that that is in fact the decision of the Federal Government. I reject the statements made by the Hon. Mr Davis that this is putting the shredder through multiculturalism. The Federal Government retains its commitment to multiculturalism and, indeed, I believe that the State Government and the Federal Government have advanced that cause in this State in the past 10 years much more than any other political Party.

Multiculturalism as a policy remains. The Federal Government has taken certain decisions with which I disagree, but I do not think that we should, as a Chamber, associate ourselves with the more extreme remarks made by members opposite, namely, that the axe has fallen on ethnic television or radio; that ethnic transmission or broadcasting has been abolished; or that the shredder has been put through multiculturalism. Nevertheless, the decision to amalgamate these two bodies is to be regretted and I therefore support the motion.

The Hon. I. GILFILLAN: I support the motion on behalf of my colleague and myself. I was pleased to hear the Attorney-General's courageous and strong expression of support for this motion, which is critical of his federal colleagues. It is nice to see the rugged individuality of the South Australian Government emerge from time to time. I look forward to it occurring in relation to uranium sales to France, when that issue comes before us.

I now turn to the SBS and its almost inevitable merger with the ABC. My observation is that the SBS provides its viewers with splendid, high quality programs. By that virtue alone, I am nervous about this thrust of the ABC, which is more sensitive to so-called popular appeal. That could put at risk some of the splendid, world-class films which come from all countries of the world and which give us probably the highest quality entertainment that television provides. I would not be happy about any step that puts at risk that excellence of programming.

There is the distinct danger of usurping the independence that SBS has enjoyed, if it is to be merged with the ABC, although I do not feel that I am competent to say categorically that that will be a deteriorating influence on the SBS. However, I am wary of a merger and I am not satisfied that there are any pros to counteract the risk that there would be a usurping of independence of the SBS as an ethnic broadcaster.

Arguably, SBS provides the best news bulletin available to television viewers in Australia. That situation may apply in radio as well but I am not able to give an opinion. SBS television deals with the news in a world and national perspective. Unfortunately, the ABC does not endeavour to do that, suffering as it does the same sort of news disease that the commercial television channels suffer, that is, catering for the appetites of those who have either just eaten, are eating or are about to eat their evening meals, and wish to be entertained by the spectacular, the bizarre, the local and the gimmicky.

I am afraid that we will put this excellent news service at risk if the SBS is absorbed into the ABC. Its most significant value, which overrides the earlier credits I have given, is the extraordinarily valuable vehicle it is in enabling Australians of various ethnic backgrounds to be aware of and to appreciate all Australians, so that we can share the rich variety of ethnic origins and cultures that we are now enjoying in Australia. Of course, for that very same reason it provides a much higher proportion of ethnic programs for those groups of people that they would not otherwise get.

Although it may be intended to carry on with similar ingredients and intentions, nothing would preserve that situation so strongly as keeping it as it is now, with its specific targets. It is a very efficiently run unit. I am dubious about any advantage coming to the SBS from this proposed merger, and I fear a substantial deterioration. Therefore, I support the motion moved by the Hon. Mr Davis.

The Hon. M.S. FELEPPA: I wholeheartedly support the motion. In doing so I do not want it to be seen as a shift to the Right of politics, indeed, to the Liberal Party. However, on this occasion I think my shift is justified. During my Address in Reply contribution I said:

> Fortunately in this country we have an example of policies and programs which were achieved and worked out on a bipartisan level.

It is in that spirit that I support this motion. Certainly, the proposed action of the Federal Government in relation to the amalgamation of the ABC with the SBS has caused sufficient preoccupation amongst at least 25 per cent of the Australian population. This has always been a doubt in the minds of people of ethnic background since the service was established for migrants. However, it has taken a little longer and because of the federal budget restriction, the Government has seen fit to use economic circumstances in an attempt to merge SBS with the ABC. I do not criticise the two organisations which yesterday raised the voice of protest at their concerns and delivered press releases. They said:

> We are not convinced that there are savings to be made in taking such a step, but even if there were does it mean that a multicultural Australia is only relevant in good economic times?

This phrase has been repeated time after time and it is hard to convince these people that sometimes Governments in power are genuine enough to deliver the services that they deserve, not just because they are human, but because of the contribution they have made to this country for many years. Such services should be some sort of compensation

for giving them what they require to ensure that they feel that they are equal to the rest of the nation.

Yesterday I spoke at length about this matter and I do not want to repeat now what I said then. However, I hope that from now on there will be sufficient reaction to persuade the Federal Government to give back what it gave years ago, a service which has been appreciated by the ethnic community and the community at large because of its quality. I endorse the remarks of other members. Let us hope that in the time ahead we will see a change in the Federal Government's attitude.

The Hon. L.H. DAVIS: I thank members for their contributions. I am pleased that the three Parties represented in this Chamber have joined in expressing to the Federal Government their concern at this foreshadowed amalgamation of the SBS and the ABC. It is rare that there is unanimity on issues, especially important issues such as this, and I appreciate the contributions on behalf of the Government and Australian Democrats.

The points were well made by my colleague, the Hon. Mr Hill, when he said that the SBS was more than a television and radio station network for ethnic people and that it serves all Australians. A growing number of Australians enjoy television through the SBS and appreciate the varied contribution on ethnic culture, and economic and political matters, that they receive through SBS stations.

It is a sad day when we see that this relatively young Special Broadcasting Service has been forced to amalgamate with an embattled ABC. How can one be confident that the ABC, which has enough internal problems of its own, is going to cope with the very significant demands that will be made on it with an amalgamation? It concerns me that the Minister for Communications, Mr Duffy, in his release which accompanied the Budget was unable or unwilling to give any indication of the extent of the amalgamation, the way in which the amalgamation would be effective and the net result on viewing time for SBS television and listening time for radio.

This Chamber on previous occasions has expressed support for motions along these lines, but this motion is different. We are now voting on a *fait accompli*. We are now voting to condemn a Federal Government that has ignored the pleas of this Council on previous occasions, which has indicated support for the retention of SBS as a separate entity. We are now condemning the Federal Government for this regressive action. Again, I am grateful for the support for this motion from all quarters. I do hope that the motion will have some effect on the Federal Government. I would like to foreshadow a further motion that this Council should not merely leave this matter resting in *Hansard* but should in fact convey the message to another place.

Motion carried.

The Hon. L.H. DAVIS: I move:

That the Premier be asked to convey the substance of the aforesaid resolution to the Prime Minister of Australia.

Motion carried.

FREEDOM OF INFORMATION BILL

The Hon. M.B. CAMERON (Leader of the Opposition) obtained leave and introduced a Bill for an Act to give members of the public rights of access to official documents of the Government of South Australia and of its agencies and for other purposes. Read a first time.

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

That this Bill be now read a second time.

Freedom of information legislation is essential for South Australia. Everyone has been waiting patiently for the Labor Party's promise of open government to eventuate, to find out what it is doing behind closed doors and to enjoy a truly free society. A report was presented to Cabinet in December 1983, and said in part that a basic principle should be that a person has a legally enforceable right of access to any document in the possession of an agency. In July 1984, Mr Sumner announced that freedom of information laws would be introduced the following year. He said the proposal proved the Bannon Government was serious about freedom of information, and it displayed a proper balance between a commitment to open government and the proper protection of privacy. What a hypocrite Mr Sumner turned out to be!

I will quote from a news release at the time, which was widely distributed and which many of us believed—I certainly did at the time. I will quote from an article by Craig Bildstien in the *News* of 10 July 1984 as follows:

The Attorney-General, Mr Sumner, announced today freedom of information would be introduced next year.

That was on 10 July 1984. The article continues:

A Bill is being drafted for Parliament. The legislation will be based on the report of a working party which examined how best Government material could be made available to the public.

The Government plans to set up a freedom of information implementation unit at a cost of about $500 000.

Mr Sumner said the proposal proved the Bannon Government was serious about freedom of information.

Certain documents, such as Cabinet papers and others on the law, legal proceedings, personal privacy, trade secrets, the economy, material obtained in confidence and companies and securities information would be exempt from mandatory access.

It is obvious to me now that the Labor Government of this State was not clearly committed to the principle of open government. It did not want Big Brother to open his files to public scrutiny. It is clear that the introduction of freedom of information legislation has been left to the Liberal Party, as it was at the federal level. During the 1972 federal election, the Labor Leader of that time (Gough Whitlam) promised to introduce freedom of information legislation, but it was left to his successor, Malcolm Fraser, to carry out that promise 10 years later.

In 1979, the Labor Party when in Opposition was accusing the Liberal Government of not coming up with the goods. How the situation has been reversed! There has been a long delay by the Government. Everybody has waited patiently for the Attorney-General (Hon. Mr Sumner) to come forward and do what he promised, but he has turned out to have feet of clay. It is no wonder that the community loses faith in politicians. If Mr Sumner had ever got around to introducing his Bill, I would have gladly supported him, but obviously he had no intention of carrying out his promise. How can there be a democracy when people do not know what the Government is doing behind closed doors? It expressed its support and then backed down. That is not good enough for people in public life.

The Labor Party led people to believe that it supported freedom of information legislation, but it has proved to be deceitful in not following through with its promise. There is a need for the public to know this type of information. We do live in a free society and we need freedom of information legislation to open the bureaucracy to public scrutiny. The December 1983 working party report states:

The case for openness in government is compelling. The essence of democratic government lies in the ability of people to make choices about who shall govern or about which policies they support or reject. Such choices cannot be properly made unless adequate information is available.

I am sure, Madam President, that, as a member of the Council for Civil Liberties, you would agree with that. The report continues:

> Access to information is essential in ensuring that governments are kept accountable. Without access to information, individuals are unable to participate in a significant and effective way in the process of policy making.

This working party came up with a number of recommendations, with very few of which I have any argument at all. To assist the Council, I will indicate the areas in which my Bill has followed that working party report. I have attempted to keep as close as possible to it, because it was prepared by a group within this State who obviously studied this subject very closely. The first recommendation was that freedom of information legislation should be enacted—I am doing that.

Secondly, it was recommended that the basic principle to be embodied in freedom of information legislation should be that a person has legally enforceable right of access to any document in the possession of an agency unless that document is in a category of exempt documents to which access may be denied. That is in the Bill. Thirdly, it is recommended that agencies should cause to be published information setting out their functions, the information they hold, and their internal law. That is in the Bill. Fourthly, it is recommended that the legally enforceable right of access should not apply to a document that is available through other channels. That is also in the Bill. Next, it is recommended that the legislation should apply to all Government departments and body corporates established for a public purpose by, and in accordance with the provisions of an Act, or an incorporated body created by the Governor in Council or by a Minister, other than an incorporated company or association, a Royal Commission, or a local council. Provision should be made to declare that other bodies are subject to the legislation.

Madam President, I have followed not the Victorian legislation but the Commonwealth legislation, which makes it absolutely clear that this legislation applies only to Government departments or bodies that can be controlled by government, so it does not go as far as the Victorian legislation which covers every organisation that receives Government funds. I believe that that follows that particular recommendation fairly closely. The next recommendation states that the legislation should apply to documents in the possession of a Minister relating to the affairs of a department. That is also in the Bill. There are in total 32 recommendations that came out of this report and I seek leave to table them rather than read them all out. I assure the Council that, except for one or two minor examples, all of those recommendations have been included in this legislation. I seek leave to table those recommendations.

Leave granted.

The Hon. M.B. CAMERON: In drawing up legislation such as this, one tends to consider the area in which one is particularly working, and, as members know, I have a particular interest at the moment in the area of health. I must say that it is clear to me that there is an urgent need for freedom of information legislation in this area. As shadow Minister of Health, I am staggered at the amount of information that has to be leaked to me rather than my obtaining it by the appropriate methods and from the appropriate sources.

The Hon. R.J. Ritson: And they are terrified, aren't they?

The Hon. M.B. CAMERON: Yes, I must say they are. The restrictions placed on me when I received this information is surprising, but I appreciate the assistance that has been given to me by so many people, both close to and far from the Minister.

The Hon. R.I. Lucas: They must have a good reason for leaking it.

The Hon. M.B. CAMERON: Yes, they have. Fortunately, plenty of sensible people are willing to provide me with information and to discuss matters with me. It is essential for the public to know exactly what is happening in the health area. However, it should not be necessary for them to do that. They should not have to put themselves in danger of a phone call or a visit from our erratic Minister of Health if he can find them and persuade enough television stations to come with him.

The potential for individuals to be harassed and even to have their job opportunities suffer if the Minister discovers who they are should not be a danger to them. This would not occur under freedom of information legislation. They could tell me where the information is and I could go and get it; that is the way it should be. They should not be placed in the position of being potentially harassed. Why should not I and the rest of the community know what is occurring regarding waiting lists? I have been told, concerning the waiting lists, that there is no information prior to 1984. Frankly, I think that is nonsense, because the information I have is that there are plenty of examples where, if a Minister really wanted to know what was occurring with the waiting lists, he could have found out for the past 10 years. All he would have to do is go himself or get his officers to go to the individual surgeons and they would have told him. Plenty of them came to me and told me what was going on before 1984, and I can provide the Minister with that information if he does not already have it.

Also, we should know what arrangements the Minster has made to cure the situation. Why should we not know what arrangements have been made with private hospitals for surgical procedures to cure the waiting list problem? These are just a few examples of the type of information that should be readily available to the community. In every portfolio area, this is the case. It is absolutely essential to obtain the information if we are to know how successful or otherwise are the health, legal and other systems. Like the rest of the community, I am frankly sick of having it put over me in so many areas.

After I introduced this legislation, I noticed that there were some comments by the Attorney-General in relation to cost. I trust that that will not become the issue on whether or not the Bill is passed, because I frankly find that unacceptable. Some rather wild figures have been thrown around. One figure I heard muttered to me was that it cost Victoria $46 million. I think that was probably off the top of the head—

The Hon. J.R. Cornwall: That was the feds.

The Hon. M.B. CAMERON: No, the feds came out with it last night, unless that was the total since it started. The Budget documents from last night state:

> Freedom of Information: The cost of fulfilling freedom of information requests is currently estimated at some $14 million a year, compared with offsetting revenue of $60 000. While the Government remains firmly committed to the principles of freedom of information—

I am glad that it does federally at least—

> it believes that a greater proportion of the costs should be borne by users of this service. Charges will be increased but free access will be maintained for inquiries relating to personal income maintenance documents.

A press release from Victoria indicates that the cost to Victoria was $4 million. I know that that cannot necessarily be translated back to South Australia. I guess we have about a quarter of the population of Victoria. My estimate is a cost of about $1.8 million.

The original committee that inquired into this matter said it would be $1 million and that was in 1984. I anticipated some inflation factor, and I made it $1.8 million. Frankly, I do not think it would be much more than that, based on what has happened in Victoria and what has happened in the whole of the Commonwealth. With all the ramifications of the federal freedom of information legislation, it is costing $14 million. I would not want cost to be a factor. If the Government wishes to head towards cost recovery on such a piece of legislation, let us talk about it. That is the way to go. There is plenty of opportunity in the Bill to do that—it is entirely up to the Government. Certainly, it will receive no criticism from me if it attempts to recover costs as much as possible.

The important thing is that we have freedom of information; that we have access to Government documents; that we have open government; and that this Government supports us and commits itself back to its position in 1983-84 when it anticipated introducing this legislation. There is no reason why this Bill should not go through the Council promptly: there has been plenty of opportunity for discussion and the matter has been the subject of a long inquiry. Obviously, the matter has been looked at and approved by Cabinet, because legislation was being drawn up. Let us get on with it. I do not give a continental about who gets the credit for it as long as we get the legislation in place so that it becomes part of our way of life in this democracy.

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

SELECT COMMITTEE ON COOBER PEDY (LOCAL GOVERNMENT EXTENSION) ACT AMENDMENT BILL

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

That the Joint Address to His Excellency the Governor, as recommended by the Select Committee on Coober Pedy (Local Government Extension) Act Amendment Bill in its report, and laid upon the table of this Council on 19 August 1986, be agreed to.

It gives me great pleasure to move this motion to set in train provisions to bring the Coober Pedy Progress and Miners' Association Inc. under the Local Government Act. It will mean that the township of Coober Pedy will enjoy local government in the way that many other rural communities do in South Australia. The select committee of this Council was established some months ago to consider two things: first, the question of the potable water supply, and there were provisions in the Bill that I introduced then to give the association the power to levy rates for the water supply; and secondly, the question of the future of local government in Coober Pedy. The Coober Pedy (Local Government Extension) Act, which came into force in 1981, had a sunset clause. It was to last for five years and then the question was to be reconsidered.

The select committee travelled to Coober Pedy and met on a number of occasions. In Coober Pedy it took evidence from representatives of the association and two residents of Coober Pedy. As a member of both this select committee and the original select committee that met during 1980, I can report that the range of views that now exists in Coober Pedy about the question of local government is similar to the views held about six years ago. At one end of the spectrum were people in the town who did not wish to see any controls or regulations at all, while at the other end were people who believed that Coober Pedy had reached a time in its life and has reached a size that has meant that it needs the powers of local government to be able to provide the sort of services that the local community needs for orderly community life.

There were other views between those two positions. The committee noted during its deliberations that a modified form of local government enjoyed during the past five years had been operated by the association in a manner similar to local government in other areas of the State. The association had undertaken significant works on roads, water supply and the airstrip, and it continued successfully to administer the electricity supply as well. The association introduced by-law controls, just like other councils, and it also levied property.

In many respects the association already operates as a local government authority. During the time that local government has operated in Coober Pedy the character of the town has changed significantly, particularly in the past couple of years, when this change has been and is being accelerated especially by the sealing of the Sturt Highway. This is bringing many more visitors to Coober Pedy than used to be the case, and it is true that tourism is now becoming an increasingly important industry in Coober Pedy. Those increased visitor numbers, as well as bringing advantages to the community in terms of economic development, are also, it is true to say, placing increasing pressures on the town, and this means that a higher standard of services is required by people. The local community and its interests need to be protected in the light of the increased number of people coming into the town.

As I indicated, many of the views expressed about six years ago about local government were similar to those that we heard in our recent deliberations. The people who fear or oppose local government are primarily concerned about some powers that come with local government that they believe would be undesirable for their local community. I refer specifically to the provisions of the Building, Health and Planning Acts.

The select committee also heard evidence from someone who was concerned that, with the advent of local government, Coober Pedy residents would lose their status as outer area residents and would lose the concessions that they currently enjoy in respect of motor vehicle registrations. People were also concerned that the coming of full local government powers would mean that people currently exempt from rates in Coober Pedy, because their land was subject to a mining lease or comprised a registered share claim, would have a changed status. We were also interested to hear from them. On the other hand, there were people in Coober Pedy who believed that they should have full local government powers.

Many people in the town realise that Coober Pedy is becoming a rural township, as are many other towns in this State, and those people are looking to their local government authority to provide the sorts of service that people in other rural communities enjoy. For that reason, on balance, the committee felt that it was important to introduce Coober Pedy to the Local Government Act but we considered that, because of its isolation, there was a very good argument for excluding Coober Pedy from some powers that would normally come with local government.

Therefore, we recommended that some provisions of the Building Act, the Health Act, the Food and Drugs Act and the Motor Vehicles Act be waived so that the existing arrangements, whereby the South Australian Health Commission provides services under the Health Act and the Food and Drugs Act, be maintained. The concessions that Coober Pedy residents currently enjoy under the Motor

Vehicles Act will be retained, and the sections of the Building Act that relate to private dwellings will not apply.

However, the committee felt that it was important that those buildings which are likely to be used by members of the public—such as shops, workshops, motels, hotels and so on—come under the control of the Building Act for the safety of members of the public who might use them. Thus those sections dealing with public buildings will apply in future. The committee also considered the question of whether or not the Planning Act should apply to Coober Pedy. As members who have been to Coober Pedy would know, it is an unusual town with respect to planning issues. We considered that matter, and the advice we took suggested that the Planning Act was sufficiently flexible to enable the residents of Coober Pedy to adopt a plan that would be suitable for their special location and special needs. In addition, we are suggesting that the current exemption for rates that applies to mining leases or land comprised in a registered shares claim also be retained.

In reaching these conclusions, we took into account the results of a referendum undertaken in Coober Pedy last month. We noted that the referendum questions that were put to the residents of Coober Pedy in fact gave very limited opportunity for people to express an opinion on a diverse range of options for local government. I would like to stress—

The Hon. M.B. Cameron interjecting:

The Hon. BARBARA WIESE: We did not consider that a referendum was an appropriate way of testing public opinion. The committee would like to stress that the proposal put forward in fact provides for the Local Government Act with modifications. Thus it provides an alternative that was not canvassed in the local community. However, we believe that that measure will satisfy the requirements of the majority of Coober Pedy residents.

The committee was very concerned that the transition to local government be as smooth as possible and for that reason we considered that it would be undesirable for the people of Coober Pedy to have to go through two elections within seven months, and that would happen if the current provisions were maintained, because an election of the Coober Pedy Progress and Miners Association is due to be held in October and, as members know, the next round of general local government elections will be held in May next year. For that reason, we recommended that the October election be suspended and that the current membership of the Coober Pedy Progress and Miners Association form the first council, which will begin on 1 January 1987, and that that membership carry through until the elections for a new council in May next year.

In that way, residents of the town will be able to learn about the new responsibilities that come with local government: they will have time to adjust to those things before they have to elect a new council. This timetable will also protect the rights of employees and will enable a smooth transition of assets and liabilities from the Progress and Miners Association to the new council. In considering the structure of the council, we considered it was important to bring about as little change as possible. Thus we suggest that the council comprise eight members and a mayor. That structure is similar to the current structure of the Progress and Miners Association. It was further suggested that there be no wards, and that is similar to the current structure in Coober Pedy. Potable water supply will be provided under the provisions of the Local Government Act.

I point out that the recommendations of the committee were unanimous. There was representation on the committee from the three political Parties in this Council. We believe that the proposal put forward responds sensitively to the unique conditions and the character of Coober Pedy, as well as the wide range of views put to us by those who made submissions. The timetable for implementation allows for a smooth transition, and the several months until the May election next year will provide time for people to accept the changes that will come. That also provides for a transition to local government at a pace that will suit local desires and needs and, importantly, it leaves the decisions about the assumption of full powers of local government to the local community itself. In other words, those sections of Acts that have been excluded for the time being are issues that can be considered locally according to local needs, and they can be introduced as necessary.

It means also that there will be greater local autonomy in working out just what is best for the local community. I would like to make clear that officers of the Department of Local Government will be available to assist people in Coober Pedy in whatever way is necessary to make the transition from the current form of government to the method we recommend as smooth as possible. Finally, I would like to thank all those who made submissions and provided information to the committee for taking the time and trouble to do so. I would also like to thank the other members of the committee for their cooperation and for the constructive way in which they approached the work of the committee. It certainly assisted me as Chairperson that they approached these issues constructively.

The Hon. Peter Dunn: Very agreeable, too.

The Hon. BARBARA WIESE: It was indeed. I also thank those officers of the Parliament and the Department of Local Government for the invaluable contribution they made to our work. I commend to the Council the committee's report.

The Hon. J.C. IRWIN: I support the Minister in her general remarks on the motion. In relation to the select committee and its work, I must say that I enjoyed the experience of working on my first select committee and working with people from the three Parties involved. I enjoyed also the visit with the select committee to Coober Pedy; it was my first visit to that town. I enjoyed meeting the local people, and getting to know some of my fellow Legislative Councillors a little better, as well as members of the *Hansard* staff and members of local government. From that point of view, it was a very useful exercise. A general comment was made to us that, after the Bills that accompany this select committee recommendation are passed, Coober Pedy may no longer remain a frontier town. I think that any person who has been to Coober Pedy recently would say that it has a great deal of character of its own. Although I do not mean 'a frontier town' to be in any sense derogatory, it has that excitement about it. When that town moves towards fuller local government, the accompanying regulations will take away some of the frontier nature of Coober Pedy.

The confidential nature of select committees was drummed into me as well as the fact that one is supposed to stick to the confidentiality of one's deliberations. As I said to the select committee at its last meeting, I have some concern for the consultative process. I believe that most of the consultation processes were in fact evident in relation to the select committee and those who had the chance to speak to it. I believe that we are making more than one or two decisions that will affect a local government area and that if I, as a local government person, were having those decisions made for me, I would be rather annoyed about it.

We have not asked the people of the town (and perhaps we cannot ask them in so many words) whether they want

their council called the District Council of Coober Pedy, or whether they want the council comprised of eight members and a mayor, or whether that council shall have no wards. Perhaps that is beyond the scope of a select committee, because it would probably give a few things away, but there are ways in which the local people could be asked whether they wanted wards, whether they wanted an eight-person council with a mayor, and whether they in fact wanted it to be called the District Council of Coober Pedy. They are basic questions about which I raise some concern and I have done so to the committee.

Other than that, as a member of that select committee, I support most of the remarks made by the Minister who, with the cooperation of all the members of the committee, very effectively chaired it. I support the recommendations contained in the select committee's report.

The Hon. BARBARA WIESE (Minister of Local Government): I thank the honourable member for his contribution. I suppose all of us are concerned about the question of consultation. In the best of all worlds we would have wanted to go back to the people in Coober Pedy and discuss a range of options with them. I suppose it was the view of some of those on the committee that, because of the diversity of views in that community, we probably would not achieve a great deal by going back to discuss those options with residents in Coober Pedy. There was a view expressed to the committee that that diversity of views would mean that it would be virtually impossible to gain a common view from the town or agreement on some of the issues about which we were making decisions and, therefore, it was considered by the committee that a report should be produced which would then be available to members of the Coober Pedy community to look at and to comment on.

Motion carried.

The Hon. BARBARA WIESE: I move:

That a message be sent to the House of Assembly transmitting the aforementioned address and requesting its concurrence therein.

Motion carried.

CORONERS ACT AMENDMENT BILL

The Hon. J.R. Cornwall, for the **Hon. C.J. SUMNER (Attorney-General),** obtained leave and introduced a Bill for an Act to amend the Coroners Act 1975. Read a first time.

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

That this Bill be now read a second time.

This Bill, which seeks to amend the Coroners Act 1975, is designed to achieve two separate but related goals. The first is the rationalisation of the grounds upon which a coronial inquest may be held; that is to say, the bases upon which a coroner's jurisdiction may be invoked are consolidated and streamlined. The second goal is an expansion of the geographical area over which a coroner's jurisdiction can be invoked. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

In relation to the present provisions of section 12 of the 1975 Act (which section exhaustively delineates the grounds upon which coronial jurisdiction is founded), the Crown Solicitor has observed in written advice that:

> ... very often when ships are lost at sea, it is impossible to ascertain the point at which the vessel was lost or the point at which the crew may have drowned. It is thus not possible to determine whether the accident was within the limits of the State or whether the disappearance or death occurred within those limits ... In so far as the loss of vessels at sea is concerned, it is my view that a coroner does have jurisdiction to inquire into the disappearance of the crew of a vessel where the crew was last seen or heard of within the limits of the State. However, if the vessel was last seen or heard of outside of those limits then the crew has disappeared from a place other than 'the State' and the Coroner has no jurisdiction (or no further jurisdiction) to continue with the inquest.

This Bill seeks to overcome the possibility that these, and related, deficiencies may arise to deny, thwart or abort jurisdiction in the coroner.

The existing grounds in paragraphs *(a)* to *(d)* of section 12, to inquire into death by violent, unusual or unknown causes, are subsumed under the proposed single paragraph *(a)* of clause 2 *(a)*. The requisite jurisdictional nexuses for inquests arising out of proposed paragraph *(a)* of clause 2 *(a)* are then clarified in proposed subsection (2) of section 12. Proposed subsection (3) of section 12 subsequently provides a definitional extension of the meaning of 'the State' which includes the area, known as the 'adjacent area', that is defined by the Commonwealth Coastal Waters (State Powers) Act 1980—one of the fundamental legislative instruments of the so-called offshore constitutional settlement.

By section 3 (1) of that Act the 'adjacent area in respect of the State' is defined, in turn, by reference to the area the boundary of which is described in Schedule 2 to the Petroleum (Submerged Lands) Act 1967 (Commonwealth). In this way, relevant causes or circumstances that arise in the adjacent area fall within the purview of the coroner's jurisdiction. This statutory device is constitutionally possible in consequence of the enactment of the Australia Acts 1986 (which came into operation on 3 March 1986). In particular, section 2 (1) of both the United Kingdom and Commonwealth Acts provides:

> It is hereby declared and enacted that the legislative powers of the Parliament of each State include full power to make laws for the peace, order and good government of that State that have extra-territorial operation.

While the 'adjacent area' is, in strict terms, an extra-territorial geographical area (i.e. outside the territory of this State), it is an area that is for certain purposes clearly within the juridical purview and competence of the Parliament of the State, freed as it is now from the shackles of colonial extra-territorial incompetence. The 'adjacent area' is also, up to this time, the most extensive geographical expanse known for the purposes of the law of Australia (i.e. including Commonwealth law). It is, of course, an area over which certain South Australian laws already apply, e.g. exploration for and exploitation of petroleum resources, pursuant to the Petroleum (Submerged Lands) Act 1982 (Act No. 19 of 1982). Moreover, it should be noted that section 5 *(b)* of the Commonwealth Coastal Waters (State Powers) Act 1980 provides:

> The legislative powers exercisable from time to time under the Constitution of each State extend to the making of—
>
> *(b)* laws of the State having effect in or in relation to waters within the adjacent area in respect of the State but beyond the outer limits of the coastal waters of the State ...'

Section 7 of that Act goes on to make it quite clear that (in so far as it is material)—

> Nothing in this Act shall be taken to:
>
> *(a)* extend the limits of any State;
>
> *(b)* derogate from any power existing, apart from this Act, to make laws of a State having extra-territorial effect;

The net effect of the amendments sought by this Bill is the assurance that, consistently with the limits of legislative competence set by the federal Constitution itself, this Parliament is ensuring that the coroners of this State are given the most ample jurisdiction possible to inquire into and

determine relevant causes and circumstances of deaths and disappearances. I seek leave to table the precise geographical limits of the adjacent area as that is defined in the Second Schedule to the Petroleum (Submerged Lands) Act 1967 of the Commonwealth Parliament.

Finally, I seek leave to table a copy of a reference map, produced by the Division of National Mapping, Canberra, which will enable members to see, at a glance, a simple cartographic depiction of the adjacent area referred to in clause 2 of this Bill. The provisions of the Bill are as follows:

Clause 1 is formal. Clause 2 provides for the amendment of section 12 of the principal Act. Paragraph *(a)* of clause 2 consolidates the circumstances by virtue of which an inquest may be held under the Act and must be read in conjunction with proposed new section 12 (2) which rationalises the grounds upon which an inquest into the death of a person may be held. Proposed new section 12 (3) contains a definition of 'the State' under which the State is to include the adjacent area in respect of the State and the airspace that is above the State.

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

ROSEWORTHY AGRICULTURAL COLLEGE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is one of a package of three Bills which seeks to introduce consistency in the ways in which the various institutions of higher education deal with real property. The package provides that Roseworthy Agricultural College, the South Australian College of Advanced Education and the South Australian Institute of Technology may not sell, mortgage, charge or otherwise dispose of real property except with the written consent of the Minister. However, the restriction will not apply where the property is leased for a term not exceeding 21 years at the best rental available. This brings these institutions into line with the University of Adelaide and Flinders University except that, in recognition of the Governor's special relationship with the universities, the university Acts require the approval of the Governor rather than the Minister to dealings in real property.

The practical effect for Roseworthy Agricultural College will be to remove its presently unfettered right to deal in real property. This is desirable since much of that property has been and will continue to be acquired using public funds. It is appropriate that the college refer to the Government in dealing with it.

Clause 1 is formal. Clause 2 amends section 5 of the principal Act which provides for the continuation of the Roseworthy Agricultural College and gives the college certain powers. The unfettered power to deal with real property is amended to require the written consent of the Minister to all dealings in real property other than leasing for a term not exceeding 21 years at the best rental available.

The Hon. R.I. LUCAS secured the adjournment of the debate.

SOUTH AUSTRALIAN COLLEGE OF ADVANCED EDUCATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

With the concurrence of the Council, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill is one of a package of three Bills which seeks to introduce consistency in the ways in which the various institutions of higher education deal with real property. The package provides that Roseworthy Agricultural College, the South Australian College of Advanced Education and the South Australian Institute of Technology may not sell, mortgage, charge or otherwise dispose of real property except with the written consent of the Minister. However, the restriction will not apply where the property is leased for a term not exceeding 21 years at the best rental available. This brings these institutions into line with the University of Adelaide and Flinders University except that, in recognition of the Governor's special relationship with the universities, the university Acts require the approval of the Governor rather than the Minister to dealings in real property.

The practical effect for the South Australian College of Advanced Education will be to allow it to enter into the specified type of leasing arrangement without reference to the Minister as is presently required.

Clause 1 is formal. Clause 2 amends section 4 of the principal Act which provides for the establishment of the South Australian College of Advanced Education and gives the college certain powers. The power to deal with real property which is subject to the Minister's consent is amended to provide that the Minister's consent is not required to the leasing of real property for a term not exceeding 21 years at the best rental available.

The Hon. R.I. LUCAS secured the adjournment of the debate.

SOUTH AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is one of a package of three Bills which seeks to introduce consistency in the ways in which the various institutions of higher education deal with real property. The package provides that Roseworthy Agricultural College, the

South Australian College of Advanced Education and the South Australian Institute of Technology may not sell, mortgage, charge or otherwise dispose of real property except with the written consent of the Minister. However, the restriction will not apply where the property is leased for a term not exceeding 21 years at the best rental available. This brings these institutions into line with the University of Adelaide and Flinders University except that, in recognition of the Governor's special relationship with the universities, the university Acts require the approval of the Governor rather than the Minister to dealings in real property.

The practical effect for the South Australian Institute of Technology will be to remove its presently unfettered right to deal in real property. This is desirable since much of that property has been and will continue to be acquired using public funds. It is appropriate that the Council of the Institute refer to the Government in dealing with it.

Clause 1 is formal. Clause 2 amends section 6 of the principal Act which provides for the continuation of the Council of the South Australian Institute of Technology and gives the Council certain powers. The unfettered power to deal with real property is amended to require the written consent of the Minister to all dealings in real property other than leasing for a term not exceeding 21 years at the best rental available.

The Hon. R.I. LUCAS secured the adjournment of the debate.

GOVERNMENT FINANCING AUTHORITY ACT AMENDMENT BILL

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

CLEAN AIR ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 August. Page 428.)

The Hon. PETER DUNN: In supporting this Bill, I will highlight a couple of the problems I see with it. When it was originally introduced I was rather scathing about it and I am not impressed by it in any way. I do not think that this Act has been used, but maybe this Bill will rectify that situation. It shifts responsibility from the Director-General to his nominee, delegating that power to an officer of the department. The Director-General probably does not travel around enough to find out whether or not air is clean or unclean, and that is purely a subjective judgment—one person's nose against another's nose. That is the only determining factor, as far as I am concerned, in relation to this Bill.

Members interjecting:

The Hon. PETER DUNN: The Leader of the Opposition would probably be a good candidate for this job.

Members interjecting:

The Hon. PETER DUNN: He should be very skilled because he has the suitable equipment for the job. I can indicate to the Council two instances where I believe the Bill could be used, but I know it has not been used, that is, the Bolivar Sewage Treatment Works and the abattoirs. Quite dense population surrounds these areas, and that indicates that these people are probably not terribly upset by the odour. However, when most people drive past they nearly always comment on the odour. I must say that the abattoirs does not smell the same to me as it used to, purely because of its different operation.

I want to comment on the fact that we have a change in the heating methods in the houses of Adelaide. That involves the use of slow combustion stoves, most burning wood and some using briquettes or compressed coal. I believe that, if this legislation is to be effective, it could be used in this case. When I go home of an evening, particularly around 7 p.m. or 8 p.m., the amount of smoke that hangs around the city is absolutely enormous. It really gets to the stage where it makes one's eyes smart. I suggest that, if this continues, we will finish up like London where the burning of hard fuels caused such a pollution factor that there had to be a change and they then used gas and oil fired burners. There was a real problem burning coal, and wood is not much different from that as it causes a lot of smoke.

I suggest that people do not use their slow combustion stoves correctly. They throw in the wood, shut the flue and the front, and all it does is smoke. Actually the stoves were designed to have wood put in them. The air entry should be open, and the fire well lit before they are closed. If people were to use the heaters correctly, there probably would not be the amount of smoke that is now generated from them. Only the other day on my way home I was followed up the road by a fire truck. A house very close to mine was alight because the slow combustion flue had caught fire. Fortunately, the flue was outside the building, but it did catch fire.

Another instance is that of a six-month old prefabricated home in my area that had a slow burning combustion stove. Because the people were using it incorrectly, an enormous amount of tar built up in the flue and it caught alight. As a result, the whole house burnt down because it was a long way from a fire station. I do not know whether this legislation can correct that situation but I think that in future the people who have control bestowed in them will have to look very carefully at the use of slow combustion stoves because they are incorrectly used and cause a great deal of pollution.

A few weeks ago I flew into Adelaide rather late in the evening but about 10 minutes after takeoff from my home I could tell where Adelaide was because I could see the pollution factor on the horizon. I expect that in summer time with light winds and car exhausts emitting a brown pollution factor which is visible for many miles.

The Hon. B.A. Chatterton: That's the inversion layer.

The Hon. PETER DUNN: That is correct. Sometimes at night when it gets high enough, one can see the lights of Adelaide reflected in the inversion layer from as far away as my place, which is about 140 nautical miles from Adelaide. I believe that this legislation, if it is to be used, needs to be used in those areas because there is a problem there and it is demonstrating a weakness in the present legislation. I am not sure that we need people to tell us when there are problems with smells, as the Clean Air Act indicates, but if we are to have one, we might as well have one that works.

The Hon. R.J. RITSON: I congratulate the Hon. Peter Dunn on his remarks, but point out that they relate to parts of the principal Act which are not before us in this amendment. It is a small and technical amendment, and as such the Opposition has no objection to it, although I fully support the concerns that Mr Dunn has expressed about the defects.

The PRESIDENT: I thank you for drawing my attention to the fact that I should have pulled him up as being out of order.

The Hon. R.J. RITSON: No, he was making a great contribution and I would certainly not have wanted to interrupt that contribution. Now it is time to deal with the tiny technical area that is being corrected here, and the necessity for this amendment stems from the wording in the principal Act which allowed the Director to delegate powers which were statutorily vested in him but did not allow him to delegate powers and functions which were referred to him by virtue of the Minister's discretionary powers. The slight change in wording will make sure that those other powers of the Minister, which are not statutorily vested in the Director-General, will nevertheless be delegatable by the Director-General if the Minister so delegates the powers to him. For that reason, the Opposition supports this amendment without reservation, but I am delighted that the Hon. Mr Dunn was able to point out some of the other defects of the principal Act.

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

NORTH HAVEN (MISCELLANEOUS PROVISIONS) BILL

Adjourned debate on second reading.
(Continued from 19 August. Page 428.)

The Hon. R.J. RITSON: The Opposition supports this Bill. It is really quite a good example of the role of government historically in supporting, because of the ultimate good to the State, a project that was in difficulty. It is also an example of some of the virtues of privatisation in that the Government has proceeded to hand back to private enterprise the operation of this rather marvellous marina.

The Hon. Peter Dunn interjecting:

The Hon. R.J. RITSON: It is not always bad. It is a good example of effective and wise privatisation.

The Hon. T.G. Roberts: Cooperation.

The Hon. R.J. RITSON: Yes, and cooperation. An interesting part about it is that a lot of the original land is now under the sea and is a harbor, and some of the presently existing land that was under the sea has been reclaimed. Of course, it is rather absurd to be charged water and sewerage rates for an area of sea water. This was anticipated in the original agreement that was made about the ultimate sale. This Bill merely formalises and makes certain the terms of the agreement, namely, that the prescribed areas will not be charged at those particular rates and taxes. In other words, the land or water will be treated as it should be in its ultimate state and not as it may have been before the works commenced. We support this Bill and expedite its passage.

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

ROADS (OPENING AND CLOSING) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 August. Page 430.)

The Hon. PETER DUNN: The Opposition agrees with the intention of this short Bill which fundamentally is a housekeeping Bill that has an amusing aspect to it. The Bill was amended in 1978 when we had one chain—66 feet—roads and it was desired to convert that figure to a metric figure. The width of 21 meters was stipulated and according to my calculations it should be about 68 feet 3 inches or 68 feet 4 inches, and 20 meters is a more accurate measurement. Whoever drafted the Bill could not determine the difference between the metric figure and the figure then in the statute. The problem arose that we had roads that became wider. I could anticipate that that would cause problems, especially where land division was taking place, concerning who owned what land. There is nothing more acrimonious than discussions involving people who believe that a fence is on the wrong piece of land. This Bill changes the original one chain road to a metric equivalent of roughly the same size—about 20 meters—which is just under 66 feet. The Opposition supports the intention of this housekeeping Bill.

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

ADJOURNMENT

At 6.1 p.m. the Council adjourned until Thursday 21 August at 2.15 p.m.