LEGISLATIVE COUNCIL

Wednesday 25 February 1987

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

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

MINISTERIAL STATEMENT: TOURISM

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement.

Leave granted.

The Hon. BARBARA WIESE: No doubt members have heard of the disgraceful personal attacks made on me by the shadow Minister of Tourism in another place last night. I wish to take this opportunity to place on public record exactly what is happening in tourism to correct the strange mixture of inaccuracies, conjecture and plain mischief-making by the shadow Minister. I believe that it is a sad day when ex-Ministers have to resort to cheap personal abuse to try to sully South Australia's proud record in tourism.

The first untruth is the shadow Minister's extraordinary assertion that the department's budget is fully expended. This shows just how far out of touch the ex-Minister is with how departments are run and the workings of the Department of Tourism, in particular. The department's budget is fully committed, as well it should be, in a well run department but the department, has sufficient funds to complete its scheduled program of activities for 1986-87.

The ex-Minister went on to allege that there is no money for marketing, for brochures, maps or essential promotional services to the State and tourism industry. I do not know where the shadow Minister gets her information or if she just makes it up, but I wish she would get the facts right.

Expenditure in the marketing budget is on target for the program set at the beginning of the financial year. Activities to come include the extension of the highly successful wine campaign to Canberra and regional Victoria at the cost of $100 000. Brochures will continue to be produced between now and the end of the financial year, and all planned brochure commitments are to continue on schedule. For example, the department's 1987-88 South Australian product brochure will be out in four weeks time.

The shadow Minister alleged that the department had run out of money for its tourist map. If she had bothered to ask, the ex-Minister would have found out that the departmental map is being redrafted to reflect the recent changes in tourist product, such as the sealing of the Stuart Highway. In the meantime, visitors are able to purchase the Shell road map at the moderate cost of $1.10 from the Travel Centre.

The member for Coles has obviously heard on the grapevine that the department is tightening its belt on administrative expenses. The Director has minuted senior managers to curtail expenditure on items such as entertainment and the use of private cars on official business. The shadow Minister mentioned use of taxis: the instruction is that staff will not be reimbursed for use of taxis for office to home travel prior to 7 p.m. This is simply good management to ensure that towards the end of the financial year caution is exercised to avoid over-expenditure.

Times are tough all around in government and business but, even so, since the Bannon Government came to office, we have increased real expenditure on tourism by 60 per cent or $2.5 million in real terms (that is in 1981-82 dollars).

The shadow Minister is really out of touch when it comes to her comments about the Tourism Department's contract with its advertising agency. She implies that this contract has not been renewed because of lack of funds. What arrant nonsense. What the member for Coles omitted to say was that the contract with the agency was not renewed because of the impending report of the Market Research Study and the completion of the Tourism Development Plan. Both of these reports have now been received and have set new directions and strategies for marketing in South Australia. It was simply prudent to set the new directions with these important reports before appointing a new advertising agency. Accordingly, and as planned, registrations of interest for the appointment of a new agency will be called next month.

Another thing that the member for Coles omitted to mention in her diatribe was that the existing agency has been retained by the department on a project-by-project basis so that all planned promotions are occurring as usual. She should well know that this is not the high season for promotion, so that retaining the agency on this basis is a most satisfactory and cost efficient procedure.

The most misleading statement that the ex-Minister made was her inference that the New Zealand and Los Angeles offices of the department have closed forever and that these markets have been wiped off. As an ex-Minister she should know that South Australia's representation in these two areas has been in the form of departmental officers seconded to the Australian Tourist Commission. This secondment scheme has been terminated by the ATC on the recommendation of the recent Kennedy report into the operations of the tourism industry.

We have therefore been forced to withdraw our officers and have reconsidered our representation in these two cities. The New Zealand market will now be served from Adelaide with an officer of the department making frequent trips to that country. In fact, the officer concerned leaves for Auckland on Monday. Los Angeles will be staffed by a new full-time representative and the department has completed interviews for an appointment to be finalised next month. Meanwhile, the department has continued to participate in all ATC activities in North America. In particular, the department will be represented in the major promotional activity, the 'Corroboree', in Vancouver, Portland and Los Angeles from 10 April to 3 May.

Lack of funds did not precipitate any of these changes and the ex-Minister is indulging in mischiefmaking that can only destabilise the tourism industry at a time when we need to work together.

The ex-Minister has sought to attach sinister significance to the recent resignations of three senior officers, attempting to link their departure with supposed lack of leadership. This is the worst form of personalising an issue. The Deputy Director (Marketing) has resigned with effect from 8 April 1987. When he joined the department in 1981 from private enterprise he indicated that he would only be staying for five years. His five years is up and he is going: it is as simple as that.

Two other officers, the Marketing Manager and the International Sales Officer, have already resigned and will join their colleague in a joint tourism venture. These officers have seen an opportunity in the tourism industry and are going to take it—it is a mark of their confidence in the industry that they are willing to give up Public Service security. The new company will provide a high degree of professionalism in inbound tourism, special events and consultancy services to other operators. I wish them well. The department's loss is the industry's gain and South Australia will benefit with a stronger tourism industry.

The ex-Minister has alluded to other resignations. I am aware that two other officers have recently resigned: the Melbourne Travel Centre Manager will leave in May and a travel consultant has left the Adelaide office. There is nothing to suggest that the staff are rushing like lemmings to resign but that staff see opportunities in the travel industry and resign to take their chances—and good on them, I say. The resignations of the three marketing officers will, as I have previously announced, allow a review of the marketing and other operations of the department.

In calling for a review of the department, the ex-Minister does not also say that I have been discussing such a review with my Director and the Tourism Development Board since before Christmas. This is not a matter that I take lightly, but I believe that the time has come for a fresh look at the department and its operations. The release of the new Tourism Development Plan provides an opportunity to assess whether we are best equipped to fulfil our part of the objectives. I shall therefore be announcing shortly details of a review of the Department of Tourism. This review will include consideration of the question of whether a Tourism Commission or some other organisational structure would be appropriate. I am sure the ex-Minister has kept herself informed of these discussions on the Tourism Development Board and so her call for a review comes as no surprise to me. We agree on this matter: it is a pity that she cannot be a little more constructive and a little less personal in her comments.

Finally, the shadow Minister makes the ridiculous claim that I have not made myself known to members of staff of the Department of Tourism. At least I work from the tourism building, unlike her when she was Minister of Tourism.

The Hon. L.H. Davis: That doesn't mean you see them. There are people in the travel department who have never seen you.

The PRESIDENT: Order! The Hon. Mr Davis.

The Hon. BARBARA WIESE: I see the tourism people every day. I am afraid I have not invited the ex-Minister to the many formal and informal occasions when I have met with tourism staff, but I can assure her I do talk to both senior and junior staff quite often. Without usurping the role of the Director of Tourism, who is after all responsible for the staff of the department, I have made myself available to staff who believe that they have information that I should know or ideas they wish to share. They are a good bunch of people in the Department of Tourism and it is a pity the ex-Minister has tried to drag them into her personal attacks on me.

I hope that this statement has cleared the air for members and that we can now get back to the business of making South Australia great. The tourism industry is coming together behind the Tourism Development Plan and I encourage the cooperative effort that we will need in the years ahead to bring it into effect. One wonders what has prompted the member for Coles' venom. Surely not a page three picture of me in the afternoon newspaper! Perhaps it was the launch of the Tourism Development Plan—a joint industry-Government plan that forms the basis for joint effort for the next three years. The announcement of the purchase of Armstrongs Tavern for joint Government/Australian Hotels Association/Liquor Trades Union training of young people at the Adelaide TAFE College, School of Tourism and Hospitality, seems to have met with her disapproval. The recent accommodation figures showing that Adelaide had the highest occupancy rates in Australia was not met with enthusiasm by the ex-Minister. The success of the Grand Prix and the Casino (which she opposed) has been met with strong silence.

The Hon. C.J. Sumner: She voted against it, didn't she?

The Hon. BARBARA WIESE: Yes, she did vote against it. I wonder how the new convention centre will be greeted when it opens in June. Perhaps the Government is doing too well for the ex-Minister and she feels the need to throw a spanner in the works.

QUESTIONS

BUSHFIRE CLAIM DELAYS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about bushfire claim delays.

Leave granted.

The Hon. K.T. GRIFFIN: On several occasions last year and again this year I have raised questions about the delays in resolving claims by the victims of the bushfires on Ash Wednesday four years ago. My particular concern has been the delay by ETSA in finalising claims relating to the fire in the McLaren Vale, Hope Forest, Kuitpo area. ETSA's liability in respect of this fire was established by a judgment of Mr Justice Zelling in the Supreme Court in August 1985, in what was regarded as a test case. The amount of damages in that case has now been agreed and that matter resolved.

However, a large number of claims are still outstanding although I understand there was a flurry of activity last week when some conferences between ETSA and some parties were held and some inspections of properties were made. I am told that one of the major reasons for the apparent 'go slow' on these claims is that there is a major dispute between ETSA and its insurers as to the indemnity to which ETSA is entitled from those insurers.

On 23 December 1986, there was a deputation of claimants to the Attorney-General and the Minister of Mines and Energy. At that meeting the Minister of Mines and Energy admitted that a major cause of delays and low offers was a stalling tactic devised by ETSA under instructions from three insurers. This was related to the court action involving those insurers with ETSA. The deputation was also told that ETSA is an independent statutory body not subject to ministerial direction and that the Ministers were not able to do much about the procedures followed by ETSA—but that is not correct.

The deputation showed the Ministers the Zelling judgment, which outlined details of various heads of damage awarded in that case and which convinced them that part of the Attorney-General's answer to a question on 4 November 1986 was wrong when he said that the Zelling judgment did not fix any principles for use in assessing subsequent claims, but only fixed a global sum. At that meeting, the Minister of Mines and Energy said he was disgusted at the interim offers of $10 000 or thereabouts to alleviate hardship, on the basis that they were much too low. All of this and the continuing representations to me from disenchanted victims indicate that the highest level of intervention is required to try to resolve outstanding claims as a matter of urgency. My questions to the Attorney-General are as follows:

1. Will the Attorney-General personally investigate the reasons for delay in settlement of these claims and establish a plan of action for urgent resolution of outstanding claims?

2. Will the Attorney-General intervene to ensure that victims of the bushfire are not also the innocent victims of the legal dispute between ETSA and its insurers?

The Hon. C.J. SUMNER: I thank the honourable member for raising this important issue which has given the Minister of Mines and Energy, the Government and me considerable concern. Obviously ETSA must have the conduct of this matter, taking account of the legal advice it receives and taking account of any issues that may arise between ETSA and its insurers. I am sure that the honourable member, as a lawyer, would agree that, if there are issues between ETSA and its insurers, ETSA itself is not in full control of the situation—just as the Government and the Ministers are not in a position to direct ETSA in a way which is contrary to any issues that might arise between the insurers and ETSA, and thereby prejudice ETSA's claim against the insurers.

I am sure that the honourable member would recognise that fact. So, he is technically correct when he says that ETSA is now subject to the general control and direction. I think it is, of the Minister, but the practical capacity of the Minister to intervene is clearly constrained by the legal position between ETSA and its insurers. If the honourable member is suggesting—and I would be very surprised that he would be as a former Attorney-General—that the Government should direct ETSA in a way that may prejudice ETSA's claim against its insurers, then he ought to be condemned for it. He shakes his head: he is not doing that. That is an admission from the honourable member which is worthwhile having on the record. He therefore agrees that the Government cannot or should not direct ETSA in a manner which would prejudice ETSA's claim against its insurers. That is one of the difficulties.

With respect to the meeting that the honourable member has indicated occurred on 23 December at which I was present, and he has obviously had a report of that meeting, presumably from his colleague Mr Wotton, it is true to say that the Minister of Mines and Energy was most concerned at the offers that had been made by ETSA in the light of previous discussions that the Minister had had with ETSA. In other words, he felt that larger offers could have been made without prejudice to the claims against the insurers, and he was concerned about the delay, so in that sense the honourable member's suggestion that the Minister of Mines and Energy indicated that he was disgusted with the delay is correct.

He is also correct when he says that I was most concerned that the information provided to me from ETSA, I assume, to respond in this place with respect to the Zelling judgment was incorrect in that they said the Zelling judgment did not offer any guidelines. In some senses the Zelling judgment was not specific enough to draw complete conclusions for every subsequent case, but I think to say that it gave no guidelines as to the future assessment of damages was wrong. I expressed my concern that I had been given information which was not correct in the light of what I was able to find out about the Zelling judgment, and that was made known to ETSA by the Minister following the meeting, and since then ETSA's lawyers have been in touch with me and with the Crown Solicitor. So, I really do not wish to disagree with what the honourable member has said. I thank him for raising the issue.

I am concerned that the claims by the victims of that particular bushfire, given that one case has been dealt with, ought to be processed as quickly and expeditiously as possible. Action has been taken by way of discussion since that meeting to try to expedite the proceedings. The delegation also asked if I could intervene in the court processes to have their claims listed early. Obviously, as the honourable member would know, I have no standing with respect to that matter and that is something that the parties must take up with the courts. I certainly suggested to them that, if they were concerned about the delays, they ought to see their lawyers with a view to getting the matters listed at the earliest possible opportunity, but that was not something that I personally could intervene in as Attorney-General, as the honourable member would appreciate.

So, I have personally acquainted myself with the situation. I am concerned about the delays. I am concerned about the level of offers that have been made. I am concerned that the information that was supplied to me to provide to this place with respect to the Zelling judgment was not strictly correct, and there have been discussions since that meeting in December that I hope will expedite a resolution of the issue.

The Hon. K.T. GRIFFIN: I have a supplementary question. In the light of that answer, will the Attorney-General indicate what plan of action is now proposed to enable early resolution of the outstanding claims?

The Hon. C.J. SUMNER: No, I will not do that, because it would not be appropriate at this point nor in a public forum to indicate what those discussions have been, for they are confidential discussions between the parties involved to see whether there can be some expedition to the matter. If it is possible at some point to indicate publicly what has been decided (no doubt if something has been decided the parties will be informed anyway, though I am not sure whether that point has been reached) I would need to discuss that with the Minister of Mines and Energy.

The problem in this particular case is that, quite properly, the Electricity Trust of South Australia has had to act on the advice of its legal advisers. It has also had to take into account the wishes of its insurers. I am sure that the honourable member would not want the Government to direct ETSA in a way that might prejudice its claims against its insurers. If it did that, the loss would not be to ETSA but to the taxpayers of South Australia, and that must be recognised in this case. The bottom line is that ETSA is a public authority that ultimately must be financed by the taxpayers either in the form of tariffs or, if that does not work, in the form of borrowings or contributions from general revenue. That is why ETSA, as a public authority, has had to adopt a careful view of the matter and, in particular, a careful view of its relationships with its insurers.

I regret the delay. As I said, I want to do everything possible to expedite settlement of the claim. I thank the honourable member for raising the question and I will pursue the matter as I have already indicated. If I can provide the honourable member with further information on what has been done to try to speed up the claims, I will.

COMMUNITY WELFARE

The Hon. DIANA LAIDLAW: I ask the Minister of Community Welfare: in relation to the proposed industrial action next week by Department of Community Welfare workers in the Adelaide central metropolitan region, does the Minister deny:

1. Public Service Association claims that inadequate staffing levels are forcing social workers to turn away hundreds of urgent and often life threatening cases?

2. Public Service Association claims that the stress on staffing levels in the central metropolitan region is symptomatic of shortages in DCW offices across the State?

3. That, for the past two years, annual reports submitted to the department by DCW branches have documented their inability to meet all their statutory obligations?

4. That welfare workers appreciate that the Government can find money when it wishes to do so for so-called glam-

orous events such as the Grand Prix and the South Australian America's Cup yacht challenge?

5. That the ALP's community welfare policy entitled 'A fair go for all', which was released just prior to the last election, noted, in relation to the Department of Community Welfare, that 'in allocating staff resources within the department priority will be given to staffing those positions with direct client contact'? Does the Minister agree that this commitment is relevant to the grievances of the social workers and the counter staff who, in their daily work, have direct client contact?

The Hon. J.R. CORNWALL: First, let me refute the claim that DCW district offices are turning away hundreds of cases that are urgent and often involve life threatening conditions. That is not so. Do not let us confuse the work of Crisis Care with the work that is normally carried out in the district offices. Do not let us pump it up; we do not have to. There is no question that there is very considerable stress on the staff in district offices of DCW. In fact, I have been meeting for quite some time with the Industrial Relations Liaison Committee to discuss a whole range of issues. Only recently did it raise the question of possible industrial action in the central metropolitan region, and I have made it clear to that committee that while there is a dispute I will not deal with them in the way that we normally do and discuss a whole range of matters to try to assess where we should be going as a department in the next five years.

We do not have to inflate or misrepresent the case, as the PSA has tended to do on behalf of its membership. It is willingly and readily conceded that, by and large, there needs to be a reassessment of the role and functions of the Department for Community Welfare. When it was brought to my attention that the staff of the central metropolitan region were intending to stage a dispute formally with the department, we made them an offer.

The offer was that, first, I, as the Minister of Community Welfare, would establish a ministerial advisory committee of field workers to meet with me once a month during the pre-budget period to keep me informed about field matters and to get a first-hand understanding of the difficulties facing staff in the front line. I wanted to sit down with those field workers and get a real feel for what it was like at the coalface in addition to the advice which I normally get from my senior departmental officers. It was agreed by all parties—the organiser of the PSA who was present when this offer was made and by senior officers of DCW—that that was without prejudice to either the management or the union.

The offer was that they constitute themselves as a ministerial advisory committee with direct access to me, as Minister, to meet with a formal or informal agenda (whichever they preferred) on a regular monthly basis to help me present their case to my colleagues during pre-budget discussions. Secondly, we made the offer to them that there would be backfilling of those people in district offices who had been approved to take long service leave up to and including the end of the financial year (that is June 1987), at which point the 1987-88 budget details would be fairly clear. This can still be done—and the offer still stands—by deferring appointments to positions in head office. 'Backfilling' is one of the jargon terms, part of the code one has to crack if one wants to be a successful Minister, in any department and almost every department has a different code. Backfilling is about those positions which are left vacant if staff take long service leave. Because of the relative youth, if one likes, of the Department for Community Welfare, there is a particular difficulty with long service leave, and very much of that long service leave has fallen around the same time.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: No, not 24 positions at all. The offer was to fill those positions for the four month period—and that offer remains—up to the end of June 1987. In the central metropolitan region that would involve three or four positions. That, of course, would be found, and would have to be found, from within existing resources. There is no more money; I cannot manufacture money; I cannot print money in my department. It really is quite extraordinary—

The Hon. C.J. Sumner: This Opposition is astonishing. They have Joh Bjelke-Petersen and Howard running around the place saying that we should be cancelling projects, and curtailing funding, yet they come in here and in every question want to spend more money.

Members interjecting:

The PRESIDENT: Order!

The Hon. Peter Dunn: What about the America's Cup?

The Hon. J.R. CORNWALL: We will tell you about the America's Cup in a moment.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! I remind the Council that, while repeated interjections are not permitted under Standing Orders, I show a fair degree of leniency in permitting interjections. However, when I call 'Order!' I expect the interjections to cease. I will not warn members again. If members persist in interjecting after I have called 'Order!', I will name them.

The Hon. J.R. CORNWALL: The Attorney was probably out of order but he was very much on target.

Members interjecting:

The Hon. J.R. CORNWALL: He pointed out that the rhetoric of the various conservative Parties in this country and this State currently is totally contradictory. We have Ms Laidlaw on her feet calling for us to inject hundreds of thousands, if not millions, of dollars within the existing budget. It is no wonder she is at some risk in her preselection when she takes that line in a Party full of dries.

The Hon. C.J. Sumner: When are they challenging the last election—that is what I want to know?

The Hon. J.R. CORNWALL: A party of sick jokes.

Members interjecting:

The Hon. J.R. CORNWALL: It is no wonder that Ms Laidlaw sits in some fear and trembling for her preselection when she is one of the real wets of the Party who wants more Government spending. She is urging us to find, manufacture or produce somehow out of the blue within the existing budget allocations, hundreds of thousands, if not millions, of dollars to overcome a problem which has been building up now for almost a decade; and I will talk about that in a moment. The third offer—

The Hon. C.M. Hill: Tell us about your property tax.

The Hon. J.R. CORNWALL: I haven't got any property, and I pay a lot of tax. The third condition was that we agreed that a notice should be placed close to the reception area in field offices to take some of the pressure off the first point of contact staff, and a prototype—

An honourable member interjecting:

The Hon. J.R. CORNWALL: Well, that was what they wanted. The staff wanted us to inform the public that some functions could not be performed, so a prototype was prepared. This was to be put on the doors or in some prominent place (and this offer still stands) and was to read as follows:

> Because of the very high demand for assistance this office cannot provide the full range of services offered by the Depart-

ment for Community Welfare. We apologise for any inconvenience this may cause.

This notice is signed by Sue Vardon, the Director-General for Community Welfare. Let me then turn to the documented shortages. In fact, what occurred was that in 1983—and this was immediately on our return to Government after the three sad years of the Tonkin interregnum—it came to our attention that there were very significant staff shortages. The then Minister, the Hon. Greg Crafter, was successful in Cabinet in having, from memory, something like an additional 30 positions allocated. As part of the settlement of that dispute, we also drew up a formal scheme whereby vacancies and workloads—and particularly workloads—in any office right across the State could be accurately measured. In that sense it is a bit like Martin Cameron's fabled waiting list. There never was a waiting list until we started to count during 1985.

Members interjecting:

The Hon. J.R. CORNWALL: That is a fact. There never was any sort of formal waiting list in any hospital in this State until—

Members interjecting:

The Hon. J.R. CORNWALL: There never was a formal waiting list in any of the major public hospitals in this State until I instituted a formal process for picking up the individual lists from individual surgeons and individual departments at the end of 1985. Since that time we have been able to check accurately. Prior to that time, when I first asked how many people were waiting for elective surgery, the answer was, 'We don't know.'

Never before in the State had they kept a formal list of the number of people waiting for elective surgery in our metropolitan public hospital system. The Hon. Mr Cameron can roll about and flush and have vague pains and whatever he likes, but it is a fact. I refer to the same thing in community welfare: prior to 1983 there was no formal mechanism whereby we could measure the number of what are called unallocated cases. Let me explain that. When a case comes in by referral—we are not talking here about a crisis, literally a Crisis Care call at 2 o'clock in the morning, because they are naturally handled at once—or by presentation or by appointment, the senior social worker at any of the district offices keeps a list and, in consultation with the staff of that office, allocates those cases on a daily or weekly basis and they are then seen.

So, in fact, the so-called unallocated cases do in practice represent a waiting list. There is now in any office a list of so-called unallocated cases. The list represents clients who are waiting for service from the department. That is a simple fact. However, to suggest that they are all matters of such urgency that to not attend to them within a matter of minutes or hours may result in life threatening situations is to confuse that role with the role of Crisis Care, which operates seven days a week, 24 hours a day. So, do not confuse those two.

The Hon. Diana Laidlaw: I have not confused those two.

The Hon. J.R. CORNWALL: That is very good. I am pleased that you have not confused them. If you had not confused them and you were honest, you would not have tried to draw red herrings about the documented matters over the past two years. As to expenditure on the Grand Prix, the America's Cup, and so forth, we hear these things trotted out. One has to look at the net gain to the State. Does anyone seriously suggest that we should not run the Grand Prix? If any member opposite wants to stand up and say that Adelaide should not run the Grand Prix, I challenge them to do so. I challenge any member of the Opposition in either Chamber to say that.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Does the Hon. Mr Lucas support the Grand Prix or does he not support it?

The Hon. R.I. Lucas: Yes, I do.

The Hon. J.R. CORNWALL: At least the Hon. Mr Lucas supports the Grand Prix. At least the Hon. Mr Lucas who, I think, has an economics degree, can count. He knows—unlike some of his colleagues—that there is a net gain to the State in running the Grand Prix and that in terms of tourism and promotion of this city it is one of the most significant things that has happened to us in decades.

Let the Opposition not cavil about the Grand Prix. Let it not try and mislead the public. There is an impact from the initial funding of the Grand Prix which will run into a situation of profit in the not too far distant future. Let the Opposition not pretend in the matter of public finance and budgeting that somehow money is taken from the health portfolio or from the community welfare portfolio in order to sponsor the Grand Prix. Let us put that nonsense to rest.

Members interjecting:

The Hon. J.R. CORNWALL: You are usually a bit better than that. Some of these characters who sit alongside you I cannot vouch for—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Yes, yes!

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: Do not be foolish. The invisible woman is far better when she is being nice to people. She is far better at that than trying to play jugular politics. Let me now come to the nub of the matter that I have been discussing with these people before they decided to go off unilaterally. I was discussing with them the development of a five-year social welfare strategy, and we will be releasing that strategy within a matter of weeks. It will be part of a five-year plan which will also encompass a social health strategy which has been canvassed for some time. There will be two major papers put out for community discussion. One will involve social health.

For the first time we will take a cross-departmental approach to the matter of community health, and it will take into account for the first time all of those environmental and social factors such as a timely and relevant education and a reasonable income and a decent housing policy and so forth that go to make up wellness—wellbeing. Of course, as part of that we will also release a major discussion paper on social welfare—a five-year plan on social welfare. What I am trying to do is to make up for the problems that have been created in the department since about 1978. The community development function was removed from the department. The primary prevention strategies that the department was so good at in the early and mid 1970s were removed from the department.

Then of course in the early 1980s some of its legitimate and very positive roles in the children's services were removed from the department. All of those things were done with good intention but what has happened is that our very important role in primary prevention, in early intervention, in supporting families, in being able to support families at an early stage of their problems to keep them together and being able to support children again at the primary prevention stage, is not now possible.

To be able to do that we will have to see a significant change in direction and we will have to see a significant expansion. That is the sort of thing that can be pursued in the context of pre-budget discussions. It is the sort of thing that can be pursued in the context of three-year and five-year strategies. It is not the sort of thing that will be resolved by the counterproductive industrial action which is currently going on.

The only people disadvantaged by that are the clients of the department. One of the first functions that we will have to withdraw if the stage 1 bans are implemented on Friday, one of the first essential functions of the department that will cease in the central metropolitan region, will be emergency financial assistance. If the Hon. Ms Laidlaw is supporting these people and the PSA in leading the staff of the central metropolitan region in industrial action which will result in the withdrawal amongst other things of emergency financial assistance—this is $2.50 per adult for food; the daily allowance; that is the sort of level at which the EFA is made available, meagre though it is—and if Ms Laidlaw is supporting the staff in industrial action that will see the withdrawal of the EFA, instead of continuing their constructive negotiations with senior management in the department, with the Department of Personnel and Industrial Relations and with me as the Minister, then she is acting in a most irresponsible way and she ought to be ashamed of herself.

POKER MACHINES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General a question about poker machines on trains.

Leave granted.

The Hon. M.J. ELLIOTT: Last Wednesday 18 February a Bill was introduced into Federal Parliament and, on reading it, it is quite clear that it has one prime intention, namely, to allow the use of a limited number of poker machines on trains. The second reading speech refers to an entertainment car, but everything that is to be allowed could have already been allowed under section 13 of the Australian National Railways Commission Act, with the exception of poker machines. The second reading speech also implies that the entertainment cars may already have been built. Concerns have been raised that South Australia does not have poker machines as yet, but this Act will allow them into South Australia, even though it is on trains.

If one reads the Bill put before Parliament it can be seen that it would provide for entertainment or other services, including gambling facilities, on passenger trains or premises owned or occupied by the commission set aside for the purpose. In other words, under this Bill any land or rolling stock which AN have could house poker machines. We could have country stations with poker machines or even AN headquarters. Not only would this legislation allow poker machines to be installed on the Ghan but also on local runs as well such as on the train to Mount Gambier. I am not calling into question the poker machines themselves.

The Hon. C.J. Sumner: What are you doing—having two bob each way as usual?

The Hon. M.J. ELLIOTT: You are being—I won't use that word—as usual. This State has not passed any legislation in relation to poker machines, yet here *de facto* they are being allowed into the State. That is what I wish to address my question to. This Parliament is being treated in contempt because, according to the Minister's second reading speech—

The PRESIDENT: Order! The honourable member is explaining the question, not giving opinions.

The Hon. M.J. ELLIOTT: According to the Minister's second reading explanation AN has consulted both the South Australian and the Northern Territory Governments on the proposal and both Governments have raised no objections. My questions are as follows:

1. Did the South Australian Government approve the introduction of poker machines on trains?

2. Is it happy with the proposed legislation with its obvious loopholes?

3. Why has not the Government insisted a decision to allow poker machines on trains should follow the State's decision as to whether or not they are generally to be allowed in this State? I am not criticising poker machines.

The Hon. C.J. SUMNER: The honourable member says he is not criticising poker machines. He could have fooled me! I wonder what his speech was all about. It is a typical Democrat performance. We had an example from the Hon. Mr Gilfillan yesterday with an amendment to a Bill we were discussing on fair trading. The amendment had two contradictory propositions because he wanted to appeal to two different interest groups with diametrically opposed views on the subject. He managed to concoct an amendment which appealed to both of them. Now the Hon. Mr Elliott comes in here protesting, while saying he is not against poker machines and that we should not take that from the long explanation he has given criticising Australian National because they have a proposition to put some poker machines on interstate trains.

It is a typical Australian Democrat performance—unable to make up their mind who they want to run with. We know that is endemic in the Democrats at the moment. They do not know whether they are running with Senator Janine Haines, Mr Siddons, whether they are in the Vigor camp or where they are. Of course, honourable members who have had to sit in this Council for a number of years now with Democrats are not surprised by the fact that they are confused at the moment and do not know with whom they should be running.

The sort of question we get from the Hon. Mr Elliott epitomises the Democrat approach, as did the Hon. Mr Gilfillan's amendment yesterday. The Hon. Mr Elliott said that he is not opposed to poker machines and that his question should not be taken as opposition to poker machines, that he is just raising the question of whether there should be poker machines on Australian National. It is a completely schizophrenic approach to decision making, I would have thought. Australian National has had a proposition to place poker machines on their trains running to the West, the Indian Pacific and the Ghan. That is a proposition that the honourable member ought not to be surprised about.

As I understand it, the proposition was announced by Australian National some months ago and now the honourable member informs me that legislation has been introduced in Federal Parliament to enable that to be done. The South Australian Government's position was whether there ought to be poker machines in the limited area of the trains to which I have referred. It was a matter for Australian National. In conjunction with discussions with the Federal Government it was something to be permitted by its legislation. So, we did not express a view one way or the other. My view was that if Australian National wished to do it, and had the legal power to do it, it was a matter for Australian National. That is the position as far as I am concerned.

The purpose of the proposition was to assist Australian National's competitiveness in carrying passengers to the destinations I have mentioned. I would have thought that the honourable member would find that a desirable thing in order to promote tourism in South Australia and in

Australia and try to improve facilities being offered by Australian National.

Apparently that is not his position. He comes in here once again carping and critical about something that is not of this State's doing; the proposal comes from the Federal Government and Australian National. The State Government is not involved apart from the fact that I said on behalf of the Government that it was a matter for Australian National to determine in terms of its own objectives and its own legislation.

As I understand it, Australian National does not intend setting up a poker machine hall in its new premises at Keswick; I do not think the General Manager of Australian National, Dr Williams, will vacate his office so that it can be turned into a poker machine parlour; and I do not think that the Kimba siding will be turned into a poker machine barn. That is not the situation as it was put to me by Australian National. That is the position as far as the State Government is concerned. If the honourable member wants me to contact Australian National and ask whether it intends to establish poker machine barns on every siding that it calls into in South Australia, or whether it intends to turn its national headquarters at Keswick into a poker machine barn, I am quite happy to refer the question to Australian National.

The Hon. M.J. ELLIOTT: I desire to ask a supplementary question. Has the Attorney-General actually seen the Act? I think it is important because it relates to the question.

The PRESIDENT: Order! The honourable member is not entitled to explain a supplementary question.

The Hon. C.J. SUMNER: No, I have not personally studied the Act.

The Hon. K.T. Griffin: You should have.

The Hon. C.J. SUMNER: Am I supposed to examine every piece of legislation going through Federal Parliament in order to keep the Democrats happy in the Legislative Council? I assure the Democrats that I do not intend to do that. As I said, if the honourable member has concerns, I undertake to refer his question to Australian National and see whether it agrees with his approach of apparently opposing poker machines for Australian National but not opposing them.

ALDRIN

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Health a question about the spraying of aldrin at the Streaky Bay Area School.

Leave granted.

The Hon. T.G. ROBERTS: I was going to ask this question yesterday but the shadow Minister of Health jumped in before me. The Minister's response yesterday referred to follow-up investigations by Health Commission investigating officers. Can the Minister provide up-to-date information in relation to the latest position on the perceived dangers of the very dangerous chemical aldrin being used close to schoolchildren?

The Hon. M.B. Cameron: It's a Dorothy Dixer!

The Hon. J.R. CORNWALL: I am bemused by the allegation that this is a Dorothy Dixer. This is the only Chamber in any Parliament in Australia where the Government backbench does not have question for question with the Opposition. In this Chamber the Opposition, and to some extent the Democrats, have 60 minutes of virtually uninterrupted access to Her Majesty's Government on each day that Parliament sits. This is the only Chamber in any Parliament in Australia where that happens. We sit more than most Parliaments, too.

The Hon. C.J. Sumner: Certainly more than Queensland.

The Hon. J.R. CORNWALL: Substantially more than Queensland. This is a matter of considerable public interest. Excluding the excellent ministerial statement from my colleague the Minister of Tourism, Question Time today has been going for almost 55 minutes and during that time the matter of Streaky Bay has not come up. In the circumstances I would have thought that, in view of the Hon. Terry Roberts' interest in the subject, it is entirely legitimate and valid for him to get up and ask this question. I think it is quite stupid and quite ludicrous—

An honourable member interjecting:

The Hon. J.R. CORNWALL: It is nonsense for the honourable member to carry on as he does about Dorothy Dixer questions. As far as I am concerned, the Government backbench—my colleagues who sit behind me—can be and will be at liberty to ask any number of questions in my portfolio area—in fact, I will encourage them.

The PRESIDENT: Order! I point out that I give the call to members; and I have indicated that I will give the call alternately from one side of the Council to the other when members request the opportunity to ask questions. I hope that the various interjections that are occurring are not a reflection on my policy or on my method of implementing it.

The Hon. K.T. Griffin: It's a reflection on the long answers we are getting.

The Hon. J.R. CORNWALL: If Ministers were given the courtesy of being heard in relative silence with relevant interjections being kept to a minimum instead of the constant barrage of half-witted interjections that we get, of course, we would get through a lot more questions and, indeed, it is quite possible that the Opposition would run out of questions because it is not a very fertile Opposition. Yesterday senior Public Health Service officers—Dr George Fraser (Senior Medical Officer—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —Occupational Health and Radiation Control Branch), Dr Ian Calder (Toxicologist with the Public Health Division) and Mr R. Taylor (Scientific Officer with Pest Control)—flew to Streaky Bay.

They met with the parents and had extensive and productive discussions about all aspects of the aldrin contamination at the school. They met with the Education and Housing and Construction staff and undertook environmental investigations to determine those portions of the school affected by aldrin. The investigation was also to determine whether some of the stained areas may have been affected by water following work on the air-conditioning system and not aldrin. Discussions were also held with officers of the Streaky Bay council and the local medical practitioners.

Dr Fraser and Mr Taylor returned last evening and Dr Calder has stayed on for discussions with school staff today. He will also have further discussions with parents. Samples of the areas of affected carpet have been taken and delivered for analysis by the Chemistry Division of the Department of Services and Supply. Results will be known late this week. Following detailed discussions with the health professionals in the community, it appears that the symptoms of the children were non-specific, being headache, malaise, vomiting and diarrhoea. Aldrin could cause such symptoms but I am advised that it is probably more likely to be due to a viral infection. Further investigations into the incidence

of sickness amongst schoolchildren since the termite treatment is to be assessed by the Epidemiology Branch of the Public Health Service.

During the meetings the parents sought more extensive medical assessment of the children in relation to the long-term effects on the children due to their exposure. Whether or not this is warranted depends on the outcome of the results of carpet samples taken yesterday and further epidemiological investigations into the children's absences from school.

AIDS

The Hon. R.I. LUCAS: I understand that the Minister of Health has a response to a question I asked four months ago, on 4 November, on the subject of AIDS education in schools.

The Hon. J.R. CORNWALL: The replies are as follows:

1. The matter of AIDS education in schools has been considered in South Australia and it is the view of officers of both the South Australian Health Commission and the Education Department that:

(a) AIDS education cannot and should not be divorced from education about other sexually transmissible diseases.

(b) That this education should form part of the established health education curricula.

2. Courses from both interstate and overseas are being considered by officers from the South Australian Health Commission involved in the AIDS program and the Education Department's Health Education Curriculum Committee. Consultations are also occurring with the AIDS Council of South Australia. These consultations are continuing sensibly and sensitively.

QUESTION ON NOTICE

JUSTICE INFORMATION SYSTEM

The Hon. I. GILFILLAN (on notice) asked the Attorney-General:

1. *(a)* Can the Attorney-General confirm whether or not the information storage and retrieval computer acquired in 1986 for his department's use is also going to be used by the Police Department and by the Department of Social Security?

(b) If it is proposed to be so used, would the Attorney-General agree that the people of South Australia have reason to fear that a situation analagous to what which led to the 'Salisbury Affair' might eventuate?

(c) Is this computer going to be utilised for or by the Neighbourhood Watch Scheme?

2. *(a)* Is it possible to safeguard against unauthorised access or even to detect it?

(b) Have all possible safeguards been instituted to prevent unauthorised access to information stored?

The Hon. C.J. SUMNER: The replies are as follows:

1. *(a)* I believe the information storage and retrieval computer system, to which the honourable member is referring, is the Justice Information System. The system will be used by the Police Department but will not be used by the Department of Social Security, which is a Commonwealth Government Department. The system will also be used by the Department for Community Welfare, Attorney-General's Department, Department of Labour, and Department of Correctional Services, to assist with record keeping which is now done manually.

(b) The people of South Australia have no reason to fear that a situation analagous to that which led to the 'Salisbury Affair' will occur as a result of the Justice Information System. Police Intelligence will not be on the system. Police records relating to the operation of the Intelligence Section of the Police Department will continue to be dealt with in accordance with the guidelines laid down by the Government in Executive Council on 24 March 1986, and tabled in the Parliament on 25 March 1986.

(c) The Justice Information System will be used by the Police Department to assist in the process of law enforcement and the apprehension of offenders. To this extent, it will assist in the Neighbourhood Watch Scheme.

2. *(a)* Safeguards to protect privacy by preventing unauthorised access to the system and to monitoring and reporting on attempted unauthorised access will be a feature of the systems.

All possible safeguards will be instituted to prevent unauthorised access of data stored on the Justice Information System.

ENFIELD GENERAL CEMETERY TRUST ACT AMENDMENT BILL

The Hon. BARBARA WIESE (Minister of Tourism) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received. Ordered that report be printed.

The Hon. BARBARA WIESE: I move:

That the Enfield General Cemetery Act Amendment Bill be recommitted to a committee of the whole Council on the next day of sitting.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3) (1987)

The Hon. C.M. HILL obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. C.M. HILL: I move:

That this Bill be now read a second time.

All people in this State are concerend about the road toll. There are experts who are involved in research and in endeavouring to continue to recommend measures to assist with the problem, and the public at large—car drivers and pedestrians alike—continue to discuss measures and thereby endeavour to make some contribution towards lowering the death rate caused by road accidents. This short Bill amending the Road Traffic Act lowers the blood alcohol level at which a person commits an offence from the current concentration of .08 grams or more of alcohol in a hundred millilitres of blood to .05. The Bill contains only that one operative clause. It is a positive measure to try to reduce the carnage on our roads. The Bill brings South Australia in line with Victoria, New South Wales, Queensland and Tasmania.

In proposing this change, I make two initial points. First, the reduction of the road toll is achieved not by only one specific road traffic measure, but by the aggregation of a

whole series of factors, all of which are designated with the one common object of road safety. There have been and will continue to be changes to the Road Traffic Act, changes in road design and environment, education and publicity, and it is the collective result of all measures which assists in this massive problem of saving injuries and human life. Among the public, and I guess among members, options vary as to what are the causes and as to what should be done, and I am not concerned with debating a whole range of opinion at this stage. I am strongly of the view, however, that this one subject measure will, combined with all other implemented decisions, combine to have some effect.

The second point is that I do not claim that this proposal will cut the road toll to an immense degree, but I do believe that it will have some effect. There is no way which is acceptable to the public and which can be financed by the State to suddenly reduce the toll drastically. But even if the results are minor, surely the proposal is worthwhile—a few less killed, a few less injured is a worthwhile achievement.

The situation in South Australia during 1986 was one in which there was public outcry at the high death rate and incidence of injuries from road accidents. There were talk-back programs on Adelaide radio in which a wide range of our citizens involved themselves in the question of what should be done to assist in the problem. This was particularly apparent during December of last year, and the toll for the whole year was the highest death rate for the past seven years in South Australia. This went against an Australia-wide trend in which there was a reduction of road deaths over the previous year. The Premier (Mr Bannon) said in the press on 22 December last year that the situation was 'absolutely horrifying and bitterly disappointing'.

Some action has and is indeed being taken to help with the problem. The Government and the Parliament should be commended for this. Measures include extending random breath testing, seat belt legislation for children, and red light cameras, an issue before Parliament at present. This Chamber showed its deep interest in the subject in 1983 by appointing a Select Committee into Random Breath Testing. The committee's findings, which were laid on the table in 1985, showed the committee's deep concern for the road toll, but the recommendations stopped short of supporting this change from .08 to .05. I am not criticising that decision, and acknowledge the immense amount of work done by committee members. But that was nearly two years ago. We live in a world of rapid change and the unexpected trauma of December last year and the final statistics for that year, as well as the bad start in January should, I would suggest, cause members to reconsider this very important issue.

I remind members of the formal and recent stance of the South Australian political Parties on this question. On 9 October 1985, Mr Keneally, speaking for the Government as Minister of Transport, said in the press that the South Australian Government had no plans to lower the level. He said the Government was acting on the advice of the Select Committee on Random Breath Testing which had reported to Parliament in April of that year. On 26 December 1986, Mr Keneally said in the press that, while he still supported the .08 limit, and here I quote, 'the level was continually being reviewed by the Road Safety Division and was being monitored in other States'. He was aware 'that there were other views on the appropriate level but it was important for any road safety measure to be well researched before being applied'. On 10 October 1985, the Leader of the Opposition (Mr Olsen) said in the press that he favoured retention of the present limit but he would examine any new evidence which came to light. In both October and November 1985, the Hon. Mr Gilfillan, speaking for the Australian Democrats, advocated his Party's policy of a reduction from .08 to .05.

I do not think it is unfair to say that those comments and others made in the last week or two by representatives of the political Parties leave the door open for the question to be reconsidered at this time. I do not believe that members should fear public reaction as a result of this proposal. From my contacts and observations, all thinking people out in the public arena would support it. There are always some vocal and, in some cases, quite sincere people who react quickly and oppose major road safety propositions. But history usually proves such measures to be necessary. I can remember vividly the public opposition when, as Minister of Transport, I introduced in this Chamber the first demerit points legislation in September 1969 and when I introduced the Bill in this Chamber for the compulsory wearing of seat belts in September 1971. Incidentally, that was a private member's Bill introduced first in the other place by the then Hon. Robin Millhouse, MP, and that Bill was supported by the then Labor Government. Both those issues caused much public controversy, but both measures have proved that they were necessary.

I stress that this proposal is not radical or a first in any respect. Indeed, it hastens uniformity throughout Australia, and in so many facets of road safety and the traffic code (including speed limits) uniformity between the States is very desirable. Of course, it has not been achieved as yet, but I would hope that members would support the principle of uniformity in these areas. About 80 per cent of Australian drivers live under the .05 law. Some responsible authorities go further than I am suggesting in this Bill. In December last year, Victoria's police surgeon, Dr Peter Bush, advocated zero alcohol levels for Victoria. He said, 'The only really safe level is zero and, in the long run, people will recognise that.' The Victorian Premier (Mr Cain) has indicated on several occasions that, if present measures in Victoria do not reduce the road toll, he will press for a zero blood alcohol level.

Overall in Australia, road fatalities are reasonably steady on the basis of comparison with fixed numbers of vehicles. In 1974, there were 64 fatalities in Australia for every 100 000 registered vehicles. As the .05 limit was imposed (1976 in Victoria; 1980 in New South Wales; 1982 in Queensland; and 1982 in Tasmania), the number dropped dramatically. Of course, there were other measures as well as the specific action, and the results can reflect the aggregate of all such measures. In 1981, there were 31 fatalities per 100 000 vehicles. In 1985, the figure was 33 fatalities and, in 1986, there were 34 fatalities per 100 000 vehicles.

Regarding these national figures of actual deaths, there were 58 fewer killed last year than in 1985. But in South Australia, with its .08 law, we went against this trend. Our total of 288 was 19 more than in 1985. In January of this year, 26 were killed, seven more than died in January 1985. Our tragic road toll in 1986 of 288 deaths was the highest for seven years. In 1979 there were 309 fatalities; 1980, 271; 1981, 222; 1982, 270; 1983, 265; 1984, 232; and 1985, 269. Everything that can be done to bring South Australia into line with national trends should be done.

The need for every measure to be applied is emphasised not only as a result of road deaths but for other factors as well. Chief Superintendent Benson, South Australia Police Traffic Chief of Staff, made the point in the press on 1 January of this year that about 12 000 are hospitalised annually by road crashes. Many such people, he said, are

maimed for life. The effects of road deaths and injuries upon relatives, loved ones and family friends is spread over a very wide sector of the South Australian community. Mr Ivan Lees, South Australian Road Safety Division Director, said in the press on 9 December 1986, 'The number of people killed is only a fraction of the number who are left permanently damaged. The drain and cost to the community and families is astronomical. These disabling injuries offer a false sense of security to many motorists because nobody has been killed.'

The financial effects of the road toll are immense. Reliable estimates have been publicised in the press that the cost of road accidents in 1986 in South Australia would exceed $300 million or about $600 a family. I am being pragmatic in this issue. I am not saying that alcohol is involved in all road deaths. Chief Superintendent Benson said that, in 1985, 131 of the 240 crashes did not involve alcohol and, in 1986, the number was 155 from 259 fatal smashes. However, of those accidents involving alcohol, there is a proportion in which the blood alcohol level is relatively low compared with the extremely high levels that are found in some victims. Indeed, I am informed that the proportion in the victims of high readings, many exceeding .1, is greater than the numbers with the lower readings. I make that point quite clear. Some might say, therefore, that the real target area should be people who drive with a very high reading. But the group who have a reading between .05 and .08 are involved, no matter how small that group might be. Therefore the saving of at least some lives would be achieved if this measure is put into effect.

Responsible people have been appealing for change. The Director of Orthopaedic Surgery at the Adelaide Children's Hospital (Sir Dennis Paterson) and the Director of Medical Services (Dr B.J. Fotheringham) called for a lower legal blood alcohol level in a letter to the *Advertiser* in December last year. On 9 October 1985, the President of the AMA (Dr D.C. Gill) said that the State had gone from being innovative in road accident prevention to lagging behind other States. He said that South Australia's blood alcohol limit should be .05 in line with other States. He also said that that was firm AMA policy.

In a report issued on 7 October 1985, the Royal Australasian College of Surgeons said that the level should be lowered to .05. The report said that there was a wealth of evidence to show that the number of road fatalities in South Australia would be lowered by the introduction of a .05 level to replace the existing .08. In a 1975 report to the Commonwealth Minister of Transport from an expert group on road safety was the statement, 'Australian States have consistently found that about half of all drivers killed have blood alcohol levels of .05 grams per 100 millilitres or greater.'

I submit that the situation interstate when the level was reduced to .05 from .08 did reduce the number of road deaths as a result. Reference to New South Wales is made in the road trauma survey by a committee of the Royal Australasian College of Surgeons in its 1983 report, which was received in the Parliamentary Library in August 1985. That report, under the heading 'New South Wales', states:

> However, following the adoption of .05 as the legal limit in lieu of .08 (1980), and of random breath testing (1982), there was an incredible drop of 418 or 30.2 per cent from the peak to a low of 966 deaths in 1983.

It might well have been that the introduction of random breath testing in New South Wales contributed towards a majority of that 30.2 per cent, but I believe members would agree that the lowering of the legal limit played at least some part in that reduction, and therefore saved lives. The same report, under the heading 'Queensland', states:

> The peak of 638 was reached in 1973 whilst the lowest number of deaths during the period was 510 in 1983—a drop of 128 or 20.1 per cent. The most significant drop of all was in 1983—down 92 or 15.3 per cent on 1982, following the adoption of the .05 limit in lieu of .08.

I submit that those interstate figures indicate that at least some lives would be saved in South Australia, and naturally there would be fewer injuries and accidents in South Australia if the limit was reduced to .05.

I am convinced that with such a change drivers would be more cautious and careful in their social drinking habits than they are at present. There would be a deterrent effect on many drivers, and this would mean a reduction in the road toll. One cannot avoid thinking of one's own position in the situation where one worries about offending against the current .08 law. This personal concern would be greater and the roads would become safer if the change to .05 was implemented. I ask members to remember that many drivers can manoeuvre their vehicles quite steadily at the .05 limit, or in some cases at the .08 limit, and it would be very difficult for anyone driving behind them to know whether or not those particular drivers were affected by alcohol.

However, the crunch comes and tragedy strikes when, say, a child runs in front of a car and the normally quick reaction of an offending driver is impaired. That reaction is slowed down, starting at about .03 and by .05 it is slowed down substantially. This is just one of many points and examples that have been brought to my notice by people who have been involved in investigations and inquiries in regard to this question. Such discussions have caused me to be convinced absolutely that the proposal is worthwhile and necessary in South Australia.

Therefore, I submit that in view of the situation applying now in South Australia, the time has come for this change. I appeal for support for this measure from members. In regard to the clauses in the Bill, as I said earlier, there is but one short clause and that simply reduces the figure in the present legislation from .08 to .05.

The Hon I. GILFILLAN secured the adjournment of the debate.

PETROL

The Hon. M.J. ELLIOTT: I move:

1. That a select committee of the Legislative Council be established to consider and report on the retailing and wholesaling of petrol in South Australia and related matters including—
   - *(a)* the instability of retail petrol prices;
   - *(b)* the price of petrol in country areas;
   - *(c)* the effect in the market of commissioned agent sites;
   - *(d)* cross-brand purchasing;
   - *(e)* the possible effects of automated sites;
   - *(f)* the methods of price support used by oil companies;
   - *(g)* the viability of the retail section of the petrol industry as presently structured; and
   - *(h)* any other matters of significance relating to points *(a)* to *(g)* above.
2. That the committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
3. That this Council permit the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the Council.

My interest in the petrol industry first began when I was a long-time resident of country areas of South Australia and I was aware that I was paying a very high price for petrol when in the country compared to what people were paying in city areas. I have become even more aware of that since I have been in Adelaide over the past 12 months. On average I would now be paying somewhat less than 52c a litre for petrol here because I fill my tank up when the price is down, as do most people. If my petrol tank is empty when the price of petrol is high I buy very little. Therefore I would certainly be paying about 52c a litre for my petrol.

However, in the Riverland people are paying in excess of 60c a litre—quite a considerable margin, even allowing for freight and the smaller turnover of such sites. There is no doubt in my mind or in the minds of other country people that they are being ripped off. I believe that there have been some claims that petrol stations themselves have been responsible for the ripping off, but one needs to recognise the fact that country stations are paying much more for their petrol at the wholesale level.

There have been a number of responses from this Government when I have raised this issue several times either in private conversations with Ministers or through questions in this Council. Perhaps the most idiotic response came from the Hon. Mr Sumner, who suggested that the city is subsidising the country. That was really one of the most idiotic things I have ever heard. Clearly, the wholesale prices are varying by more than the freight differential. Equally clear is the fact that the country consumer is subsidising the city consumer. Eleven thousand signatures from country areas were on a petition that was presented in this place. The Government has shown itself to be either stupid or inept in its handling of this matter.

An honourable member: Or both.

The Hon. M.J. ELLIOTT: Or both; that is equally possible. It is stupid if it believes that the city is subsidising the country and inept because it has refused to act. The Government has tended to hide behind the Prices Surveillance Authority and to say that that is the body that should be setting prices. The only reason why the Prices Surveillance Authority is setting the price at the Federal level is that the Government has shrugged its shoulders and decided that the matter is too hard, and that it does not want to know about it.

The Government has offered the answer that all we are seeing here is competition, and that the consumer gains. I believe that the attitude shown by the Government displays real ignorance, and for that reason I believe that a select committee needs to be established. The retail and wholesale petrol industry is very complicated and, until one starts delving into it, it is very difficult to understand. I think that a select committee could make the detailed analysis which needs to be made. Some people have suggested that the oil companies are at present being manipulated by the independent operators, in particular, a couple of independents who are frequently named. Certainly, I can see that price wars appear—and I stress appear—to be fuelled by a few independents; they appear to be leading the price wars.

However, I suggest that they are being allowed to appear to cause the price wars. If the oil companies did not give considerably reasonable rebates those independents—the market leaders—would not be able to keep the price wars going. If the oil companies had the screws put on them they could quickly pull the plug on that and the price wars could stop tomorrow. One can ask oneself: what other motivation could there be? I do not want to get into that complex matter now and would rather that a select committee look at it, but one needs to realise the structure of the industry. There are three types of sites operating in the oil petrol retailing industry: commissioned agent sites, lessee sites and independents.

The commissioned agent site is a site owned by the oil company. An agent operates the site and receives a commission of about one cent a litre and makes most of his or her money from the shop behind. In general, such commission agent sites are prime sites with a high turnover. I understand that Shell puts about 30 per cent of its turnover through about 13 commissioned agent sites.

The second group of sites—lessee sites—are also owned by the oil companies. Operators have a lease containing certain conditions, and I will refer later to the problems that these people face. Thirdly, we have the relatively small group of independently owned sites. Whenever the price wars start up not only do we see the few large independents' prices plummet down but prices charged by commissioned agent sites go down quickly as well. In other words, the company owned sites, which the oil companies want to stay in the market after the rationalisation—that is the hidden agenda. They intend eventually to squeeze out the independents and a few of the lessee sites that are in non-preferred positions and leave the largest percentage of the market in the hands of the commissioned agents.

In other words, they will have a monopoly not only at the wholesale end but also at the retail end. One has only to look at the history of what happened in the United States, which is further along the road, to know that that is the hidden agenda. The genuine small business person in South Australia—the petrol site owner—is going to be squeezed out. In the United States a number of States have now passed legislation which has specifically forbidden oil companies from owning sites. They have done that because they recognise that there are many forms of free enterprise.

One form of free enterprise is the sort that lets anything go, in which the big manipulate the markets and squeeze out the small. The small are not inefficient: they simply lack industrial muscle, or whatever we call it. There are a number of other issues that I want to see addressed by the select committee. I refer to cross-brand purchasing. If we really want competition in petrol retailing, we need every site to operate as an independent capable of bargaining the oil companies off against each other, but that does not happen for a number of reasons.

The fact that oil companies have most of the sites tied up themselves through commissioned agents and through lessees is part of the reason. The Transport Workers Union generally refuses to deliver cross-brands, so one way or another cross-brand purchasing is cut out. However, if we want real competition in the oil industry, that is one question that needs to be addressed. We do need to look at the question of automated sites, which were touched on briefly by a mock committee set up by the Government early last year. That committee failed to come to any resolution. It was an absolute farce. The Chairman (Hon. G. Virgo) has intimate contacts with the Government and would largely do what it wanted. The committee comprised two representatives of oil companies and two representatives of retailers. The oil company and retailer representatives failed to agree on almost anything; nevertheless, a report came out and generally speaking the Government sided with the oil companies, and that surprised me. Certainly, they copped out on a number of issues, and the automated sites issue was one matter on which they copped out. That topic is worth addressing.

I will not say whether there should or should not be automated sites. Already in Europe a large amount of petrol sold is going through automated sites. What is happening

in some areas there is that the industry is dominated by a few large companies and independents. They have unmanned sites, simply 'card in the slot' operations, which are virtually a licence to print money, because they have the market absolutely cornered. I wonder whether that is the sort of free enterprise that we want to move towards.

Do we want a free enterprise where we have a large number of independent small business people or do we want to hand the whole of our business side over to monopolies or cartels? I believe that we also need to look at the methods of price support used by oil companies. When a price war is on and the retail price of some independents drops below the wholesale price of the lessee, the lessee has two choices: either stop selling petrol (because no-one will come if petrol is sold at a price significantly above the independents' price) or else sign a piece of paper on which they pledge to do virtually whatever the company wants. The company says 'Yes, we will give you cheaper petrol, but not only will we give you a lower wholesale price but we will set the retail price.' So, the oil companies start the price war and all the lessee sites then become labourers and nothing more than that for the oil companies. They often operate on a one or two cent margins per litre and I believe that that is distinctly unfair. Many of those lessees would prefer to be completely owning and running their own business. It is very timely that we look at the viability of the retail section of the petrol industry as presently structured.

I do not believe that I alone should say how things should or should not be. I would like the select committee, which would represent the three major Parties in this place, to look at this and come to its own conclusions. What I do not like is what we are seeing at the moment: the Government is shrugging its shoulders and saying that it is simple competition. It is not simple competition. The people going broke at the moment are not inefficient operators and they are not bad business people; they are simply being manipulated. This is nothing short of simple manipulation. Of course, there may be other matters directly related to those and, in saying that, I seek support for the motion.

The Hon. I. GILFILLAN secured the adjournment of the debate.

CITY OF ADELAIDE (DEVELOPMENT OF PARKLANDS) BILL

Second reading.

The Hon. I. GILFILLAN: I move:

That this Bill be now read a second time.

I intend to cover some historical comments and observations about the parklands, to look at the current situation (with the authority shared between Adelaide City Council and the State Government), and to make some observations about that and then refer briefly to the Bill itself, indicating what it is designed to achieve. In several of the comments I will be making I would like to acknowledge the source—a thesis prepared by Mr J.W. Daly 'The Adelaide Parklands: A History of Alienation'.

Honourable members will find it of some interest at least to come back with me through some of the incidents and situations which have arisen from the earliest days when the parklands were first mooted and put into place as a result of the vision of Colonel Light. It comes as no surprise to honourable members that the parklands have had a very tenuous existence. They have been threatened both *in toto* and in part several times in their history. One particular occasion was when Governor Gawler was Governor of South Australia in 1839 and when the current situation originated. Quoting from this thesis:

> Governor Gawler faced mounting pressures from within the colony, by private individuals, to purchase the parklands for speculative purposes.

It would have been quite legitimate for these unknown gentlemen to exercise their special survey orders of wastelands of the Crown (the then status of the parklands) and prompt action was required to prevent that particular acquisition. In a speech by the Hon. W. Smillee in the Legislative Council in he stated:

> Certain artful tricksters sought to deprive the people of land set apart by the Government for the benefit of the public health and to supply a place for popular recreation.

Governor Gawler was informed by Mr Arthur Hardy in 1839, a Clerk of the Peace, that this intention to purchase parklands for speculation was to take place on the next day. Promptly, Governor Gawler gave his personal undertaking for the payment of the sum required for their purchase—two thousand three hundred pounds—that is, 2 300 acres at one pound an acre. When the gentlemen came to the land office on the morning of the next day they were too late.

Further on are a series of recognitions of the value of the parklands and the thesis is studded with quotes from many people over the years recognising what a unique and precious part of South Australia's heritage they are.

The next example I mention is an interesting exchange that took place in 1916 on the question of whether Government House should remain on its present site. I quote from the thesis a progress report dealing with the North Terrace reserves as follows:

> Government House could fulfil all its functions if it were moved to some other suitable site. It is considered that the Government domain could be used to better advantage as a site for an important State or civic building with public buildings attached.

This view was refuted by the Commissioner of Crown Lands in 1927, who stated:

> We have surrounded the city of Adelaide with an abundance of parklands. No city in the Commonwealth has a greater area of parklands adjoining it than this city, therefore it cannot be agreed that it is necessary to close Government House in order that the grounds may be used for recreational purposes.

It occurred to me when I read that that it probably would have been an excellent opportunity to have moved Government House to Carrick Hill on the acquisition by the State of that property from the late Sir Edward Hayward. It is important when we consider this legislation that honourable members are aware of how immune we can become to the situation around us. Because certain buildings are established on what was previously parklands we have been lulled into a sense that nothing can change and nothing should change. That is really one of the ground purposes for the Bill, that we cannot afford to sit back, relax and consider that everything is under control or that we should not be pushing constantly for a return to the parklands of areas previously alienated from it.

Further on in a debate on the location of North Terrace for the University of Adelaide, the second reading of the Adelaide University Act of 1884 stated:

> The parklands which were intended to be the glory of the colony were being alienated acre by acre so that young men amongst us would not improbably live to see almost every acre of them alienated and the city deprived of the advantages which they were intended to have.

There was the first voice of caution, and a contrary viewpoint in the Legislative Council on the same Bill goes on to state:

No better site than the one proposed could be chosen as a university, close to the hospital, botanic garden and adjacent to the institute, public library and museum.

That shows the general trend, the easy readiness with which these facilities were cheerfully put on the parklands and therefore alienating them from their original purpose.

An interesting example is given of the time when Sir Langdon Bonython had the disposal of a donation given by Sir George Brookman towards a School of Mines building. As honourable members know, that is now on the corner of North Terrace and Frome Road. Sir Langdon Bonython stated:

It occurred to me that it would be wise to fix the site myself and say nothing to anybody. Accordingly, I announced the gift and supplemented it with the statement that the building would be established where it now stands. At the next meeting of the council I reported the gift and the intended location of the building—both were warmly approved. Time went on and the foundations were put in, followed by the formal ceremony of laying the foundation stone. When the ceremony was over I drove away with the Premier, Sir Frederick Holder. I asked, 'What do you think of the site?' He replied, 'Excellent, it would be impossible to get any better, but why do you ask?' 'Because no-one had given it to us,' I said. 'You don't say so,' exclaimed the Premier, and he laughed very heartily.

I am not sure whether the people of South Australia laugh so heartily now as they have a much more responsible attitude to what is the proper use of the parklands. As a result of this laughing heartily and not caring what happens to the parklands we now have only about two-thirds of the original 2 300 acres, as 700 acres has been alienated.

One particular piece of intended alienation was fortunately thwarted, namely, an attempt to put up a lunar park on four acres south of the Adelaide oval near the city bridge in 1914. It was to be fenced and an admission fee charged. It was opposed by the Adelaide Managers Association, comprising the cinema operators, who claimed that if such were to happen local people should be given an equal opportunity with outsiders to tender for sites.

This proposal for a lunar park was opposed by the Parklands Preservation League, thank goodness, and when the matter was debated in the city council opinion was divided. Council accepted the application 12 to six. As required by the Municipal Corporations Act, a ratepayer poll was held to endorse the decision. The cinema managers lobbied strongly for a 'No' vote, which was returned 7 804 to 4 281. That suggested that the real thrust of the 'No' was not against the use of the parklands but against an interstate competitor.

There was rifle shooting in the south parklands in the late 1870s and it was observed that people crossing the parklands from Unley to the city complained of errant bullets. It seems that the shooters were not very accurate. In a thesis on parklands by Trevor Jacques in 1973 it was suggested that the parklands were a 'sacred cow' and not really used by the people of Adelaide. Mr Daly disagrees because the current meaning of 'use' is limited to active recreation, entertainments, amusements and sport. Mr Daly supports the right of non-formal, casual, family and individual use of the open spaces and public amenities and puts the case that such people are seldom considered when 'use' is talked of. It is appropriate to quote directly from his thesis on the matter at page 262:

Unfortuately, the concepts of 'recreation' and 'public use' have been interpreted broadly in the past, and therefore a wide range of public organisations have justified their exclusive use of the parklands, in the name of public service, and to some extent, recreation. It would be difficult to argue that there is not a degree of recreation content in the activities of, for example, the Zoo or Botanic Gardens, or the Festival Theatre, or the educational purposes of the University of Adelaide, Institute of Technology, Adelaide College of the Arts and Education and the Adelaide High School. Recreation use of the parklands must also take into account people who do not wish to participate in organised activities but who wish to participate in activities on an informal basis.

Because they are not organised, it has always been difficult to represent this point of view and to lobby effectively for the retention of open recreation space in the parklands. To some extent the Parklands Preservation League fulfilled this role in the early part of the century and again in the 1950s.

I am particularly interested in the role filled by the Parklands Preservation League at that time and believe that we should reactivate a parklands vigilante group. It may well be that a Friends of the Parklands organisation could act as a watchdog for possible uses and abuses of the parklands.

All honourable members would know that there has been considerable alienation from the parklands original area. I will read into *Hansard* a list of those alienations because so many of them have become part of the furniture (so to speak) that we hardly know they are there. In relation to areas of limited public access in the north parklands, the list includes the Adelaide Swimming Centre, the croquet lawn and the water reservoir. Between North Adelaide and the Torrens River there is the Adelaide Oval, Memorial Drive tennis courts, the Adelaide City Council nursery and a small section of golf course; and there are railway lines to Port Adelaide and to the north.

Between the Torrens River and northern boundary roads of Adelaide, there is the restaurant on the weir, the police barracks, the gaol reserve and powder magazine, the railway reserve and railway station, the Festival Theatre, Parliament House, the parade ground, the Government domain, the College of Advanced Education, Adelaide University, the Public Library, the Museum, the Art Gallery, the Royal Adelaide Hospital, the IMVS and the South Australian Institute of Technology.

Between the river and the northern boundary roads there is the Zoological Gardens, the Botanic Gardens, the STA depot, the Hospital reserve and the Highways reserve. South of Port Road and west of West Torrens there is the bowling green, the sports fields, the E&WS depot, a school, a cemetery, and a PMG department reserve. In the south parklands there is the Alpine Restaurant, bowling greens, croquet lawns and the reservoir. In the east parklands there is the Victoria Park Racecourse and a bowling green.

Some of those places are destined for return in reasonably short time, and I mentioned that the Adelaide City Council has taken steps to return the Telecom reserve. I think it is important to look at a list of how many—all in their own way justifiable—alienations have occurred. However, the unforgivable heresy (if I can put it in those terms) is that people never thought that it would create a problem if these things were placed on the parklands. The parklands always came off second best.

While I am discussing alienation, there are 126 acres which are actually under the control of the railways. I refer to an advertisement which appeared in the *Advertiser* of 7 February as follows:

State Transport Authority
NORTH ADELAIDE STATION
DEVELOPMENT
OPPORTUNITY

The State Transport Authority invites submissions from interested parties for the lease and redevelopment of portion of the historic North Adelaide Railway Station and surrounds.

Listed on both the State Heritage Register and the Register of the City of Adelaide Heritage Items, the buildings present an opportunity for imaginative redevelopment in a most interesting and unique locality.

It is indeed unique—it is on our parklands! I believe we need to review which authority should decide what is to go onto our parklands.

As my argument develops members will see that State Parliament, as the ultimate decision-making body in this

State, should decide what happens to our parklands. Mr Daly has had an opportunity to look at the City of Adelaide plan, which is a very worthwhile document and a serious attempt by the Adelaide City Council to get some perspective and put in place planning details. I make it quite plain that in no way am I derogating the efforts made by the Adelaide City Council in many ways to look after and care for the parklands.

After studying the plan, Mr Daly said:

> Certainly from the point of view of developing a coherent parklands' policy, almost $40 000 was spent on consultants for this section of the plan. This seems to be a justified expenditure if it can be argued that the policies that result are able to limit further alienation of the parklands. Arguably, these are the most important single features of Adelaide and therefore deserve detailed consideration. Harry Bechervaise, the City Planner, asks the rhetorical question:
>
> > What image did the city leave in the minds of visitors to distinguish it from many others they visited? The answer has to be the parklands with its open planted character...
>
> While it is important to update plans there are dangers that changes of direction every five years could fragment and confuse the public who are the ones that need to support parkland policies. Stop-go planning can fragment policies which need time to become effective. As Hugh Stretton has pointed out:
>
> > If you start afresh too often, you weaken the chances with every fresh start.

In relation to the new parklands environment objective, the City of Adelaide plan states that it is:

> ... to conserve and enhance the parklands as a publicly accessible landscaped space with a generally open character available for a diversity of leisure and recreation activities to serve the city's residents, workers and visitors.

I thoroughly endorse those comments. They show the comparison with my Bill and how parallel and in harmony the current Adelaide City Council is with the principles in my Bill. Mr Daly also says:

> In the plan strong emphasis is placed upon conserving as well as enhancing the open outdoor character of the parklands; therefore indoor recreation is contrary to the development philosophy and should be restricted.

I agree with Mr Daly's next comment when he asks:

> Would that then prevent a repetition of a similar development to the $8.25 million Adelaide Aquatic Centre?

Everyone would now be aware that the aquatic centre has now been covered. In relation to newer controls, Mr Daly says:

> ... pressures for the development of parklands including areas that were either designated by Colonel Light for institutional use or alienated from the parklands over the past 150 years required an extension of the controls across the whole city including the parklands. Unfortunately the pressure is on all Australian capital cities to compete for large central city projects and this places pressure on finding such sites. For example, projects such as the Adelaide Station Environs Redevelopment (ASER) complex which will consist of a hotel, office block and convention centre are difficult to reject from a planning point of view because of their prestige and effect on the commercial life of the city.

I believe that is where a watchdog organisation and a vigilant Parliament needs to adopt a statesmanlike long-term view and object to the short term, *ad hoc* pressures and business and economic pressures. Mr Daly continues:

> Also, pressure to develop the institutions along North Terrace need to have controls that limit the nature of the development so that they are compatible with the environment.

Andrew Taylor is the Director of Parks and Gardens at the Adelaide City Council. I have great respect for Mr Taylor's attitude and enthusiasm for his job. I will read what he has to say because I believe it is relevant in relation to caring for the parklands and to the debate. Mr Taylor states:

> We have learnt over 50 to 100 years to protect our parklands. They are a finite area. If we do not look after them and we do not return them for our children and their children beyond that, Adelaide will not have anywhere near the character and will not be as nice a place as it is now. I think that, given the way we feel at the moment, the plans we put into place for the protection of the parklands will be here for a long time to come.

I emphasise Mr Taylor's ominous comment, 'I think that, given the way we feel at the moment . . . ' I believe that this is where Parliament's responsibility comes in. We cannot rely on the fluctuating feelings of the moment if we are to honour our responsibility for the long-term retention of the parklands.

Mr Daly talks about a flaw in the plan. He states:

> In 1973 the Parklands Policy Committee promoted the concept of the progressive return of alienated areas. They named for removal the Engineering and Water Supply Department's depots, the Police Barracks and the Post-Tel Recreation Centre, among the Government reserves to be returned to parklands. This was before the Adelaide Plan of 1976. They also considered the Adelaide Boys High School and the Adelaide Gaol. In George Clarke's Adelaide planning study in 1974 and the subsequent Adelaide plan in 1976, the return of alienated Government reserves were given prominence in both documents.
>
> In the present Adelaide Plan, only a two line reference tucked away under the sub-heading 'Access, Traffic and Parking' makes a reference to the alienation by Government reserves, with the rather innocuous statement, 'discourage the alienation of further land from the parklands by State Government agencies'.
>
> Also, the emphasis has changed from a positive policy of seeking return of Government reserves to a weaker policy of discouraging further alienation by State Government agencies. No mention is made of the area under the control of the Commonwealth Government, for example, the Parade Ground.

It is of interest that the Commonwealth Government, enjoying as it does a reserve on our parkland area, shows scant respect for the State or the people of Adelaide. At the time it chose to build the Drill Hall, it did so without seeking the approval of or even discussing the issue with State Parliament or the city council.

There is no doubt that the Adelaide City Council does have considerable authority in managing the parklands, but that authority has been bestowed on it by this State Parliament, and the council should not feel secure that it is outside of direction from this Parliament. In section 849 of the Act which gives it its authority, the definition of the 'area of Adelaide' actually includes the parklands, so the Adelaide City Council has that area under its jurisdiction. Section 453 of the Local Government Act deals with the sort of authority about which I am a little nervous. It provides:

> (1) If in any area, any land is dedicated and set apart for the use and enjoyment of the inhabitants of the area or any part thereof, the council may by a resolution of the council, assume the care, control, and management of the said land as if the same had been conveyed or transferred in fee simple to the council and the said land shall be maintained by the council for the use and enjoyment of the said inhabitants.

I have no problem with that except that it quite clearly tempts the council to believe that it is a power unto itself, and that is where the argument starts. Section 458 provides:

> (1) The council may from time to time on the parklands, reserves, and ornamental grounds, construct golf links, tennis courts, and other facilities for sport, and may allot sites upon the parklands for the playing of games thereon.

That, I contend, exceeds reasonable powers for a council that is administering the parklands on behalf of the people of South Australia. So, I am not denying that the city council currently is in order. It quite legitimately is exercising the authority that it currently does, but I emphasise again that State Parliament is the ultimate authority for what goes on in the parklands, and it should not surrender that nor abnegate that responsibility in favour of any less authority.

I remind members that the State Parliament gave the lease to the SA Jockey Club for the Victoria Park Racecourse. The Parliament gave the lease to the cricket club for the Adelaide Oval, and the lease to the Adelaide High School. I make the point again that the Adelaide City Council does not have the ultimate sovereignty for the parklands, and it is from that position that I contend that the members

of the Adelaide City Council are the stewards and managers of the parklands for the people of South Australia.

In the Municipal Corporation Act 1861, it was clearly determined that the parklands were not owned by the council; they were vested in Her Majesty and her successors. They are the property of the people of South Australia. The Adelaide Plan, which the Adelaide City Council has devised and is putting forward as the safeguard for the people of South Australia and the protection of the parklands, is not the firm buffer that the council portrays it to be. Members need only look at the almost instantaneous attack by the Building Owners and Managers Association on that plan, and the consequent knuckling under by the council to change what it had virtually already approved in the plan, to see that when powerful vested interests move the city council is susceptible to pressure. The city council is currently having trouble getting compliance from the South Australian Netball Association to conform with its direction on the use of a building in the parklands adjacent to the netball courts.

I cite for members a case where I think a development can be extraordinarily persuasive to all sorts of authorities: the tropical conservatory. Many people, probably most South Australians, are ambivalent but generally amiable towards the construction of a tropical conservatory. Some think it quite exciting while others think it a waste of energy and resources, but the fact is that it was promoted by the Botanic Gardens Council. It came in with a lot of hoo-ha and glamour and became an irresistible development as far as the parklands were concerned. Some members will remember that it was originally proposed to be set up in the Botanic Park, one of the more beautiful and tranquil parts of the parklands. However, it was largely due to a campaign in which I played no small part that its site was eventually changed to the alienated STA area.

As a result of that, of course, we had the horrendous so-called temporary car park spring up like the outer fence of Yatala and generally quite demean the aesthetic feeling of Botanic Park. This pressure for car parking is not only restricted to that locality. There is a constant threat of and pressure for nibbling away more areas for car parking. It is interesting to note that originally there was an alienation of a strip along Hackney Road for the STA car parking facility. One could expect that, once this so-called temporary car park was constructed, that strip would be returned. However, it has not occurred and has now become a general public car park.

An important point in the assessment of what we want in the parklands, bearing in mind this pressure for a tropical conservatory, is the enormous pressure for wider sporting use. It is always so easy to argue that children or adults, for all sorts of reasons, need further resources and facilities for playing sport. The fact is that, if that were allowed to continue unabated, the parklands would become no more than a glorified extensive sporting venue, and I do not believe that succeeding generations would thank us for that.

The parklands are constantly under attack and under pressure. It is our responsibility as a Parliament to defend them, repair damage done in the past and ensure that they remain in a good, useful and balanced condition to provide facilities for a wide range of South Australians to enjoy a wide range of activities. The parklands must also always remain a buffer, providing an open space between the suburbs and the city proper, and remain the unique girdle of green belt. I understand that the parklands are unique in the world and hundreds of people who have travelled, say that the parklands represent the most fantastic exercise of open space planning in any city that they have visited. Such people believe that the parklands are so precious that we must treat them like our own right arm and make sure that no one despoils them.

I turn now to describe the purpose of the Bill itself. It is a Bill for an Act to prescribe the principles that should be observed in managing and developing the City of Adelaide parklands and to prevent development of the parklands without the approval of both Houses of Parliament. This is the first time, I believe, that the principles for the management of the parklands have been put where they should have been for a long time, that is, in State legislation. It is an incongruity that the parklands, which everyone views as being so precious, have no title. It is an area left in limbo, so it is important for us to make sure that we enact legislation to describe what the parklands are there for and to make sure that they cannot be abused through default later on.

The principles are that the parklands should be available for use by the people of South Australia; that they should so far as is practicable offer free and unrestricted access (this would have the effect of reducing the risk of the fencing off of areas of parklands); that the parklands should be reserved as a place for public recreation, leisure and enjoyment; that encouragement should be given to the restoration of areas of the parklands; that the character of the parklands as a place dividing the city of Adelaide from the suburbs should be preserved; and that the parklands should be maintained and developed in a manner that enhances their special place in the design of the city of Adelaide.

The Parliament, when it comes to consider proposals for development, should be mindful of the provisions in the Planning Act 1982. 'Development' in relation to land is defined in that Act as meaning:

(a) the erection, construction, conversion, alteration of or addition to a building on the land;
(b) a change in the use of the land;
(c) the construction ... of a road, street, or thoroughfare on the land ...;

Because the provisions are itemised in the Bill, that will bind the Crown and the Adelaide City Council, so that the Parliament, when considering the development of anything that fits within that definition, must have reference to the principles. That means that the ASER project would have had a much more intense debate. As I believe that it contravenes the principles regarding the parklands, it would have had a difficult passage through this place in its present form had this Bill been law. If any development contravenes the Bill, there is a penalty of $50 000 and an obligation to restore the area to its original state.

I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 sets out the various definitions required for the purposes of the Bill. The 'parklands' are defined to include the Botanic Park.

Clause 4 sets out the principles that are to be observed in the management and development of parklands.

Clause 5 makes it an offence to undertake development of the parklands without the approval of both Houses of Parliament. An approval may be given subject to conditions stipulated by both Houses. The principles set out in clause 4 should be taken into account when considering any proposed development. The section will, in its application, extend to the Crown and the City of Adelaide. An approval

will not be required for a change in use of land that is for no longer than three months, development that is approved under another Act before the commencement of this measure, and development carried out in connection with the Australian Formula One Grand Prix.

Clause 6 relates to the prosecution of offences. A person convicted of an offence may be ordered to restore the parklands to the state in which they existed before unlawful development was undertaken.

Clause 7 is a regulation making power.

The Hon. I. GILFILLAN: I urge members to support this Bill, bearing in mind that it is amenable to amendment. It is not the final draft that should pass this place; it should be subject to debate and amendment. A whole lot of other interpretations of the principles should be considered, but I urge members to treat it very seriously. It could be and should be a landmark in preserving the parklands of Adelaide, which are a unique feature, for succeeding generations of South Australians. I commend the Bill to members.

The Hon. G. WEATHERILL secured the adjournment of the debate.

SELECT COMMITTEE ON DISPOSAL OF HUMAN REMAINS IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. G.L. Bruce:

That the report of the select committee be noted.

(Continued from 19 November. Page 2061.)

The Hon. J.C. BURDETT: I rise to speak very briefly on one aspect only of the report of the Select Committee and that is in relation to the licensing of funeral directors. At the beginning of the report of the select committee, the terms of reference are mentioned, and they are to inquire into and report upon the disposal of human remains in South Australia and, in particular, to consider the recommendations of the report of the committee established by the Attorney-General in 1983. That committee, which was established in 1983, made a recommendation in favour of the licensing of funeral directors. In paragraph 2.6 on page 11 of the report this subject is referred to as follows:

> However, your Committee considers that as funeral directors have to comply with the various standards, regulations and rules that are currently imposed upon them and which will result from this report, that there is no need to require licensing as well. Your Committee therefore rejects this recommendation.

In recent weeks articles have appeared in the press indicating that the funeral directors and their association are still seeking licensing, and they refer to the report and its recommendation in favour of licensing. The report that they refer to is that of the committee estabished by the Attorney-General in 1983, whereas the select committee, as I have just said, recommended against licensing. I support the recommendation of the select committee. As that report rightly said, there are a number of regulations and requirements applying to the disposal of human remains that are obligatory upon funeral directors at present. There are also powers of the Health Commission, the police and various other bodies and, as stated in the paragraph of the report that I read, the committee recommended various further regulations and standards to be imposed in regard to the disposal of human remains. It may very well be that those recommendations will be implemented. I do not believe that there is any need for a closed shop. The present regulations and requirements of standards and those that may be imposed as a result of the recommendations of the select committee will adequately protect the public and that is, after all, what it is all about.

It seems to me that if we are talking about further regulation and licensing (and that is what the Attorney-General's committee was talking about) we ought to consider carefully whether it is necessary, whether it is necessary for the protection of the public, or whether various specific regulations and requirements are adequate; and I believe that they are.

The lobby to have licensing of funeral directors is very old. I can remember being approached in that regard when I was Minister of Consumer Affairs, and doubtless the lobby is much older than that. Obviously, there should be, in the interests of public health and in the interests of protection of the public, requirements about the disposal of human remains. However, I believe that those issues are adequately covered by existing law and that they will be even more adequately covered if the recommendations of the select committee report are implemented. I do not believe that the licensing of funeral directors or the establishment of a closed shop is necessary. In that regard in particular, and in general, I support the report and the recommendations of the select committee.

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

SELECT COMMITTEE ON ENERGY NEEDS IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. I. Gilfillan:

That the interim report of the select committee be noted.

(Continued from 3 December. Page 2629.)

The Hon. DIANA LAIDLAW: I am pleased to be able to speak to the interim report of the Select Committee on Energy Needs in South Australia. This is the first of a number of interim reports, and it deals with natural gas. I acknowledge that when I agreed to serve on this committee I had no idea that it was going to be either as demanding or as protracted as it is turning out to be. However, it is a responsibility that has provided me with a great opportunity to learn about exploration and about the supply and use of natural gas in the community. I have also gained a far greater appreciation of the very complex problems that are encountered by the producers, by the industrial and domestic consumers, and also by the State Government in securing a reliable long-term supply of natural gas at a reasonable price which brings stability to the market.

When the Chairman of this committee spoke to this report on 3 December he canvassed all the recommendations, and it is certainly not my intention to do so on this occasion. However, I will briefly refer to three points: pricing, the mechanism for price determination, and energy management. The report highlights the importance of establishing a common field gate price for gas purchased by the Pipelines Authority of South Australia and the Australian Gas Light Company. After all, costs associated with exploration and production are the same in both instances.

Originally, this was the case with respect to the common field gate prices but it changed in 1982 when the arbitrated prices in South Australia skyrocketed from $1.01 to $1.62. I am a great supporter of the private enterprise system, especially freely negotiated contracts. However, I believe that when we are dealing with a commodity like natural gas, which is a diminishing resource and on which our State depends heavily for industrial development and job creation, Government intervention is necessary.

It should also be remembered in this context that there are few other sources of high quality in-ground energy resources in South Australia. The implementation of a common field gate price offers South Australian industrial and domestic consumers enormous advantages. These advantages extend beyond the equitable sharing of exploration and production costs of the resource, although this is a highly important consideration. For some years, South Australia has borne the brunt of these costs and, in the process, has heavily subsidised New South Wales consumers.

A further advantage that would stem from a common field gate price relates to transport costs, which currently are much less to South Australian consumers through PASA, which charges (I understand) 28c per gigajoule compared with the cost of piping gas from the Cooper Basin to Sydney, which is 60c per gigajoule. If PASA's costs are kept to a minimum in the future and the differential of 28c to 60c is maintained, South Australian consumers will gain a long-term competitive advantage from the implementation of a common field gate price. This scenario offers very great and positive benefits to the industrial development of this State and certainly a far greater advantage than cosmetic initiatives that the Government has been considering in recent times—and I hark back to the debate last year on Eastern Standard Time.

In part, such a scenario would restore to South Australian industry an attractive cost advantage over competition from the more populous Eastern States. To our detriment, in so many respects, these cost advantages have been lost to South Australia in recent years. Related to the issue of field gate prices is our current system of price setting. The committee strongly recommended the replacement of this current system. Until the interim supply legislation was passed last year, the terms of arrangement between the producers and PASA for gas to be supplied to Adelaide incorporated a review of prices annually at the beginning of a calendar year. The arrangement contained an attempt to negotiate a settlement within a three month period; but if no settlement was reached, one party or the other could refer the matter to arbitration, with the price set by the arbitrators applying from the day the review was sought.

A similar kind of arrangement has operated between the producers and AGL, but the review can be called for only every three years, with the price set applying from the date at which the decision is made rather than the date on which the application is referred to arbitration. In the early years in South Australia the price was fixed by negotiation and, in the rare instance following resort to arbitration, the adjustment in price was a reasonably sensible compromise between the producers and the purchasers. All this changed in 1982, when a negotiated settlement could not be reached and the matter went to arbitration, with the hearings conducted for the first time before a judge.

At that time and since, the negotiations have been conducted in a very legalistic manner with questions about the validity of circumstantial evidence constantly challenged. This procedure is currently being employed in New South Wales between the producers and AGL and the consequences of this arbitrated approach will be very important for gas prices in South Australia.

This arbitration hearing in New South Wales has turned out to be very protracted. It started in August 1985—about 18 months ago—and I understand that it is to conclude tomorrow. In the meantime, I understand that the parties involved have spent well over $10 million on these proceedings. The sum of $10 million is an enormous amount, most of which will go to the lawyers assisting both parties. However, ultimately the cost of this arbitration procedure will be borne by consumers—both industrial and domestic—in this State.

As I indicated before, part of the reason for this protracted hearing relates to the arrangements with New South Wales. The price adjustment will be set from the day the decision is made and, therefore, it is in the interests of AGL to see that the decision is delayed for as long as possible. It would appear that it has been successful on that score.

As I indicated, the committee has recommended strongly that this system of arbitration cease and that we seek to establish an approach that will not allow such protracted negotiations or procedures before the courts and certainly will not involve the cost that has been incurred in New South Wales at the present time.

I want to refer to this procedure because in my view it is particularly important for the price and the supply of gas in South Australia in the future. At page 31, the report states:

> However, the current method of price determination is of great concern. The committee considers it is in the interests of the producers and consumers alike that the parties involved resume their responsibilities to settle gas prices by negotiation, as envisaged when the terms of the supply arrangements were agreed upon.
>
> We recommend the implementation of a pricing regime that promotes stability and long-term predictability. Accordingly, we propose that consideration be given to a panel system to which PASA, AGL and the producers each nominate an expert of their choice, competent in commercial and technical matters, to consider submissions from each group. They would represent each interest. We envisage the panel meeting with an 'umpire' agreed upon by the South Australian and New South Wales Governments. In the event that the experts did not reach an agreement on pricing, the umpire would be required to hand down a finding which would be final and binding.
>
> The committee considers a fixed timetable of three months should be set for this process of negotiation; that the panel review prices every three years; and that a price projection be set for six years based on an agreement formula.

It is my most earnest hope that the South Australian Government, together with the producers and other parties—other parties who would be implicated or involved in a change of the nature outlined in the committee's recommendations—would see the wisdom of those recommendations and that for future price determinations we would see a system adopted that would reflect the approach outlined by the committee.

I also hope that beyond seeing the wisdom of that approach we will see the Government agree to moves to initiate discussions on the adoption of such an approach. In conclusion, I want to make a few comments about the Government's response to energy management. This matter was referred to briefly in the report and I want to make a few reflections on some of the evidence. The management of our energy resources is without doubt a matter of most critical importance to South Australia's industrial competitiveness and economic wellbeing. In March 1986 an energy coordination review committee was established by the Government, headed by the Head of the Premier's Department, Mr Bruce Guerin.

The committee recommended a central energy coordinating body, the Energy Planning Executive. This body was established subsequently on 26 September last year and to some degree I regret that at the same time so was a very heavy, cumbersome and confusing bureaucracy. There are executive committees, task forces, steering committees, negotiating committees and subcommittees—all in addition to the advice that has been, that can be and that will continue to be provided by the Department of Mines and Energy on energy management.

It has been suggested to me that in the days when the Hon. Hugh Hudson was Minister of Mines and Energy he

was an able, effective and strong Minister who did not need to lean on or hide behind such a bureaucratic maze. Certainly, I am sympathetic to that proposition. In truth, I can see no rational explanation for this very messy and cumbersome structure of committees, and my conclusion in this regard is well supported by a letter addressed to the Secretary of the Select Committee on Energy Needs in South Australia, Mr Trevor Blowes, by the Secretary of the Pipelines Authority of South Australia. The letter states:

> On 26 September 1986, the Minister of Mines and Energy announced the formation of an Energy Planning Executive to provide the Government with a single source of coordinated energy planning and management advice. At the same time, the Minister advised that a natural gas supply task force had been appointed under the Energy Planning Executive to assume responsibility for developing the overall policy and strategy for natural gas supplies for South Australia.

The letter goes on:

> Since the announcements referred to above, there has been some evidence of confusion and misunderstanding on the part of organisations with which Pipelines Authority of South Australia is associated . . .

I stress that point because it is of some concern. The view was expressed before the select committee that we now have a very cumbersome arrangement, and I question the effectiveness of it in this very critical and sensitive area of energy management. On that note I will conclude my comments on our investigations into the natural gas aspect of energy needs in South Australia. I do so in the earnest hope that the Government will see the wisdom of adopting the recommendations that we have proposed.

The Hon. PETER DUNN: I would like to speak briefly on the report. Everything is in the report, so I do not have to spend much time in commenting, but I wish to speak briefly on some of the peripheral matters that impinged on the report. The report was initiated because someone perceived that there was a shortage of gas in South Australia—or that there would be, particularly after this year—with possibly less than three years supply if no more gas was found, that is, after having satisfied the gas requirements of AGL in New South Wales.

Secondly, we were paying a very high price for that energy. Probably by world standards we were not overpriced, but that is not the point. Here in South Australia it was inequitable with what New South Wales was paying and what we were paying. I agree with all that has been said and what the report says about a common field gate price. It is imperative, if that gas is coming out of our area, that we should make full use of that advantage, as we did with brown coal at Leigh Creek. We were able to establish an energy source from that. Gas in South Australia is similar.

I applaud Santos and its partners for the manner in which it went about discovering that gas in the petroleum leases 5 and 6 and I applaud strongly the way it went about its work until it discovered gas and then offered it to South Australia. Gas is a marvellous energy source. I recall that some 15 years ago, when I first heard of gas being discovered in the north-east of South Australia, I was talking to a Canadian who was on an exchange. He happened to be in my area and I remember him saying that we were very fortunate because the single most important thing that developed the Canadian economy was the discovery of natural gas. That can be demonstrated by the fact that we have relatively cheap energy sources here in South Australia either in the form of gas for heating or for converting gas into energy via electricity. I know that that method is wasteful of natural gas and it is a pity that greater efficiencies cannot be found in generating electricity by the use of gas. However, it has proved to be very beneficial to us in the past and will continue to be in the future.

It is important to note that since we brought down this report the people who have been assessing the supplies that have been discovered—Coles, Nikiforuk and Pennell (a Canadian firm)—have said that there is probably sufficient gas here now to supply the requirements of AGL. Schedule A has been proven up and there is likely to be more gas available in the future for the South Australian market. That is tremendous news for the South Australian economy and the people of South Australia as we can look forward to having the use of natural gas for some time into the future.

I wish to comment about the contract written up between the South Australian and New South Wales Governments. We did not go into the details of the contract, but throughout our discussions we kept falling back on this contract and how one-sided it appeared to be. I can only conclude that the South Australian Government must have gone to New South Wales and said, 'Here is a piece of paper—you write the agreement and we will sign it.' In my opinion and that of others it was a very one-sided agreement, or so it appeared from where we sat. With the pricing arrangement, up to the beginning of the year we were paying 50 per cent more at the field gate than the Eastern States. We would have had to do that, otherwise we would not have had gas in South Australia. We were paying for the discovery and the further exploration required. We have paid our share and deserve a better deal from now on.

If arbitration comes down shortly with a common field gate price that will be to our advantage. I do not know what will be the result, but I hope it will be acceptable for the producers and the users of that gas. The report talks about having consumers determine the price, there being a consumer representative on the pricing mechanism within this State. I find that fairly difficult. I have had difficulty in understanding the entire project, being a humble farmer and an extremely humble farmer after last year's season. It has been most interesting and an incredible learning curve for me to understand the enormous quantities of money that go into this project with the long lead times it takes to get returns on that money. I am sure that if consumers take part in determining these prices they will find it very difficult unless they have the advantage of being able to understand what is involved in producing gas. I would find that difficult because we have people consuming and selling gas, for example, PASA, and we have the big users of gas. It would be very difficult for somebody to understand that in its entirety, so I am concerned about that recommendation.

The other thing that the report talks of, and we know has happened recently, is the development of the Natural Gas Task Force. Possibly it has been set up to circumvent a body such as this and I would believe that the decisions that that group will make will be seen by the Government as being more important than this is. However, I hope there is a common agreement, that they read this report and find the information in it to be of use to the State. We have been very open. There was a common agreement between Government members on this committee and I am sorry to see that the Hon. Brian Chatterton will not continue on it as he was a useful member and had a clear mind on the issue. I welcome the Hon. Carolyn Pickles to the committee, but I put those comments on the record in regard to the Hon. Brian Chatterton.

This is an interim report and we have much more work to do. I hope it will be successful in making a contribution to the energy requirements that this State will need well into the next century.

The Hon. CAROLYN PICKLES secured the adjournment of the debate.

FREEDOM OF INFORMATION BILL

Adjourned debate on second reading.
(Continued from 3 December. Page 2636.)

The Hon. R.I. LUCAS: I support this Bill, which was introduced by the Hon. Martin Cameron. During my remarks I will refer to a very important document for the Australian Labor Party, that is, its State platform. The most recent edition of that document, dated 1985, can be found in the Parliamentary Library. In the first section on legal reforms, the following appears:

> In particular, Labor is committed to . . . the enactment of laws ensuring freedom of information.

There is no doubt that the Australian Labor Party platform—the platform of the Attorney-General (Hon. Chris Sumner)—proposes the enactment of laws in relation to freedom of information. When confronted with the facts of his own platform, the Attorney-General sometimes responds by saying that the platform lays down long-term general principles to be considered somewhere down the line. However, if one looks at the Attorney's statements over the past three or four years, one will see that he has offered—and on occasions promised—a little more than just the commitment that is given in the Australian Labor Party's platform.

I refer to an article in the *Sunday Mail* of 27 April 1980 (when the Attorney's Party was in Opposition) under the headline 'Sumner demands policy on privacy', as follows:

> The Opposition Leader in the Legislative Council, Mr Chris Sumner, yesterday called on the Government to state its policy on privacy and freedom of information.

If one traces the history through to early 1984, an article in the *Sunday Mail* of 8 January 1984 by Randall Ashborne states:

> The Attorney-General, Mr Sumner, said from West Germany late yesterday that the Government was committed to freedom of information legislation. He said the Bill probably would go to Parliament early next year, but freedom of information rights would be introduced on an administrative basis this year.

So when he was telephoned in West Germany in January 1984 the Attorney-General said that freedom of information rights would be introduced on an administrative basis in 1984, which is three years ago. The Attorney also said that a Bill to provide legislation for freedom of information would be introduced into Parliament in early 1985. A little later—in mid 1984—an article headed 'A new law will free Government Files' in the *News* of 10 July 1984 by Craig Bilstein states:

> South Australians will have greater access to Government files under legislation outlined today. The Attorney-General, Mr Sumner, announced today freedom of information laws would be introduced next year. A Bill is being drafted for Parliament.

The Hon. R.J. Ritson: And he reckons the Democrats change their minds!

The Hon. R.I. LUCAS: It is disappointing that the Democrats are not here at the moment. The Attorney has been very caustic in his criticism of the Democrats for changing their minds on various issues. I must confess that I am not inclined to disagree with him, but it is a case of the pot calling the kettle black when one looks at the Attorney's performance in relation to freedom of information legislation. As I said, one can look at the platform of the Labor Party and its policy promises at elections; and one can look at announcements made by the Attorney-General over this period and in particular in 1984 when he promised the introduction of freedom of information by administrative Act through 1984 and then the introduction of a Bill to provide for it legislatively from 1985.

What is the Attorney-General's record? On many occasions I have referred to him as being reactionary. I know that many members of the Attorney's own Caucus—particularly members of the left—privately are more than happy to agree with that description of him. In fact, they would like to see a little more ginger in their Attorney-General; and they would like to see a little more reform introduced by him rather than reaction to the latest concerns in relation to law and order in the afternoon newspaper. Certainly that criticism is made not only by members of the left in the State Parliament but also by members of the left elsewhere and in the Federal Parliament: that is, that the State Attorney-General is not the reformer and not the person who has put into legislative form the proud ideals outlined in the Australian Labor Party State platform which is voted on so assiduously every June at the ALP conventions and conferences.

The Attorney-General became a little upset late last year when I compared his record in legislative reform against the platform of his own Party and against the policy promises made by Labor Governments over the past 10 or so years. When one compares his performance in those areas relative to his Party's platform, it is a very sad record indeed for a Labor Attorney-General. Late last year we were confronted with this Bill from the Hon. Martin Cameron who had waited for a long time for some action from the Attorney-General: and a number of members in this Chamber had asked the Attorney over the past two or three years about what was happening. He always promised action but we never saw anything. As a result, the Hon. Martin Cameron introduced this legislation.

The Attorney was finally forced to give some sort of response to this innovative legislative reform by the Opposition and championed by the Hon. Martin Cameron. What have we seen from the Attorney in response to this Bill? We have seen a litany of excuses as to why the Attorney-General and the Government cannot support their own Party's platform and policy in this Chamber for freedom of information. The first feeble excuse proffered by the Attorney was that we should not be legislating for freedom of information here in South Australia because a review of freedom of information legislation is being conducted in Victoria and the Commonwealth. Surprise, surprise—in his second reading contribution the Attorney-General outlined some of the matters that have been already canvassed by the Victorian review of freedom of information legislation. He referred in some detail to what was clearly a copy of that review or from a briefing that he had been given about the Victorian review of the freedom of information legislation. When contributing to this debate in December last the Attorney said that the review was still being considered by the Victorian Cabinet.

My inquiries in the Commonwealth arena indicate that the Senate Standing Committee on Constitutional and Legal Affairs—and I will not go down the burrow of suggesting another area where the Attorney-General has not proceeded with any action at all concerning promises to introduce a similar committee in the standing committee system of the Legislative Council—is wrapping up its comprehensive review of the Commonwealth legislation on freedom of information. The report is currently being written by members and staff of that committee and I am advised as of this morning that that review will be available and will be tabled in the Senate in April of this year.

The information given to me this morning about that review is that it is likely that the report of that committee will further endorse the concept of freedom of information legislation, but will make some suggestions for minor changes in some areas. In no way is it likely, on the information given to me, that the committee will be recommending the winding up of or drastic surgery on the freedom of information legislation in the Commonwealth arena.

So, the Attorney-General says we should not proceed in the South Australian Parliament with freedom of information legislation because these reviews are being conducted, yet he is aware of what has occurred in the Victorian scene, and I am sure that he is also aware through his own sources of what is likely to occur in the Commonwealth arena. The logical extension, I guess, of what the Attorney-General is saying to us is: let us wait until the Victorian review is in and the Commonwealth review comes up in April, and we will then have a look at it. I can assure the Parliament—and I am sure that the Attorney-General will concede this—that when we get both reviews we are unlikely to see the initiation of freedom of information legislation from the State Attorney-General in any form at all this year and, I am sure, for this Parliament. So, it is a feeble excuse from the Attorney-General that that is one of the reasons why the Hon. Mr Cameron should not be proceeding with it.

If it is not a feeble excuse, I challenge the Attorney-General, when and if he gets to speak again in this debate, to give a commitment to proceed legislatively with freedom of information legislation when the review from the Commonwealth Senate standing committee is available this year and when he and his officers have had a month or two to absorb the minor changes likely to be recommended by that committee. There would be plenty of time for him to proceed with his own legislation for the August session of this Parliament. So, Ms President, the challenge is there for the Attorney-General, but I am sure that you will concede (as we will all concede) that we are unlikely to see the Attorney-General taking up that challenge in any way whatsoever, and he will continue his sorry record of being a most reactionary Labor Attorney-General and certainly not the reformer that the Caucus of his Party would want.

The second excuse that the Attorney-General trotted out for not proceeding with the freedom of information legislation was cost. His own working party that reported in 1983 indicated that the possible cost of freedom of information legislation was somewhere between $600 000 and $1 million. The Hon. Martin Cameron came up with a figure of $1.8 million, but he indicated that he has not calculated that in any precise way, as that is extraordinarily difficult to do when in Opposition. My personal view of the Hon. Mr Cameron's estimate of $1.8 million is that it is high and I do not believe that, for the range of freedoms that will be introduced by this legislation, the Public Service could reasonably argue that the cost would be nearly as high as $1.8 million. I do not believe that the cost increase over the Government estimate from 1983, a space of 3½ years, could have trebled or possibly increased by 200 per cent. It is not feasible. As we are being told by members in this Chamber and elsewhere, costs and salaries have not increased by that level over the past two to three years within the State Public Service structure.

The Attorney-General mentioned a few more figures. It is costing the Federal Government $20 million annually for freedom of information; the figure dragged out of the air for Victoria was $4 million. My simple response to those estimates is that I believe they are grossly inflated. First, they are inflated by public servants who are not committed to the prospect of freedom of information. Public servants and Governments do not want by and large freedom of information. It creates problems for Governments and for public servants because they have to run around and find documents to justify and be accountable for decisions that they have taken that might affect individuals, or companies or a range of other community groups. As I said, if you are opposed to something which is imprecise, you can make an estimate, and it is a natural human reaction to inflate the cost as a reason why Governments or Parliaments should not be legislating in a particular area.

An article in the Melbourne *Age* of 2 October 1986 quoted a former Commonwealth Ombudsman, Professor Jack Richardson, a man held in high esteem by most of the Australian community. The article, headed 'Government's FOI costs exaggerated, says ex-Ombudsman', states:

> Professor Richardson, who retired last year after eight years in the position, said he believed the changes could make FOI requests too expensive for ordinary people—as the courts had become.

He was talking about proposed increases in charges by the Federal Labor Government. The article continues:

> He said although there were problems with 'vexatious' requests which required Government departments to spend a lot of time and money to meet them, in general the Government was exaggerating the long-term costs of FOI.

Professor Richardson raises an important question and one that obviously we, if we are to support freedom of information, will have to address: the question of members of the public and even members of Parliament and the media making vexatious and costly requests for freedom of information.

The Hon. J.R. Cornwall: As they did in Victoria.

The Hon. R.I. LUCAS: There have been occasions. The Hon. Dr Cornwall says there have been some, and I readily concede that there have been some vexatious and costly requests for information from the media and from members of my own Party in Victoria—some, but not all; not the majority.

The Hon. T.G. Roberts: All dry?

The Hon. R.I. LUCAS: No, there are varying degrees of wetness in Victoria, depending where you are. Professor Richardson raises an important matter and clearly we need to institute, in any legislation that we might look at, protections against the vexatious use of freedom of information legislation. The Hon. Mr Cameron and I, and I am sure the Opposition, would not oppose any amendments moved by a reactionary Attorney-General to limit—

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: You do not have to defend him.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: We will discuss that later. He can come in. I am not preventing him from coming in.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: He can attempt to defend his record. The Opposition would welcome amendments that would tighten up on the vexatious use of freedom of information legislation. Professor Richardson has indicated that there are some problems, and what he says and what the Opposition says is that you cannot argue against a fundamental principle of freedom of information legislation on the basis of a few people who might institute vexatious and costly requests for information under such legislation.

In relation to the Federal Government's attempts to tighten up on the Commonwealth legislation, Professor Richardson said:

> The proposal to increase the charge for search of documents was wrong, because it could penalise the person making the request for the department's incompetence in finding material.

He raises an important question, something that the Hon. Legh Davis has spoken about, that the record keeping of

Government departments under both Liberal and Labor administrations in the past couple of decades is appalling. People requesting information should not be penalised because public servants and the Public Service generally do not have the wherewithal to have their files properly marked and the information properly indexed so that it can be easily located when a freedom of information request comes in. The report further states:

He [Professor Richardson] described as 'iniquitous' the idea of charging a fee while a Government department made up its mind whether to provide information.

The suggestion from the Commonwealth Government was that the request would come in, the department would spend some time making up its mind whether it would comply with the request and, even if it said that it would not comply, the person requesting the information would be charged a fee for the Public Service to make up its mind. The report continues:

The legislation did need amending to stop the few people who 'gummed up' the system with vexatious appeals, but warned against the chiselling away of its provisions. Once a way could be found to stop the vexatious appeals, the cost of the legislation would come down substantially, he said.

The Attorney-General, at the end of his second reading contribution, after those two feeble attempts to indicate why he and the Government were not prepared to vote for freedom of information legislation, had this to say:

The information privacy scheme that I have outlined will be introduced progressively throughout the public sector, depending on budgetary considerations.

I hope that, very soon, the Attorney-General will indicate what the proposed program of introduction of the Government's watered down version of freedom of information legislation will be, rather than his comment that it will be introduced progressively throughout the public sector depending on budgetary considerations. That is such a woolly wording of a promise that it could mean anything to anybody and to any Government. It could be justified by the Attorney-General for inordinate delays even in the limited form of freedom of information legislation that the Government and the Attorney-General are talking about.

One of the leading experts in freedom of information legislation in Australia is a gentleman called John McMillan who, in 1984 at least, was tied up with the ANU law school. I had some inquiries made back in 1984 when I was pursuing the Attorney-General on this subject, and I will read from the notes that I was given at that time from a discussion with Mr McMillan, as follows:

Mr McMillan is quite categoric in stating that the procedure for introducing freedom of information in South Australia is not satisfactory. He believes legislation should be enacted and proclaimed immediately, rather than following a trial period.

That was the trial period which the Attorney-General promised in 1984 and which we still have not seen. The report of the discussion with McMillan continues:

According to him [McMillan] the trial periods of Victoria and Canada were failures, although the periods since proclamation have been successful. His basic argument is that individuals will not pursue their rights, nor departments acknowledge them, unless there is a strong legislative base and a judicial appeal mechanism.

The question of appropriate appeal mechanisms is something that I will take up on another occasion. There has been considerable debate in the Victorian Parliament whether the appeal should go to the Administrative Appeals Tribunal, which exists in Victoria, or to the courts.

As members, we need to consider why the Attorney-General and the Government are not voting in accordance with their own State platform on freedom of information legislation by supporting this Bill. What is it that the Government and the individual Ministers do not want to come out if the Opposition, media and the public have access to comprehensive freedom of information legislation? As the good Dr Cornwall is in the Chamber at the moment, I will look at a range of areas, but one of them is something that most members will be quite familiar with, and that was the performance of the Minister of Health in relation to his market research programs conducted within the Health Commission.

Some years ago—probably 1983 or 1984—over a period of between nine and 12 months, members of this Chamber pursued the Health Minister (John Cornwall) over the market research programs in the Health Commission. Questions were put on notice, questions were asked without notice in Question Time, speeches were made and questions put in the debates on the Appropriation Bill and the Supply Bill. The Chamber was treated to a performance by the Minister, who steadfastly refused to acknowledge that the drug survey that the Health Commission had instituted at a cost of many thousands of dollars was used by the Health Minister not only to poll his own personal approval but to conduct the Labor Party's research program leading up to the approaching State election. We finally got the Minister to concede in this Chamber that he had popped in one question at the bottom of the drug survey conducted by ANOP to find out how popular he was in the community. After more months of digging by this Chamber we finally found out (not through any offering of information by the Minister, but through leaks and through information that was provided by members of the public) that the Minister had grossly misled the Chamber.

The Hon. J.R. Cornwall: Never!

The Hon. R.I. LUCAS: There is a vote of the Council on record to show that you did. The Minister had grossly misled the Chamber, and said that he only popped in one question on the bottom of the drug survey. If we had to rely on what the Government and the Minister offered by way of answers to questions in this Chamber (we would hope that we would get an honest reply, but on this occasion we did not) we would never have established that the Minister had grossly misused his ministerial office, authority and responsibility by conducting Chris Schacht's market research for nix through a Government drug survey conducted through the Health Commission. That is what we want freedom of information legislation for.

The Hon. J.R. Cornwall: Do you think Governments ought to be able to poll the public to get their attitudes to social issues?

The Hon. R.I. LUCAS: You are trying to defend it now. You have no soul at all. You used public money to conduct Schacht's research.

The Hon. J.R. Cornwall: Do you think as a general rule that Governments ought to be able to legitimately conduct surveys of public opinion with regard to potentially contentious or important social issues, or don't you?

The Hon. R.I. LUCAS: To conduct Labor Party research; no way. If you want it, you get Schacht to do it. The Minister is heading off down his own burrow. The Opposition supports, as the Government did, market research on the drug issue, which was the issue being surveyed by ANOP and his mate, Rod Cameron. However, whether the Minister of Health, John Cornwall—

The Hon. T. Crothers: Not doing a bad job, is he?

The Hon. R.I. LUCAS: Who, Rod Cameron?

The Hon. T. Crothers: Yes.

The Hon. R.I. LUCAS: He is not a bad pollster. If the Minister is trying to say that polling of his personal approval has anything to do with the sorts of legislation, reforms and actions that the Government should be taking in the drug area, then he is a bigger mug than I thought.

The PRESIDENT: Order! I advise members that the language could become more parliamentary.

The Hon. R.I. LUCAS: Yes, Ms President. I am under extreme provocation. That is the sort of information that the public are entitled to: to know when a Minister is behaving irresponsibly and without authority in conducting Party market research at the taxpayers' expense—polling his own approval at taxpayers' expense. As the Minister knows, there was a successful motion against the Minister which was supported by the Democrats—the only one supported by the Democrats in this Chamber. If the Minister had been a man of honour he would have resigned. However, I will not pursue that.

The Hon. J.R. Cornwall interjecting:

The Hon. C.M. Hill: The Minister has no respect for the Westminster system, and he is on the front bench. It is an insult to the Parliament.

The Hon. R.I. LUCAS: It is an insult to the Parliament and to all members here that the Minister, having been caught with his finger in the pie, did not resign his position as Minister of Health.

The Hon. J.R. Cornwall: And weren't you disappointed?

The Hon. R.I. LUCAS: No, we are delighted to have you here.

Members interjecting:

The Hon. R.I. LUCAS: It is nothing personal; it is a matter of the honour, authority and prestige of this Chamber.

The Hon. J.R. Cornwall: We have got the numbers.

The Hon. R.I. LUCAS: You have not got the numbers: the Democrats have, together with you. I am sure that the Minister of Health is working hard to ensure that we do not get freedom of information legislation. I am sure that there are many similar things, such as the 1983-84 example, that he would not like to be exposed in his department, the Health Commission or his office, by freedom of information legislation. There are many similar stories in the Health Commission that are not coming out.

The Hon. J.R. Cornwall: Tell us one.

The Hon. R.I. LUCAS: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

IN VITRO FERTILISATION (RESTRICTION) BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to restrict the practice of *in vitro* fertilisation. Read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to place a moratorium on further *in vitro* fertilisation programs in South Australia. As indicated in a ministerial statement to this Council last week, the Government views with considerable concern proposals by private, commercial entrepreneurs to operate private-for-profit clinics marketing *in vitro* fertilisation services. It is concerned not only that adequate safeguards are needed to ensure that the development of such clinics does not jeopardise the quality of services delivered to South Australian patients, but also that no radical changes which could affect quality assurance occur at a time when a select committee of the Legislative Council is examining the whole area of reproductive technology.

As members would be aware, a specialised service to help childless couples has been in operation at the Queen Elizabeth Hospital for about 20 years. In recent years the range of services offered has expanded and has become increasingly sophisticated, to the extent that the Reproductive Medicine Unit is now amongst the foremost in the world. With the advent of *in vitro* fertilisation initiatives in 1982 the University of Adelaide, through its Department of Obstetrics and Gynaecology at the Queen Elizabeth Hospital, has increasingly provided the clinical services within the Reproductive Medicine Unit to both public and private patients, with considerable support from the Queen Elizabeth Hospital. In May 1986 Cabinet approved the creation of a Chair in Reproductive Medicine to be based at the Queen Elizabeth Hospital, in order to enhance the high standing of this unit.

Despite the establishment of a unit at Flinders Medical Centre, the demand for reproductive medicine services, especially IVF, continues to grow. The number of daily attendances at the QEH, for example, increased from a total of 9 425 in 1983-84 to 15 856 in 1985-86, and the number of couples admitted to the IVF program increased from 202 to 413 in the same period. At present there are approximately 700 persons on the hospital's waiting list for IVF. The QEH is unable to devote additional resources to expand reproductive medicine services. Recognising this situation, Cabinet recently formally endorsed a proposal for the establishment of a satellite facility at the Wakefield Memorial Hospital.

It is envisaged that the satellite will provide specialised services in reproductive medicine operating under the auspices of a private company—Repromed Proprietary Limited—which is 100 per cent owned by the University of Adelaide. The QEH will continue high quality clinical services in reproductive medicine for both public and private patients. Responsibility for all laboratories previously controlled by the university at the QEH will pass to the QEH board. Repromed Pty Ltd will pay facilities charges to the QEH for services utilised by its staff.

Since Repromed Pty Ltd will be drawing on the experience of IVF services provided by the QEH and University of Adelaide staff over many years, it is believed that the satellite facility will offer the highest possible quality of services. The establishment of such a facility will enable the number of couples entering the program to be increased. In addition, the satellite unit will generate income from private patients which will assist in funding the public component of the service. I stress that the quality assurance standards established for the QEH service will be applicable to the service at Wakefield Memorial Hospital and will form part of the agreement between the University of Adelaide and the QEH.

Members will appreciate that there are some extremely important legal, ethical and social issues relating to *in vitro* fertilisation programs which are still unresolved. These issues have become increasingly complex as more and more sophisticated techniques are developed. The advent of commercial considerations will certainly not simplify the process of clarifying and resolving such questions. It is likely that the Legislative Council select committee will recommend legislation concerning reproductive technology. Without preempting the committee, I can say that it will report to this Council concerning the establishment of facilities and the appropriate consideration of ethical matters.

It is against this background that the Bill before members today has been prepared. Other than the three programs identified in clause 4 (2) (namely, the University of Adelaide/the Queen Elizabeth Hospital, Flinders University/Flinders Medical Centre and Repromed/Wakefield Memorial Hospital programs) it will be an offence for a person to carry out an *in vitro* fertilisation procedure.

It is intended that the legislation will operate until such time as the select committee has reported and any resultant legislation has been enacted. Legislation arising from the select committee's report will contain a provision to repeal the moratorium legislation. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 defines '*in vitro* fertilisation procedure' to mean the removal of human ovum for the purpose of fertilisation, the storage of such ovum, the fertilisation of such ovum whether inside or outside the body and the transference of a fertilised or unfertilised ovum into the body.

Clause 4 (1) makes it an offence to carry out an *in vitro* fertilisation procedure except as provided for in subclause (2). Subclause (2) permits *in vitro* fertilisation procedures to be carried out as part of the programs conducted by the University of Adelaide and the Queen Elizabeth Hospital, the Flinders University of South Australia and the Flinders Medical Centre and by Repromed Pty Ltd at the Wakefield Memorial Hospital.

Clause 5 provides the offence created by clause 4 (1) to be a summary offence.

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

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) ACT AMENDMENT BILL

The Hon. BARBARA WIESE (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Coober Pedy (Local Government Extension) Act 1981. Read a first time.

The Hon. BARBARA WIESE: I move:

That this Bill be now read a second time.

This Bill is designed to allow any person who has, for a period of at least 12 months, served either as a member of the Committee of Management of the Coober Pedy Progress and Miners Association or as a member of that committee and then the new council at Coober Pedy, to be eligible for nomination and election as mayor at the next local government periodical elections.

The principal Act presently provides that those persons who were members of the committee of management immediately before its dissolution and then became members of the council recently formed at Coober Pedy may count service on the committee as service as a member of a council. This provision accordingly assists a specified group of people to qualify for nomination for election as mayor but does not allow other people who may have served for lengthy periods on the committee of management only to have their service counted as service with a council for the purposes of the Local Government Act 1934.

The Government has received representations that the present position is unfair, in that service on the committee of management may be counted as service with a council for some people but not for others. The Government is willing to take steps to amend the Act to remove this anomaly, especially as it is recognised that the association was performing many of the functions of local government at Coober Pedy. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 enacts a new section 5 of the principal Act that provides that, notwithstanding the provisions of the Local Government Act 1934, a person who has, since the commencement of the principal Act, served for at least 12 months as a member of the committee of management of the association or as such a member and then as a member of the council is eligible to stand for election as mayor of the council.

The Hon. PETER DUNN: In the interests of getting this measure through as quickly as possible, as we have about one month left to help the Coober Pedy people in this way, I will speak to the Bill with only limited access to the second reading explanation. When the select committee made recommendations concerning changes to the Coober Pedy Progress and Miners Association so that it could become part of the local government scene, an oversight was made that was not picked up by any of us. The oversight was that, to be eligible to be mayor, people had to serve on the present committee; this meant that under the Local Government Act any other person in this State who had served on local government could be eligible to be mayor of Coober Pedy. However, peole who had served on the Coober Pedy Progress and Miners Association and who had given service for many years were not eligible. That was certainly inequitable. This anomaly was drawn to my attention some time ago and I must say to the Minister's credit that she has seen the wisdom of making it fair to all, because it is a unique situation at Coober Pedy and this situation has obtained purely because of its isolation. Obviously, the people of Coober Pedy want this changed. I have heard that there are more nominations for mayor than there are for local government. If that is really so, there will certainly be an interesting contest at Coober Pedy for that position. It is certainly another positive step in the growing up of Coober Pedy and I certainly support the Bill. We on this side of the Council will do what we can to facilitate its passage through Parliament. Therefore, I support the second reading.

The Hon. C.M. HILL: In supporting the Bill and the remarks of my colleague I ask the Minister in replying to the debate to confirm, because I believe that it should be on the record in this debate, that she is taking the practice of local government as a precedent and that in the present Local Government Act the condition under which anyone can seek mayorality of a local government council is that they must have served for at least 12 months on that council. In other words, the situation ought to be the same in the case of existing local government as well as this new form of transitional local government at Coober Pedy.

The Hon. BARBARA WIESE (Minister of Local Government): As I understand the question raised by the Hon. Mr Hill, he is asking me to confirm that the provision for a person to have been a member of a council for 12 months will apply in the situation of the Coober Pedy elections as would apply in any other council in South Australia and that is certainly what we are attempting to achieve with this amending Bill.

The situation we have had, moving towards this periodic election, involves those members who served on the Coober Pedy Progress and Miners Association from 1982 onwards and until formal local government came into effect during the past 12 months; they would not have been eligible to

run for the position of mayor due to an oversight in the legislation. Since people who were serving during that period on the association were performing many of the functions of local government, albeit in a modified form, it was considered by the Government to be unfair to exclude them. Therefore, this amending Bill will seek to rectify that.

The Hon. C.M. Hill: I think that the Minister may have misunderstood.

The PRESIDENT: Order! This is a second reading debate and when the Minister speaks she closes the debate. This Bill, being a hybrid Bill, must be referred to a select committee.

Bill read a second time and referred to a select committee consisting of the Hons G.L. Bruce, Peter Dunn, M.J. Elliott, J.C. Irwin, G. Weatherill, and Barbara Wiese.

The Hon. BARBARA WIESE: I move:

That the quorum of members necessary to be present at all meetings of the select committee be fixed at four members and that Standing Order 389 be so far suspended as to enable the Chairman of the select committee to have a deliberative vote only.

The Hon. C.M. HILL: I wish to speak to the motion. I hope that the quorum of members fixed by this motion will see no need to go to Coober Pedy for this investigation.

Motion carried.

The Hon. BARBARA WIESE: I move:

That this Council permit the select committee to authorise the disclosure of publication or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to the Council.

Motion carried.

The Hon. BARBARA WIESE: I move:

That the select committee have power to send for persons, papers and records, to adjourn from place to place and report on 14 April 1987.

The Hon. C.M. HILL: I do not think the committee should go from place to place. The matter should be dealt with by the committee meeting in this House only. I want to avoid public expenditure and wastage of money. I do not want the members of this committee having to go up to Coober Pedy because this motion gives them the right to move from place to place. This simple question should be settled here by this select committee in this Chamber and it should not have the right, in my view, to go from place to place. I oppose the motion.

Motion carried.

[*Sitting suspended from 6.8 to 7.45 p.m.*]

RETIREMENT VILLAGES BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 3046.)

The Hon. T.G. ROBERTS: I rise to support the Bill, which comes here at a time when Australia, and South Australia in particular, has a rapid growth in the ageing population. Figures taken from the annual report of the office of the Commissioner for the Ageing indicate that over the next 25 years, South Australia's population will increase by 20.8 per cent. The population aged 65 and over will increase by 48.3 per cent; 75 and over by 118 per cent; and over 85 by 147.5 per cent. This points to the fact that we shall have a rapidly expanding number of aged people and some of the facilities to accommodate aged people will include the retirement village.

The Bill sets out to regulate retirement villages and provide rights to residents of such villages. In my maiden speech, I made some passing remarks in terms of the democratic rights of aged people in retirement villages, and this Bill goes a long way towards providing legislative support for those people who make the decision to live in such villages. It is a decision that is not to be taken lightly. It is usually taken in conjunction with other members of the family and, at that time, people try to organise their financial affairs and plan the next stage of their lifespan in some order.

Prior to the Bill's introduction, in many cases people had to take the *bona fides* of the particular retirement village that they decided to join at face value and really did not have many rights extended to them by the legislative process and had to rely on the goodwill and good nature of the organisation which they decided to join. The Federal, State and local governments and religious denominations all had given support to retirement villages and over a period of time there had been an ordered growth in the type of the facilities being provided. I guess we now have entering into the market those who see retirement villages as a private investment avenue. In some cases, they see it more in terms of dollars and cents than the social value of villages to accommodate those people who decide to move from their home into organised retirement settlements. So, the Bill is timely.

There have been a couple of instances where elderly people have been placed in a position where their life savings have been put at risk. Reference was made to the Murray Bridge case, but I guess there would be other villages where people were not entirely happy with the circumstances in which they found themselves after making the decision to sell their home, reorganise their financial affairs and make that final decision to settle in a village. Clauses 12 to 15 provide some of those necessary rights. They provide the rights to participation in the affairs of those retirement villages and give them some say, albeit small, as to how the village will operate. It places some obligations on the organisers of those villages to liaise with the residents so that there is a feeling that they are a part of the democratic processes and, as older people, they do have some rights as to how they spend their later years in that village and do not feel powerless to influence the way in which their daily lives are administered.

It is true to say that as soon as people in large institutions such as hospitals, nursing homes and, in some cases the workforce, get behind closed gates and doors, there is a feeling that their rights are somehow or other expendable, and the administration of those organisations sometimes tends to overlook the fact that they are dealing with human beings. People in the twilight of their life in a lot of cases tend to loose the fire and vigour that perhaps they had as younger people, and look towards regulation and legislation for some protection from the excesses of people who would, I suppose, try to impose on those people who enter those villages.

When older people reorganise their finances, it is usually in a way that does not allow them a lot of financial freedom and, in general, they do not have the financial resources that allow them to shop around or make moves from one retirement village to another. They usually choose a village that is quite close to or is as near as possible to those people they are either related to or with whom they are friendly. There is a rapid growth in South Australia in retirement villages and, coupled with the increase in life expectation of most people, I think we shall find there will be more people moving into these villages which are often advertised, albeit very quietly.

It is important that the people who administer retirement villages have credentials that are open to scrutiny and are

people in whom one's trust can be placed. Clause 15 of this Bill goes towards that end by setting out the standards and codes of behaviour that these people must comply with. The provisions of clause 15 (2) *(b)* rule out people who have been convicted of an offence involving fraud or dishonesty in the preceding five years or people who have served a sentence of imprisonment for an offence involving fraud or dishonesty if that sentence ended during the preceding five years. By setting out those minimum standards, the Bill will perhaps rule out those people who might set out to administer retirement villages not for proper social reasons but for profit.

The Bill is a timely one, and there will probably be a lot of feedback through individual members on what effect the Bill will have in the community. I am sure that most other members have received many letters from people in retirement villages who are frustrated with their circumstances and who, because of their age, feel that they just do not have the zest or the vigour to argue with administrators in terms of their day-to-day existence. Such people will be very grateful for the legislative protection that this Bill provides. If the Bill gets the right media coverage and promotion, it will encourage people in retirement villages to take more interest in the day-to-day administration of the village so that the daily operations of that village fall within the acceptable terms that they are used to; that is, that the running of their daily lives and the provision of meals, recreation and other facilities that they would expect if they lived at home are organised and administered in a democratic manner.

Most local government authorities that are involved in human services provide at least some administrative interaction with retirement villages, and most villages have links with hospitals, doctors, meals on wheels and other community support groups. There is a maturing of the Anglo-Saxon approach to dealing with aged people or those in retirement homes. In general terms, migrant people tend to look after their families much better than do people with an Anglo-Saxon history. Although that might be a generalisation, I feel that people with an ethnic background tend to make their older people feel much more a natural part of the extended family than we Anglo-Saxons do. That will probably continue with the present generation of ethnic people but there will probably be a trend towards the Anglo-Saxon way of dealing with the extended family. I hope that that trend does not occur, but we might find at a later date that there will be a growth in villages for elderly migrant people because there will be a rapid increase in the number of ageing migrant people in the 1990s and by the year 2000.

The Hon. C.M. Hill: They are setting up their own villages now.

The Hon. T.G. ROBERTS: Yes, there is a move towards that trend. There is an acknowledgment that with age comes poorer health and in many cases those services are more adequately supplied and in a more organised way than they are for people living independently at home. About 90 per cent of retired people live in their own homes and the other 10 per cent live in nursing home/hostel accommodation or retirement villages, rest homes and general rental accommodation. That latter figure will increase over the years, so this Bill is very timely. As the Hon. Mr Hill pointed out, the legislation comes at a time when there is a rapidly changing circumstance in the way in which older people handle their retirement and organise their lives. This Bill offers the protections that I alluded to earlier and I hope that these people will be able to organise their lives democratically within the structure of retirement villages.

With this Bill, I see a more assertive independence emerging from older people. Hopefully it will lead to people in retirement villages showing more independence and interest in the way in which their villages operate and taking a stronger interest in the financial management of their villages so that the excesses of the unscrupulous operators are exposed at an early date. Although it is only a small number of people who act in an unscrupulous way in this industry, hopefully they will be pinpointed much earlier by the attention that will be paid to them, given the clauses which I have mentioned, which will govern the way in which retirement villages operate.

When I checked the complaints forwarded to me of excesses of administration bodies currently administering retirement villages, I found that, in most cases, they were a result of a lack of communication or a patronising approach taken by either the management or the staff of those rest homes. That is not a general reflection and I must commend a lot of the staff in these villages because they do a magnificent job. However, we do receive complaints and therefore there is a need for the legislation. The general trend of these complaints is that the residents are treated as units in a home rather than as people.

One receives complaints from people selling their homes and family possessions. These people are then placed in the situation, usually by their own choice in consultation with other members of the family, of having to leave a lot of their family heirlooms and personal effects at the principal place of residence, which is then sold. A certain amount of trauma is associated with that and adjustment needs to be taken into account when these people settle. I have received complaints about the lack of respect at retirement villages for a resident's personal possessions, and perhaps a lack of attention to detail in relation to how these people set up their new life.

With the rapid move to retirement villages the learning process is continuing. The policy of encouraging people to stay at home and to provide the services to the principal family home is probably the best way to go. However, once people make their choice to shift away from their principal place of residence, it is up to the State, the Commonwealth, local government and, in the case of private investors, a private village, to ensure that the residents are kept informed so that they feel they are part of the village and that their home is a home and not a transient place where they feel alien to their circumstances.

This Bill is not complicated; it is simple in its application. If the administrators of retirement villages take note of its content and use it as a legislative guideline in relation to the way in which they administer their village, I am sure that the residents of those villages will live a much happier and more fruitful life than would be the case if there was no legislative cover. If there was no protection it would leave a lot of people in a vulnerable position. After making an investment decision to leave their principal place of residence, many people do not have the economic independence to be able to chop and change nor, in a lot of cases, do they have the energy to argue with the administrators of the villages.

It is a matter of providing a safety net—a legislative safety valve—for these people to be able to rely on for protection because the last thing elderly people need, as their health deteriorates, is to be worrying about the financial and administrative concerns of the operation of the retirement village. I hope that the Bill provides that safety net and gives the residents the confidence to be able to assist in administration and also gives the residents the independence they require to feel that they are not trapped and are

part of a village that has a way of life that is suitable to them and their partners (if that is the case).

I hope that the Bill will eliminate some of the problems that I have suggested might have occurred previously. Other members have spoken on this Bill but I have not heard them allude to some of the problems I have mentioned. Whether or not that is because they have stuck to the content of the Bill and not its application to people, I do not know. I hope that the media publicises this Bill to the point where people will want to participate in the operation of their village, and so that it is not a matter of one management annual meeting a year, as the Bill provides. I hope that that is the minimum participation rate that a lot of retirement villages encourage. I also hope that the Bill provides the impetus for those who administer the villages to use that as the minimum standard and try to involve residents in the decision-making process so that they feel it is their home and do not feel as if they are treated like housing units.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

FAIR TRADING BILL

In Committee.
(Continued from 24 February. Page 3042.)

Clause 31—'Procedures in respect of prescribed reports'—consideration resumed.

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

Page 15, lines 8 to 12—Leave out subclause (5).

I have already given detailed reasons why I think this subclause is inappropriate. Clause 31 deals with procedures in respect of prescribed reports, and subclause (4) provides:

A trader who receives a written prescribed report shall for not less than 6 months after receipt retain a copy of the report.

Subclause (5) provides:

A trader who receives an oral prescribed report shall—
(a) at the time of receipt make a written record of the contents of the report;
and
(b) retain that record for 6 months after that receipt.

My earlier point was that that will place a significant burden on traders who receive information about prospective customers by telephone, in particular. It places an immense burden on them if they are to be required to keep a written record of the contents of the report on each case that such a telephone report is received. It is not in the present legislation dealing with credit reports, and I would see that there is no harm to the consumer in deleting subclause (5).

The Hon. C.J. SUMNER: I have reconsidered this matter and believe that my earlier response to the amendment was something of an over-reaction. There may still be potentially a concern but to date, under the Fair Credit Reports Act, there does not seem to have been evidence of a major problem of people being unable to ascertain from whom the adverse credit report came. In reassessing the amendment of the honourable member, I think the objectives which I desire at this stage are met.

Those objectives are to enable a person aggrieved by an adverse credit report to find out the source of that report and, having found it out, have the capacity to get the report corrected. The honourable member's amendment ensures that that can happen. The concern that I expressed earlier was that, if no note is made of an adverse credit report by a trader, the consumer would not be able to get a copy of the report, and therefore be able to assess it. However, even with the Hon. Mr Griffin's amendment the consumer will be able to find out from the trader that he is dealing with the name of the credit agency or person who gave the adverse report.

That will then enable the consumer to go to the credit agency and ask for the report, or ask for the file held on the consumer and the rights of the consumer to correct the file are in the legislation. I suppose the only problem that may occur—and this was adverted to when I addressed this question previously—is if the trader with whom the consumer is dealing does not remember from whom the adverse credit report came.

I am advised that that has not been a major problem under the Act: there have not been complaints of that kind. If this Bill goes through as it was introduced, we would be using a sledgehammer to crack a nut because, as it is presently drafted, it would require every inquiry by a trader—just the formal routine inquiries to Bankcard and the like—to have a written record made of them. I believe that is not necessary. If the report is oral, I am sure that the trader would have credit agencies with which they customarily deal—Bankcard, Mastercard, or the Credit Reporting Agency—and would be able to advise the consumer from whom they got the report.

As I say, the only concern would be if the trader did not remember and perhaps got the adverse report from another trader who had not made a note of it. There may be a potential problem, but one would expect consumers who are subject to adverse credit reports to make fairly immediate inquiries as to where the adverse report came from and that would then enable them to pursue their rights.

I have revised the view that I had earlier. The principal objectives of the legislation will still be met by the honourable member's amendment, and therefore I am prepared to support it with the rider that, if there does appear to be evidence of a problem and traders being able to avoid their obligations in this respect or indeed credit agencies being able to avoid their obligations, I would consider re-examining the matter.

The Hon. I. GILFILLAN: Can the Attorney-General assure me that there is an obligation on the credit agency to retain and reveal any report that has affected a consumer? I agree with what the Attorney has said—and I felt so when we dealt with this matter last. Is there an obligation on a credit agency to hold and make available to a consumer any report that has influenced the consumer's credit rating?

The Hon. C.J. Sumner: I refer you to clause 33.

The Hon. I. GILFILLAN: Right. Secondly, if a consumer has been refused credit by a trader who has amnesia or Reaganitis, is there any redress or some way in which the consumer can seek an injunction or restrain the trader from spreading a report, the basis and source of which the trader confesses to have forgotten?

The Hon. C.J. SUMNER: If it were defamatory, there would be that civil remedy, which involves the possibility of an injunction. This is the problem that the original Bill was trying to address. If there was a trader who was forgetful, the consumer would be left lamenting if he or she got an adverse credit report. There have not been any complaints of that kind under the existing legislation, which has been in place for 15 years. It seems to me that if we pass the Bill as originally introduced we may be legislating for a problem that does not exist and I do not think that we ought to be doing that, given that the clause as it was introduced would impose some considerable extra burden on traders in making records.

It may be that we could tone it down a bit and say that they do not have to make records if they get it from Bank-

card or Fair Credit, but then we introduce a bunch of exceptions which complicates the legislation. If there was any evidence that this problem was occurring, we could proceed with the Bill as originally drafted. The evidence given to me is that there are no concerns in this respect and, as I said, if it does appear that a problem arises—that a particular trader is somehow or other being unreasonable—we can re-examine the matter.

I would have thought that traders probably would keep a note in most cases of any report that they received, if people were asking them for credit. The only thing that could possibly slip through the net would be if the trader asked another trader. It would be most unlikely that a trader would not be able to tell a consumer that his credit reference agencies were, say, Bankcard, Mastercard, Diners or the Credit Reporting Service, agencies with which he customarily deals. He would tell the customer to approach them. In all probability the contact would be known because that contact would be made all the time.

The only area in which a problem could arise is if a trader who got a credit report from another trader and did not make a note of it and could not remember. Indeed, if they know a trader to ring in order to get a credit report on a person in the first instance, one would expect that they would know the name of the trader they contacted. If the trader with whom the consumer is dealing knows that, all the consumer's rights flow from that. He can request the trader to provide that name. The consumer can go to the credit reference source and request a copy of the file or the information that the credit agency has, check it and, if it was wrong, correct it.

Amendment carried; clause as amended passed.

Clause 32—'Duties of traders'—consideration resumed.

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

Page 15, lines 26-30—Leave out paragraph *(e)* and insert new paragraph as follows:

(e) where that report was written, give a copy of that report to the person.

My amendment is consequential upon the last amendment and provides that a person is to give to a customer a copy of every prescribed report that was in writing. The Attorney-General has a consequential amendment to clause 29 which picks up the transmission by computer of credit information.

The Hon. C.J. SUMNER: Yes, it is consequential.

Amendment carried; clause as amended passed.

Clause 33—'Duties of reporting agencies'—consideration resumed.

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

Page 15, lines 40 and 41—Leave out paragraph *(c)* and insert new paragraph as follows:

(c) a copy of every such prescribed report that was in writing.

The amendment is consequential on the earlier amendment to clause 31.

The Hon. C.J. SUMNER: It is accepted.

Amendment carried; clause as amended passed.

Clause 34—'Correction of errors'—consideration resumed.

The Hon. K.T. GRIFFIN: I suggest that we take the Attorney-General's amendment as it does much the same as my amendment does, but in a way that picks up an oversight in mine. I would be happy to support his amendment when he moves it.

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

Page 16, lines 24 to 33—Leave out subclause (4) and insert new subclause as follows:

(4) Where information is altered under this section by amendment, supplementation or deletion, the following provisions apply:

(a) where a reporting agency makes such an alteration, the agency shall give notice in writing of the alteration to—

(i) every person provided by the agency with a prescribed report based on the information within the period of 60 days before the making of the alteration;

and

(ii) every person provided by the agency with such a prescribed report before the commencement of that period and nominated by the person to whom the information relates;

(b) where a trader makes such an alteration, the trader shall give notice in writing of the alteration to every person provided by the trader with a prescribed report based on the information and nominated by the person to whom the information relates.

The main concern here was raised by the Hon. Mr Griffin in that a reporting agency would have to give notice in writing of amendments, supplementation or deletion of a credit record to every person nominated by the person to whom the information relates. The honourable member considers that to be somewhat oppressive. I have considered the matter and my amendment will reinstate the existing law in the present Fair Credit Reports Act and does provide that a reporting agency must notify certain people of corrections but is not quite as all embracing as that which was in the original Bill.

The Hon. K.T. Griffin: With the extension though of a trader also being required; that is not in the present Act.

The Hon. C.J. SUMNER: Yes, it has the added benefit that a trader must also give information relating to alterations, etc., that are made.

The Hon. K.T. GRIFFIN: As I indicated, I am prepared to support the amendment. It does pick up one omission in my amendment, namely, that it allows a person in respect of whom the prescribed report relates to nominate which of the other bodies to whom the report has already been given should receive the amendment. It is not forwarded to every person to whom the report has been given but only to those (with regard to a trader) in respect of whom the subject of the report nominates. That is an appropriate limitation.

The Bill itself, as the Attorney-General said, really went much wider than I thought was reasonable, as the subject of the report could have required the amendment to be given to just about anybody, regardless of whether or not they had the earlier report. I am happy with the amendment he is moving and it does accommodate the major problem I saw with the Bill as it was introduced. I therefore seek leave to withdraw the amendment that I moved previously.

Leave granted; amendment withdrawn.

The Hon. C.J. Sumner's amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments.

Bill recommitted.

Clause 29—'Interpretation'—reconsidered.

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

Page 14, subclause (2), as previously inserted after line 22 by amendment moved by the Attorney-General:

Leave out 'and is neither written nor oral' and insert 'other than by telephone or other oral means'.

Leave out 'as being oral' and insert 'as being written'.

The amendment is consequential upon those that we have just made to clauses 31 and 32.

The Hon. K.T. GRIFFIN: I support the amendment.

Amendment carried; clause as further amended passed.

Bill read a third time and passed.

TRADE PRACTICES (STATE PROVISIONS) BILL

Read a third time and passed.

STATUTES AMENDMENT (TRADE PRACTICES AND FAIR TRADING) BILL

Read a third time and passed.

TRADE MEASUREMENTS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 17 February. Page 2903.)

The Hon. K.T. GRIFFIN: This Bill proposes a range of technical and machinery amendments to bring the legislation into line with the Commonwealth National Measurement Act in relation to terminology and certain procedures. In addition, the penalties have been reviewed comprehensively and I note from the second reading explanation have been increased by a factor of about five, principally because the majority of the penalties have not been reviewed since about 1967. I understand also that the penalties which are proposed in this Bill bring the Trade Measurements Act more into line with the penalty provisions of the Trade Standards Act.

The major area of amendment is in clause 19, which deals with section 36 of the principal Act. Section 36 deals with the sale of coal and firewood and presently subsection (1) allows coal or firewood to be sold by net mass and, in certain limited circumstances, by quantity or volume. Those terms and conditions attaching to sale otherwise than by net mass relate to quantities in excess of 250 kilograms and in certain other circumstances.

The information supplied by the Attorney-General in the second reading debate is that there has been a very high incidence of detected cases in which the effective price to the consumer per tonne of fuel sold by the truck load is far higher than the ruling market price, and the conclusion reached by the Attorney-General is that the authority to allow the sale of coal and firewood otherwise than by net mass, even under certain limited circumstances, should be removed and that in future coal and firewood should be sold only by net mass. I have been in contact with a number of fuel suppliers and I am told there is only one firm in Adelaide which sells coal. It is purchased from Western Australia in 40 kilogram bag lots and is already sold by net mass. Some questions were raised by that supplier about liability if the bag does not weigh in at the correct weight, but I think I have clarified that for the particular supplier. Briquettes, I understand, are purchased from Victoria in bagged lots and are transported here by semitrailer. They are also sold by net mass and not by volume.

The only area of difficulty comes with firewood, and I am told by this supplier that there are some so-called backyarders who have come into the business over recent years and sell firewood by the bag. Out of interest, he has weighed some of the bags and it turns out that people are paying something like $200 per tonne when the current rate, according to net mass, is $87 per tonne. He has discovered that the same sort of discrepancies apply when firewood is sold in drums, so quite obviously—

The Hon. C.J. Sumner: There have been quite a few prosecutions in this area.

The Hon. K.T. GRIFFIN: It is an area of major concern. Of course, a lot of people prefer to buy smaller quantities of firewood. I would suggest that, even though $87 per tonne for larger quantities is the ruling price, it would not be inappropriate for persons selling by smaller net mass lots to charge perhaps a proportionately higher fee per tonne because of the additional handling required to divide it into those smaller quantities.

The Hon. C.J. Sumner: But not more than twice as much.

The Hon. K.T. GRIFFIN: Quite obviously, $200 a tonne is 2½ times the ruling price per net mass, and even that varies a bit. Some suppliers provide it at $87 per tonne at the woodyard; others at $87 per tonne delivered, so if you take delivery at the woodyard, you get a discount to take into account the fact that you are picking it up and it is not being delivered by the supplier. Quite obviously some difficulties need to be removed and clause 19 does just that. The Opposition is prepared to support that proposal.

Some persons have raised with me the practice which some disreputable suppliers have followed—but I would suggest there are not many of them—of hosing down the firewood overnight to increase the net mass when delivery is made the next day. One suggestion is that that course of action might in fact double the net mass of a particular quantity of firewood and there is therefore a fraudulent practice which I would not say is in vogue but is carried out by some of the less reputable suppliers. I do make the point that there is already a provision in section 36 (2) which states:

> Any person who—
> (i) sells coal or firewood by description which is false as to the sort of coal or firewood sold;
> or
> (ii) sells or delivers wet coal or firewood with intent to defraud the purchaser as to the mass of coal or firewood sold or delivered, shall be guilty of an offence against this Act.

It seems to me that, with the increases in penalties, there will be an additional deterrent to that sort of practice being followed. I should say that the major suppliers whom I have contacted, and who by reputation are reputable in the community, do not indulge in that practice.

The other aspect of the amendment is that it is to be a defence for the defendant to prove that the sale was not made in the course of carrying on the business of selling coal or firewood, so the sale by Apex or other service clubs where they sell by the trailer load is not likely to be caught. A farmer who makes a casual sale of some firewood by way of volume would have a defence to a charge under the section by proving that the supplier in the circumstances was not selling in the course of carrying on a business of selling coal or firewood.

The only other aspect of the Bill to which I want to make some reference is to clause 23 which amends section 43 of the principal Act, which deals with the question of prosecutions. It provides that prosecution is not to be commenced except with the consent of the Minister and, in any proceedings in connection with a prosecution, a document purporting to be a consent of the Minister shall be deemed to be such a consent in the absence of proof to the contrary. My interpretation of that section is that the provisions of the Justices Act apply with respect to the time within which proceedings may be issued, and that must be six months after the offence has been committed. I notice that, in proposed new section 43, that is to be extended quite significantly to a period of three years after the day on which the offence is alleged to have been committed or within one year of the day on which the alleged offence came to the knowledge of the complainant or any inspector, whichever period first expires. It is a quite substantial extension of the period within which the complaint may be laid and I do have some concern about that.

If there is to be an extension, it ought to be a maximum of one year because, with the sort of offence one is talking about under the Trade Measurements Act, it would be very difficult suddenly to discover, two and half to nearly three years after an alleged offence has occurred, that an offence has been committed and to get the necessary proof. I would have thought that there may well be potential for injustice where, for example, the product has dissipated, weathered or has in some other way deteriorated so that it is not possible to determine the accurate mass or volume of the product sold two and a half to three years before. I would have thought that one year from the date of the commission of the offence would have been, generally speaking, an adequate time frame within which to have proceedings issued. Subject to those observations, the Opposition supports the second reading of this Bill.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support. The question of the time within which prosecutions can be taken may seem a little bit anomalous, but that is a period that is already in similar legislation; for instance, the Trade Standards Act. In my second reading explanation I mentioned that there is a comprehensive review of trade measurements legislation proceeding now as a Commonwealth/State cooperative effort. That has not been finalised but, when it is produced, it will mean that there will be a uniform system of trade measurements throughout Australia, possibly based on the cooperative scheme that exists in the companies and securities area. That is still being developed and this is really only an interim measure. We expect a more fundamental reworking of the legislation in 12 or 18 months.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Commissioner for Standards.'

The Hon. K.T. GRIFFIN: Clause 8 relates to the question of delegation. I was minded to propose an amendment to this clause so that the delegation is to a person employed in the Public Service unless the Minister consented to a delegation outside the Public Service. That would make it consistent with the Bills relating to trade practices and fair trading that we have referred to. The provision for delegation is already in the principal Act and, although I am minded to move an amendment, in the light of the sort of review that the Attorney-General has indicated is likely to happen on a national basis in conjunction with the other States, I merely raise the point and ask the Attorney-General to ensure that it is taken into consideration and that the question of delegation is fairly carefully watched.

The Hon. C.J. SUMNER: I undertake to examine that matter and, if there is a problem, to see whether it can be addressed in the new uniform legislation.

Clause passed.

Clauses 9 to 18 passed.

Clause 19—'Sales of coal and firewood.'

The Hon. I. GILFILLAN: I seek a little more discussion on the definition of net mass: I may have missed it. I have looked at the principal Act which defines mass as meaning the quantity of matter contained in an object. The intention obviously is to charge by some estimate of the actual product desired but, with firewood in particular, (although the wetting down of firewood might be a somewhat spurious practice), it often gets wet in the course of its normal handling. It comes in different degrees of moisture content from different sources. In addition, mallee roots quite often carry considerable quantities of earth and sand. I wonder whether the Attorney-General can indicate whether there is a need for a definition of net mass. If not, is there some indication of how the net mass will be determined, particularly in the case of firewood? I doubt whether there is a lot of domestic consumption of coal. Western Mining Company might have a problem with moisture when it takes coal out of Kingston but that would probably be a precalculated formula so it will not conflict with this particular legislation, and I hope that it never occurs. However, firewood does pose a question that may be hard to solve.

The Hon. C.J. SUMNER: Net mass means the mass without the container.

The Hon. I. Gilfillan: What about the moisture? There was discussion about wet wood.

The Hon. C.J. SUMNER: I did not raise the discussion about wet wood; that was the Hon. Mr Griffins' excursion into the debate.

The Hon. C.M. Hill: What about sand on mallee roots?

The Hon. C.J. SUMNER: That is probably why they wash it down and it gets wet. One cannot have it every way, it seems to me.

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: The Hon. Ms Laidlaw has hit the nail on the head. When one buys wood one has to be more conscious about whether it has been wet down, is full of sand or what have you, before it has been delivered. I do not think that is an issue that really can be sensibly addressed by legislation. Net mass means the weight without the truck, trailer or whatever. However, it would seem to me that if one gets a load of wood that still has soil attached (whether mallee roots or something of that nature) or a load of wood is very wet and it has not rained for a few days previously, then one presumably would be suspicious and perhaps raise it with the trader. Unless the honourable member has any other suggestion to put, I do not see that it is something we can sensibly legislate for.

The Hon. I. GILFILLAN: There was a suggestion to insert the definition of net mass as being the mass less the weight of the carrying vehicle. There will be disputes about net mass. We have had firewood delivered in various forms with different degrees of foreign matter attached, and if there are disputes about the interpretation of net mass there will be haggling over the price per tonne of the firewood. As the Bill contains no definition of 'net mass' it may be well worth inserting one.

The Hon. C.J. SUMNER: The honourable member is, as we know, a bit of a bush-lawyer. However, I am advised that this defence has not been raised. Now that the honourable member has raised it in Parliament, perhaps some enterprising person might run it. We do not think there is a problem with the definition. Unless there is evidence that there are difficulties, or if other members think there are difficulties, I would prefer to leave it.

The Hon. J.C. Burdett: It means, leaving aside the container?

The Hon. K.T. Griffin: The dirt and stones.

The Hon. C.J. SUMNER: The member's defence that he has given to the enterprising lawyers is that prosecution will not succeed as they did not properly measure the net mass and did not take all the sand and water out of it.

The Hon. I. GILFILLAN: I suggest that the definition of 'net mass' should be inserted to mean the mass less the weight of the container because, as the Hon. Mr Griffin pointed out, wet wood is covered in section 36 (2) of the Act, and that is not a bother.

The Hon. C.J. SUMNER: Selling it and loading it up with sand might be caught under section 36 (2) anyhow. If it is firewood plus sand it is not firewood. I thank the honourable member for his contribution. As I said, there is

no doubting the capacity of people like the Hon. Mr Gilfillan, who have spent their formative years on the land, to come up with creative explanations and defences to an offence that may be raised by particular pieces of legislation. However, we do not believe that there is a problem with it. I will have the matter examined—

The Hon. K.T. Griffin: Before it passes in the House of Assembly?

The Hon. C.J. SUMNER: Yes. I will have the matter examined by my officers and by Parliamentary Counsel. If it is considered that there is a problem we will address it in the House of Assembly.

The Hon. K.T. Griffin: I think there is some validity in the point and if the Attorney thinks about it and talks about it that is fine.

The Hon. C.J. SUMNER: The Hon. Mr Griffin has added his learned wisdom to the topic. I think there may be something in the point in the sense that the Hon. Mr Gilfillan raised the potential issue that an enterprising lawyer may take up in defending his client from prosecution. We will examine the matter and if there is a need for any change we will carry that out in another place.

Clause passed.

Clauses 20 to 22 passed.

Clause 23—'Commencement of prosecutions.'

The Hon. K.T. GRIFFIN: This clause relates to the time within which a prosecution may be laid. During the second reading stage I said that I thought the period of three years was too long but that I recognised that in this form in the Bill it is consistent with the Trade Standards Act. I think there is some good distinction between the two pieces of legislation, but in the light of the fact that this whole area of measurement is to be considered on a uniform basis I hope that the question of the time within which prosecutions may be laid can be one of the issues considered.

Notwithstanding that it is in the Trade Standards Act and is now going into the Trade Measurements Act, I would not want that to be regarded as a precedent for other legislation to extend the time within which prosecutions are instituted. I think there has to be some equity in the way in which this sort of legislation is administered. It is rough on someone who, nearly three years after the alleged event, suddenly finds that he or she is having to defend legal proceedings when maybe records have been disposed of or the recollection of a particular customer is hazy, if it can be recollected at all. I think justice requires that, whether in this legislation or any other legislation, prosecutions are brought at the earliest opportunity and that an inordinately long period of time after the alleged offence has occurred should not ensue. Three years is a very long period of time for this sort of legislation.

The Hon. C.J. SUMNER: I note what the honourable member says, and I will consider his comments when the uniform Bill is being prepared.

Clause passed.

Remaining clauses (24 to 26) and title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 6)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

STATE EMERGENCY SERVICE BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2945.)

The Hon. DIANA LAIDLAW: The Liberal Party supports this Bill, which seeks to place the South Australian State Emergency Service upon a statutory footing. The SES has been operating in South Australia for some years during which time its duties and responsibilities have not been defined. This Bill aims to redress the situation. By establishing the general parameters in which the SES will work and by clarifying its powers and legal obligations this Bill will unquestionably be of assistance to the service, its status in relation to the other services operating in this State and also to its standing in the community at large.

Essentially this is so because, in order to operate effectively, it will be necessary at times for the officers to take quite drastic action, and it is preferable in such circumstances that such action be taken within statutory guidelines than in the absense of proper definition of powers. Considering the important nature of this legislation and the support it had received in both Houses of this Parliament it is rather surprising that it has taken so long to be presented. I am aware that in 1979—some eight years ago—representatives of this Parliament, the Commonwealth Parliament and other State Parliaments, in addition to community representatives, met and determined that there was some urgency for the implementation of State emergency legislation of this type.

I do not know why it has taken eight years from a meeting such as that to introduce this Bill, because it seems to me that it was a relatively easy measure to draw up, as the provisions correspond in most instances to those contained in the State Disaster Act and the Country Fires Act. They take into account amendments to both those Acts since they were introduced.

When this Bill was debated in the other place the member for Light raised a number of important points relating to what were considered to be, by the Opposition, omissions from the Bill. The Minister accepted some of those as valid and gave an undertaking to incorporate appropriate wording in the Bill to be considered in this place. It is pleasing that this undertaking has largely been honoured.

The principal matter in this category relates to compensation in circumstances where property is actually taken from an individual. Perhaps at this stage it is important to talk about the three instances of compensation in relation to this Bill, because the matter of compensation has caused much confusion to people to whom I have spoken concerning aspects of the Bill. The first instance of compensation relates to clause 17, which seeks to provide workers compensation for volunteer emergency officers and their dependents for death or injury arising in the course of their volunteer activities. This clause is identical to that accepted by the Parliament earlier this session in respect to the Country Fires Act, and the Opposition has no argument with this provision.

The second instance relates to cases where a volunteer emergency officer suffers personal loss, for example, a wristwatch or personal effects in the course of their duty. Compensation for this kind of loss is available to members of the CFS but no such agreement is identified in this Bill for emergency officers. I understand that subsequent to the passing of this Bill in another place advice has been received from the Minister that losses of that nature will be covered administratively. If this is the case, the Opposition has no problems with that arrangement, but I will be seeking some clarification of that point in Committee.

The third instance of compensation, as I mentioned earlier, relates to circumstances where property is taken from an individual for a purpose related to an emergency. This matter is most important because the Bill contains very

wide powers to enable officers to fulfil their responsibilities. Some of the powers as detailed in clause 12 allow an emergency officer to enter and, if necessary, break into any land, building, structure or vehicle and to seize any property they might deem necessary. While it is accepted by the Opposition that these powers are necessary and, indeed, that they are the same as those in the State Disaster Act, they are nevertheless far reaching and drastic measures.

In order that people respect the need for such powers and cooperate with the emergency officers in the exercise of their powers, it is vital that the Bill contain a provision for fair and proper compensation for loss of such property. Unfortunately, the Bill does not contain such a provision and no source of funds can be drawn upon to compensate a person whose property is taken from them for the community benefit.

By contrast, the State Disaster Act, upon which this Bill is modelled, contains such a provision for compensation for loss of property. That Act also contains regulation making powers which allow for compensation to be undertaken. When this omission was raised in another place the Minister, in summing up the second reading debate, said:

> The honourable member has raised a valid poiint . . . I think that, rather than reporting progress at the appropriate stage in Committee. . . I will obtain further advice. It seems appropriate that verbiage similar to that in the State Disaster Act should be used here. I can give an undertaking that similar wording will be placed in the Bill for consideration in another place.

In part, this very explicit undertaking by the Minister has been honoured for, while it has not been incorporated in the Bill that has been presented to this Council, I note that an amendment has been placed on file by the Government in relation to this matter.

The amendment to which I refer and to be moved by the Government provides that a person is entitled to be compensated for any injury, loss or damage that arises as a consequence of the exercise of powers under clause 12 apart from subclause (2) *(h)*, and that assessment of such compensation will be determined by a court. Again this provision is virtually identical to that incorporated in section 15(4) of the State Disaster Act. I recognise that the amendment to be moved by the Government is virtually identical to the provisions in the State Disaster Act, but concerns have been raised with me from a number of quarters that this course is not entirely satisfactory, as it does not allow a person immediate access to compensation funds.

I am sympathetic to this argument and believe it has some merit. If a person has had their property confiscated for the community benefit in the event of emergency, they should have recourse to a system that provides for immediate and prompt assessment and payment of compensation in the event of loss or damage of their property. If a vehicle, for example, is confiscated from a farmer, owner/driver or a person responsible for milk delivery runs or the like, such people should be eligible for easy access to compensation, their property having been confiscated for the community benefit in an emergency. We need not find just instances as major as confiscation of a vehicle which may later be damaged or lost. One could have, in the case of a fire, tyres burnt from one's car or damage of that type. If ready access to compensation funds is not available where that property has been confiscated, that person may not be able to continue their business operation immediately after the conclusion of the emergency.

My view is that those circumstances would be unjust because if a property is confiscated for the community benefit or if it is damaged or lost for the good of the community that person should not be further penalised by having to wait possibly some considerable length of time before they have access to funds either to repair that damage, in the instance of tyres being burnt following a fire, or the replacement of a vehicle if it is severely damaged during that emergency.

The people who have raised such concerns with me believe that the Government amendment does not address this matter sufficiently. The Government amendment determines that compensation will be available in such instances but determines that it will be assessed by the court. Many people are concerned that the involvement of a court in such an assessment process will unnecessarily delay the payment of compensation and needlessly disadvantage an individual who has been prepared to cooperate or has had their property confiscated during an emergency. I raise these points on behalf of the people who have contacted me.

I acknowledge that the Opposition will not be moving an amendment to that which is on file to the Government, but it is a matter that should be considered by the Government because it seems that the amendment on file may needlessly delay the process of compensation. Although applying in different circumstances, we have certainly seen instances of unnecessary duress forced upon people following Ash Wednesday where there have been protracted delays in negotiation of their compensation claims.

This matter, in terms of the use of clause 12 by emergency officers, could be readily addressed, in the view of some, by inserting a provision that there be immediate access to compensation funds if property is damaged or lost. If such compensation cannot be agreed to there would be the provision for people to refer their case for adjudication and assessment by the court, but it is suggested that the court should not be the first and only option but rather that there should be an intermediary step. This is not an amendment that the Opposition will be moving but it is a matter that warrants consideration by the Government both in relation to this Act and the State Disaster Act. I certainly hope it has the matter under active consideration. The Government may be sympathetic to the proposition that I am placing on record in the light of the Attorney's considerably positive response to questions raised during Question Time today by the Hon. Trevor Griffin.

The Opposition also believes that the matter of compensation that I have just outlined and particularly the support the Opposition is prepared to give to the Government amendment will serve the added advantage of assuring the public that there are adequate safeguards against abuse of the very wide powers in this Bill. Those powers in respect to clause 12 (2) *(c)*, in particular, which relate to the power to break into any land, building, structure or vehicle, have generated considerable community resistance and nervousness. Indeed, the powers conferred are very strong. However, the same powers exist in the State Disasters Act and have done for some time. As in that Act they can be exercised only while an emergency is in full force.

The mechanism for the declaration of an emergency is spelt out in clause 11 of this Bill. The fact that clause 12 is subject to clause 11 is a somewhat welcome relief when one considers the drastic powers that we would be consenting to in this Bill. I note also in relation to those powers that clause 21 (2) *(a)* provides regulations to determine the manner in which any of the powers of emergency officers may be exercised.

In addition, it is worthwhile pointing out that not everyone of the 3 000 SES volunteers will have the authority to exercise the powers under clause 12. The powers will be limited to emergency officers, including the 14 permanent SES staff and the local controller and his or her deputy in each of the local units. As there are 64 local units under

the present structure, there will be 142 emergency officers. These qualifications in relation to the emergency powers do not discount the fact that the powers offer an enormous potential for abuse. It is vitally important that a training program for emergency officers be implemented that reflects the sensitive nature of their dealings with the community at large. If such a training program dealing with the powers which we would be granting to emergency officers during an emergency is not undertaken, I fear very much that the community will resist the role of the SES. It will needlessly aggravate sections of the community and, as a result, the SES would not be able to fulfil its very important responsibilities. I cannot emphasise too greatly the importance of training programs which stress upon SES emergency officers and all volunteers that they must use their powers with considerable sensitivity while in situations of emergency and stress.

The question of penalty is a matter on which the Minister in the other place, when summing up the second reading debate, also gave an undertaking to seek further advice. In doing so, he indicated that he would be perfectly comfortable with a higher level of penalty if that further advice suggested it was merited. I note that the penalties in the Bill before us remain at $5 000 for both cases of offence; that was the figure that was first introduced in the other place, and the Minister's second reading explanation has made no further reference to his having sought advice on the matter. So, I would be quite interested to learn from the Minister what his advice was in terms of the case for maintaining the penalty at $5 000, although at the time, as I said, he acknowledged that he was comfortable with higher penalties, particularly because the two levels of offence were quite different in their nature, and it was argued that the second offence could certainly attract a much higher penalty.

I also wish to raise a query in relation to clause 13 of the Bill which provides:

(1) In this section—
'recognised interstate emergency organisation' means an organisation formed outside this State that has been declared by the Director, by notice in the *Gazette*, to be a recognised interstate emergency organisation.

(2) A member of a recognised interstate emergency organisation who assists in dealing with an emergency in this State in respect of which an emergency order is in force shall, while so assisting, be deemed for all purposes to be an emergency officer.

In terms of that clause, I have two questions. I would be most interested to learn whether this means that persons who come from interstate into South Australia during an emergency situation are deemed to be emergency officers and have the authority to use powers under section 12. That person may not have received the training which we would have required of emergency officers in this State; the person may not know the locality or the personnel in the area or be totally familiar with the environment. Would that person be able to use in an unlimited manner all of those very drastic powers in clause 12? If that is the case, I would be most alarmed, but I would be most interested in the meantime to find out what the situation is.

Also in relation to clause 12, I would like to know what the situation will be in the case of a fire which, as we are all aware, has no respect for State boundaries, and when an emergency officer may have to confiscate property of a South Australian resident but that property is damaged or lost, for example, in Victoria, New South Wales or Queensland. Would the South Australian owner of that property still be entitled to compensation and would the volunteer or emergency service officer be entitled to workers compensation? This point was raised with me and I certainly did not find the answer clear in clause 13.

I am aware that other of my colleagues are keen to participate in this debate and wish to raise other matters. I support the second reading.

The Hon. M.J. ELLIOTT: In speaking to this Bill, I do hope that the Government is not in any great haste for it to go through, because I feel that this Bill is very deficient in a number of areas. On reading the second reading explanation, I took note of one mention of local government, where local government often on a dollar for dollar basis supplies equipment for the SES. When reading through the Bill, what I found most intriguing was that local government scored only the one mention, and that was where the State Emergency Services would not have to pay any rates.

I made contact with the Local Government Association and asked its members what they felt about the SES legislation. They were horrified to think that it had already arrived in Parliament, because they had written a letter to the Hon. Dr Hopgood raising a number of concerns. The only reply that they received was, 'Thank you for your letter. We will get back to you in due course.' Although the Bill is before the Parliament, they have still not received a reply. What is worse, the matters that they raised have not been addressed in the Bill.

A number of matters relating to local government and the SES need to be considered. First, local government does make a significant contribution towards the supply of equipment and other facilities, and I fail to see why this Bill has not recognised that in some statutory fashion. I also fail to see why the SES does not, at the very least, have some form of advisory committee in a similar fashion to that of the CFS, that is, one which would be involved in the day-to-day organisation of local equipment and facilities. The SES has a number of similarities with the CFS. It receives local government funding and has volunteers working for it. Neither local government nor the volunteers have been recognised in any fashion at all in this Bill; that is a very serious deficiency. We cannot rely on the goodwill of people if they are constantly ignored. I do not think that it is a good sign of participatory democracy, which I thought the Labor Party believed in, but it is not demonstrated in this Bill at all. Having seen draft CFS legislation in which less and less involvement is found for local government and volunteers, I am doubly concerned at the present trend.

While local government provides funding towards units, the SES can make a decision to remove facilities from one place and put them somewhere else. A local council may provide a facility on a dollar for dollar basis, but that facility may be uprooted and put somewhere else. I am sure that local government would be rather reticent to fund something over which it has no control whatever. The Local Government Association also expressed some concern that the existing provisions of sections 640 and 641 of the Local Government Act relating to flood management may require addressing in the SES Bill. The association believes that that has not been taken into account.

Having commented so far on what seems to be totally missing from the Bill, I have some comments about the Bill itself. Although I may be wrong, I see a conflict between clause 7, where the Commissioner is responsible to the Minister, and the rest of the Bill, where the Director seems to have all the power and there seems to be no direct tie up or direct line between the Minister and those officers. I do not know whether that is a problem but, on first reading, that seems to be so. I would appreciate a response from the Minister as to whether that could create problems.

Another area of concern for me occurs with clauses 11 (1), 11 (5) and 12 (1). On a reading of those clauses, I

believe that we could end up creating confusion among the various emergency services. I am very mindful of problems that occurred at the Danggali Conservation Park during a large fire about two years ago, attended by officers of the National Parks and Wildlife Service and the SES. A conflict developed between the two groups over who had the power to do what. The conflict became so great that the police had to be called in to sort out the ruckus. Quite clearly, they did not know who had the power to do what. That is my concern about clauses 11 and 12. One group of people assumes power, but another group assumes power over them, in which case the first group loses its power. Officers in the field may not know whether their head, who had given other instructions, still had the power to do it, because their superior officer has been countermanded and they are acting outside the law. According to the legislation, they think they can direct a person to do something but, if their own superior officer has had his ability to make orders removed, they have lost the protection of the law and they could be making directions that they no longer lawfully have the power to make. That is the way in which I read those clauses.

What is needed is legislation that brings all of the emergency services together, at least where responsibilities overlap and in the setting up of clear lines of command. By creating this Bill and tacking it on to everything else, we are exacerbating existing problems. The problems that occurred at Danggali could be far worse if, for example, three or four different groups arrive at different times at an emergency and each takes command. One group arrives and takes command, and a second group, believing that it is in a superior position, then takes command, and that may create conflict.

I am also concerned about some of the matters that the Government wants to prescribe by regulation. Without going into it in any great depth, I have difficulty with clauses 21 (2) *(a)*, 21 (2) *(b)*, and 21 (2) *(d)*, which relate to matters that I would have preferred to see dealt with in the Bill itself, rather than by regulation. I support the Bill at this stage, pending answers from the Minister.

The Hon. PETER DUNN: I support the Bill. I do not wish to deal in great detail with this legislation. I have some practical experience, not so much with the SES, but I was a member of the original committee in my area when the SES started up. I cannot remember the exact period, but I think it was some 10 to 15 years ago. As I understand it, it was Federal money that was brought into the State when the coordinating body that was set up in Canberra decided that we needed emergency services other than those provided at the time by organisations such as the CFS. That is a very proper role for Governments to play when there are disasters.

The Bill spells out fairly exactly what those disasters are: fire, flood, storm, tempest, earthquake, eruption, and an epidemic of human, animal or plant disease. That reference to an epidemic is the important part, because we all tend to concentrate on fires, earthquakes, and floods, but, in the future, epidemics may be greater problems. It is proper that Governments make provision for disaster because, if we do get an outbreak of some human or animal disease, we may need the expertise that only Governments can supply. Although Australia is very free at the moment, as the Minister knows, of exotic diseases that attack animals particularly, in future we may get mutated versions in human beings.

I suggest that the Government look very seriously at setting up orders of command so that we know exactly what will happen in the case of the introduction of an exotic pest or plant or an epidemic. Some effort ought to go into that. This Bill really deals with what is out in the country and therefore it is necessary to be quite clear about what happens. Members will recall the confusion that occurred some years ago regarding who was in command when there was the first Ash Wednesday fire in the Adelaide Hills. I therefore urge the Government to look very carefully at the question of command centres. If there is an outbreak, it will be very necessary.

The Hon. Mike Elliott mentioned the problems of raising money. In the past councils have, of their own free will and in some cases with the assistance of State and Federal moneys, purchased such things as tarpaulins, emergency trailers, and equipment necessary for emergencies. That is very important because, in relation to an incident of fire, flood, earthquake or cyclone (which blows a roof off, for instance), the trauma does not really hit home until some 24 to 48 hours after. When people return to their homes and they see their home demolished or flooded the trauma hits them, and it is comforting to them if they can be given support and if the SES can supply a tarpaulin to cover their roof, or whatever.

The Hon. Mike Elliott also referred to who was called out and the chain of command. In the case of fire, the Bill provides for SES assistance, and I assume that that is the role of the SES. However, I ask the Minister to clear that up later. The SES may be first at the scene, but surely when the experts turn up (whoever they may be) there should be a clear chain of command. In relation to filling the positions in that chain of command, I think it will create some difficulty in country areas. The SES has a much lower profile than the CFS and other organisations in country areas, and there has been difficulty in filling those positions. Those positions require training and the constant upgrading of abilities, particularly in relation to the SES, as they attend different disasters, not just fires. It is important that we make those positions in the chain of command as appealing as possible.

I urge the Government to ensure that its personnel in departments or agencies in country towns are encouraged to help when asked by the locals to take up these positions. From my experience, if these people are not called out regularly—and disasters do not occur every day—the scheme will run down and it will be hard to get people to help out. Also, I do not think that too many people are needed because organisations such as the CFS have regimented training and understand these things. I believe that it will be the role of the SES to ask these people to assist. There also needs to be a shed full of equipment—tarpaulins, etc.—in these areas, as well as expert advice.

I believe that the State helicopter needs to be upgraded, as has been mentioned in this Chamber previously. It may have a role in the future, particularly in relation to floods and such incidents. A few years ago Lake Eyre South flooded and it was necessary to take a helicopter to Anna Creek to lift people off the roof of their house. There was a high risk in doing that because the helicopter was not big enough for the job. However, it managed it under some stress.

The Hon. J.R. Cornwall: Have you made a formal submission and given your expertise in the area?

The Hon. PETER DUNN: I have not, but I think we need expertise. One of these days there will be a disaster in the Gulf, and not just a light aircraft like the one I use but a larger one or a commuter line. I know that the aerodrome has its emergency support system, but it needs slightly better equipment. As I mentioned previously, State employees should be encouraged to participate. In the past there has

been some retiscence in relation to taking time off to train. However, it will be necessary for training of one or two people in a country area and they can then train others. If someone shows enthusiasm and interest in the SES, I hope that the Government will encourage them and give them time off, where necessary, to train.

Mention was made of penalties. I have never had problems in an emergency, although sometimes there has been damage. Often one has to go through fences, houses and sheds, and take equipment. I recall that I once bulldozed a header which was in the way of a fire and did quite a lot of damage to it. However, I saved the machinery. What I am indicating is that people usually accept and understand such situations. However, it may be different in more closely populated areas. I think that penalties need to be reasonable and that there should be compensation for the destruction of property. The Bill provides enough power for a person to be directed to get out of the road or not to come back, as is the case with the Country Fire Services Act. The provisions of the Bill are sufficient, so that one does not have to threaten that if someone does not move on there will be a $10 000 or $20 000 fine.

The Bill provides that workers compensation legislation applies to volunteers. Many of the volunteers will not be members of the SES but will be seconded from the community. I am pleased to see that this Bill picks up similar compensation factors provided in the Country Fire Services Act. Those people should be compensated as well as the semi-professional who understands what he is doing and has the ability to lead. In disaster conditions plenty of workers are needed.

In relation to outbreaks of exotic diseases, I hope that the Government will supply the relevant experts. I expect the Department of Agriculture, hospitals and the universities to be able to provide those experts in the case of outbreaks of such diseases. I again stress that the SES is there to help people clean up and overcome the trauma during and immediately after the event. The Bill formalises a matter that has been rather airy-fairy. In the past there has been conflict between the SES, the CFS and local government instrumentalities. The Bill makes clear the role of local government and State authorities. The Hon. Mike Elliott mentioned the conflict between the Director and the Commissioner. The Police Department is the correct department for this matter to be under. If it is necessary to have a special person heading the SES, that is fine as far as I am concerned, provided that that person reports to the Commissioner and the Commissioner, in turn, reports to the Minister. However, I understand that the Hon. Trevor Griffin wishes to comment on that later. For those reasons I support the Bill.

The Hon. K.T. GRIFFIN: The difficulty with any sort of legislation like this, whether it is State disaster legislation or emergency legislation, is to try to find a balance between, on the one hand, being able to deal quickly and efficiently with emergency situations to minimise the loss of life, risk of injury or the possibility of damage to property and, on the other hand, ensuring that individual liberties are as much respected as possible.

The real potential, whether it is State disaster legislation or emergency legislation, is for a person out in the field exercising authority to act without proper regard for the sensitivities of an indivudal's predicament and the need to not be domineering, demanding or reckless in the exercise of what are very wide powers given to State disaster officers or emergency officers under this Bill.

That is always a problem: how do we find the balance.

I know that I wrestled with this when the Liberal Government in 1980 introduced the State Disaster Act and we tried to ensure that, whilst there was a reasonable basis upon which State disaster officers could requisition property and give directions, nevertheless there were some protections built in against abuse of power, provisions for compensation and also, in relation to a State disaster, for Parliament to be recalled, so that the emergency powers could not continue for more than a limited period of time.

That is the important aspect of all this sort of legislation: we do not want anarchy; or a dictatorship, but we want to minimise the risk to human beings and to property. Largely, the Bill before us deals with some of those dilemmas and endeavours to achieve a balance, but some problems need to be addressed by the Government before we pass the Bill. I want to deal with them on a clause by clause basis. In clause 3, 'emergency' is very widely defined, to mean:

> Any occurrence (including, without limiting the generality of this definition, fire, flood, storm, tempest, earthquake, eruption, epidemic of human, animal or plant disease and accident) that causes, or threatens to cause, loss of life or injury to persons or animals or damage to property, but does not include—
> *(a)* an occurence... under the State Disaster Act,...;
> *(b)* a civil riot disturbance;
> or
> *(c)* an industrial dispute:

I would have thought that in some respects an industrial dispute may be as much an emergency and be likely to cause as much if not more damage than one of the natural occurrences to which the earlier part of the definition applies. The area of concern about the definition of 'emergency' is that it is extraordinarily wide: it may be a motor vehicle accident, or some other event which is not naturally occurring. To what extent, then, is the power to be exercised under this Bill? The interesting thing is that the reference to 'fire, flood, storm, tempest, earthquake, eruption, epidemic of human, animal or plant disease and accident' is expressed to not be taken to limit the generality of the definition. That is not in the State Disaster Act definition of a disaster, and I suggest that the words 'without limiting the generality of this definition' be removed from the definition so that at least there is some categorisation of the emergencies to which the Bill applies.

As it is, it seems to be so broad as to cover almost any event where there might be risk to humans or to animals or of damage to property. I am not convinced that the Bill needs to be as broad as that, particularly when we take into account the sorts of wide powers that emergency officers have under this Bill.

I do note from another place that there are some 2 800 volunteers in South Australia in the SES. As I understand it, they will not be emergency officers; the emergency officers will principally be police officers in areas of responsibility in various regions of the State, and it is only the emergency officers, or the police officers appointed as emergency officers, who will exercise the wide powers.

I would hate to think that the 2 800 volunteers in South Australia are to become emergency officers with the opportunity of exercising these wide powers of requisitioning property and giving directions to people, which on balance might appear to the emergency officer to be appropriate but, with the sort of experience which individuals may have, may prove not to be so appropriate.

We should also remember that emergency officers will have the power to break into premises, including a home. They will have power to requisition any property, real or personal, and that in itself can have a detrimental effect on human relations in a situation of emergency such as this. As I said earlier, there has to be some sensitivity in the way in which these sorts of powers are exercised, and some

reasonable controls have to be placed over the persons who exercise those powers.

I wish to draw attention to clause 6. The Director of the SES may in fact delegate to any person appointed to the Public Service any of the Director's powers under this Act. That is probably a reasonable limitation, but I think that we ought to have clarified to us what sort of powers are likely to be delegated. I do not believe that that delegation ought to extend to the declaration of an emergency: that ought to be the decision of the Director or the person to whom the Director is responsible. It ought not to be delegated to some other public servant.

The Commissioner is responsible to the Minister for the administration of this legislation and in carrying out that function is subject to the control and direction of the Minister. I believe there is a deficiency in the Bill in that it does not make the Director responsible to the Commissioner, and I find that rather concerning because, on the one hand, the Director can delegate with the approval of the Minister, which suggests no intervention by the Commissioner. There are other decisions that the Director may take, such as the establishment and the disbanding of an SES unit and the appointment of emergency officers under clause 10, yet the Director is not legally subject to the authority of the Commissioner.

The Commissioner, though, is responsible for the administration of the Act. I would like the Government to clarify the line of authority and explain how the Commissioner will be able to exercise the responsibility for the administration of the legislation yet not have any control over the Director.

I know that in the second reading explanation reference is made to the State Director being administratively responsible to the Commissioner, but there is a significant distinction between being administratively responsible to the Commissioner as opposed to being legally responsible to the Commissioner.

Where there are specific provisions in this Bill, which seem to allow the Director to bypass the Commissioner and go straight to the Minister, it seems that there are confused lines of authority. The Hon. Mr Elliott drew attention to this problem in another context, that is, in relation to clause 14 of the State Disaster Act, the Metropolitan Fire Service, the Country Fire Service and in relation to other provisions of the Bill. That line of authority needs to be clarified.

In relation to clause 9 the Director has responsibility for approving the establishment of an SES unit and also can dissolve an SES unit. Provision exists for notice in the Government *Gazette* for both the establishment of an SES unit by the Director and also the dissolution of that unit. Several aspects of that clause need further clarification. First, there is no public registry in which any person may search the registration or incorporation of an SES unit established under clause 9. It is important that there be that opportunity for public search of the registration or incorporation of the SES unit.

No provision exists for notice to be given to the Corporate Affairs Commission where, for example, the SES unit is incorporated under the Associations Incorporation Act, but is to be incorporated under clause 9 by instrument published in the *Gazette* by the Director. This has the effect of cancelling the incorporation under the Associations Incorproation Act. There has to be a legal mechanism by which the incorporation of an SES unit under clause 9 is recorded for public scrutiny and search and also for the Corporate Affairs Commission records of incorporation under the Associations Incorporation Act to be kept properly in order. Maybe that could happen administratively, but I suggest some legal mechanism needs to be provided in the Bill to ensure that that is done and no questions can be raised about that.

Clause 11 provides for the Director to assume command in certain emergencies. It is a written order which remains in force for a period of 48 hours, unless sooner revoked. Several aspects of this clause need further attention: first, what sort of public notice is to be given of the order made by the Director, recognising that the making of the order carries with it some very significant powers which can impinge upon the liberties, freedoms and rights of individual citizens?

The other aspect that needs to be addressed is in relation to the revocation of the order. Again, what sort of notice is to be given? The State Disaster Act provides for publication of the notice of a declaration in relation to a State disaster. Another aspect of the clause is that the order remains in force for a period of 48 hours or, with the approval of the Minister, may be extended for a further period of 24 hours. It may, of course, be revoked. In the State Disaster Act much more stringent provisions apply. The declaration of a State disaster remains in force for 12 hours where it is made by the Minister and is not to be renewed or extended.

Under section 13 of the State Disaster Act, the Governor can declare that a state of disaster exists and in that event it remains in force for four days. The declaration may be renewed or extended on the authority or resolution of both Houses of Parliament. In the absence of such an authority it shall not be renewed or extended. We put that provision in the State Disaster Act recognising the difficulty of calling Parliament together but nevertheless being most sensitive to and cognisant of the very serious consequences which arise from the operation of such a declaration.

Under the Bill before us it is the Director who makes the orders and the Minister who may extend, notwithstanding that very wide powers similar to those effectively applying under the State Disaster Act apply under this Bill. I would have thought that maybe the Minister should make the initial declaration and that it may be extended for 24 hours, for example, by the Governor. There may be a need for some further safeguards.

Under clause 12 the very wide powers to which I have earlier referred apply in an emergency situation and those powers are exercised by an emergency officer. I suppose that subclause (2) is limited to the extent of the authority granted in subclause (1), that is, that the powers can be exercised only where the officer considers it necessary or desirable for the protection of life or property under threat as a result of the emergency to which the order relates. That ought to be clarified. If the powers in the subclause (2) are much broader than the limitation that I believe applies under subclause (1), that ought to be limited.

Subclause (2) *(a)* provides a power for an emergency officer to direct any person to assist the emergency officer in the exercise of the powers vested in the emergency officer by this clause. I do not believe that the amendment that the Attorney-General has on file to insert a new clause 12 *(a)* actually deals with the question of liability towards the person who has been given a direction to assist the emergency officer if, for example, that person is injured. The indemnity against any liability which might arise if the person directed to assist the emergency officer causes damage to property or injury to a person is adequately covered by clause 16. I do not think that the amendment the Attorney-General has on file adequately covers the question of liability to the person who has been directed to assist the emergency officer.

Clause 16 is different in one respect from the similar clause in the State Disaster Act. Under the State Disaster

Act, there is immunity from personal liability for an officer who acts in good faith in the exercise or discharge or the purported exercise or discharge of the powers or duties of the officer or person under this Act. In the State Disaster Act, we specifically removed the words, 'or the purported exercise or discharge of the powers or duties of the officer' only to ensure that the indemnity was given in respect of the exercise of the powers. We did not want to have a whole range of arguments about people who thought they were acting within power but actually were not, and that they should therefore avoid liability for abuse of power.

In the amendment which the Attorney-General has on file (which strictly is not before us, but I think it is appropriate to address two points for further consideration), subclause (1)*(a)* provides that the entitlement to compensation for any injury, loss or damage is given where that injury, loss or damage arises in consequence of the exercise of powers under section 12, apart from subsection (2)*(h)*. It seems to me that, although it is identical with the provision in the State Disaster Act, it may be possible to argue that it does not cover the purported exercise of powers under section 12 because, if the emergency officer purports to exercise powers but in fact they are beyond power, I believe there is an argument that a person who suffers as a result of that purported exercise of power should not be entitled to compensation. I think that technicality ought to be addressed, because it could have some far-reaching implications.

The other aspect of the Bill is that, if there is to be a provision for compensation, there is no provision for appropriation of money to meet that object. I notice that there is an appropriation section under the State Disaster Act. They are the major matters to which I believe the Government must give further consideration under this Bill. They are issues which we can pursue further in the course of the Committee stage. Subject to those matters, I support the second reading.

The Hon. G. WEATHERILL secured the adjournment of the debate.

SUPPLY BILL (No. 1)

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

ADJOURNMENT

At 10.21 p.m. the Council adjourned until Thursday 26 February at 2.15 p.m.