LEGISLATIVE COUNCIL

Wednesday 12 August 1987

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

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

PAPER TABLED

The following paper was laid on the table:

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

Pursuant to Statute—

Australian Formula One Grand Prix Board—Report, 1986.

MINISTERIAL STATEMENT: STREAKY BAY AREA SCHOOL

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: I wish to provide the Council with further information concerning the contamination of the Streaky Bay Area School with aldrin and the work undertaken by officers of the South Australian Health Commission's Public and Environmental Health Division. In a similar statement on 12 March I stressed that the extent of contamination and the effects of the pesticide on the health of affected children or staff remained the subject of extensive testing and investigation. That is still the position.

Repeat blood tests have now been carried out on eight of the 12 individuals whose blood dieldrin levels previously exceeded four nanograms per millilitre. (Dieldrin is the substance to which aldrin is converted in the body.) The mean fell from 5.7 ng/ml to 2.0 ng/ml in the three children attending school. Three of the four cleaners retested showed satisfactory declines in dieldrin levels. In the case of a preschool child and the remaining cleaner, however, the levels are substantially unchanged. The Public and Environmental Health Division advises that, as a general principle, caution must be exercised in interpreting the results from such a small sample, especially given the variability inherent in tests of thisind. Such variation could provide an explanation for the apparent failure of some levels to decline. Since these are the first retest results, the importance of further testing over a longer period is evident.

Arrangements have been made with the local general practitioner, who has been closely involved in the testing and investigations to date, to assist with the necessary additional testing. In the meantime, further investigations are being undertaken to try to determine if there was exposure after the first measurement, either at school or elsewhere. As part of the division's follow-up, Dr Ian Calder, Health Commission toxicologist and Chairperson of the expert committee appointed to review the toxicology of aldrin, has visited Streaky Bay to meet with parents, teachers and staff to discuss the latest results in greater detail.

I want to remind members that the review committee, whose report I released publicly on 23 April, comprised Dr Calder, Professor Don Birkett, Professor of Clinical Pharmacology at Flinders University, Dr John Coulter, the nominee of the parents of children at Streaky Bay Area School (and I understand now, Senator Coulter), Dr Milton Lewis, Director of the Health Commission's Occupational Health and Radiation Control Branch and Dr Brian Priestley, Senior Lecturer in Clinical and Experimental Pharmacology at the University of Adelaide. Before that committee was appointed, Dr Chris Baker, the Executive Director of the Public and Environmental Health Division, approached me to discuss its membership. Dr Baker indicated his concern at the tendency of certain media outlets to denigrate officers of the South Australian Health Commission. In response to his representations, the committee was deliberately constituted with a majority of independent members.

I assure the Council that my decision to frame the membership of the committee in this way does not reflect any doubt in my mind, as Minister of Health, about the competence or impartiality of officers of the South Australian Health Commission or its Public and Environmental Health Division. In fact, I have the highest regard for their professionalism, their ethical standards and their commitment to serve the people of South Australia. On many occasions, in this Council and outside it, I have defended officers against unfair criticism and I have asked the Hon. Martin Cameron and some of his less responsible colleagues to withdraw and apologise because their reckless and hurtful allegations have proved to be false. Nobody can compel them to act fairly and honourably but, as Minister, I can put the facts before the Council and the South Australian public.

One of these purported 'experts' is a person from Victoria named Harry Collins, variously described as a former 'health department official and horticulturalist' and, by his own account, as one who has done 'a great deal of work in the field of organochlorines'. One radio commentator, who is particularly fond of making snide comments about 'whitewashes' and 'cover-ups' without a shred of evidence, informed his Adelaide listeners that Mr Collins 'has evidence of the deaths of eight farmers from this chemical poisoning'. Mr Collins has made himself freely available to media commentators to demand a complete ban on chemicals such as aldrin. Officers of the Public and Environmental Health Division are unaware that Mr Collins has any scientific expertise whatsoever. They are certainly aware, however, that he has been involved with the application of aldrin since he himself has used the chemical for commercial purposes.

In fact, in the Supreme Court of Victoria on 9 August 1984 Mr Justice Nathan upheld the conviction of Harold Alan Collins on three counts. Victorian health authorities have advised that Mr Collins was convicted in the Magistrates Court at Eltham on 16 February 1983 of being an unlicensed pest control operator, of using a prohibited pesticide and of obstructing an officer of the Victorian Health Commission in the performance of his duty. I do not mean to suggest, Ms President, that these convictions preclude Mr Collins from joining in the debate or that media outlets should not seek his views. But, if the opinions of such a person are to be regularly put forward to support insinuations of impropriety or criticisms of the South Australian Health Commission or its officers, in fairness the public ought to be informed about matters which might affect his credibility.

In similar vein, the *Advertiser* newspaper has editorialised about the Streaky Bay problem following articles with headlines such as 'Students Aldrin tests worthless, says expert'. The newspaper's treatment of this subject supports Dr Baker's contention in the 21 July memorandum that one careless inflammatory line from the media has much more impact than pages of scientific treatise. In response to articles purporting to establish 'renewed scientific debate' on the status of aldrin, Dr Baker has written to two of the 'experts' quoted. One is Mr Robert Verkerk, described as an honours graduate in applied entomology and head of the Hazardous Technology Centre in Sydney. According to an *Advertiser*

report on 16 June, Mr Verkerk is a Sydney expert who stated that blood tests on Streaky Bay Area School students were in his words 'worthless' in establishing if the children had been acutely poisoned. The report attributes to Mr Verkerk the further statement that the blood tests, done in March, could not have provided enough information to conclude students had not been seriously contaminated. On 29 June Dr Baker wrote to this 'Sydney expert' seeking the data from which Mr Verkerk had drawn a number of conclusions; for example, that dieldrin is highly carcinogenic or that it had produced tumors 'in a wide range of laboratory test animals'.

To date, there has been no response. Dr Baker has established from other sources that Mr Verkerk is a graduate in science (Entomology) from the London Polytechnic and is associated with the Total Environment Centre, Sydney. The centre describes itself as '... an action and information centre started in 1972 to act as a watchdog on environmental issues'. Mr Verkerk is a member of the centre's Toxic and Hazardous Chemicals Committee which has published an information sheet containing the statement that 'our agenda for the next year is to continue the attack on restricting the availability of toxic chemicals such as organo-chlorines (that is, aldrin/dieldrin)...' The Public and Environmental Health Division has also been advised that Mr Verkerk is a principal in a company called Alternative Systems Pest Control which advocates 'a new approach to pest control' in which 'oils of eucalyptus, ti-tree, lavender and thyme, garlic and nicotine are some of the natural products mixed to special formulas by Robert Verkerk' to control pests such as termites.

In his memorandum of 21 July, Dr Baker observes, quite rightly, that the picture of Mr Verkerk which emerges from the above facts adds a new dimension to the impression created in the *Advertiser* articles. Rather than a scholarly, objective 'expert' he appears to have a vested interest in discrediting products like aldrin, given that his own company promotes the use of alternative 'natural' products. Mr Verkerk may or may not be an expert on insects by virtue of his science degree, but the Public and Environmental Health Division is unaware that he has any expertise in toxicology. The Public and Environmental Health Division has demonstrated its willingness to consider any data that is forthcoming to support the assertions attributed to him by the *Advertiser* or the newspaper's own contention that the report of the ministerial committee 'seemed to have inadequately canvassed other opinion which suggested that aldrin was potentially carcinogenic'. In the absence of a reply to Dr Baker's invitation, I do not accept that there are any valid grounds for the criticisms made of the committee's work.

The *Advertiser* also cited the opinions of Dr John Pollak, research associate in the Department of Histology and Embryology at the University of Sydney, in support of the reported comments by Mr Verkerk. Dr Baker wrote to Dr Pollak on 29 June, briefly explaining why it was felt reasonable to use the blood dieldrin levels established in March to estimate the levels of absorption in the previous six to 12 months. In his reply dated 24 July 1987, Dr Pollak discussed why he believed it difficult to evaluate the significance of the low dieldrin values. His letter said that one of the questions asked of him by the *Advertiser* was: should the parents of the exposed children insist on further testing, for example, adipose (fat) tissue biopsies? Dr Pollak's reply, he says, was:

> Under no circumstances should the parents be unnecessarily alarmed, as there is nothing that can be done now and it would be irresponsible and of little value to carry out any adipose tissue biopsies to determine the body load of aldrin/dieldrin.

I do not want to give honourable members the impression that Dr Pollak resiles from anything which the *Advertiser* attributed to him. In fact, when my office contacted Dr Pollak last week, he said that although he had not read the review committee's report at the time he was interviewed he has since done so and he has reservations about at least one finding. He was immediately invited to write to me or to Dr Baker setting out any criticism or questions he wishes to advance. Any comments he makes will be evaluated and a formal response will be made.

On 18 June 1987 the *Advertiser* published a story headlined 'Parents may sue over aldrin incident' which included in the body some elements of a letter sent to the editor by Dr Baker. Dr Baker's remarks did not receive the same prominence as the original attacks but at least the discerning reader then had the benefit of a countervailing view. For example, it said Dr Baker had written that the fact that there are opinions differing from the mainstream scientific consensus is unsurprising to those familiar with the cut and thrust of debate in the scientific world. More importantly, it quoted Dr Baker's statement:

> ... I should stress here that this service is not an apologist for aldrin or any other chemical; its objective is to protect the health of the public. If there is any bias at all it is towards the achievement of that objective.

Dr Baker also said:

> The specific assertion contained in the article that blood tests were worthless in establishing whether the children had been acutely poisoned is technically correct. However, the exposure which occurred at Streaky Bay was not acute in nature, in that the aldrin was absorbed in small doses over a period of weeks. Acute exposure would have required the intake of a large amount of aldrin over a short period. When aldrin exposure occurs over a long period blood testing is an accurate method of determining the cumulative body load.

I have provided this considerable detail, Ms President, to refute the suggestion that the Health Commission or the Public and Environmental Health Division failed to address these matters responsibly. I regret the ill-founded criticisms and insinuations made against officers of the commission and the independent members of the ministerial review committee. They stand by their opinions and they are ready to back those opinions with scientific data. If those opinions or that data are to be challenged then let those who wish to dispute the findings behave responsibly and fairly. I give an undertaking on behalf of the Health Commission and the Public and Environmental Health Division that any serious submission will be examined and evaluated.

Aldrin has, of course, been widely used throughout South Australia. I am advised that the Shell Company, which is the manufacturer of aldrin in Australia, has a policy of only supplying the chemical to registered pest controllers. The company only makes aldrin available in bulk quantities and not in packages suitable for retail use. Since 1966 virtually all new houses in this State have been pre-treated with organochlorines in order to prevent termite infestation and damage. Approximately 75 per cent of all houses have been treated with aldrin and the bulk of the remainder would have been treated with a similar chemical called heptachlor. Dr Baker has summarised the position in the following terms:

> Aldrin is indisputably a toxic chemical which has the capacity to cause health problems. However, provided it is handled and used in accordance with the prescribed health and safety procedures, it presents a minimal risk to humans. In the case of Streaky Bay the apparent failure of the operator to adhere to the prescribed procedures led to the accidental exposure of a number of people.
>
> So far as can reasonably be ascertained none of those exposed have suffered any significant or lasting harm. There are some people who maintain that aldrin can cause cancer in humans.

However there is inadequate evidence available to support this hypothesis, although it cannot be absolutely discounted.

In relation to those people exposed to aldrin at Streaky Bay, it is reasonable to conclude that, having regard to the blood aldrin levels found, and the results of a comprehensive review of the available scientific literature, it is extremely unlikely that any subsequent development of cancer will be related to their exposure.

Those people (along with the rest of us) are at a vastly greater risk of injury, illness or death as a consequence of exposure to much more significant environmental hazards such as motor vehicle accidents, tobacco products, alcohol products, air pollution, poor dietary habits and common household chemicals.

Nonetheless, the Streaky Bay incident highlights the need to minimise the risk of exposure to toxic chemicals like aldrin, and the existing control mechanisms will be strengthened to ensure that the public are better protected against such hazards.

The strengthening of control mechanisms will take several forms. Work has commenced on the development of a code of practice for the safe handling and use of organochlorines and other toxic pesticides. The code will apply to the entire pest control industry in South Australia. I am advised that the industry supports the introduction of a detailed code which will ensure its members have proper regard for the health and safety of themselves and their clients.

As an interim measure the Central Board of Health has sent all pest control companies and operators a notice detailing the procedures which must be followed when handling organochlorines and other toxic chemicals. The procedures emphasise health and safety considerations and reflect the knowledge and experience gained as a consequence of the Streaky Bay incident. Commission officers will continue to monitor practices within the industry to ensure the necessary procedures are being followed.

In addition, new regulations are being drafted to control the handling and use of poisons. The existing pest control regulations under the Health Act will be replaced by a new set of regulations under the Controlled Substances Act. These regulations will control the manufacture, packaging, sale, distribution, handling and use of poisons including pesticides such as aldrin. They will require pest controllers to comply with the relevant codes of practice and Australian standards relating to the handling, storage and use of pesticides. They will also provide for substantially increased penalties for non-compliance with the regulations or the codes and standards. The Central Board of Health is considering what disciplinary proceedings might be taken against the pest controller responsible for the contamination at Streaky Bay Area School.

QUESTIONS

ADELAIDE CHILDREN'S HOSPITAL

The Hon. M.B. CAMERON: I seek leave to make a statement prior to directing a question to the Minister of Health on the Adelaide Children's Hospital.

Leave granted.

The Hon. M.B. CAMERON: During a segment on Leigh Hatcher's radio program this morning, a Federated Miscellaneous Workers Union representative, Mr Don Duffy, made some startling allegations about cleaning at the Adelaide Children's Hospital. Mr Duffy said that funding cutbacks to the hospital were probably connected to the increased risk of cross-infection at that hospital. He said there had been a drastic cutback in cleaning, and this could well be connected to the cross-infection problem. He also said that the ward floors, where the patients live, used to be cleaned every day by wet mopping. Now, he says, this has been reduced to twice a week. The corridors, however, are being washed every day. Mr Duffy said:

Now, that seems to anybody in the area quite ludicrous, that the corridors are given higher priority than the ward areas.

It appears that there are serious problems with cleaning at the Children's Hospital and that there is a need for some further probing of the reasons for the cross-infection problem. It may also be advisable to appoint a cleaning expert to assist Professor McDonald in the preparation of a report on the matter. While I have no doubt that Professor McDonald has the qualifications necessary to look at the medical side, there is obviously a need for some person also to look at cleaning practices. My questions are:

1. In view of the startling allegations made by Mr Duffy, will the Minister consider appointing a cleaning expert to assist Professor McDonald in the preparation of a report on the matter?

2. Will the Minister indicate whether he has received any information on cleaning procedures including, for instance, why attention to ward cleaning has diminished while the cleaning of corridors has increased?

3. Will the Minister say why the hospital's cleaning budget has been reduced by 25 per cent which, according to Mr Duffy, is probably connected to the increased risk of cross-infection?

The Hon. J.R. CORNWALL: I said yesterday that the cross-infection situation at the Children's Hospital was not related in any way, as far as I have been advised by a number of very senior experts in the field, to the cleaning dispute. It is perfectly true that Mr Duffy was on 5DN this morning but, in my view, he did not make any startling allegations, as the honourable member styles them. In fact, Mr Duffy has a vested interest in the current dispute between his members on the cleaning staff at the Children's Hospital and the management and administration of the hospital. In the circumstances, one can perhaps understand why Mr Duffy is behaving as he is in the interests of his members. However, one queries whether Mr Duffy is acting responsibly in the interests of the good name of the hospital.

The Hon. R.I. Lucas: You are saying that he is irresponsible?

The Hon. J.R. CORNWALL: I will repeat it if the honourable member did not hear correctly. I said that Mr Duffy has every right to act in the interests of his members. However, in the circumstances—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: He seems a strange bedfellow for the Hon. Mr Cameron.

The Hon. R.I. Lucas: We'll stick up for the workers; someone has to.

Members interjecting:

The PRESIDENT: Order!

The Hon. Diana Laidlaw: What about the patients?

The PRESIDENT: Order! I point out to the honourable member that, when I call for order, she is included with all other members. I ask her to stop interjecting when I call for order.

The Hon. J.R. CORNWALL: I repeat that Mr Duffy has every right to do what he believes to be in the best interests of his members at the hospital. However, I query whether he has acted appropriately—

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

The Hon. J.R. CORNWALL: —or responsibly in using the current situation to potentially erode confidence in this very fine Children's Hospital. I repeat that all of my advice is that the current cross-infection situation is not significantly different, on the available objective evidence, from what it has been in any other year for more than a decade. I repeat that all of the advice given to me by those with expertise in the area is that the cross-infection—remembering we are talking about respiratory infections, and princi-

pally rotavirus bowel infections—is not related to the cleaning situation.

As to the reduction in the budget, the simple fact is that in areas such as cleaning, the Children's Hospital has been a very expensive hospital relatively over the years and it is perfectly legitimate in the interests of good and efficient management that things such as cleaning ought to be reviewed. I am sure that members can recall the enthusiasm with which the then Liberal Opposition back in the late 70s supported positive initiatives which were taken to reduce cleaning costs at the Royal Adelaide Hospital.

The Hon. M.B. Cameron: What, with contract cleaning?

The Hon. J.R. CORNWALL: No, not with contract cleaning at all. There was a reduction at that time in consultation with the union. An agreement was reached whereby cleaning staff at the RAH in, I think, 1978 or 1979 was reduced by 12½ per cent. I am not an expert in cleaning procedures—

The Hon. L.H. Davis: But you have been taken to the cleaners a few times yourself.

The Hon. J.R. CORNWALL: The halfwit is at it again. I do not purport to be able to comment expertly on whether wet mopping twice a week or twice a day is appropriate. There are, however, those who have substantial expertise in the area and they have assured me that the current cleaning regimen is adequate. As to whether—

The Hon. L.H. Davis: Have you looked at contract cleaning?

The Hon. J.R. CORNWALL: Yes, I have.

The Hon. L.H. Davis: That would be cheaper.

The Hon. J.R. CORNWALL: It is very interesting to talk about contract cleaning and how it might be cheaper. Under contract cleaning, the whole name of the game is to clean as many square metres as possible each hour. It may well be cheaper, but whether we could have the same level of quality assurance is quite another matter. I will not stand here and debate by way of interjection across the floor what is the appropriate procedure for cleaning at the Children's Hospital or anywhere else.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: Of course we have looked at cleaning generally. The simple fact is that that is ongoing in the context of the 1987-88 budget at all hospitals and it will be ongoing well after 1987-88 because that is what good management is about.

As to whether there ought to be a cleaning expert appointed to assist Professor Peter McDonald, that is up to the hospital. If considered necessary they can consult with the Health Commission. More importantly, if Professor Peter McDonald considers it necessary, then I must say I would value his opinion far more highly than Mr Cameron's opinion or even Mr Duffy's opinion.

BANKRUPTCIES

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General representing the Premier and Treasurer a question on the subject of bankruptcies.

Leave granted.

The Hon. L.H. DAVIS: South Australia recorded the highest bankruptcy figures on record in a financial year in the financial year just ended. The 1 354 bankruptcies during 1986-87 represented an extraordinary 105 per cent increase on the 1984-85 figure of 662 and a 47 per cent increase on the 1985-86 total of 922. The bankruptcy figure for July 1987 has just become available. It is a new all-time monthly record figure of 140, eclipsing the previous record of 139 set in May of this year. That is 140 in one month, and it is running at twice the level of just two years ago.

For 16 successive months the bankruptcy figure has represented a new record for that month. For the first seven months of the 1987 calendar year there have been 847 bankruptcies—a 104.1 per cent increase on the same period in 1985, when there were 415 bankruptcies—which is 29.1 per cent up on the first seven months of 1987. In other words, in South Australia there were four bankruptcies a day for the first seven months of the year compared with 1985, when they were running at about two bankruptcies a day.

Bankruptcy statistics are regarded as a fundamental barometer of the health of an economy. I am advised that the average debt owed by bankrupts has increased sharply in recent months. I am also advised that small businesses, in particular, have suffered from shrinking cash flows caused by the federal fringe benefits tax, increased State taxes, and retail sales in South Australia growing at less than one-third the national average. It is also apparent that South Australia dominates bankruptcy statistics in Australia. For example, Victoria, which has three times South Australia's population, has had fewer bankruptcies than this State over recent periods. My questions are:

1. Does the Government agree that the continuing record level of bankruptcies in South Australia highlights the weakness of this State's economy?

2. What has the Government done to alleviate this alarming situation?

The Hon. C.J. SUMNER: The answer to the first question is, 'No'. The answer to the second question is that I would have thought that the honourable member was well aware of the efforts made by this Government to ensure that the South Australian economy is placed on a sound footing. It is well known, and has been for many years, that if there is an economic downturn anywhere in Australia, South Australia is more affected by that than the Eastern States. The honourable member knows that because of South Australia's reliance on motor vehicle and whitegoods manufacturing. Of course, we also have an important agricultural sector which, at present, because of commodity prices in grain at least is under considerable pressure, particularly in some areas of the State.

Government policy is designed to create an infrastructure where, when there are ups and downs in economic activity, South Australia does not suffer the same sorts of reductions in activity that it has suffered in the past. The honourable member would be aware of the sorts of initiatives that the Government has taken to that effect through State development projects such as the submarine project, the Centre for Manufacturing and the development of Technology Park. Obviously, to put these structures in place takes time. There is no question that the Government has a good record in developing those structures and hopefully, over time, will ensure that the sorts of difficulties that South Australia has historically had can be evened out because the structure of our industry will be more diverse.

The Hon. Miss Laidlaw raised a question about bankruptcies last week. I think that one needs to examine where the bankruptcies are coming from. Of course, the Hon. Miss Laidlaw was referring to bankruptcies not of businesses as such—

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: That is right. The honourable member was referring to consumer bankruptcies. Therefore, it is not necessarily so that all the bankruptcies to which the Hon. Mr Davis refers are business bankruptcies. When

last week the Hon. Miss Laidlaw raised the question of consumer bankruptcies and asked what was going to be done about that, I answered the question on that occasion.

It is probably also true to say that South Australia, during 1983-84, went through a very buoyant time in the first period of the Bannon Government, and one would in statistical terms (if comparing that sort of activity with the lower levels of activity which presently exist) see differences that are more dramatic because of the high level of activity that existed here during 1983-84—levels of activity which, on most indicators, were well ahead of the national average at that time.

That is the nature of Australian economic activity—it goes in cycles. If there is a downturn economically in Australia, South Australia is hit more than other States for the reasons that I have mentioned. Obviously it is a matter of concern, but I have outlined the Government's long-term development strategies which are designed to overcome South Australia's past exclusive reliance on narrow sectors of manufacturing and primary industry.

CHIEF JUSTICE'S COMMENTS

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question about public comments made by the Chief Justice.

Leave granted.

The Hon. K.T. GRIFFIN: Yesterday, at the crime prevention conference in Adelaide, the Chief Justice, a former Attorney-General of this State during the Dunstan era, made a number of statements about the administration of justice in South Australia. In relation to public controversy on criminal matters, he said:

> Unfortunately, holders of public office, whose responsibility is to explain these matters to the public and to defend the actions and reputations of the courts, have developed a tendency to join the critical band wagon, in the process misrepresenting the court's actions and attitudes.

Obviously, the statements of both the Premier and the Attorney-General in the past year making direct attacks on the courts to deflect criticism from their Government and making the courts the scapegoat on law and order issues are the target of such a criticism.

The Hon. C.J. Sumner: No, he is referring to you.

The Hon. K.T. GRIFFIN: No, to you. I am not a public office holder. Traditionally, the Attorney-General, as the principal law officer of the Crown, has not criticised the courts publicly and has been an advocate for the courts, which have not entered the public arena to debate issues of concern or to defend their actions. However, that has changed. The Chief Justice went on to say—

The Hon. C.J. Sumner: It's all right for the shadow Attorney-General but not for the Attorney-General. Is that what you are saying?

The Hon. K.T. GRIFFIN: No, I do not criticise the courts.

The Hon. C.J. Sumner: You've got to be joking. You have a terrible memory.

The Hon. K.T. GRIFFIN: No, I haven't.

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: You look carefully at what I have to say.

The PRESIDENT: Order! The Hon. Mr Griffin will explain his question and then we will have an answer to it, rather than a conversation between the lawyers.

Members interjecting:

The PRESIDENT: Order! I am calling everyone to order.

An honourable member: What about Sumner? He's the one that's doing it.

The PRESIDENT: Order! I have called all members to order.

An honourable member: You warn us. Warn him.

The PRESIDENT: I will not accept an implication that I do not treat members of this Chamber fairly. I have called the Council to order. The Attorney-General was interjecting and, when I called the Council to order, he ceased interjecting. There is no reason for me to mention him specifically.

The Hon. K.T. GRIFFIN: The Chief Justice went on to say that a major problem which could confront the courts in future would be maintaining a dispassionate and rational attitude in the face of public pressure and prejudice, stimulated by inflammatory media treatment and exacerbated by criticism by holders of public office. The Chief Justice was also reported to have said, as part of that process, that:

> . . . the dangers arising from political involvement in the prosecution process and the need for an independent Director of Public Prosecutions becomes clearer. It is extremely difficult for an Attorney-General, however well intentioned, to put political considerations aside in making decisions in relation to prosecutions and appeals.

In that context the Chief Justice called for the establishment of an office of Director of Public Prosecutions to be responsible for criminal prosecutions. In the context of his speech he made a number of other proposals to which I do not intend to refer at this point. Therefore, my questions to the Attorney are:

1. Does the Attorney-General accept the Chief Justice's criticism and regard it as well founded?

2. Does the Attorney-General agree with the Chief Justice's proposal for an office of Director of Public Prosecutions and the reasons that he states in justification of such a proposal?

The Hon. C.J. SUMNER: The answers are: 1, No; 2, No. In the light of the honourable member's comments perhaps I should add a few remarks of my own on this important topic. I addressed the issue yesterday, suffice to say, at the Crime Prevention Council Conference.

The Hon. R.I. Lucas: You didn't get much publicity.

The Hon. C.J. SUMNER: There was some of it in the paper.

The Hon. M.B. Cameron: He's a former Attorney-General.

The Hon. C.J. SUMNER: Yes, that is right. The Chief Justice was a former Attorney-General who performed exactly the same role as I perform now. He performed exactly the same role as the Hon. Mr Griffin, the Hon. Mr Duncan, the Hon. Mr Millhouse, the Hon. Mr Dunstan, the Hon. Colin Rowe and, from time to time, the Hon. Sir Thomas Playford. In other words, the position of the Attorney-General as, in effect, the Chief Prosecutor and also with responsibility for the courts has been the position in this State for, I think, most of our history.

It is the present position in every State of Australia, I think, although on occasions in New South Wales there has been a Minister of Justice responsible for the courts separate from the position of Attorney-General. Certainly that is not the position at present. That is the historical situation and I frankly believe that the criticisms that have been made are unjustified. If they are justified now, they were justified 10 or 15 years ago, but I do not believe that there is a basis for that criticism.

The honourable member did not point out that the Chief Justice made clear in his speech that he was not reflecting on any current or past holder of the office, including the Hon. Mr Griffin.

Members interjecting:

The Hon. C.J. SUMNER: Things have to change and have changed to some extent, since Crown appeals are now taken by the Crown, at the direction of the Attorney-General, to the courts. That development had to come. So, I am not sure to whom the Chief Justice is referring when he talks about public figures. He said it did not imply criticism of any present or past Attorneys when they held office. I can only assume that the criticisms apply to the Hon. Mr Griffin, who no longer holds the office of Attorney-General but who could still be described as a public figure of sorts, at least.

Members interjecting:

The Hon. C.J. SUMNER: Furthermore, I do not believe that the Attorney-General has to be a neuter in terms of public debate. The Attorney-General in the system of justice that we have in Australia, deriving as it does from the common law Westminster system in the United Kingdom, has an important role in representing before the courts the public interest. I would not like to see that role reduced as is potentially the implication in the Chief Justice's comments. I believe that there is a tendency in our community to denigrate an argument or to dismiss a position by the use of the word 'political'.

As soon as one uses the word 'political' and attaches it to an idea or something that has happened, it automatically denigrates that idea in our community. That is a most unfortunate development. That is what I would be critical about in what the Chief Justice says, that political considerations may enter into prosecution policy. If that means political considerations in the sense of Party-political considerations—that the Attorney-General might be directed by his Party or by his Cabinet—obviously, as the Hon. Mr Griffin knows, that is not correct. That cannot happen under the system of conventions that we have well established in our system.

However, if it is referring to 'political' in terms of public interest, rather than as a term of denigration, I believe that we are living in a democracy and the public interest is better put by an elected official—the Attorney-General—where the Attorney-General has to take cases before courts. It is much better that that public interest be represented by an elected official who has to come into Parliament and answer questions, such as those put by the Hon. Mr Griffin, than to have that done by a Director of Public Prosecutions who has no responsibility to the public. That is a fundamental position in our system of justice, and the establishment of Directors of Public Prosecutions who are not responsible to Attorneys has been an unfortunate development.

The Hon. K.T. Griffin: Like in the Commonwealth?

The Hon. C.J. SUMNER: If you have a Director of Public Prosecutions who is responsible to the Attorney and who is subject to the Attorney's directions, then I have no problem with that.

The Hon. K.T. Griffin: Much the same as Crown Prosecutors are?

The Hon. C.J. SUMNER: The honourable member answers my question. What is the difference in that between the present system where there is an Attorney-General and a Crown Prosecutor? Obviously, at present the Attorney does not make individual decisions on every matter of prosecution that is before the courts of our State, but he has responsibility overall for it in broad terms. Not in individual cases but in broad terms he is responsible for explaining those policies to Parliament. That is not only desirable but fundamental in our system of justice. It is important that there is a public official, a political official if you call him that—but do not use the word in a denigratory sense—who surely is in a better position to determine the public interest and what issues should be put before the courts than an unelected official.

That is why I reject the proposal for a so-called independent Director of Public Prosecutions. I believe that members of Parliament ought to accept the same position, because surely they are in the business of politics. Members are in the business of democracy and debate: they are in the business of determining the public interest. There will always be differences of view about that, but surely it is better that members of Parliament—elected officials in this community—make those decisions, rather than having them sloughed off to unelected officials in the bureaucracy.

That is why I disagree with what the Chief Justice has said. I do not believe that the courts should be too concerned if from time to time there is criticism of their decisions. There are criticisms of decisions that Governments and Oppositions make, and that is part of the stuff of public debate in a democracy. The only difference is that, if people do not like the decisions we make and if they criticise them long and hard enough, we do not have a job. The difference with the judiciary is that it can be criticised and its members have tenure. That is quite right.

They ought to have tenure, and they do until they are 70 years of age. They can be removed from office only by an address by both Houses of Parliament, and that is proper because they must make their decisions on the basis of their independence according to their judicial oath in accordance with the law. That is quite proper. Quite frankly, I do not think that they should be faint-hearted or insufficiently robust to accept from time to time that there will be criticism from the public and from public officials about their decisions. To suggest that they should not be subject to criticism by public officials is in my view an unacceptable position to take.

When the Hon. Mr Griffin was Attorney-General I do not believe that he was in the newspapers every day criticising the courts; but he did criticise them, at least by implication, when on occasion he took Crown appeals. I do not think that I am in the newspapers every day criticising the courts. In many issues I support the courts and I particularly support the independence of the courts. This Government has done more than any other Government in this area to ensure that the courts are properly independent. This Government removed magistrates from the Public Service because that was a blot on the principle of judicial independence. We set up an independent remuneration tribunal so that magistrates' salaries were not determined by the executive Government but by an independent tribunal. In that sense the courts have been very well supported by this Government.

However, that does not mean, and it should not mean, that public officials in Government or in Opposition should be told in effect that they should not criticise the courts. On occasions the Hon. Mr Griffin and I—both in Government and in Opposition—have been critical of court sentences handed down in certain cases. The Hon. Mr Griffin launched appeals—not as many as I have, but he did launch some appeals against lenient sentences.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Yes, but my pro rata position is significantly better than yours, I can assure you. By taking an appeal there is implied criticism of a decision. However, that is not a bad thing in the democracy in which we operate. Let us take it a step further. A number of the appeals that I have taken as Attorney-General have been upheld by the courts: for example, in the Von Einem case where the non-parole period was increased from 24 years to 36 years; in a recent armed robbery case; and in the so-

called mercy killing case where the court in effect upheld the position taken by the Crown that there should have been at least some custodial sentence. They are three reasonably prominent cases where the courts accepted the position put forward by the Crown as represented by the Attorney-General in terms of appeals before the courts.

The Chief Justice suggests that we should have a Director of Public Prosecutions. What would have happened if a Director of Public Prosecutions had decided independently that those cases should not proceed to court? Presumably one is then faced with a position where the public interest is ignored. So, for the reasons I have outlined, the simple answers to the Hon. Mr Griffin's questions are 'No' and 'No'. If you want a Director of Public Prosecutions, that is fine; no hassles. But, in my view, the Director of Public Prosecutions, under our system, must be responsible to the Attorney-General, and the Attorney-General must have responsibility for making the final decisions in the criminal justice area. That is a well known and well established convention, and one can read it in many books. It has operated in this State for as long as I am aware. In this area, as far as I am concerned, I cannot accept Party political directions from State conventions, the Legislative Council or from Cabinet in this area. Cabinet understands that; and that is the way the system operates in the United Kingdom.

The Attorney-General is a member of Cabinet, but he cannot be directed by it on issues that involve the criminal justice system, that is, whether to file an information or whether to take a particular appeal on a Crown case in criminal law. That is as it should be. Nevertheless, it is an elected official making the decision. However, in general terms at least he is accountable to an elected Parliament. I hope I have given some idea of the philosophical basis of my objection. I hope that my position will receive the support of members of Parliament who are elected by the community at large.

COURT PENALTIES

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question about harsh penalties and the office of an independent public prosecutor.

Leave granted.

The Hon. I. GILFILLAN: I think it is quite generally recognised in the community that, when a sentence is handed down from a court, particularly on a more lurid case, it is interesting to place money on who will get to the media first—the Hon. Mr Griffin or the Hon. Mr Sumner—and call for, or lodge, an appeal. I think it is a commonly held opinion in the general public and in this place that the judiciary should be independent of pressure from both within and without Parliament. Does the Attorney-General believe that an elected representative—who depends on public support, that is, votes from the public for his or her elected position—can be as independent of influence to prosecute appeals as an independent public prosecutor, as suggested by the Chief Justice? Will the Attorney-General respond to the public concern that the proudly independent judiciary in our society can be intimidated by not only the media but also the elected representatives of Parliament, as was indicated, I believe, by the Chief Justice? And who better to make that sort of comment than a person who has served in both roles?

I think the public of South Australia will be very curious to know why the Attorney-General would ignore or oppose such a constructive suggestion. If the appointment of an independent public prosecutor is unacceptable to the Attorney-General, will he consider empowering a person or persons within his department to control public prosecutions and appeals? Such a person or persons should be isolated from day-to-day influence from the Attorney-General and could be shown in that light. In an earlier answer the Attorney said that he would consider the appointment of a public prosecutor but only if that office was under the control of the Attorney-General. I want him to reassure the public of South Australia and me that he will not seek to intimidate the judiciary just to curry public favour, and that he would consider further—

The PRESIDENT: Order! The honourable member sought leave to ask a question on harsh penalties and an independent public prosecutor; he said nothing about intimidation of judges. I ask the honourable member to keep his explanation germane to the question for which he sought leave.

The Hon. I. GILFILLAN: I am reminded, Madam President, that I intended to ask the Attorney-General about a quote attributed to him in a newspaper that '. . . the criminal justice system would lose community support unless policy makers and the judiciary heeded the public demand for harsher penalties for certain crimes.' Does the Attorney-General believe that we should have harsher penalties as a result of the strident public calls for appeals or more appropriate legislation to be passed in this Parliament?

The Hon. C.J. SUMNER: That was a remarkable hotch potch, Madam President. I am not quite sure what the honourable member was trying to get at. He has referred to harsher penalties.

The PRESIDENT: That was his question; it related to harsher penalties.

The Hon. C.J. SUMNER: He rambled on about a number of other issues which I thought I had comprehensively answered. I can only assume that the honourable member was not listening or, if he was, he was not understanding. That latter quality is something which we have come to expect from the Hon. Mr Gilfillan.

I have not taken a simplistic approach to harsher penalties. Obviously, anyone who knows anything about the criminal justice system or crime prevention will know that harsher penalties cannot be seen in a one dimensional way as the way to control criminal activity in our community. It is only one aspect of policies that can deter criminal behaviour, but I do say that in appropriate cases penalties ought to be higher. I have already referred to armed robbery cases, where the prevalence of armed robbery is increasing. I have referred to rape, particularly violent rape, as an instance where I believe the level of penalty which has been set is too low.

The Hon. I. Gilfillan: Why don't you legislate for a higher penalty?

The Hon. C.J. SUMNER: A higher penalty is already there, as the honourable member would know. Independent as they are, it is a matter for the courts to make the final decision, and I do not intend to interfere with that.

The Hon. I. Gilfillan: You can appeal.

The Hon. C.J. SUMNER: Of course, and there is nothing wrong with that.

The Hon. I. Gilfillan: You said you weren't going to interfere. You do interfere.

The Hon. C.J. SUMNER: I do not interfere in the sense you were talking about. I do not intend to interfere through legislation. The final decision is a matter for the court, but surely the Attorney-General is entitled to put a point of view to the courts in the public interest. Any alternative proposition that seems to be coming from the Hon. Mr

Gilfillan I think is inconsistent with most of what he carries on about in this Council. He is always pontificating about democracy and public debate and now he wants to take away from a publicly elected official a very critical and important role in our criminal justice system. For the reasons I have already outlined I do not accept that. As I have said, with respect to harsher penalties you cannot view it in a one dimensional way. That is quite silly. There have obviously been some cases where the courts have agreed with the propositions put forward by the Attorney-General. I do not have the precise figures here, but I can get them. Of the number of appeals that have been taken, my recollection is that over a third have been accepted by the courts. That does not indicate that there is anything wrong with the system. It indicates that the Attorney is using it responsibly. It indicates that the courts are aware that there are cases where the penalties should be increased.

The Hon. I. Gilfillan: Why is the Chief Justice so upset about it?

The Hon. C.J. SUMNER: He is not upset.

The Hon. I. Gilfillan: He certainly is.

The Hon. C.J. SUMNER: He certainly did not use the word 'intimidated' and I think he would be insulted at the suggestion from the Hon. Mr Gilfillan that I, the Attorney-General, or even that Mr Griffin could intimidate the Chief Justice. That is ridiculous. I do not think that the Chief Justice is in any way intimidated by me or intimidated by—

Members interjecting:

The Hon. C.J. SUMNER: I make that point in this context. I have indicated the sorts of actions being taken to enhance the independence of the judiciary. For the reasons I have outlined I think it is better that the matter rests with the publicly elected official. You would like to somehow or other put this question outside society, outside any democratic force that might be operating in the community, outside any concept of the public interest.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The point I am making is that the Attorney-General is an elected public official and surely as an elected public official he is in a better position to determine what the general public interest ought to be in terms of what is put to the court than an independent public servant. I think the argument is incontrovertible.

With respect to a separate department within the Crown Law Office, there is the Crown Prosecutor, the Deputy Crown Prosecutor, and there are assistant Crown Prosecutors. They are a discreet section within the Attorney-General's Department, within the Crown Solicitor's Office. They are responsible to the Crown Solicitor. They are the ones who go about the day-to-day prosecutions in the courts. However, at the critical level it is the Attorney-General who makes the decisions and I do not think that that situation ought to change. Have a Crown Prosecutor and have a Deputy Crown Prosecutor if you wish, but do not take away the ultimate authority from an elected official, something which I would have thought was fundamental in the democratic community we live in.

WOMEN'S SHELTERS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation prior to addressing a question to the Minister of Community Welfare on the subject of women's shelters.

Leave granted.

The Hon. DIANA LAIDLAW: The Minister's statement to the Council yesterday, following completion of the review of the management and administration of women's shelters in South Australia noted that funding of the Christies Beach Women's Shelter will be withdrawn from 4 September 1987. The statement also noted that the DCW is making contingency arrangements for the provision of services for women and children in crisis in the southern area previously covered by the shelter. These arrangements are to be made in consultation with the local community, which apparently will also be involved in planning the re-establishment of a permanent shelter.

These actions outlined by the Minister arise from the committee's concern about the administration of the shelter—deficiencies in financial management, unacceptable management practices, and a number of unsubstantiated allegations of professional and personal misbehaviour. It is clear from the report itself that these concerns are not new—that they have 'frequently come to the attention of senior management in the department and to the responsible Ministers—State and Federal—over a period of about five years'. In fact throughout the section of the report dealing with the Christies Beach shelter, the committee of review is damning in its criticism of the department and respective Ministers in regard to their past handling of complaints and allegations by consumers, the lack of support provided by the department to those who made allegations, and the practice of consistently approving funding advances to the shelter without obtaining satisfactory explanations for excessive spending patterns.

However, the report's reflection on the department is not confined to these matters. The report also notes:

> The department's indecisiveness in dealing with complaints and allegations about the Christies Beach shelter is highlighted by the contrasting departmental response to complaints made in 1986 by ex-residents and professionals about the Hope Haven shelter.

In the case of Hope Haven, the report notes that the Director-General without delay confronted the management committee, both verbally and in writing with statements of requirements to be met before funding would be continued.

The Hon. I. GILFILLAN: I rise on a point of order. Ms President, I find it hard to hear the question. May I ask for your assistance?

The PRESIDENT: Order! The level of audible conversation should be decreased to enable other members to hear the question. However, I point out to the honourable member that it is a question to the Minister of Community Welfare through me, so the important people who need to be able to hear the question are the Minister and I.

The Hon. DIANA LAIDLAW: Thank you, Ms President. When reflecting upon the report's references to the 'long history of departmental indecision and inaction' in relation to the Christies Beach shelter, it is difficult not to reach the conclusion that, had the Department for Community Welfare been more responsible and acted earlier on deficiencies in financial management, unacceptable management practices and allegations of professional and personal misbehaviour, it would now be necessary to close the shelter by cutting off funding. I ask the following questions:

1. As the Minister's statement yesterday contained no reference to the report's criticisms of DCW's 'indecision and inaction' in relation to the Christies Beach shelter, does this indicate that he is prepared to ignore the department's saga of incompetent administration in this matter during the past five years 19 months of which he has been Minister?

2. As the Minister has accepted the recommendation of the review committee that funding be withdrawn from the Christies Beach shelter, does he also accept the committee's implied conclusion that this course of action may not have been necessary if he, as Minister, and the Department for

Community Welfare had acted earlier and more postively to deficiencies in financial management and allegations of professional misbehaviour?

3. Does the Minister agree with the Westminster tradition of ministerial responsibility for the actions and decisions of one's department?

The Hon. J.R. CORNWALL: I certainly agree with the Westminster tradition.

The Hon. C.J. Sumner: Gilfillan doesn't.

The Hon. J.R. CORNWALL: No, he has a strange view of the world. I make it very clear that I do not agree with the bastardised version of the Westminster system that the Opposition tries to trot out in this place from time to time.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The way in which the Westminster system is bastardised in this Chamber in particular and in this State frankly brings it into disrepute. The curious notion that the Health Minister, for example, is responsible for every one of the 25 000 employees in the health and hospital system in this State or is personally responsible for every deficiency, trivial or otherwise, that might exist in the system really does no credit to the Opposition and tends to bring the very proud Westminster system into disrepute. There should be an end to it and, in fact, I am taking appropriate action to see that, in my particular case, there will be an end to it, as the Hon. Mr Cameron knows.

The Hon. L.H. Davis interjecting:

The Hon. J.R. CORNWALL: I am not talking in riddles at all.

The Hon. L.H. Davis: You have your front bench confused. Even the Democrats do not understand what is happening.

The PRESIDENT: Order! A question has been asked relating to women's shelters.

The Hon. J.R. CORNWALL: The Attorney-General understands the due process of the law very well indeed, and he knows precisely what I am talking about. With regard to the criticism of the Department for Community Welfare, that is in the report, and I do not resile from it. On a number of matters the department could have acted earlier, more effectively and more vigorously.

As to my role in the matter, one must look at the situation pre and post the sheltered accommodation assistance program. The honourable member should know that there is a vast difference in 1987, when women's shelters have a total budget of something of the order of $2.4 million, from when Annette Willcox and some of the trailblazers in the women's shelter movement were squatting in vacant houses in the mid 1970s. It is a vastly different position.

Since the action of the Hawke Government in 1984, there has been a great deal more certainty with funding and a great deal more public funding. We have gone from a position when the first Bannon Government came to power of the total funding being significantly less than $1 million to a position at which joint Commonwealth and State funding is now almost $2.5 million. Indeed, there is a reasonable expectation that, in the 1987-88 financial year, funding will probably exceed $2.5 million, after allowances for inflation. So, that is a vastly different ball game.

As to my role in the matter, I moved to set up a review of women's shelters in this State within 12 months of becoming the Minister of Community Welfare. I moved as soon as it was drawn to my attention that there were difficulties regarding financial management generally and that there were specific problems at the Christies Beach women's shelter. That is on the record publicly. I moved swiftly, efficiently and vigorously. In addition, when the report was delivered to me and it recommended that the Christies Beach shelter should be defunded, I moved at once. That is my record in the area, and I stand on it quite proudly.

South Australia is in a special position *vis-a-vis* any other State in the country to ensure that the services for women and children who are victims of domestic violence will be able to attend a shelter with complete confidence that the care and support that they will be given will be entirely professional and appropriate. To accept any position less than that would be unsatisfactory to me. We are also now able to say that, as a result of the report, while shelters are very important for supporting victims of domestic violence, they should be seen as a major part, but by no means the exclusive part, in the continuum of services and support that is available to women and children in this State who have been victims of domestic violence.

Let me say again, as I have done publicly, that I am very grateful indeed to the Chairperson of the review committee (Mrs Judith Roberts), to the members of that committee and to the consultant who worked with them. I believe that they have produced a blueprint to ensure that those services in South Australia are adequate, well conducted and provide the sort of professional support and backup that they deserve.

The Hon. Diana Laidlaw: What about the question if the allegations had been attended to earlier by DCW?

The PRESIDENT: I call on the business of the day.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Real Property Act 1886. Read a first time.

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

That this Bill be now read a second time.

It amends the Real Property Act by providing for the incorporation of standard terms and conditions in leases. At present all terms and conditions of leases which are to be registered in the Lands Titles Office must appear in the document itself. In 1981 the Law Society of South Australia recommended that consideration be given to introducing a system whereby mortgages and leases could be prepared as relatively short documents which would incorporate by reference the terms and conditions contained in an instrument lodged with the Registrar-General. The advantages of such a proposal were seen to be the easier and simpler preparation of documents and the production of less bulky documents with consequent savings in space.

In 1985 legislation was passed implementing the proposal as regards mortgages, but the decision was taken at that time to assess any legal or administrative difficulties arising from the new provisions before including provisions relating to leases.

The Law Society has requested that consideration now be given to allowing the deposit of standard terms and conditions in leases. The Registrar-General has indicated that initial administrative difficulties relating to the deposit of standard terms and conditions of mortgages have been overcome and that the system is operating in a satisfactory manner.

This Bill provides for the lodging with the Registrar-General of standard terms and conditions relating to leases. The consumer is not disadvantaged by this proposal as provision has been made requiring that the lessee be provided with a copy of the standard terms and conditions

incorporated into the particular lease. The provision will have particular application to leases of shopping centres, buildings and other developments which involve multiple letting. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 inserts a new section 119a in the principal Act. The new provision will allow a person to deposit with the Registrar-General a document containing terms and conditions for incorporation as standard terms and conditions in leases. A lease will then be able to incorporate all or some of those terms and conditions by reference. A lessee will be entitled to a copy of the standard terms and conditions before he or she executes the lease.

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

SUMMARY OFFENCES ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Summary Offences Act 1953. Read a first time.

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

That this Bill be now read a second time.

It proposes an amendment to section 73 of the Summary Offences Act 1953 to enable a police officer to remove persons who have behaved in a disorderly manner from places of public entertainment. Until 1981, section 73 of the Act was used to enable police officers to remove disorderly persons from public entertainment venues and to arrest them if they subsequently returned. However, this avenue is no longer open to police, as in the 1981 case, *Brander v Lovegrove*, the Supreme Court interpreted the words 'disorderly person' in section 73 to mean a person 'known to have the character of behaving in a disorderly manner either generally or in a given set of circumstances'.

Following the decision in *Brander v Lovegrove* police have three means of dealing with disorderly persons at places of public entertainment. First, the police can report an offender. However, this does not usually result in the cessation of the offending behaviour. Secondly, they can arrest the offender. However, even though this has the effect of removing the problem from the place of public entertainment, it also results in a serious depletion of police manpower levels remaining at the event. The third option available to the police is to remove the offender pursuant to regulation 20 of the Places of Public Entertainment Act. However, this regulation does not make it an offence for the person to re-enter the place of public entertainment.

This Bill repeals section 73 and inserts a new provision which empowers a police officer to order a person who is behaving in a disorderly or offensive manner from a place of public entertainment. Further, the revised section 73 empowers a police officer to use reasonable force to remove a disorderly person from a place of public entertainment. The proposed section 73 (2) makes it an offence for a person to remain in a place of public entertainment after having been odered to leave, or to re-enter, or attempt to re-enter a place of public entertainment within 24 hours of having left or having been removed from such a place.

In addition, the Bill removes the power of the police to order any common prostitute or reputed thief to leave a place of public entertainment. The Government considers it untenable that a person can be deprived of the ability to attend at a place of public entertainment merely on the basis of an occupation or of a reputation. I commend this Bill to members and seek leave to have the explanatory clause notes inserted into *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 repeals section 73 of the principal Act and substitutes a new section. Subsection (1) empowers a member of the Police Force to order a person behaving in a disorderly or offensive manner in a place of public entertainment to leave. A member of the Police Force is also empowered to use reasonable force to remove such a person from a place of public entertainment. Subsection (2) makes it an offence for a person to remain in a place of public entertainment after having been ordered to leave or to re-enter or attempt to re-enter a place of public entertainment within 24 hours of having left or having been removed from such a place. The maximum penalty fixed is a fine of $2 000 or six months imprisonment.

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

MILK

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That the regulations under the Food Act 1985 concerning unpasteurised milk, made on 21 May 1987, and laid on the table of this Council on 6 August 1987, be disallowed.

The Opposition opposes these regulations, which we believe are an example of Big Brother Government dictating to the community. The arrogant attitude of this Government towards the community is becoming legend. Freedom of choice and initiative of the individual have gone out the window and people in this State are becoming fed up with being told what they can and cannot do.

Many communities in South Australia have had the opportunity of buying fresh milk either from farms or from vendors operating in certain areas for years. I bet that there is not a dairy farmer in this State, even those supposedly demanding the ban on the sale of raw milk, who buy pasteurised milk for their own families. They take it straight from the vat, and if it is good enough for them, surely it is good enough for those people in the community who want to use raw milk. In addition, herds are regularly tested for TB, brucellosis, etc., and the controls on herd health and hygiene are stringent and have been so for decades.

I have received considerable correspondence from a number of areas in this State, but I shall refer basically to the area of Murray Bridge/Mannum, and I shall quote from some of that correspondence. The first letter is from the District Council of Mannum. It states:

Dear Sir, Council wishes to express its disapproval at the introduction of the unpasteurised milk regulations (No. 91 of 1987) under the Food Act 1985. The legislation will not only restrict trade in our area but it will also deprive many of the unemployed and poorer members of the community of the opportunity to procure raw milk at a reasonable price.

Council is not aware of any health problems which have occurred within its area due to the consumption of unpasteurised milk.

While the sale of raw milk will not be phased out until January 1989, the regulations are seen as another attempt, by legislation, to deny the right of an individual to a free choice.

That is a very important letter, because I would have thought this Government, which claims to represent the poorer

members of the community as well as everybody else, would oppose any regulations that would increase the cost of one of the most basic and essential products consumed. As the District Council of Mannum states, the legislation will deprive many of the unemployed and poorer members of the community of the opportunity to procure this foodstuff.

Another letter is from the Murray Bridge and District Progress Association. Addressed to the Minister of Health, the letter states:

> We understand that it is your Government's intention to restrict the sale of raw milk in Murray Bridge to the availability being from dairy premises only, and these are well out of the town.
>
> Our association objects to the proposed restriction because of public preference for raw milk rather than pasteurised milk and because of the strict hygiene controls which now apply to both the dairies and the delivery facilities.
>
> It appears that approximately 75 per cent to 80 per cent of the milk delivered to the homes in Murray Bridge is raw milk and, if the proposed regulations are applied to our town, there would be a considerable drop in the total consumption of milk.
>
> The availability of raw milk being from dairies only would encourage the illegal distribution of milk as members consider that groups of householders desiring raw milk will either appoint someone to make their purchases or work on a roster system, thus creating considerable delays before finally reaching the kitchen refrigerator.
>
> As we believe that the Murray Bridge people should have a readily available freedom of choice with the type of milk they purchase, could you please advise us if it is possible for the town of Murray Bridge to be exempt from any proposed legislation which will prohibit the home delivery of raw milk?

A letter from the Bridge Clinic (the major clinic for doctors in Murray Bridge) addressed to the President of the Retail Murray Milk Vendors Association states:

> Collectively the members of the above group have totalled over 150 years of medical practice in this town. During this period none of us have professionally encountered a disease in any patient which could be directly attributed to the local milk supply. On a personal basis we all enjoy the convenience of bulk home milk delivery and have no qualms about its safety.

Those two letters, coming from medical people, make it quite clear that much of the hysteria that has been whipped up is unnecessary and not based on fact. A letter from the Murray Bridge Local Board of Health states:

> This local board of health has for some time pursued the availability of raw milk to consumers in Murray Bridge. There has never been any suggestion of infection contracted as a result of these sales and it involves the livelihood of several people in Murray Bridge through the bulk milk deliveries.

The letter then indicates that it would like any action on the matter to be curtailed.

The Hon. J.R. Cornwall: Have you heard from David Higbed?

The Hon. M.B. CAMERON: I will come to that later. A letter from the Minister of Health addressed to Mr Coventry, the Secretary of the Murray Bridge Local Board of Health, states:

> I refer to your letter of 24 December 1986 giving the views of your board about the proposal to restrict the sale of raw milk. This matter has been the subject of considerable comment in recent years and the issues have been discussed at great length by both the Food Quality Committee and the previous Food and Drugs Advisory Committee established to advise the Government on food matters. During the consultative phase in developing the proposal, such views as those made by your board have been considered. I understand your board has expressed similar views as long ago as August 1984.
>
> Based on the advice of the Food Quality Committee that the unrestricted distribution of raw milk should be controlled, Cabinet has approved a recommendation that, rather than totally prohibiting the sale of raw milk, it be available from the premises upon which it is produced in prepackaged form. This decision was reached after assessment and discussion of the considerable comment received by the committee.

I quote again:

> ...Cabinet has approved a recommendation that, rather than totally prohibiting the sale of raw milk, it be available from the premises upon which it is produced in prepackaged form.

What is the difference between its being sold on the premises or sold off the premises by the people distributing it? Frankly, I do not see any difference. I would have thought that no matter whence it is sold it would have exactly the same content. I suspect that this matter has arisen as a result of pressure from commercial outlets—and I take exception to that—and that the Minister or Government has bowed to that pressure in an attempt to cut out the small business people who have serviced their communities for many years.

I know of one situation where that occurred, when a large company in my area put incredible pressure on a couple of individuals who had the audacity to sell raw milk to communities in areas in which that company operated. I took exception to this; it became clear to me from the way that it took place that the company was determined to wipe these two people out and gain a total monopoly on sales in the area. The issue that has arisen now is more of the same. The only difference is that this time the Government is assisting. The Minister raised the question of Mr David Higbed, and I will mention a comment that was attributed to him in a country newspaper. He said:

> Customers have as much right to buy unpasteurised milk as to buy poisons or prescribed drugs over the counter.

People in those areas took strong exception to that inflammatory remark, as do I. My children were brought up on raw milk, and many people sitting in this Chamber today were in a similar situation. I do not doubt that the Minister at some stage would have provided raw milk to the people living close to him.

Members interjecting:

The Hon. M.B. CAMERON: Years ago we did not have facilities such as snap chilling. I am sure that the vast majority of children in country communities were raised on raw milk, and it does not appear to have caused any major health risk. This matter has been blown out of proportion by established groups in the community who have vested interests. I believe that, in many cases, country communities benefit not only in receiving a product that they like but also in relation to price (and the District Council of Mannum put that clearly).

I understand that in the Tatiara district, which is an area that my colleague the Hon. Mr Irwin knows well, bulk milk sells at 52 cents per litre and pasteurised milk in cartons sells at 65 cents per litre. That is quite a difference, and I think that difference should be taken into account. If people want to drink bulk milk then surely that is their right. I trust that this Council will take a commonsense viewpoint and protect small business people from, one can only say, Big Brother Government which seems determined to over regulate the lives of people in this State. If the Government has not made the decision, I suggest that it go back to the people who put the proposition forward and tell them that it will not proceed any further with the matter after the Council disallows these regulations, as I trust will occur.

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

MARIJUANA

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

That the regulations under the Controlled Substances Act 1984 concerning expiation of simple cannabis offences made on 30

April 1987 and laid on the Table of this Council on 6 August 1987 be disallowed.

This motion to disallow regulations made under the Controlled Substances Act providing for on-the-spot fines for some marijuana offences is yet another step in the long-running battle to have the widely held community view against on-the-spot fines for marijuana use prevail over this Government's major leap towards legalising marijuana for personal use. Notwithstanding the Premier's public position that on-the-spot fines for marijuana use was an issue on which members of the Labor Party were allowed to exercise their conscience, the fact is that when the legislation under which these regulations are made was before the Parliament there was considerable pressure on individual members of the Labor Party to toe the line so that the Premier and his Government would not lose face as a result of their members crossing the floor to vote against this ill-conceived scheme. However, one Minister had the courage of his convictions and crossed the floor in the House of Assembly. Another relatively new backbencher was not given the opportunity to demonstrate the courage of his conviction against the Government plan and was in one way or another precluded from the Chamber where his vote would have defeated the Government's legislation.

Now, the Government has dived headlong into the scheme and has had on-the-spot fines operating for over two months. The figures for the first month indicate something over 200 on-the-spot fine notices were handed out. In the second month, that figure more than doubled, and at this rate the number of notices issued in the first year is likely to exceed 6 000.

If one relates that to the number of convictions for similar offences in the period between 1 July 1985 and 31 December 1985, those figures being the most recently available, one will find that for offences of using and possessing marijuana there were 2 086 convictions, and for possessing implements 357 convictions, making a total of 2 443 convictions or appearances in court. One has to take into consideration also that those convictions or appearances in court relate to using or possessing marijuana both in a public place and those places which are not public.

The 'on-the-spot' fines regulations cover the following offences: possession of less than 25 grams of cannabis, $50 fee; possession of more than 25 grams but less than 100 grams, $100; possession of less than five grams of cannabis resin, $50; possession of more than five grams but less than 20 grams, $150; smoking of cannabis or cannabis resin (but not in a public place), $50; possession of equipment (one or more pieces) used in connection with smoking cannabis, $50; and cultivation of plants other than for commercial purposes, $150. If an offence of possession occurs in conjunction with an offence of smoking, then the fee is only $10 (akin to a product promotional offer, where it is cheaper to obtain two items than one). On 30 July, an amending regulation increased the total amount payable by the $5 levy for the Criminal Injuries Compensation Fund.

With the expiation notices under those regulations, it should be noted that in no case can a person who receives a notice be brought before a court if the offence is expiated. If, for example, the offence is committed in conjunction with other offences which must go to court then, if the fee is paid, that is the end of the matter and it does not matter how many times a person receives expiation notices for various offences—if they are all paid, there is no way that that person can be brought to a court or before any other body, either to deal with the multiple recurring offences or to address the matter of treatment. Payment for the expiation fee under the scheme does not result in a conviction.

This is to be contrasted with the traffic infringment notice scheme where notices can be withdrawn by police even after payment, and offenders brought before a court for a variety of reasons.

On each occasion when the monthly figures for on-the-spot fines have been released, the Opposition has sought detailed analyses of those figures because the bald figures mean little. The Government arrogantly thumbed its nose at the request for information. The sort of information which must be made available includes the following:

1. How many of the on-the-spot fine notices handed out have been given to the same person or persons? That is, how many recipients of notices are, in fact, multiple offenders?

2. How many notices were handed out for an offence committed in conjunction with other offences?

3. How many offences relate to each particular category—that is, smoking marijuana in a place other than a public place, possession in a public or other place, possession of implements for use of marijuana, and cultivation of marijuana plants?

4. Where were the offences detected—that is, in a public place or in a place other than a public place?

5. Where possession of marijuana was detected, in how many cases was the quantity of marijuana less than 25 grams and how many between 25 grams and 100 grams?

6. How many recipients of a notice have paid the fine and how many have been to court?

7. In how many cases were the quantities of marijuana alleged to be involved in fact subject to dispute?

These are all questions which must be asked and answered. Refusal to provide answers suggests the Government may be embarrassed by them. The offences covered by the on-the-spot fines are called 'simple cannabis offences'. There is nothing 'simple' about them. The description really disguises the seriousness of smoking marijuana. Although when speaking on the Bill for on-the-spot fines in the last session I referred to the harm which can be done by using marijuana and the scientific evidence available on the drug, it is appropriate that I reiterate some of what I said on that occasion. I then referred to the Australian Royal Commission of Inquiry into Drugs presided over by Mr Justice Williams, which reported in 1980 and recommended, among other things, that no change to cannabis laws for 10 years should occur. The Royal Commissioner observed in relation to cannabis that it was a drug with a capacity to cause harm. He said:

> . . . cannabis will always remain an intoxicating drug [and] time may show that the harmful effect on the user and on the community are greater or less than present research has established.

In the context of his recommendations he also proposed a drug research project over a period of 10 years to obtain more scientific information about the effects of that drug. In October 1981, in the *Journal of the Council on Scientific Affairs* in the United States of America, the health hazards and therapeutic potentials of marijuana were explored. It said:

> Any form of drug abuse can have more serious consequences for those individuals who are especially at risk. Children and adolescents are one such group. The effects of drugs on the young, who are in early stages of both physiological and psychological development, can be more pronounced and persistent than effects on older persons.
>
> Marijuana is potentially damaging to health in a variety of ways, but it can be especially harmful when used by children and adolescents, by persons who are psychologically vulnerable, or by those already physically or mentally ill.

Reference in that article and also in other research clearly indicates that bronchial and pulmonary irritation and other respiratory reactions to marijuana use have long been noted

and well documented. That particular article refers to one of the few human studies comparing adverse effects of cannabis and tobacco and states:

Measurements of bronchoconstriction revealed that smoking less than one marijuana cigarette per day diminished vital capacity of the lungs as much as smoking 16 tobacco cigarettes. Because smoking several marijuana joints daily is not unusual among young people, their risk of incurring pulmonary problems may be far greater than that of heavy users of tobacco.

The journal went on to say:

Because marijuana intoxication impairs reaction time, motor coordination and visual perception, it can be dangerous to drive automobiles, operate machinery, and fly aeroplanes under this condition.

In a recent study in California, involving blood samples of 1 800 motorists arrested for driving while intoxicated, marijuana use was detected in 16 per cent of the cases, nearly always in conjunction with the presence of alcohol.

The concomitant use of marijuana and alcohol, which is quite common, has its greatest implications in the area of highway safety. Reduction in reaction time, poor cognition, and impaired coordination, observed with the use of either substance alone, are markedly amplified when the two drugs are taken in combination.

The journal makes some further observations about the effects of marijuana use on children and the mentally ill:

It has been known for some time that marijuana use can produce panic reactions, 'flashbacks', and other emotional disturbances and that children and adolescents are at high risk psychiatrically when they abuse psychoactive substances.

It is also now clear that persons with a history of schizophrenia or other major mental disorders place themselves in jeopardy by using marijuana, because even short-term use has been shown to precipitate psychiatric symptoms in such individuals.

When I spoke in the debate on the Bill which has created the regulations I referred also to a paper presented by Dr B.J. Earp to a conference of the Network of Alcohol and Drug Agencies in 1982. I referred to the fact that he made the point that numerous laboratory trials and studies of accident situations and victims show that marijuana impairs driving skills and leads to more accidents. The increased heart rate for marijuana use, he concluded, can be dangerous for those with coronary artery disease, possibly contributing to heart attack or even sudden death. And he confirmed that while a heavy tobacco smoker usually takes 10 to 20 years to develop chronic bronchitis, a heavy marijuana smoker will develop it in six to 15 months. Dr Earp says that legalisation of marijuana use is not a reasonable solution because 'it says to young people that marijuana must be safe, and would encourage greater use'.

The Hon. J.R. Cornwall: That's why we did not legalise it.

The Hon. K.T. GRIFFIN: I will come to that in a moment. Dr McEvoy of the South Australian Branch of the Thoracic Society of Australia said recently:

Contrary to popular opinion that marijuana smoke is harmless or even beneficial to the lungs, there is good recent scientific evidence that marijuana smoking has an even more deleterious effect on lungs than tobacco smoke.

Other studies indicate that other known or suspected chronic effects of marijuana (identified by the US National Institute of Drug Abuse) included:

28 per cent of people who smoke pot daily turn to harder drugs such as heroin and cocaine.

Marijuana is about 5 times more addictive than alcohol.

One gram of marijuana has 50 per cent more cancer causing substances than one gram of cigarette tobacco.

Women who smoke marijuana during pregnancy are five times more likely to have babies with facial disfiguration than women who do not.

Short term memory impairment and slowness of learning.

Impaired immune response.

Interference with ovulation and pre-natal development.

Decreased sperm count and sperm mobility.

Some months ago *The News* reported a Harvard Medical School study as follows:

Just one marijuana cigarette can play havoc with the female reproductive system . . . preventing pregnancy, triggering spontaneous abortion and causing underweight babies.

Doctors warned of the danger in a new study which suggests that smoking one reefer can cause harm to both mother and child.

The bottom line is that pregnant women or women who want to become pregnant should not smoke marijuana, said Dr Jack Mendelson, director of Harvard Medical School's alcohol and drug abuse centre.

In a related study, researchers also found that chronic marijuana smoking appears to decrease the capacity of the lungs more than heavy cigarette smoking.

Professor Nahas, a consultant to the US State Department, the United Nations Commission on Narcotics and the World Health Organisation, has said that he campaigns harder against the use of marijuana amongst students than against more destructive drugs such as heroin and cocaine because, if you stop the first, you drastically reduce the second. He also made the observation:

Some 28 per cent of daily marijuana users go on to experiment with harder drugs and only 1 per cent of people who have never used marijuana go directly to the more destructive drugs.

There are many other studies which indicate a growing body of scientific evidence showing that there are major problems created by the use of marijuana.

A recent conclusion in the United States by a researcher was that there is a swing away from the so-called harder drugs to a more potent marijuana—a super marijuana. The researcher was convinced that after 20 years research, one could only conclude that marijuana was addictive. One could go on and on quoting scientific research on the harmful effects of marijuana use. It can be only the blind or the ignorant who would not acknowledge those harmful effects.

There are some arguments that because tobacco smoking kills more Australians in a year than smoking marijuana we ought to be focussing upon the abuse of tobacco rather than marijuana. And there are those who say we ought to focus on the abuse of alcohol and its effects on the home, the roads and the workplace. I agree that we ought to be focussing on the abuse of tobacco and alcohol and doing all that we possibly can to discourage their uses. Smoking used to be the in thing but it took 60 years of research to identify its impact on the health of individuals and our society. And now we are spending fortunes to encourage people not to smoke. And those who use the figures of deaths from use of tobacco, alcohol and marijuana and rely on the bald numbers without relating them to the total abusers in each category are dishonestly fiddling the figures to suit their own case. However, the abuse of tobacco and alcohol is not a valid argument against maintaining our legal prohibition against the use of marijuana, nor is it a valid basis for arguing that marijuana ought not to be the focus of major attention. We know there are health and community hazards from marijuana. Why make it acceptable? You cannot sweep it under the carpet.

The Government's on-the-spot scheme flies in the face of the promotion of the national drug offensive on which over $100 million is being spent. That offensive puts marijuana in the same category of 'hard or illegal drugs' as heroin, cocaine, hashish and hallucinogens and stresses the need for drug education to begin 'equipping children from an early age to resist drugs'. In this climate, which is of concern for our young people, the Bannon Government introduced on-the-spot fines for some marijuana offences. It is a giant step towards decriminalisation and will be perceived by the community, particularly young people, as indicating that smoking marijuana or possessing it for one's own use is now acceptable—it becomes a trivial offence and not worth going to court for it. In fact, in some respects it can be equated to a parking meter fine.

The regulations allowing on-the-spot fines for certain marijuana offences are, as I have said, a move towards legalising both the use of marijuana and the possession of certain quantities of marijuana as well as implements and the cultivation of marijuana for so-called 'personal use', and that is the most disturbing aspect of these regulations. I refer to an article written by a Doctor Clare Sprague for the Lions Club of Australia and Lions Club International about the weakening of marijuana laws, as follows:

> Proposed changes to weaken marijuana laws have been on the drawing boards and the controversy has been in the news since the early 70's. The publicity surrounding any proposed change has been and still is dangerous because it conveys to an otherwise uneducated public that perhaps marijuana may not be so dangerous after all. This, of course, is not true. Furthermore, any actual weakening of the laws would carry an even stronger pro-drug message whether intended or not. Young people assuming, therefore, that it is safe enough will continue to use or start to use marijuana without any awareness at all of the serious short and long-term affects on their own mental and physical health; the control of their own lives; and then future success and happiness in life.

The defence of the on-the-spot scheme is actively put to the effect that no person, particularly a young person, should carry the stigma of a court conviction for the rest of his or her life as a result of being detected using marijuana or possessing implements or growing certain quantities of the drug. But that ignores the real discretion which courts have and have exercised, and continue to exercise, in determining whether or not to proceed to a conviction or to impose a penalty without conviction under the wide discretionary provisions of the Offenders Probation Act. It also ignores the Children's Aid and Assessment Panels in the Children's Court where the discretion in dealing with young offenders is even broader and is more likely exercised than not. It also ignores the deterrent effect of having to go to court if detected in the commission of an offence.

What the on-the-spot fine regulations do is to give to the use of marijuana a perception of respectability which it should not have and creates a perception of acceptability by the authorities which it ought not to have. Now, there is no deterrent to the use of marijuana or the possession of implements or the growing of certain quantities of marijuana, except for the $50 fee for possession of up to 25 grams of marijuana and $150 for 25 grams to 100 grams, which is the equivalent of ten cigarette packets.

The great difficulty with the regulations is that they provide the easy way out. When speaking on the Bill in 1986, I referred particularly to the observations of Mr Justice Williams of the Australian Royal Commission of Inquiry into Drugs, who perceptively observed as follows:

> There are a lot of persons within the community who generally obey laws without having to reach conclusions that the law is good rather than bad. There are a lot of persons who obey laws even though they do not accept that the law is a good law. These people would incorrectly interpret a relaxation of the prohibition against cannabis as an approval of its use, except under special circumstances. On the other hand, among people in the community who are not disposed to obey a law unless positively satisfied that it is a good law, there will remain a number who are never to be satisfied until all restrictions and prohibitions on the use of drugs are removed.

The quite obvious step towards legalisation of marijuana in the Government's scheme will clearly have this effect on a lot of Australian people. Anything which gives the impression of the community lowering its standards is to be deplored. With so much emphasis on the National Drug Offensive, on alcohol abuse, on tobacco abuse and on other drug abuse, I find it incredible that, rather than tightening the law relating to the use of marijuana, the Government is in fact moving a long way towards making its use and possession in many instances legal.

The Government's plan is against the public interest and I have no doubt at all that it will aggravate the already difficult task faced by parents and teachers in ensuring their children are not seduced by peer group and other pressures to experiment with and become abusers of drugs. The scheme does nothing to help parents, teachers or young people themselves. Rather, it removes hurdles to drug abuse and makes the path towards that end so much easier. There is still widespread community concern about drug abuse and about this Government's scheme of on-the-spot fines. It certainly gives the impression that the Government is as much on a revenue raising exercise as anything else.

The Government's scheme is more than half way towards total legalisation. In 1983, the Minister proposed legalisation of marijuana for personal use. He backed off that and found a course of action which would, he thought, take him and his Government towards that objective. Last year when the Government was proposing on-the-spot fines for marijuana use, I wrote to the Health Ministers Council urging its support for a view that there should be no change in the law relating to marijuana as was the recommendation at the National Drug Summit in which the Premier was a participant with the Prime Minister. Yet the initiative of the Minister of Health and the Bannon Government was clearly contrary to that decision. The Health Ministers Council, so I was informed many months later, took the view (at least by a majority) that it would not become involved. I regard that as a particularly gutless reaction.

International experiences clearly show that decriminalisation or legalisation is not the answer; rather, a combined strategy employing strong legislation with preventative drug education based on up-to-date and factual information, especially to the parents, has shown itself to be a strong factor in the reduction of drug abuse in the United States and other countries. With respect to the regulations, no good can be achieved by retaining them. I would urge members opposite and the Australian Democrats to carefully examine their own consciences and exercise them in favour of the motion to disallow on-the-spot fines for marijuana use.

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

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

That the regulations under the Controlled Substances Act 1984 concerning expiation notice for simple cannabis offence, made on 30 July 1987, and laid on the table of this Council on 6 August 1987, be disallowed.

It is consequential on my earlier motion.

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

AUSTRALIA CARD

The Hon. DIANA LAIDLAW: I move:

That this Parliament—

1. Registers its strong opposition to the introduction of national identification system, incorporating the Australia Card; and
2. If the legislation passes the Federal Parliament, calls on the State Government not to cooperate in the establishment of a national identification system incorporating the Australia Card.

Since the Australia Card proposal was first unveiled by the Minister for Health and former civil libertarian, Dr Blewett, at the National Taxation Summit in June 1985, I have consistently opposed the introduction of this measure. In addition to giving evidence before the Joint Select Committee of the Federal Parliament on the Australia Card when it held hearings in Adelaide in March 1986, I have moved

two motions in this Council—on 23 October 1985 and 26 February 1986—calling on the Council to convey its strong opposition to the introduction of a national identification system incorporating the Australia Card. In each instance, however, the motions lapsed when Parliament was prorogued a few weeks later.

To this day I remain firmly of the view that the Australia Card will not eliminate tax, social security and immigration fraud, will not be cost beneficial, will legitimise false identities and will invade privacy to an intolerable extent. These conclusions are not mine alone. After an extensive investigation the majority of members on the Joint Select Committee on the Australia Card (that is all but the Labor Party members on the committee) reached the same unqualified conclusions. Their report should satisfy any reasonable person that the Federal Government's campaign promoting this card is based on deception. I therefore intend to continue to pursue avenues legally available to me to oppose the introduction of an Australia Card. Ultimately, this path may lead me to refusing to apply for the card, burning replicas of the card or following other courses of passive resistance in order to frustrate the operation of the system. But such options are in the distant future. Much can and must be done in the meantime. I suggest the following courses:

1. To expose the Federal Government's deceptive, simplistic and contradictory statements in favour of the card;

2. To foster wide community, business and trade union opposition to the enabling legislation; and

3. To apply pressure on State Governments not to cooperate in the establishment of a national identification system.

Hopefully, a combination of these actions will force the Federal Government to appreciate that even if the legislation passes the system will not work, and it will opt instead to back away from its current obsession to impose upon the Australian people a national identification system incorporating the Australia Card. The Federal Government's current proposal for a 'limited' Australia Card comprises seven major elements:

1. The I.D. Card: A universal identification card containing a person's name, photograph, signature, identification number (UiN) and expiry date of the card. It will not be compulsory to apply for or to carry the card at all times. However, production of the card will be compulsory to obtain work, own, operate, open or create a bank account, complete financial transactions and to obtain any social security or Medicare benefits (and I shall refer to this matter of uses of the card at greater length a little later). It will not be an offence for any other Government or private organisation to request that a person produce their card or disclose their UiN, but it will be an offence to demand such production or disclosure.

2. The UiN (Universal Identification Number): This is a unique number allocated to each member of the population. The number will be a common 'key' to the data bases of the agencies allowed to participate in the scheme, and will enable 'matching' of data bases where authorised.

3. The Australia Card register: A national, centralised computerised register of identifying details of each member of the population, operated by the Health Insurance Commission (HIC). Under the current proposal the number of agencies with access to the register is to be restricted to three only—the Australian Taxation Office, the Department of Social Security and the Health Insurance Commission—although the number has fluctuated under various versions of the scheme, rising to a high of 13 at one stage.

4. The births, deaths and marriages register: A national births, deaths and marriages register, operated by the Health Insurance Commission and located on the same computer as the Australia Card register. The only new federal agencies permitted to use this births, deaths and marriages register will be the HIC for the operation of the Australia Card and the Department of Foreign Affairs for passport use.

5. The network: A telecommunications network which will allow national on-line access to the register to local offices of the participating Government agencies.

6. The companion entity system: A complementary identification system for corporate and unincorporated entities (for example, companies, trusts, partnerships, jointly owned property, and the like). Such entities will not have a separate card or universal identification number, but will be 'associated' in all its dealings with the universal identification number of one of the relevant persons who will be responsible for the dealings of that corporate or unincorporated entity.

7. The Data Protection Agency (DPA): A new agency with the function of supervising the uses to which the Australian Taxation Office, the Department of Social Security and the Health Insurance Commission put information obtained from the register, but not any other agencies or private organisations which are required to demand the card or universal identification number. Privacy legislation incorporating information privacy principles with which the DPA would be required to comply will also be introduced.

The reality of these seven major elements of the Australia Card system belies Government propaganda that the system will be simple in nature and one which honest, hardworking middle Australia should not worry about—a ploy, I may add, which the Government appears to have borrowed successfully from the infamous 'Don't you worry about that' Premier of Queensland. Federal Government members, including the Prime Minister, are fond of pushing the line that, if a person has nothing to hide, they have nothing to worry about or, alternatively, that those who oppose the Australia Card are merely friends of tax and social security cheats. Such arguments are over-simplistic and offensive.

For my own part, as one who opposes the Australia Card, I believe that I share in common with all who do not evade their tax responsibilities or exploit opportunities for tax avoidance or social security rorts a resentment to shouldering unfairly a tax burden that should be met by others. I also believe that I am as keen as the next honest taxpayer to see the implementation of effective measures to curb abuse of both the tax and welfare systems in this country. What I, together with my Liberal colleagues, and, I understand, the Australian Democrats do not and cannot accept, however, is the Federal Government's insistence that the introduction of a complex Australia Card system is the most—the only—efficient and effective means of stamping out such abuse in our welfare and tax systems.

At this point it is worth recalling circumstances immediately prior to the unveiling by Dr Blewett of the Australia Card, for, up to April 1985, no pressure had been felt from any quarter for the introduction of identity cards. Prior to this time, however, serious questions regarding the efficiency and effectiveness of our major receipts and payments agencies—the Australian Taxation Office and the Department of Social Security—were raised in a number of major reports.

First, the Australian Taxation Office, quite apart from the bottom of the harbor scandal, came under increasing critical scrutiny from the Commonwealth Auditor-General. In December 1984 a report from the Auditor-General criticised ATO's efforts in collecting interest and dividend

revenue. In August and September 1986, two further reports were to make similar attacks on ATO's effectiveness in the administration of the prescribed payments system and the pursuit of unclaimed group certificates. Secondly, in early 1985 the Department of Social Security was criticised by the Auditor-General in relation to the overpayment of benefits and the detection of welfare claims made in false names. In that instance, recommendations were made to overcome both deficiencies. Thirdly, in 1985 the Department of Immigration and Ethnic Affairs was the subject of a scathing report by a parliamentary committee which discovered that immigration controls were almost non-existent. It recommended a whole heap of measures to weed out overstayers and to make the department more effective and efficient.

Thus, in the mid 1980s, arising from investigations into departmental practices, the bureaucracy in the areas of taxation, social security, and immigration and ethnic affairs did not emerge with much credit. Accordingly, by 1985, there was good reason for the Australian Taxation Office to consider itself to be under considerable pressure to find ways to increase revenue collection from the existing tax base, and on agencies such as the Departments of Social Security and Immigration and Ethnic Affairs to decrease the drain on existing revenue from perceived social security fraud and illegal immigration. It could be expected also that the spotlight on the failures of these agencies to carry out their functions was likely to increase. In these circumstances, perhaps it is not surprising that the later calls for the Australia Card owed their origins to proposals originating in the Australian Taxation Office.

I recount this background because I believe that the history of the Australia Card proposal is largely a study in the way in which the bureaucracy and the current Government has succeeded in diverting attention from its past and present failures or inaction in respect of revenue payments and receipts by the promise of a future panacea. This panacea has made past failures and inaction appear less relevant to the future, because it introduced a completely new element into the debate—that of a national identification system incorporating the Australia Card.

Almost daily we are told by Federal Government Ministers that the Australia Card will stamp out tax evaxion. In a climate in which the Government is trying to sell the proposal, perhaps it should not be surprising that the revisions of revenue gains from this source are becoming ever more tantalising by the minute. When I spoke to a similar motion in October 1985, I highlighted the alarming variations between estimated revenue gains. At that time one inter-departmental committee estimated the gains to be $960 million by the sixth year of operation; another suggested $740.7 million; and a later Treasury report floated a figure of $554 million by the sixth year. A year later, however, the Department of Health estimated that the taxation revenue gains would be $551 million after four years of operation or $724 million if the card included a photograph. Recently the Taxation Department revised these estimates from the Department of Health and suggested that the amount to be recouped could be 75 per cent more than that estimated by the Department of Health.

These estimates of revenue gains, however, must be compared with the estimated annual revenue losses because of tax evasion. In June 1985, the Australian Taxation Office in the draft White Paper for the taxation summit estimated the loss to be 3 000 million in 1984-85 and of the order of $7 000 million (in 1984-85 terms) by 1987-88, which is this financial year.

A year later, however, in evidence before the Joint Select Committee on the Australia Card, the Second Commissioner of Taxation, Mr John McDermott, stated the $3 000 million figure was considered to be extremely low, and suggested that a more accurate estimate was in the vicinity of $6 000 million to $7 000 million a year. For its part, the Federal Liberal Opposition (incidentally backed by several major banks) has maintained that a more realistic estimate of tax evasion practices in this country, particularly the cash economy, suggest a range of tax revenue losses between 5 per cent and 15 per cent of recorded gross domestic product. Considering the value of GDP in 1985-86 of approximately $232 000 million, these figures imply that revenue forgone as a result of tax evasion could be as high as $14 000 million per annum—given an average tax rate of 40 per cent.

Honourable members will appreciate that when one compares the estimates of revenue gains arising from the Australia Card—amounting at best to $1 000 million after four years—with estimates of tax evasion possibly as high as $14 000 million per annum, the Hawke Government's Australia Card will have little impact, if any, in combating tax evasion in the economy.

The ID Card will not make cash economy or black economy payments taxable, and as such is most unlikely to be a cost effective measure in combating tax evasion. This view was presented to the Joint Select Committee by both Mr Frank Costigan, Q.C., the former Royal Commissioner, whose work pioneered the current-day fight against tax evasion and whose evidence helped to persuade the majority of the committee to the same conclusion. In part, Mr Costigan informed the committee:

> I am bemused at the attempt to correct what are articulated as problems in the community by a solution such as the Australia Card. It is using a jackhammer to crack a nut. We are setting up what is on any view an extraordinarily expensive system justified by additional revenue that is going to come through stopping tax avoidance and tax evasion. There are much cheaper and effective ways of coping with the problem which arises from tax evasion and tax avoidance.

Mr Costigan's view was supported by evidence to the Joint Select Committee by Mr Anthony Munchin, Acting Assistant Auditor-General, who stated:

> Existing resources could be more fully utilised and upgraded in the Australian Taxation Office to combat tax evasion in a more cost effective manner than would the ID Card proposal.

I suggest to honourable members that we should heed the evidence of Mr Costigan and Mr Munchin. The course that they expound offers a cost effective means of achieving the goal that we all seek—that of ultimately stamping out taxation evasion.

For this reason alone, such a course should be pursued by the Federal Government, at least for a limited period before assessing its impact. Moreover, the option of 'more fully utilising and upgrading resources at the ATO'—to quote Mr Munchin—does not carry with it the many insidious features which will accompany the imposition of a national identification system incorporating the Australia Card.

When I addressed the subject of the Australia Card in this Chamber in the past, I have outlined at some length the many dangers associated with the system. It is not my intention today to repeat all these matters. However, in speaking to this motion it is important for honourable members to appreciate that, if the Federal Government persists in pressing ahead with this insane scheme, in future the Australia Card will be taken as a gilt-edge proof of identity. As such the temptation to forge the card will be great and the means by which to do so are readily available.

But, forgery of the card is not the only worry. Of potentially greater concern is the temptation which the ID card

will provide to those who wish to establish false identities—false papers for production at the point of issue of the card. Already a group called PAIN (People Against Identification Numbers) has published a book entitled *How to Get Australians False ID's* containing information on methods to establish multiple identities. The Federal and State police in this country have repeatedly highlighted their concern that the card will present an intolerable burden for police and lead to boom times for supplies of forged birth certificates. This week the Federal Police advised that the production of forged identification papers was in full swing in anticipation of the introduction of the card.

I believe that members in this Parliament and indeed in the Federal Parliament will be negligent in their duty if they do not heed the advice of the police in this country and do not take into account the temptation provided by the card to establish false identities on a major scale. They should also take account of the experiences of countries with universal identification cards, for instance, Sweden and the United States, where the criminal use of false identification is a multi-million dollar national problem. This fact has been established by numerous reports over some years in both countries. To date, however, the Federal Government seems hell bent on ignoring the fact that in both Sweden and the United States there is growing distrust about the use and value of universal personal identifiers.

Beyond the matter of false identities, there is widespread and legitimate concern in the community about the card's potential to invade individual privacy and to infringe upon personal liberties. These matters were identified as major concerns of the Bannon Government in January last year when the Attorney-General, on behalf of the State Government, wrote to the Chairman of the Joint Select Committee on the Australia Card. The Attorney's letter is printed in full on pages 865-866 of *Hansard* of 5 March 1986. The letter highlights 14 'major concerns and issues which this Government wants specifically addressed, both by your committee and any Commonwealth legislation that may emanate in consequence of its final recommendations'. The letter continues:

> I note that your committee has invited submissions and representations. The Government of South Australia has opted, in lieu of a formal submission, to traverse the real concerns it perceives in the proposals.
>
> Before proceeding to do so, I should make quite clear that the Government of South Australia has not yet taken any policy decisions in respect of the Commonwealth Government's proposals to implement a national identification system. No decision has been made by Cabinet regarding the final decision that it will, or is likely to, adopt on the matter. Instead, it reserves its final position and will direct its attention to the contemplated legislation as it is drafted.

The 14 matters of real concern identified by the Government in the Attorney-General's letter range from the following:

(ii) What assurances will there be that, when records are created for different purposes (for example, banking) and they are matched for another purpose (for example, to detect fraud) the result will not be a loss of data quality?

(iv) What guarantees will there be that Australia Cards will not be issued (or reissued) on the basis of counterfeited, forged or other spurious source identification records (for example, birth certificates, drivers licences, etc.)?

(viii) What guarantee will there be that the Australia Card will not become a *de facto* passport, failure to possess which will disentitle a *bona fide* individual to certain privileges or benefits that would presently obtain?

(x) What criteria will be prescribed and applied to ensure that the mandatory nature of the Australia Card:

(a) will not place under suspicion a person who does not possess one; or

(b) will not place above reproach a person who does possess one albeit obtained illegally?

(xii) Given that a reason for the Australia Card is to combat tax evasion, how is resort to the so-called 'black' economy to be circumvented by the proposed legislation?

These concerns and issues (and I am pleased that you, Ms President, are in the Chair, as I know the civil libertarian views that you have expressed in this Parliament in the past) are but seven of the 14 posed by the State Government to the Joint Select Committee on the Australia Card as one that the Government wanted the committee to specifically address.

The committee, in turn, did specifically address these matters. The majority report of the committee rejected 'all proposals for issuing of identity cards with or without a photograph'. It argued that the card would become an internal passport; that the register could be used to create all-encompassing dossiers on individuals; that the register and the universal identification number (UiN) would facilitate the spread of matching of large subsets of otherwise unrelated databases, with dangers to privacy, normal judicial procedures and evidentiary standards; and that in the long run a mechanism would be established which could be abused for authoritarian political purposes.

As an aside, this last point reminds me of a statement recently made to me at an ethnic function, when I was told that in 1939 within days of Adolf Hitler entering the Netherlands he was able to locate every single Jew in that country through access to that country's universal identification system. The person who told me this story was a Jew who escaped from Holland at that time and is now living in Australia. However, the memories of the uses of a national identification system are certainly fresh in her mind.

I return to the majority report of the Joint Select Committee. Members will note that the reasons given by the majority of the committee for rejecting the Australia Card echo the very same concerns identified by the South Australian Government some months earlier. In fact, the minority report also recorded concern on a number of the same matters, identified as matters of concern to the South Australian Government. Almost to the person, none of the members on the Joint Select Committee were able to provide the South Australian Government with many guarantees it said it sought before it was prepared to determine its position on the card. This fact should be sufficient for members of this Parliament to reject the Federal Government's proposal to impose a national identification system upon the people of South Australia and Australia. However, if members need further evidence before supporting such a course they should digest the legislation.

First, they should appreciate the wide licence provided in the legislation for the future expansion of both the uses of the card and/or register.

Secondly, they should appreciate the fact that the legislation does not seek to limit private sector uses of the card by prohibiting any unauthorised requests for the production of the card or the number, nor any discrimination based on non-production of the card or number. Thirdly, on looking at the legislation, members should appreciate the fact that the proposed Data Protection Agency will be absolutely powerless to investigate some of the most likely forms of abuse of the scheme from occurring. The legislation

specifically excludes the Data Protection Agency from investigating any abuses or offences by the private sector, such as unauthorised demands for the production of the card or the UiN.

One can envisage, because of the problem of under-age drinking, that many people will demand, although not authorised to do so, the production of the card. However, the Data Protection Agency will have no power to investigate either that unauthorised demand or the failure to provide a service because the card was not produced when requested.

The Data Protection Agency also will not be able to investigate an unauthorised use of the card by organisations entitled to demand the card. Banks, employers and the like are entitled to demand the card for a variety of purposes, but one can imagine that financial institutions and employers could demand the card for a variety of services that are not currently outlined in the legislation.

I believe that members should be fully aware, before considering this motion, of the full range of uses that the Federal Government proposes for the card. I will now outline these uses.

The Australia Card legislation has the effect of requiring every Australian citizen, by presenting and registering for the issue of an Australia Card, to have Government permission to: own, open or operate a bank, credit union, or building society account; lend or borrow money; accept interest or make interest payments; buy or sell land; operate a safe deposit box; buy or sell shares in a public company; indeed, even to work.

This Government warrant can only be obtained by the possession of an Australia Card. To understand the restrictions which are proposed to be imposed on commercial transactions alone it is necessary to study in detail Part IV—clauses 40 to 54 (inclusive)—of the Australia Card Bill. The most significant of those sections are:

Section 40 relates to deposits and accounts with financial institutions. This section prohibits, *inter alia*, a financial institution from:

accepting a deposit of money;

permitting the opening of an account;

repaying money deposited;

permitting deposits or withdrawals from accounts; and

paying interest on accounts,

in respect of accounts opened prior to the commencement of the legislation, as well as those opened after commencement, unless the financial institution records the relevant Australia Card number.

Section 41 deals with investments. This section prohibits, *inter alia*, a prescribed borrower (which includes a body corporate) or a legal practitioner from accepting a deposit of money, repaying deposits, or paying interest, unless the Australia Card number is recorded.

Section 42 deals with trusts. This section exercises the same types of restrictions as the previous two sections, in relation to cash management trusts, property trusts and unit trusts.

Section 43 relates to primary production and rental income. This section prohibits a primary production marketing authority, or a produce agent, from dispersing the proceeds of a primary product sale and prohibits a real estate agent from paying rent collections to a landlord without the recording of the relevant Australia Card number.

Section 45 is in relation to transactions. Declarations, which include the Australia Card number, will be required before a transaction involving a transfer of an interest on land will be effective.

Section 47 deals with shares in public companies. A share broker will not be allowed to purchase shares on behalf of a client, may not lodge a share transfer and a public company may not register a transfer, unless the relevant Australia Card number is recorded. The same type of restrictions apply to futures contracts (section 48).

Section 48 relates to employment. This section covers probably the most restrictive limitations in commercial transactions as it interferes with the basic right to offer and to be accepted for work. I am always surprised that members opposite who profess to take such an interest in the rights and liberties of workers in this State find that they can sit back and tolerate this provision in the legislation. Section 48 also prohibits the employment of a person who does not produce an Australia Card and prohibits the payment of wages to such a person.

Ms President, before concluding my remarks to this motion, I wish to speak briefly to the second part of the motion. It is my fear that too few people understand that the implementation of a national identification system in this country, as envisaged by the Hawke Government, will require all State Governments to agree to provide access to births, deaths and marriages records. These State records are vital in establishing the identity of a person at the point of issue of the Australia Card. Without agreement of all State Governments, the system will be inoperable, notwithstanding the passage of federal legislation.

I, together with the Leader of the Opposition in the other place, have persistently asked questions of both the Premier and the Attorney-General to ascertain whether the State Government had made a decision or was likely to agree to cooperate with the Federal Government in respect to the births, deaths and marriages records of this State.

Although the State Government has had ample time to consider this matter, each time the question has been raised the Premier and the Attorney-General have ducked for cover. They have failed to make a commitment either way—to say either 'yes' or 'no'. Arising from this hesitation on the part of the Government—particularly the Premier and the Attorney—it is impossible not to reach the conclusion that this Government has no confidence in the Australia Card proposal—that it does not share the obsessive enthusiasm with which its federal counterpart embraces the card. If my conclusion is wrong, it is fair to ask why the State Government repeatedly resists making any commitment to cooperate with the Federal Government, and why it repeatedly resists giving federal authorities advice that they will or will not have access to South Australia's births, deaths and marriages records.

As I stated at the outset, and on other occasions in this place, I am totally against the imposition of any form of a national identification system. Therefore, as long as the Federal Government persists with its obsession with such a system, ignoring overseas experiences, the majority view of the joint select committee, the advice of the federal police, the Auditor-General, Mr Costigan QC, and many other figures of integrity in our community, then I will continue to pursue avenues legally available to me to oppose the introduction and implementation of the Australia Card. In following such a course it is my hope—a hope that is shared by my colleagues in this place and in Canberra—that the Hawke Government will see the folly and dangers of its current course and back down on proceeding with the legislation. Alternatively, I hope that community resistence will be sufficiently strong and widespread across Australia that the Hawke Government will come to realise that the card will not work, even if the legislation is passed.

In this respect, it is interesting to note that community opinion is swinging against the card. The latest Morgan Gallup Poll shows support for the card has plummeted from about 64 per cent last year to just over 50 per cent.

The Hon. M.B. Cameron: It will go down further yet.

The Hon. DIANA LAIDLAW: I believe that that is right. As groups and individuals opposed to the card begin to coordinate their efforts in each State and nationally in the next few weeks, it can be anticipated that the trend of opinion against the Australia Card will continue. I received advice this morning that the South Australian branch of the Australian Small Business Association will be holding a meeting to coordinate the efforts of groups in this State. That meeting will be held next week. This follows a very successful meeting of anti ID-card proponents, people ranging from civil liberty groups, Labor and Liberal members of Parliament, trade union representatives, medical practitioners and other members of the public in Melbourne late last week. We in this Parliament, believing that the system is not in the best interests of South Australians, can reinforce this rising tide of community resistance to the Australia Card by registering our opposition to the card and calling on the State Government not to cooperate with the Federal Government in implementing the system, if and when the legislation passes the Federal Parliament.

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

TAFE PRINCIPALS

The Hon. R.I. LUCAS: I move:

That the regulations under the Technical and Further Education Act 1976, concerning principals' leave and hours, made on 6 August 1987, and laid on the table of this Council on 11 August 1987, be disallowed.

To understand this motion and the reasons why the Liberal Party is moving to disallow these regulations members need to understand the history of this current ongoing dispute between the Government and TAFE teachers represented by the South Australian Institute of Teachers.

Over some months, from the end of 1986 through to the early part of 1987, representatives of the Minister of Further Education, the Government and SAIT were involved in ongoing discussions to try to come to some sort of agreed position, a compromise position, on working conditions available to TAFE staff. After some discussions representatives of SAIT took back a package of proposed changes to working conditions to the membership of the institute. That proposition was rejected by the membership of the institute. The Government, through the Minister of Further Education (Hon. Lynn Arnold), took the unilateral position of breaking off discussions and negotiations with its employees. The Minister acted unilaterally to reduce the working conditions of its staff—TAFE teachers in TAFE colleges.

As you would know, Mr Acting President, we then saw rolling strike action from the institute that continues until this day. The Government's arrogant attitude, which has been evidenced in many other areas and documented in the press recently by leading political columnist Rex Jory, was evidenced further in the TAFE dispute when the Government, through the Minister of Further Education, further inflamed what was already a delicate situation by issuing a proclamation which, in effect, transferred TAFE principals from coverage under the TAFE Act to coverage under the Government Management and Employment Act.

In effect, what the Government had done by the stroke of the legislative pen was to turn principals of the TAFE teaching service into public servants under the Government Management and Employment Act. Mr Acting President, you would well know that in this Chamber and in another place when we debated that legislation at length one of the most controversial and widely discussed issues was what groups of public officers would be covered or would be exempt from the provisions of that legislation.

In this Parliament we drew up schedule 2, which included in great detail a whole list of officers who would not be covered by that legislation. Parliament took the view that those officers were not public servants, that they would be covered under alternative legislation already introduced into Parliament. In that schedule we exempted the Judiciary, the Ombudsman, the Police Force and, amongst others, officers covered under the Education Act and officers employed under the Technical and Further Education Act as well.

Quite specifically, officers under the TAFE Act were exempt from the provisions of the Government Management and Employment Act because Parliament took the view (and it took the assurances of the Bannon Government on this) that they ought to be exempt from that Act, that they were not public servants and that their traditional pseudo independence should at least be recognised as it had always been acknowledged under its separate legislation, the Technical and Further Education Act.

The South Australian Institute of Teachers has challenged the ability of the Government to act in that way and is taking the matter to the Supreme Court. The Liberal Party, through me as shadow spokesperson, has laid down a public position that we will introduce legislation to reverse the decision of the Bannon Government to turn principals into public servants; also, in that private members legislation, we will seek to protect primary and secondary school principals from similar inflammatory action by the Bannon Government to turn them into public servants.

As you, Mr Acting President, would well know, TAFE principals as public servants are in effect gagged by the Government from speaking out, which is something that they and school principals have done traditionally when they have had a difference of opinion with State Governments of the day, be it this Bannon Government or Liberal led Governments.

The Hon. M.J. Elliott: The democratic right of free speech.

The Hon. R.I. LUCAS: As the Hon. Mr Elliott says, it is the democratic right of free speech. One can only agree with that. When one talks about the arrogance and the inflammatory attitude of the Bannon Government, represented by the Hon. Lynn Arnold in this case, one needs to look only at the proclamation issued to, in effect—and, as I said, by the stroke of the legislative pen—turn principals into public servants. The provision under schedule II of the Government Management and Employment Act provides that officers of the TAFE teaching service would be exempt from the Government Management and Employment Act. Most members in this Chamber would have thought that that was pretty clear and that it would protect TAFE principals. The Government, through what it sees as a loophole—and as I said, it is being challenged by the Institute of Teachers in the Supreme Court—in effect by proclamation simply declared that principals were no longer officers of the teaching service under the Technical and Further Education Act.

Of course, if one accepts that sort of logic and if the Bannon Government in its arrogance is allowed to get away with it, we could have similar proclamations from the Bannon Government declaring that, for example, police officers were in effect no longer members of the Police Force and instead would come under the purview of the Government Management and Employment Act; and it could also say

that even the Ombudsman was no longer protected by the Ombudsman Act and instead would come under the Government Management and Employment Act.

As a result of this inflammatory action the South Australian Institute of Teachers took this dispute to the Industrial Commission and subpoenaed the Hon. Lynn Arnold and Mr Andrew Strickland to appear before the commission to try to resolve the matter sensibly. The Industrial Commission is the forum where most disputes between employers and employees are resolved, hopefully by compromise and conciliation; but if that cannot be achieved, it is done by arbitration. The Government was clearly concerned that it would not be able to win its argument before the Industrial Commission, so it sought to circumvent the procedure already in train before the Industrial Commission through this sneaky attempt to achieve part of its aim by introducing regulations under the Technical and Further Education Act.

I have been in this Council for only a short period—some four years—but those longer in the tooth than I and with longer service in this Council tell me that that move is virtually unprecedented, where a dispute between an employer and an employee is before the Industrial Commission (I am glad to see that the Hon. Terry Roberts is in the Chamber, because he is someone who has spoken up for workers in the past; I will be interested to hear his views on this occasion) and the Government seeks to circumvent the proper resolution of the dispute by unilaterally reducing the working conditions of its staff through the introduction of regulations under the Technical and Further Education Act. It is important to realise that these regulations do not cover all the aspects of the dispute between the Government and the Institute of Teachers in relation to working conditions. Some other aspects in relation to the introduction of demonstrators and tutors, the semi-automatic progression from lecturer II to lecturer I and one or two other aspects of the dispute are not covered by these regulations.

The interesting question that should be considered by this Chamber is the attitude that would be taken by the Bannon Government, including the Hon. Frank Blevins, the Hon. Terry Roberts, the Hon. George Weatherill and the Hon. Trevor Crothers—people who have spoken out (as recently as only yesterday in the case of Mr Weatherill and Mr Crothers) about the working conditions of South Australian workers and the excesses of the New Right—if this had been done by a private employer (Peko-Wallsend, for example) or, even worse, by a Liberal Government which had acted to unilaterally reduce the working conditions of TAFE workers? We would see Frank Blevins, Trevor Crothers, and Terry Roberts frothing at the mouth like rabid dogs on the steps of Parliament House, protesting at the disgraceful actions of such a Liberal Government or of a New Right private sector employer such as Peko-Wallsend in unilaterally reducing the working conditions of its staff.

The Hon. R.J. Ritson: Nasty multi-nationals!

The Hon. R.I. LUCAS: Yes, nasty multi-nationals—the capitalists, the terrible free enterprise people of the Australian economy. Those members would be outside on the front steps. Can you imagine Frank Blevins, Mr Acting President? I know that you saw him in action protesting against a Federal Prime Minister up at Whyalla—and it was not a pretty sight. Can you imagine Frank Blevins out there on the front steps if this action had been taken by a private sector employer or by a Liberal Government?

How times change. The spokespersons for the working classes in the Bannon conservative Government are very quiet; and how quiet are people like Frank Blevins. Will we hear from Trevor Crothers, George Weatherill and Terry Roberts—the representatives of the Left and Centre Left factions and, they tell us, the number crunchers in the Bannon Labor Government? Will we hear a squeak from them during this debate as some of their comrades in the South Australian Institute of Teachers are trampled upon by the unilateral action of Lynn Arnold and John Bannon, the Bannon Government and the Bannon Caucus (in which all these members have a vote)?

As this debate rolls over in the coming weeks, I will be interested to see whether the members that I have just mentioned speak out on behalf of their fellow workers against the excesses, the unilateral action and the inflammatory arrogance of the Bannon Government and Lynn Arnold in relation to the working conditions of TAFE staff in this matter.

My view and that of the Liberal Party is that this matter was—and indeed still is—before the Industrial Commission. That is an important matter. It is not a matter that has just erupted into a dispute and is not yet before the Industrial Commission: it is before the Industrial Commission. It is a dispute between an employer and employees. The dispute should be resolved in the Industrial Commission. That is the major reason why I stand here in this Chamber and move this motion to disallow the regulations under the Technical and Further Education Act.

Following the many discussions that I have had with TAFE staff, I believe that, if the proper procedures of conciliation and arbitration were processed and followed in the Industrial Commission, an acceptable compromise between the two extreme positions could be resolved and that it would be supported by the majority of TAFE staff with some changes in working conditions.

That would happen if the proper procedures were to be followed in the Industrial Commission. Conciliation procedures are laid down for this week, and I have been advised by the South Australian Institute of Teachers of a first hearing for the arbitration on 21 August. These actions of the Government, as I have indicated, have been grossly inflammatory and indicative of the arrogance of the Bannon Government, which has been well documented by prominent political commentators and independent observers over recent weeks. The Bannon Government believes that it can trample the rights of one section of its work force and, if it does it with TAFE staff, what group will be next—possibly teachers and principals in the education teaching service?

There is no doubt that the Government's actions have damaged the public perception of TAFE. There is no doubt, either, that the intemperate attacks by the Hon. Lynn Arnold and others have created the impression that most TAFE staff are underworked and overpaid. In that respect the impression of TAFE staff now is very much the same as that of members of Parliament. It is very easy to create the impression of members of Parliament being underworked and overpaid, perhaps by pointing to a small number of politicians and, equally, to a small number of TAFE workers who do not pull their weight. That is not indicative, as I have argued previously, of the vast majority of politicians and, equally, I argue that it is not indicative of the vast majority of TAFE working staff. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

LOW INCOME HOUSING

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

1. That a select committee be appointed to consider and report on the availability of housing, both rental and for purchase, for low income groups in South Australia and related matters including—

(a) Housing for young people, especially those under the age of 18 years whose only income often is derived from the Department of Social Security.

(b) Housing for lone parents and married couples with children dependent on the Department of Social Security.

(c) Single people over the age of 50 years.

(d) The role of the South Australian Housing Trust in providing accommodation for all age groups.

(e) The role of voluntary groups in provision of accommodation for all age groups.

(f) The role of the Department of Community Welfare in advocating for accommodation for all age groups.

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 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.

I rise to speak on a matter that is of concern to all honourable members in this Council. It is not of particular Party political interest, but it has been raised increasingly in the press over recent years. I refer, of course, to problems relating to the availability of housing. We have recently seen a particular emphasis on the lack of availability of youth housing. I begin by quoting from the most recent issue of *Australian Society* which quotes a 1985 study into homelessness and inadequate housing which was done for the Federal Department of Housing and Construction. It was estimated that within Australia 700 000 households had insufficient income to live on and that of these 400 000 households had children. These findings were backed up by a recent study of the Social Welfare Research Centre of the University of New South Wales which concluded that after housing costs were taken into account poverty had increased since the 1970s from 6.6 per cent to affect 11.1 per cent of the population.

Those are significant figures which were arrived at after taking housing into account. Single parents are the worst off, with 40 per cent living in poverty after taking into account housing costs, and an alarming 62 per cent of single parents in private rental are in poverty after meeting housing costs. Over one-fifth of singles between 15 and 24 years are in poverty after housing is taken into consideration.

Of all elderly couples and single people who are renting from private landlords, one-quarter live in poverty after paying rent. Also, Aborigines among all groups are by far the most poorly housed group in Australia. Thirty per cent of single parents on benefits were paying more than a staggering 50 per cent of their income on housing, and it is estimated that throughout Australia 150 000 persons are living permanently in caravan parks. A large number of those are not there on holiday.

In New South Wales, Victoria and South Australia up to three-quarters of public housing tenants receive a rent rebate, with the State housing authorities picking up the tab for the gap between 20 per cent of the tenants' income and the cost of rent set under the Commonwealth-State Housing Agreement. With a comparatively high 10 per cent of its stock as public housing, only South Australia has the problem anywhere near under control, but I think the danger signs are there that it is going out of control.

Hugh Stretton, in his ABC Boyer lectures on Housing and Government, argued that we distribute private urban land more equally than we distribute income, capital wealth, education, economic opportunities, or anything else. In his latest book *Political Essays* Hugh Stretton argues passionately that the decision to deregulate the financial sector has had a dramatic negative effect on prospects for full employment, economic growth and, most importantly, a fair distribution of housing.

Leonie Sandercock in her book *Cities for Sale*, points out that the most important obstacle to a redistributive approach to city planning has been a lack of control over the fundamental resource—land. If we look at the First Home Owners— Scheme, we see that over 60 per cent of assistance to owner occupiers goes to those on the top half of the income scale. One would have argued that they were the people who least needed it. There is a growing polarisation between the swelling ranks of youth renters and the ageing owner occupiers and their inheritors. Those at the bottom of the heap will have to rely increasingly on welfare and handouts. Is that really the sort of society that we want to have?

It is estimated that 40 000 Australians are now homeless, and a number of reports recently have pointed out that the homeless are not older, alcoholic males. Last year 35 per cent of those staying in a Salvation Army refuge, the Gill, were males under the age of 25. 'We are living through a time of major social upheaval' says Virginia Creaser. There are greater numbers of families breaking up, high unemployment rates, and young people leaving home earlier to seek independence.

At a women's housing conference it was estimated recently that 20 per cent of women in Sydney refuges were mentally ill or had not developed skills to live independently. Many are victims of domestic violence, overwhelmed by fear and a sense of powerlessness. South Australia has been seen as a shining light in this area. This State has an absolutely greater number of public rental units than any other State; we have something like 56 000. Needy South Australian households have a much greater chance of securing a public tenancy than do their interstate equivalents.

One thing that has helped in this regard has been the way in which we have used Loan Council borrowings, which are available at an interest rate of 4.5 per cent with a 53-year repayment period. South Australia has used all that cheap money as an allocation for housing. However, the Commonwealth has, in effect, frozen the nomination rates so that the States that failed to follow the South Australian example were prevented from doing the same. It is their intention that all States are to be limited to 60 per cent. So, a Commonwealth decision has been made which has limited the way in which those loan moneys could be used, and that is obviously putting a squeeze onto South Australia.

In South Australia the waiting time for an application for a State Bank concessional loan was three to five months in July 1985, and by March this year it had increased to eight to 10 months. There were 13 032 applications for Housing Trust rental accommodation in the first three-quarters of 1986-87. At the same time there was an allocation of 6 260 dwellings. In 1986, 61.4 per cent of trust tenants were paying reduced rents. Twelve months later, in March 1987, that had increased by 3 per cent to 64.3 per cent, an indication that public housing in South Australia is more and more becoming welfare housing, which was one distinction that it had over the other States. The overall stock of rental units rose by 5 per cent, which is a positive move, but it did not nearly keep up with the demand. For the same period, the vacancy rate in the private rental market was standing at 3.3 per cent, according to the Real Estate Institute's market facts.

South Australia has been lucky so far that rents have not risen greatly over the past 12 months. Rents for flats rose 1.3 per cent, while rents for houses rose by 2.7 per cent. The real danger is that, as interest rates come down and investment in housing starts going up, house prices themselves will start to rise and rents will rise stiffly and rapidly

again. That is good news for the middle and upper income earners. However, it is bad news for people who cannot afford to get into a house to start with. With the rapid escalation in private rents, it could be a tragedy for South Australia and the other States.

The Emergency Housing Office in South Australia had a 47 per cent increase in requests for assistance from 1985-86 to 1986-87. The total number of requests was 24 930. Bond assistance was given to 6 910 households and another 5 740 received other forms of financial assistance. Statistics that I have managed to gain from the Emergency Housing Office indicate that 30 per cent of its clients are single parents and a further 40 per cent live alone. Approximately 90 per cent receive a Department of Social Security pension or benefit. Three in five of the clients are female. More than 50 per cent of the clients are under 25 and approximately one in three live with relatives or friends in overcrowded conditions.

The breakdown of the clients' reasons for contacting the EHO is: 32 per cent, seeking financial assistance; 19 per cent, relationship breakdown; 12 per cent, seeking accommodation; 11 per cent, unsatisfactory housing; and 10 per cent, landlord problems. Housing officers report an increasing incidence of clients presenting with psychiatric problems, and problems related to child sexual abuse, violent relationships and forced movement to Adelaide to pursue employment. I will cite one case study to give an example of the sort of problems being experienced. A couple with three children from a small country town sought assistance to establish private rental accommodation in Adelaide. The husband had recently been retrenched by his employer and no further work was available in the town. He travelled to Adelaide in search of work and found low-cost accommodation, but establishment costs totalled $1 000, which included deposits for gas and electricity services, rent in advance and a security bond for the house. The family was given $440 in assistance for the bond money. That is a typical example.

I turn now to youth homelessness, and I will cite a case study that gives an example of the sort of problems that are being experienced. A particular boy by the name of Paul, presently aged 20, lived with his mother until only a couple of years ago. After an accident he was retrenched from work and spent more and more time at home with his mother. The relationship with his mother had not been good at the best of times and the additional contact was unbearably stressful for both parties. He moved out of the family home to share a house in the area. However, that landlord asked them to vacate the premises after a few months as he required it for his daughter. From then on Paul was in a state of homelessness. He was continually denied access to secure and affordable accommodation.

It is important to stress the necessity of secure accommodation because Paul had stayed in several shelters, boarding houses and other forms of short-term accommodation. None of the shelters were in the area with which Paul was familiar. Paul has had bad experiences in the shelters and emergency hostels. Anything of value that he owned was stolen. Apart from the thefts, Paul also witnessed homosexual rapes and the considerable use of hard drugs.

His experiences in shelters have forced him into a situation in which he refuses to use this form of accommodation again. When one considers that the choice is either sleeping in a shelter or under the stars, and he chooses the latter, one realises that he is unlikely to be exaggerating about the extent of his dislike for the former. The Housing Trust is also aware of his experiences. It has placed him on the top of the list for the direct lease scheme whereby the trust leases dwellings to groups of young persons for periods of up to 12 months. However, the trust's problem is the shortage of accommodation in that area and it may be some time before it can find him suitable accommodation. The north-east regional trust office refuses to accept any more applicants for that area as it is virtually impossible to house them with such a shortage of trust dwellings.

Apart from the Housing Trust, Paul has also explored all other viable avenues of rental accommodation. The *Advertiser* and the *News* are checked daily, and real estate agents and other referral sources are contacted frequently. Paul, through his direct experience with the rental market, has developed a keen understanding of how it works. He notes, for example, that there are two or three properties in his area advertised each day in the *Advertiser*. He picked the average rent levels to within a dollar of what this report suggests they are. He noted that, when the agent found out that he was single, on an invalid pension and wanting to share the house with a young single unemployed male, the response to the query for accommodation was typically, 'We are looking for a family or a young professional couple or person.'

In one instance a landlord agreed for them to move in. Paul arranged the bond and went to the landlord's house to pick up the keys. In the time that it took him to arrange the bond, the landlord changed his mind and simply refused to hand over the keys without providing any sort of explanation for his action. To compound Paul's predicament further, the local police have charged him with a vagrancy offence contrary to a Tea Tree Gully city by-law. The police have informed Paul that, should he be charged again, he is likely to go to gaol, and he will have a criminal record. The novelty of such an approach is to be noted: the problem of homelessness can be solved by giving a person a criminal record and putting him in gaol to reflect on the error of his ways. It is indeed heartening to acknowledge the advances in the approach to the homelessness problem over the centuries!

At one stage Paul tried to get a vacant council property, the asking rent for which was $150 a week with a bond of $600. The preferred tenant was a young professional couple, and the justification for such an approach was responsibility to ratepayers. The irony concerns the flower garden in Civic Park where Paul has spent many nights. The flowers in the garden are arranged as a replica of an emblem. The emblem is that of the International Year of Shelter for the Homeless. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MILK

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

That the regulations under the Food Act 1985, concerning unpasteurised milk, made on 21 May 1987, and laid on the table of this Council on 6 August 1987, be disallowed.

In moving this motion of disallowance, I thank the Department of Health, which was very helpful in providing information. Last session I asked on what evidence the decision had been made. At that stage I think it was a forshadowed decision and since then I have been briefed by departmental officers and given information. However, having waded through that information, I still find it very hard to support the decision of the Government. In fact, as far as I can see the State Government's own records are limited to four outbreaks of food poisoning linked to raw milk. One very major one was in Whyalla about 10 years ago affecting a large number of people. Since then there have been three other outbreaks which I do not think at any time have

affected more than a dozen people. The worst they got was diarrhoea and stomach cramps.

I was given a large amount of evidence compiled from overseas sources. On first glance it was quite compelling. I had documentation which ran to several centimetres and I waded through it. What I found interesting was that, as I read through it, I kept coming across phrases repeated from one report to the next. It was sort of cropping up all over the world. I could not help but get the impression that they had all read each other's reports. Somebody somewhere got a bee in his bonnet, and over a period of four years or so we seem to have this proliferation across the globe—an incredible amount of plagiarism was taking place and South Australia was somewhere at the end of the line of all of this.

Members interjecting:

The Hon. M.J. ELLIOTT: Yes, the NHMRC was among them.

The Hon. J.R. Cornwall: That's the supreme national body.

The Hon. M.J. ELLIOTT: I am mindful of that. As I have already said, I was very thankful for the support that the Department of Health gave me, but when I really started looking at it the case was not compelling. It is worth asking what are really the facts about raw milk. There is no doubt at all that, when a person drinks raw milk, he takes a risk of getting salmonella infection or campylobacter infection. Those are real risks, and as a matter of public education people should be made fully aware that they risk diarrhoea, vomiting and even death. In fact, in England and Wales over a 10 year period, the deaths of four people were linked to the drinking of raw milk. It is perhaps worth noting that in each case they were people who were very old or immuno-compromised individuals.

What I noticed on my reading—and yet it was only by casually looking through all of the data, since nobody had made a special note of it—was that an incredible number of people were irregular users of raw milk. What I came across time and time again was school groups on camps being affected by raw milk. In South Australia, of the four cases of food poisoning from raw milk, two involved school groups, one from East Murray and another at Gemini Downs or somewhere in that general region. It appears to me, not only from that but also from what I saw overseas, that it is people who do not drink raw milk regularly but drink it occasionally who put themselves at the greatest risk, possibly because they have not built up some sort of tolerance to the organisms. I did not really see a compelling case for the regulations.

At about the same time as the regulations were brought about, a paper came to my attention that mentioned the introduction of wood burning fires in houses and said that 50 deaths in Australia already have been attributed to fires started by the new pot belly stoves and the like, so the trend towards using wood as a source of heat appears to be far more dangerous to public health than does using raw milk. I think there is a direct comparison. The argument for banning raw milk is that there is a safer alternative. It could be argued that there is a safer alternative than using open wood fires.

The Hon. R.J. Ritson: Uranium?

The Hon. M.J. ELLIOTT: If you want a little blob of uranium sitting in your loungeroom, you are welcome to it.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: Another time. Certainly, the case is not compelling and I challenge the Department of Health and the Minister to show me where there is something stronger than the evidence that I have seen. If people are taking grave health risks, I want to know about it. The graver risks with the drinking of raw milk are associated with diseases such as diphtheria. One case in the United States of diphtheria was linked to raw milk. Our herds are now supposed to be free of tuberculosis and brucellosis. The serious diseases which are linked with milk appear to have been eliminated.

I think that there is another way to go. Quite clearly, limiting sales to dairy gates is really an attempt to get rid of milk sales because, once the milko is not delivering fresh milk to their door, most people really will not opt to go to the dairyman. Most people know that. The regulations are really an attempt to cut out raw milk sales, but apparently the option is available for those who really want it—democracy without democracy; freedom of choice without freedom of choice.

I have met with the South-East dairymen and have discussed with them their concerns. I said to them, 'Look, I really believe your interest is more marketing than health.' They said, 'No, it is health.' I said, 'No, come on, don't kid me.' They said, 'Yes, we are a bit concerned about the health, but marketing is a bit of a problem. It does take a few of our sales.' As far as the dairy industry is concerned, it is not about health at all. Certain dairying interests want to see this happen for marketing reasons. If there is a marketing need, I challenge the Minister of Agriculture to introduce such regulations and not the Minister of Health.

The Hon. R.I. Lucas: Would you support it then?

The Hon. M.J. ELLIOTT: I said I would then discuss it. This has quite clearly come from the Minister of Health. Unless there is more evidence than has been put before me, I do not believe it is justified.

This very sudden arbitrary change about what is allowed and what is not allowed will affect some people. People have made investments in packaging machinery and such like who would do that investment cold when the regulations came into place. That is an extremely arbitrary change and I do not think the grounds are there to allow it to occur, and I challenge the Minister to produce such grounds.

The Hon. M.S. FELEPPA secured the adjournment of the debate.

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

ADJOURNMENT

At 5.47 p.m. the Council adjourned until Thursday 13 August at 2.15 p.m.