LEGISLATIVE COUNCIL

Tuesday 23 August 1988

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

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following Questions on Notice, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 1 and 2.

WELFARE APPEALS SYSTEM

1. **The Hon. DIANA LAIDLAW** (on notice) asked the Attorney-General: Further to an announcement by the former Minister of Community Welfare, the Hon. G. Crafter, MP (*News* 1.5.83), that an investigation was being undertaken 'on the best way of establishing an appeals system':

1. What options were investigated?

2. What appeal system has been established?

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

1. At the time, two options were investigated:

—a separate internal appeals system

—the establishment of a specific welfare appeal system operated through the State Ombudsman's Office.

2. In consultation with the Ombudsman at that time, a specific welfare appeal system, operated through the State Ombudsman's Office, was established in 1983. In 1987, at the Ombudsman's request, references to a specific welfare appeal system were withdrawn. Welfare clients with a grievance continue to be referred to the Ombudsman, if their grievance remains unsolved.

GAM-ANON

2. **The Hon. DIANA LAIDLAW** (on notice) asked the Attorney-General: Further to the Minister's statement (*Sunday Mail* 17.7.88) that he would 'make available an immediate one-off grant to Gam-Anon to help it prepare a full submission outlining how the State Government can assist it on an ongoing basis':

1. What was the amount of the grant?

2. Have any commitments been made to Gam-Anon that the organisation will receive ongoing funds?

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

1. Discussions have taken place with members of Gam-Anon; however, no grant has yet been allocated. Gam-Anon is currently preparing a submission to the Community Welfare Grants Advisory Committee outlining their funding requirements.

2. No.

PAPERS TABLED

The following papers were laid on the table:

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

Disciplinary Appeals Tribunal Report, 1987-88.

Industrial Conciliation and Arbitration Act 1972—Rules—Industrial Court—Hearings and Forms.

Boating Act 1974—Regulations—
Balgowan Zoning.
Black Point Zoning.

By the Minister of Local Government (Hon. Barbara Wiese):

Building Act, 1971—Regulations—Indemnity Insurance.

QUESTIONS

CONFISCATION OF ASSETS

The Hon. K.T. GRIFFIN: I seek leave to make a brief statement before asking the Attorney-General a question about the confiscation of assets of criminals.

Leave granted.

The Hon. K.T. GRIFFIN: This morning in the court Mr Barry Moyse was sentenced in relation to 17 drug-related offences. I understand that the Crown did not make application for confiscation of his assets arising from his crimes. I also understand that the reason why no application was made under the Crimes (Confiscation of Profits) Act was that that Act came into effect after the crimes were committed, and that from a point of law is reasonable enough. However, Moyse, as I understand it, was convicted of offences under the Controlled Substances Act which gives power to confiscate money or real or personal property received or acquired wholly or partially and directly or indirectly from the crime.

The Controlled Substances Act also allows a stop order to be made by the court when a person is first charged with a crime under this Act in order to prevent disposal of assets which later may be subject to an application for confiscation. In Moyse's case the charges would have in fact been laid well over 12 months ago. My questions are:

1. Will the Crown make an application for confiscation under the Controlled Substances Act? If not, can the Attorney-General indicate why such an application will not be made?

2. Did the Crown apply for an interim order when Moyse was first charged in order to prevent disposal of assets? If there was no such application, can the Attorney-General indicate why such an application was not made?

The Hon. C.J. SUMNER: In relation to the last question, I do not believe that an application was made, but neither do I believe that any assets were disposed of by Moyse which could otherwise have been obtained by an application to confiscate those assets. As to the first question, my present advice from the Crown Prosecutor is that no application will be made to confiscate any assets that Moyse may have obtained as a result of his criminal activity.

The Hon. M.J. Elliott: Part of the deal?

The Hon. C.J. SUMNER: No. What is your objection?

The Hon. M.J. Elliott: I said, 'Was that part of the deal?'

The Hon. C.J. SUMNER: First, I will not comment on whether there was any deal in that sense. I have already answered the question about whether there was any plea bargaining involved in this case. Obviously, there were discussions about the matter to which Moyse would plead guilty. He pleaded guilty to those matters and, of course, has now received a very substantial sentence. Certainly, there were no discussions relating to any proceedings for the confiscation of assets as a result of the pleas of guilty which Moyse entered into.

I was going to say, before I was interrupted by an interjection which was out of order, that the Crown Prosecutor has advised me at this stage, at least, that there would be probably no basis for taking action against Moyse to confiscate assets that he may have obtained from his criminal

activity. In relation to the question of confiscation of assets I advise that the Crimes (Confiscation of Profits) Act 1986 did not come into operation until 1 March 1987. The offences for which Moyse received money were all committed prior to that date. The Act does not have retrospective operation and therefore cannot be used to confiscate any assets financed, improved or acquired by Moyse before 1 March 1987.

The Crimes (Confiscation of Profits) Act is of course a piece of legislation of general application; that is, it applies to all criminal activity. There was in place at the time his offences were committed a Controlled Substances Act 1984 which deals with the confiscation of assets or profits obtained from illegal drug dealings or activities, and that would be the legislation that would be applicable in this case. However, the real difficulty from the Crown Prosecutor's point of view is that the Crown has not been able to ascertain with complete certainty what Moyse did with all the proceeds that he received. The Crown intended to adduce evidence of a financial analysis conducted on Moyse's affairs indicating a proven expenditure of about $25 000 more than his total source of income for the period 1 July 1986 to 20 May 1987.

That sum makes no allowance for day-to-day living expenses, grocery purchases and similar expenses. That evidence was going to be led in the trial, had it proceeded. Also, the Crown intended to allege at the trial that about $13 000 in cash was used to part finance an addition to the Moyse family home. Even if this is correct, and of course it was not established at the trial, section 47 (1) of the Controlled Substances Act does not, in the Crown Prosecutor's view, apply to home additions.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: Just a minute. I indicate that that Act has been repealed and replaced by a more comprehensive piece of legeslation. It is further suspected that about $12 000 was used to part finance a family trip to the United States in March 1987. Obviously, nothing can be done about that money pursuant to section 47 (1) of the Controlled Substances Act, as it had been spent. On 4 November 1986 Moyse traded in two old family cars and purchased a late model Commodore for about $11 000. He received $3 000 in trade-in allowances for the two family cars. On 10 November 1986 he paid the balance of the purchase price by cheque for the sum of $3 490 drawn on a joint account with his wife and by cash payment of $4 520. It is suspected that the $4 520 cash came from his drug dealings. It would appear that the Crown may have claimed, pursuant to section 47 (1) *(b)* of the Controlled Substances Act, against the family car for $4 520.

However, to succeed in such an application, the Crown would need to call a number of witnesses to try to prove where the cash came from. For this reason the Crown Prosecutor has recommended to me that no steps be taken to sieze the car as this is a costly process for little reward. He has further advised that this clearly will not cause hardship to Moyse himself because he is now in prison and will be there for a long time, but would only cause hardship to the Moyse family. Further, the Crown Prosecutor advises me, that the claim for the $4 520 is likely to be disputed in any event by Mrs Moyse and that protracted legal proceedings would be necessary, including the calling of a number of witnesses, for the claim to be successful. So, Madam President, although a number of areas can be identified where Moyse may have spent the proceeds of his criminal activities, there still appears to be a large sum of money unaccounted for, that is, at least on the evidence that was produced before the court.

Investigating officers cannot find any evidence of a false bank account or real property purchased by Moyse, and the whereabouts of the money is at present not fully known, if in fact it does exist. For those reasons the Crown Prosecutor's advice to me is that an application for confiscation of profits is unlikely to be successful and ought not to be pursued.

The Hon. K.T. GRIFFIN: I have a supplementary question. Is the Attorney then saying that, if the costs of recovery are likely to exceed the amount recovered, as a matter of policy no recovery action will in future be taken against the assets of criminals?

The Hon. C.J. SUMNER: That is not a matter of general policy. Obviously, as a general policy the matter has not been examined by me. All I am indicating to the Council and the honourable member at the present time is that the Crown Prosecutor's advice is that no steps be taken in this area for the reasons that I have outlined. Obviously, if there is a change in the circumstances which indicate that action should be taken against Moyse to confiscate any assets or profits the matter would be reconsidered. However, for the moment I have the advice of the Crown Prosecutor to that effect, and I intend to act on it unless there are any changes of circumstances which indicate that proceedings should be taken against Moyse for recovery of any assets or any profits that he may have obtained as a result of these dealings.

FLINDERS MEDICAL CENTRE

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about Flinders Medical Centre.

Leave granted.

The Hon. M.B. CAMERON: Last Thursday in another place, my colleague the member for Morphett, asked the Minister of Health whether he would order an urgent independent report into the reception and treatment of patients at the casualty section of Flinders Medical Centre. The question, which obtained a 'Yes' from the Minister—and that was the sole reply—came after an article in last week's Messenger *Guardian* newspaper. Without raking over old coals, it is a fair summary to say that the article contained disturbing allegations of very poor treatment of patients at Flinders Medical Centre's casualty section. It stated that a 69-year-old woman who broke a knee on 6 August had received only minor treatment at the hospital and was told that a specialist could not see her for six days.

It also referred to a woman, 54, who had been earlier admitted to Flinders with kidney trouble and who after five days at home began bleeding from the bowel. She was taken immediately again to the hospital where, after a few tests, she was sent home at 1.20 a.m. because there were no beds.

The article also said that a man with a trapped sciatic nerve in his spine consulted a doctor at the hospital but was told that because there were no beds available he would have to go home. He claimed that, despite being in acute pain, he received no treatment at Flinders. The man eventually grew tired of the acute pain and the hospital's repeated inability to operate, and spent $3 000 to have an operation at a private hospital.

While those allegations are disturbing in themselves, if true, the matter that concerns me is that claims have been made that the patients referred to in that article have been contacted by the hospital which, allegedly, has tried to 'frighten' them into silence. I understand that the essence of the phone calls from the hospital to those patients has been along the lines of, 'Do you realise the trouble you have

caused? The matter has got into State Parliament.' If this is true it is a disgraceful state of affairs. The people involved had their identity protected in the newspaper article, but apparently a journalist at the *Southern Times*, a stablemate of the *Guardian*, had to reveal the patients' identities before the hospital would comment on the article. The hospital told the journalist that it wanted to know who the patients were so that it could check its files. I am sure that the newspaper would have been most reluctant to reveal the patients' identities had it known that the hospital might seek to intimidate them, as alleged.

It appears that very real problems are occurring at Flinders Medical Centre due to budget cuts—with a $7.8 million cut last financial year—and pressure is being put on the hospital to reduce waiting lists. There is a danger that attention to acute care is becoming secondary. I understand that the hospital is now transferring emergencies and other acute patients to other areas and, in some cases, to other hospitals. My questions are:

1. Will the Minister explain what steps the authorities at Flinders Medical Centre took in approaching these patients who complained to the media about treatment at the hospital?

2. If the hospital has been using the approaches that I have outlined, will the Minister instruct the hospital to cease such actions forthwith?

3. Apart from investigating these three cases outlined in the Messenger *Guardian*, will the Minister also examine the whole question of funding cuts to Flinders Medical Centre, which are having a major effect, it appears, on the delivery of acute care in the southern suburbs?

The Hon. BARBARA WIESE: I am sure that the Minister of Health would be most distressed if he felt that people at Flinders Medical Centre or at any other hospital in South Australia were intimidating patients in any way, and I am sure that if that were the case he would take action to stop that. I do not know the circumstances of the case to which the honourable member has referred, but I will be happy to refer his questions to my colleague in the other place, and I am sure that he will bring back a reply very quickly.

TOURISM CONTRACT

The Hon. L.H. DAVIS: I seek leave to make a brief statement before asking the Minister of Tourism a question about marketing consultants.

Leave granted.

The Hon. L.H. DAVIS: Has the Department of Tourism's contract with the marketing consultants, Honeywill Reid, which she announced last September, been terminated? If so, why? How much was Honeywill Reid paid for the work it performed for Tourism South Australia? What major tourism promotion projects were involved in this work? Have they been successful? Is the Minister satisfied that Tourism South Australia has received value for money from its contract?

The Hon. BARBARA WIESE: There are questions involved there on which I will have to seek reports. In fact, I think probably the whole question would have been better placed on notice, in view of the details that are contained therein.

The Hon. L.H. Davis: Why?

The Hon. BARBARA WIESE: I do not carry around in my head the details of the individual amounts of money that are paid to the various consultants that are employed by Tourism South Australia. So, clearly, I will have to seek a report on those matters. However, with respect to the contract that TSA has had with the company, Honeywill Reid Communications, the facts of the matter are that a 12 month contract was entered into between Tourism South Australia and Honeywill Reid.

That contract expires during September. Honeywill Reid have indicated to TSA that it does not wish to be considered for any future contract should TSA decide to proceed with such an arrangement. At this time TSA is undertaking an evaluation of the work of Honeywill Reid during the past 12 months and an evaluation of its needs for the forthcoming 12-month period, based on the knowledge that we have now fulfilled a very large part of the developmental phase of the implementation of the new marketing strategy. Honeywill Reid was employed by TSA during a very critical time in the early planning stages of the marketing strategy implementation process and at a time when TSA did not have the services of a General Manager, Marketing, because its former General Manager, Marketing, had resigned and it took some months for that position to be filled.

So, it was certainly a great assistance to TSA that we had the skill and expertise of an outside organisation to be able to draw upon during this very important build-up phase of the implementation of the marketing strategy. Much of that is in place and in that context it is important for us to examine whether or not a need exists for outside consultants of the Honeywill Reid type to be employed for the next phase of the implementation of the marketing strategy or whether we might be able to draw on the expertise that now resides within the organisation and employ particular contractors as and when required in the period ahead. As I indicated, that matter is currently being considered and, when a decision is made, the honourable member will be sure to hear about it.

As to the promotional projects that Honeywill Reid has been involved with during the past year, it assisted us in the development of new so-called hardware, that is, the development of brochures and posters. It has oversighted the development of a new photographic library within TSA. It was involved in a campaign designed to promote Kangaroo Island which took some three months and which included radio and press advertisements and advertising on the side of STA buses. It has also been involved in the early stages of planning for the forthcoming intrastate and interstate television campaigns that will be run later this year for a period of months. It has certainly been of great assistance to TSA in putting together a wide range of promotional literature and activities. We will now decide whether or not that is the sort of assistance we need for the forthcoming period or whether we will use some other method to achieve further development of our marketing strategy. I will seek a report on the amounts of money that have been paid to Honeywill Reid and bring back a reply.

BP FRANCHISES

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Attorney-General a question about releases for petrol station proprietors.

Leave granted.

The Hon. I. GILFILLAN: A copy of a letter concerning an offer in relation to lease and franchise arrangements for BP service station proprietors has come into my hands. Also, I am advised that other major oil companies are using similar documents that have similar intentions and implications. I was approached by the Motor Trade Association and several service station proprietors who are very con-

cerned about the consequences of this offer. I believe that there is a widely held view that these new lease and franchise arrangements contravene the South Australian Landlord and Tenant Act. I am happy to make the information I have available to the Attorney-General or to any other honourable member who is interested in looking more closely at this matter. A letter entitled 'Offer of new franchise and lease' which is dated 20 June 1988, indicates how much BP realises that this franchise fee will impact on proprietors. It states:

> BP is not offering or providing any finance for your franchise fees. However, it is likely that you will be contacted by a representative from the Westpac Bank offering a finance package that Westpac has agreed to make available to BP franchisees.

I cite that part of the letter because the Attorney-General may be interested in commenting on the advisability of that sort of arrangement. Further, under the heading 'Deed of termination', the letter states:

> To accept the new BP brand franchise package you must terminate your existing lease by signing the deed of termination that accompanies this letter.

The small parts I am selecting from this document I hope indicate what I believe to be true: that the franchise and the lease are inextricably linked and are, in fact, one deed, so the franchise requirements impact on the case agreement. That, I believe, will be shown to contravene the South Australian legislation. BP and other major oil providers indicate that they believe that some of the franchise fee relates to goodwill. However, the BP service station lease document at page 36 states:

> The franchisee acknowledges that the goodwill attaching to the business at the premises is not solely attributable to the franchisee. The franchisee shall have no entitlement at any time to the payment, prepayment or compensation by BP of any amount for goodwill as a consequence of the expiration, termination or non-renewal of this lease.

Often small businesses need to have goodwill equity to survive. Further, at page 40 the document states:

> If the premises are wholly or substantially destroyed, BP shall be under no obligation to restore them.

At page 41, it states:

> If BP adopts rack pricing or any other event occurs which significantly improves the profitability of the business or the margins the franchisee is able to achieve on sales of petroleum products from the premises, BP may increase the rent payable under this lease at any time after the end of 90 days.

As is predictable, BP insists that the franchisee pay all of BP's costs, both for the lease agreement and for the franchise agreement. At page 6, the franchise agreement states:

> It shall be a condition precedent to the coming into effect of this agreement that the franchisee pays BP the franchise fee.

Further on in the document the franchise fee is spelt out (and this applies to a specific case). At page 16, the franchise document states that the franchisee agrees:

> To comply with the provisions of the lease.

That once again shows that the leases and franchise arrangements are one arrangement. BP had the gall, on page 42, to state:

> The business is the independent business of the franchisee.

Closer analysis of these documents, I believe, proves that to be false. I believe that the Landlord and Tenant Act has been contravened. Section 57, under the division 'Special provisions applying to commercial tenancies', provides that subject to this Act:

> . . . a landlord shall not require or receive from a tenant or prospective tenant any monetary consideration for, or in relation to entering into, extending or renewing a commercial tenancy agreement other than rent, any amount payable on account of operating expenses, and a security bond.

In this franchise agreement, however, the petrol station franchisee is required to pay the franchise fee, up front, of $25 480 plus a service fee of $3 830, and that money is to be paid to BP before any lease or franchise comes into effect. If the franchise lease agreement is, as is widely believed, in contravention of the Landlord and Tenant Act, what avenues of action are available to the Attorney-General and/or the Government to correct the situation?

The PRESIDENT: Order! Before calling on the Attorney-General, I remind the honourable member that a question in this Council may not ask for a legal opinion.

The Hon. I. GILFILLAN: I understand that. If you, Ms President, listen to the wording of the question it specifically avoids that.

The Hon. C.J. SUMNER: The question whether the proposal of the oil companies to offer franchises to the tenants at their oil company sites in return for a franchise fee is in breach of the Landlord and Tenant Act in respect of its commercial tenancies part is a matter, I understand, on which there is a difference of opinion between the oil companies and the retailers who are represented by the Motor Trade Association. Some of the oil companies—I think most of them—are offering to their lessees a franchise arrangement which they argue is similar to other franchise arrangements offered by other companies in other spheres of activity.

Obviously, a number would come to mind to members of this Council. Fast food chains—McDonalds, Hungry Jacks, Kentucky Fried Chicken and the Pizza Hut—are all operated pursuant to a franchise arrangement. The franchisors argue that, in return for the use of their name and a certain standard, the franchisees are able to offer to the public a service which the customers can be assured will be similar no matter where they go throughout the State or Australia. In other words, franchisors are looking for a consistent system of delivering a service not by themselves but by way of their franchise fees.

The argument is that that is to the benefit of the franchisor, because the franchisor knows that its product is being sold in the same way throughout Australia, and the franchisee gets the benefit because he gets access to the broad name throughout Australia, to group advertising, group training and the like. That is the argument in favour of a franchise system which, I understand, the oil companies are now interested in entering into with their lessees.

The Hon. I. Gilfillan: Up front payment—

The Hon. C.J. SUMNER: They are requiring, I understand, a franchise fee. That is something that they have not required in the past, because they have not asked their lessees to enter into the same sort of arrangement which will ensure the uniform delivery of the services throughout the State. The oil companies argue that in return for the fee the lessees are getting the use of the name and the use of the joint promotion of the oil company's brand—

Members interjecting:

The Hon. C.J. SUMNER: Just a moment—throughout the State, that they are getting the benefit of a training package which ought to ensure that customers going to that lessee or brand, whether in the metropolitan area, in country areas or anywhere in Australia, will be entitled to similar service. That is the argument that the oil companies put forward in favour of what they call franchising, and they say that the franchise ought to be paid for by the lessees because there are broader benefits for both of them as far as marketing, training and offering a better service to the public is concerned.

On the other hand, the lessees say that there is no justification for this franchise fee, that they have, with respect to their lease agreements, previously been doing all these things without having to pay a fee. They further argue that

the requirement to pay a franchise fee by the oil companies is in breach of the commercial tenancies part of the Landlord and Tenant Act. As I understand it, the oil companies say that they do not believe that what they are offering in respect of a franchise arrangement is in breach of the Landlord and Tenant Act.

Members may remember that some two years ago there was a proposal being dealt with through the Ministerial Council on Companies and Securities to regulate franchises throughout Australia. In fact, the draft Bill was prepared and distributed for comment in the Australian business community. Following receipt of comments on the draft Bill it was determined by the ministerial council that it would not proceed with the proposal to regulate franchise agreements.

In this situation we have the position where the oil companies say that they are offering a franchise deal which is not covered by any legislation in South Australia or elsewhere, and the retailers, the petrol resellers, say that the money that is being requested by the oil companies for a franchise fee is an up-front payment which is in the nature of those prohibited by the commercial tenancies legislation. There are two differing points of view. I have seen an opinion indicating that the proposals are contrary to the South Australian legislation, and I have also been advised of the opinion that the proposals are not contrary to the South Australian legislation.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: No. Obviously, we have a situation where there are two parties in dispute about the meaning of a certain piece of legeslation. It is not a matter in which the Government has yet taken a view or position and in any event I doubt whether the Government could intervene. If the contending parties are not in agreement about what the legislation means, if there is a dispute about it, it will have to be resolved between the parties. At this stage, the Government does not have any intention to involve itself in the matter beyond what I have already indicated.

WHEAT

The Hon. G.L. BRUCE: I seek leave to make a brief statement before asking the Minister of Tourism, representing the Minister of Agriculture in another place, a question about the deregulation of the domestic wheat market.

Leave granted.

The Hon. G.L. BRUCE: Madam Chair, in answering a question on the Government's attitude to the proposed deregulation of the grain industry last Wednesday, the Minister indicated that the State Government had not yet determined a final response to the Federal Government's proposal to deregulate the domestic marketing of grain. It has been reported in the media that the Graingrowers' Council of Australia and the South Australian United Farmers and Stockowners Grain Section are strongly opposed to changing the marketing powers of the Australian Wheat Board but that the National Farmers Federation has not yet determined its position on the proposals. Therefore, can the Minister of Agriculture indicate whether consultation will take place with South Australian graingrowers before the Government determines its position on the deregulation of domestic wheat marketing?

The Hon. BARBARA WIESE: I will refer that question to my colleague in another place and bring back a reply.

RETIREMENT VILLAGES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of retirement villages.

Leave granted.

The Hon. DIANA LAIDLAW: Over the past few days the Commissioner for the Ageing, Dr Graycar, has alleged that hundreds of older people in South Australia were victims of 'rip-offs' by operators of resident funded retirement villages. Dr Graycar claimed his office had received an excessive number of complaints over the past 12 months and I have no doubt that all honourable members, like myself, have received their fair share of comments—both good and bad—over the same period. However, the manner in which Dr Graycar chose to draw attention to the concerns of residents has prompted criticism that his statements have exaggerated the problems, have unnecessarily and unjustly undermined the confidence in the industry as a whole and have heralded widespread alarm and panic among older people and their families.

Dr Graycar's comments have also prompted a number of organisations, in particular, SACOTA and the Norwood Legal Community Service, to announce that they intend to conduct either reviews, surveys or reports of the complaints. In addition to this rash of reactions, calls have been made for the Government itself to launch an urgent and independent inquiry. For his part, the Attorney-General was quoted in the *Advertiser* of 20 August as rejecting any suggestion that the Act was not meeting its principal charter. In the light of these varied responses generated by Dr Graycar's recent comments, I ask the Attorney whether the Government intends any of the following range of options:

First, to release a report monitoring the effects of the Act on both promoters and residents of retirement villages during the first 12 months of the operation of the Act, which was a commitment made by the Attorney when introducing the legislation. Secondly, there is the further option to establish an independent inquiry into the complaints received to date. Thirdly, call a meeting of interest groups to discuss perceived problems with the Act. Fourthly, to take some other initiative to help restore the general good name of the industry and restore the confidence—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I believe in general that the industry has a good name. I have asked the Attorney, in the light of Dr Graycar's remarks, which range of options the Government will take because I believe that Dr Graycar's remarks have highlighted some problems and have generated others. So, my fourth option is: will the Government take some initiative which will help to restore the general good name of the industry and restore the confidence of residents and the respect of residents for the services and security which such villages have the potential to offer residents?

The Hon. C.J. SUMNER: It is obvious that some work needs to be done in this area but I do not believe that an independent inquiry is called for. The first step is for the Corporate Affairs Commission and the Commissioner for Consumer Affairs to meet again with Dr Graycar and to discuss what his complaints are because, as far as the Consumer Affairs Department and the Corporate Affairs Commission are concerned, they have received very few complaints over the last 12 months in relation to retirement villages. The Government and I believe that the basic thrust and intention of the Retirement Villages Act has been achieved, and what you have to realise is that the Retire-

ment Villages Act is not an all-embracing Act dealing with every aspect of life in a retirement village.

It is not an Act dealing with the welfare of the aged as such. It is an Act which has the scope to deal with certain defined issues of the rights of occupants of retirement villages vis-a-vis the developer. Those who followed the passage of the Act through the Parliament would know that the Act was designed to provide for security of tenure for the residents, which it does. It is designed to ensure proper disclosure which it does, although it is possible that that could be improved in some ways; it provides a dispute resolution mechanism through the Residential Tenancies Tribunal and it provides for the establishment of a residents committee to deal with issues that may arise from time to time in the village.

I have no evidence before me to indicate that those basic criteria of the Act are not being met. That does not mean that some amendments may not be necessary but certainly, I believe, in terms of the original intention of the legislation (which is as I have outlined,) that this is being met. If Dr Graycar has broader welfare concerns, then of course it is the brief of the Commissioner for the Ageing to identify those concerns and correct them through recommendations for the Government's consideration. I intend to ask the Corporate Affairs Commission and the Commissioner for Consumer Affairs, Mr Neave, to discuss the issues of Dr Graycar's complaints with him. There may be some areas where amendment of the legislation is necessary. I have mentioned perhaps simpler disclosure is one. However, if there have been any breaches of the legislation indicated, they should have been taken to the Corporate Affairs Commission.

The Hon. Diana Laidlaw: By the Commissioner for the Ageing?

The Hon. C.J. SUMNER: By someone, either by the Commissioner for the Ageing (if the complainant that came to him indicated that the legislation had been breached then I would expect him to take that complaint to the Corporate Affairs Commission) or by the individuals concerned. For instance, Dr Graycar is alleged to have said that there were overnight increases in the weekly maintenance payments. If this is so then that would clearly be a contravention of section 10a of the Retirment Villages Act and the Corporate Affairs Commission would be able to take action.

My advice is that the commission has received no such complaint. With respect to whether residents are being treated like kindergarten children, apparently, in statements made by Dr Graycar, it is worth pointing out that the Retirement Villages Act provides for the establishments of a residents' committee and the setting up of such a committee to give residents a voice so that complaints can be properly discussed with retirement village managements.

I mentioned the problem of disclosure and I think that probably can be examined, although it is fair to say that there is in the legislation now, in the schedule, a series of questions to which people can obtain answers before they enter into an agreement to go into a retirement village. However, it may be that there needs to be some attention given to the nature of the contract and in particular to more simple disclosure. If there are false promises being made by village operators, then action should be taken under either the Trade Practices Act or the Fair Trading Act of the State.

The Hon. Diana Laidlaw: Do you say that Dr Graycar could have taken a whole range of options in respect of complaints?

The Hon. C.J. SUMNER: Dr Graycar has his point of view which everyone has now read.

The Hon. L.H. Davis: On the front page of the *Advertiser.*

The Hon. C.J. SUMNER: Yes.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I am not saying anything about it. Members can draw their own conclusions.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: There is also a speech that he gave which I am sure he will be happy to give to honourable members. He obviously has some genuine concerns which must be examined but from the point of view of those who are responsible for administering the Retirement Villages Act, I understand that they have received very few complaints about its operation over the past 12 months. I say that in terms of its objectives it is working tolerably well. Maybe there is a need for some amendment and that will be examined, but we are not going to have an independent inquiry. I am certain that Mr Neave and Mr Lane from the Corporate Affairs Commission and Dr Graycar will meet and try to define the problems. If there are breaches of the Act they will have to be investigated, but to date there certainly have not been any complaints of that nature.

So, the Government intends to look at the legislation; there will be a meeting between the Government agencies concerned as soon as possible to try to identify the problems and to determine whether any amendment to the legislation is needed. I emphasise that the Retirmement Villages legislation is not broad and all encompassing, dealing with the welfare of the aged. It is there with certain defined specific objectives, namely, to ensure security of tenure, proper disclosure, settlement of disputes, and to provide for the establishment of residents committees so that they can take up their problems with management. As far as those objectives are concerned, I believe that the Act has been working reasonably well.

SCHOOLGROUNDS MAINTENANCE

The Hon. M.J. ELLIOTT: I seek leave to make a brief statement before asking the Minister of Tourism, representing the Minister of Education, a question about schoolgrounds maintenance.

Leave granted.

The Hon. M.J. ELLIOTT: I have been contacted by a constituent who had read an article in the local newspaper at Mount Pleasant in which the Chairman of the local district council was quoted as saying that by the mid 1990s local councils would be responsible for schools, particularly schoolgrounds. This constituent was concerned and he made inquiries of the Education Department and the Department of Local Government, and they assured him that there was no such proposal in the pipeline. He then wrote a letter to the local paper saying that people should be a bit more careful about what they have to say in public. He was then contacted, obviously by one of the people who made the original statements and was given the name of a person in the Education Department's Northern Office who had given the information to the Chairman. When my constituent telephoned this person he was told that he should seek legal advice if he intended going around making allegations. Notwithstanding the way that this person was treated, I ask whether the Minister can assure us categorically that there is no intention for responsibility for schoolground maintenance to be passed to local government.

The Hon. BARBARA WIESE: I will certainly refer that question to my colleague in another place and bring back a report on the matter. However, speaking as the Minister of Local Government, I can say that it is not an issue upon

which I have been consulted—and I would normally expect to be consulted on a matter of this kind, that is, if another Minister was planning to pass a responsibility or charge to local government. However, it may be that this matter has not reached the point where consultations are considered desirable.

The Hon. M.J. Elliott: Is that a categorical 'I don't know'?

The Hon. BARBARA WIESE: Yes, it is a categorical 'I don't know,' and I shall seek a report from the Minister of Education and bring it back as soon as possible.

NORTH-EAST BUSWAY

The Hon. J.C. BURDETT: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Transport, a question about the Tea Tree Plaza terminal of the north-east busway.

Leave granted.

The Hon. J.C. BURDETT: The plans released for the Trea Tree Plaza terminal of the north-east busway indicate that there will be 320 spaces for cars for users of the busway, which will be located across Smart Road and will be accessible via an underpass. Residents and councillors consider that this number of spaces is grossly inadequate, particularly with future growth in the Golden Grove area. It is understood that the State Transport Authority considered future growth for five years only.

The total space available at the Paradise and Klemzig car parks is 560—as against the 320. At Paradise the car park is over-full every weekday, with cars parked on the adjacent streets. When the busway reaches Trea Tree Plaza, the plaza terminal will be closer for many commuters from the north and east, who now use the Paradise car park. Also, the opening of McIntyre Road will mean that many commuters from the Salisbury area will use the plaza car park in preference to the Paradise car park.

The planned car park will also provide only difficult access to commuters coming west along North East Road or south along Golden Grove Road. The joint development of the terminal between the Government and Westfield will include a car park for Westfield customers at three levels. Westfield has made it clear, understandably, that its parking is for its own customers and not for bus commuters. It is believed that it will probably use a boom gate, which will be raised at 9 a.m. each day, thus precluding access for the average commuter. Adequate parking could be provided by either putting another deck on the projected bus passengers, park or adding a deck to the Westfield park and making the additional deck available to commuters. My question is: will the Minister further examine the adequacy of parking and, if found necessary, will he authorise the construction of appropriate extensions?

The Hon. C.J. SUMNER: I will seek a report on that question and bring back a reply.

ELECTION OF SENATORS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 August. Page 43.)

The Hon. K.T. GRIFFIN: This Bill is designed to bring the South Australian legislation into line with the Commonwealth Electoral Act as a result of some amendments made to the Federal Commonwealth Electoral Act recently in respect of certain machinery matters. The election of senators essentially is governed by various State legislation relating to the election of senators. The issue of writs is undertaken by the States. That reflects the status of the Senate, in that it originated as a States' representation House, and in the last decade it has expanded also to include Senators from the two Territories.

However, essentially, the Senate is still a House where there is equal representation from the States and lesser representation from the Territories. That, of course, would be in direct conflict with the Federal Government's proposed referendum question relating to so-called fair and democratic elections. However, there is an exclusion for the Senate, so that the Senate is not to be covered by the sort of legislation which, if the referendum is passed, would apply to both the State Houses of Assembly and Upper Houses, where there is an Upper House.

However, to some extent that takes me away from the two objectives of this Bill. The first is to increase, from 90 days to 100 days the maximum period between the issue of writs and the return of the writs. In the second reading explanation there is a suggestion that, because the Commonwealth Parliament has to meet within 30 days of the return of writs, and its appears that, if there is a mid-November election, the Senate will have to meet in early February, the Bill is designed to give an extra 10 days grace, in those circumstances, where the maximum period of time between the issue of the writ and the return of the writ is taken. Maybe there is a difficult Senate count or maybe there is some other reason why there is a delay in the declaration of the Senators elected.

As a result of what is proposed in the Bill there is an extra 10 days between the issue of the writs and the return of the writs. I see no difficulty in supporting that proposition. It will, of course, bring it into line with the Commonwealth Electoral Act. I suppose one could speculate that the second reading reference to a mid-November election might give some hint of when the next Federal election might be, but I think that that would probably be drawing a fairly long bow.

The second amendment seeks to remove all limitations from section 3 of the Election of Senators Act on the power of the Governor, by proclamation, to extend the time for holding the election and for the return of writs. Under the present Act, the Governor has power to extend the time for holding an election. There may be some natural disaster or emergency situation, which requires the extension of time within which an election may be held. Presently there are some limitations on that. That power can only be exercised within 20 days before or after the date fixed for polling.

The principal Act also provides that no such extension can be granted within seven days of the date originally fixed for the election. The second reading speech indicates that those time limits serve no useful purpose. I would suggest that they do. I would suggest that they do place some constraints upon the Governor and, in respect of the House of Representatives, the Federal Government in the way in which they can extend the time for holding an election in circumstances where there may be a natural disaster or some other emergency which warrants that course of action.

I do not necessarily agree with the removal of the time constraints. However, I see that we really have no alternative in this instance because of the amendments to the Commonwealth Electoral Act. It could be a source of some difficulty if we have on the one hand the Governor-General with power to extend the time of the election for the House of Representatives but no similar power to ensure coinci-

dental or concurrent elections for the Senate. It is my view that, while there are some disadvantages in removing the time constraints, we really have no alternative but to allow this proposition to pass in this Bill.

I make clear that I do not believe that we ought to be reflecting the same provision in the State Electoral Act in so far as it relates to State elections. Presently the State Electoral Act allows the Governor to extend the date of an election by up to 21 days in the case of an emergency. I would see that being used only on rare occasions. I would certainly not see it being used as a matter of course, and for that reason I believe that a need exists for limits on the extent of the authority of a Government either advising the Governor-General or the Govenor, as the case may be, with respect to the time for which an election may be extended.

With that reservation, as it applies to the Federal electoral scene not necessarily being taken as an indication that a similar provision would be supported in South Australia, I indicate that the Opposition is prepared to give its support to this Bill for the sake of achieving uniformity between Senate and House of Representative elections in terms of machinery provisions but not in relation to the terms of office, which is a separate but substantive issue relating to the Federal electoral scene.

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

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 August. Page 144.)

The Hon. K.T. GRIFFIN: This Bill presents some difficulties. In 1987, as the Attorney-General indicated in his second reading explanation, the maximum amount of compensation payable to the victim of a crime under the Criminal Injuries Compensation Act was increased from $10 000 to $20 000. We supported that increase, and it is to be funded to some extent from the Criminal Injuries Compensation Fund. A case has arisen, and there may be a number of cases where victims of crime have made application to the courts for criminal injuries compensation and those victims were injured prior to the coming into operation of the 1987 amendments.

As I understand it, in one case a District Court judge has indicated that he is giving serious consideration to the entitlements to a victim of crime to the amount of $20 000 compensation where the cause of action arose before the 1987 Act came into operation. That case obviously involves important questions of statutory interpretation, but it is a matter which is before the court and a decision on which, as I understand it, has been reserved. There may be other cases where a similar position is being considered.

The Hon. C.J. Sumner: They are all held up.

The Hon. K.T. GRIFFIN: The Attorney-General said that there are some others and that they are currently held up. In his second reading explanation the Attorney indicated that both the Solicitor-General and Parliamentary Counsel consider that the 1987 amendment relates only to causes of action arising after the date when the amendment came into operation. He does, however, refer to a 1974 Supreme Court decision which he says suggests that the amending Act applies and operates at the time when compensation is assessed.

The Attorney refers particularly to section 16 of the Acts Interpretation Act which was passed in 1983 and which in his view and that of his advisers should lead to the conclusion that the 1974 case should be overruled. In support of this Bill he puts the point that the doubts caused by the 1974 decision can be resolved only by litigation and that to save the costs of that litigation it is preferable for the Act to be amended to make clear that only victims of crime injured after the 1987 Act came into operation will be entitled to have their compensation assessed on the basis of the maximum amount being now $20 000. He indicates that that was the Government's intention when the 1987 legislation was passed through the Parliament.

Section 16 of the Acts Interpretation Act, which has been amended on occasions, in essence provides:

> Where an Act is repealed or amended, or where an Act or enactment expires, then, unless the contrary intention appears, such repeal, amendment or expiry shall not—
>
> I. revive anything not in force or existing at the time at which such repeal, amendment or expiry takes effect; or
>
> II. affect the operation of the repealed, amended or expired Act or enactment, or alter the effect of the doing, suffering, or omission of anything, prior to such repeal, amendment or expiry; or
>
> III. affect any right, interest, title, power, or privilege created, acquired, accrued, established, or exercisable, or any status or capacity existing, prior to such repeal, amendment or expiry.

Then other paragraphs IV and V follow.

The Hon. I. Gilfillan: Summarise what that means.

The Hon. K.T. GRIFFIN: Basically, what I think that means is that, if there is a cause of action (as we discussed in Question Time with the Controlled Substances Act) where the Crown has a right to proceed and make an application for confiscation of assets, it can do that notwithstanding that the Controlled Substances Act has been repealed by the Crimes (Confiscation of Profits) Act and, on the other hand, a criminal who is convicted prior to the operation of the new Act is not liable to be subject to the wider powers of the court passed subsequent to the crime being committed.

So, there is a protection against persons who are charged with offences being liable for penalties which may be increased after the date when the offence occurred or suffer some other imposition which may not have been permitted at the time of the commission of the offence but which may subsequently have been passed by the Parliament and approved as some further option for an imposition by the courts on that criminal.

I would have thought that section 16 of the Acts Interpretation Act would have application in, for example, the Motor Vehicles Act amendments, which had the effect of reducing the amount available for pain and suffering to $60 000 from what the courts had previously been awarding, namely, about $180 000 for non-economic loss. So, if a person is injured as a result of a motor vehicle accident prior to the date when the Motor Vehicles Act limitations came into operation the full range of damages can be awarded and the limitation in that Act could only have effect from the date when it came into operation on accidents occurring and damages being suffered (as a result of that accident) after the limitation was imposed.

I suppose one can say, in relation to a variety of other legislation, that this section 16 would seek to maintain the *status quo* for those whose rights had been defined prior to a piece of legislation coming into effect. In relation to the rural area, I understand that the cattle compensation fund pays out only a particular rate of compensation for cattle destroyed as a result of tuberculosis and brucellosis eradication campaigns to the maximum sum applicable at the time that cattle were destroyed. It would not be possible for an increased amount of compensation to be paid where there was an increase provided by legislation, the cattle were

slaughtered before that came into operation, but payment had not at that point been made.

I suppose the area where there might be some debate is, for example, under the Land Agents, Brokers and Valuers Act where substantial amendments were made to the agents indemnity fund (I think last year) and as a result a very much larger sum is likely to be paid out to the creditors of Hodby, Field, Schiller and Swan Shepherd than might previously have been permitted. To that extent the amendments to the Act had, in effect, some retrospective application.

The reason why I want to raise this is that I would tend to agree, on the research I have done, with the Attorney-General that the increase in compensation would apply only to those causes of action which arose prior to the date of the 1987 amendment. However, the difficulty I see with this Bill is that it tends to override matters which have already been raised in the courts and which are under deliberation by judges, and I suppose in some cases by magistrates. What the Attorney-General is seeking to do is define what he believed was meant by the amendment of 1987, and all amendments back to 1978, to the Criminal Injuries Compensation Act where there have been increases in compensation at various times during the life of the principal Act.

The Hon. C.J. Sumner: There was no problem before this amendment but the clause which ensured that they weren't retrospective previously was taken out by the amending Bill. That's the problem.

The Hon. K.T. GRIFFIN: I had not understood that that was the position. My understanding was that it was just the discovery of this 1974 Supreme Court decision, upon which the parties are relying—

The Hon. C.J. Sumner: But after that the Criminal Injuries Compensation Act was amended to ensure that there was no retrospective alteration. When we put through the amending Bill last year we took out the clause—because Parliamentary Counsel thought it was redundant—that prohibited retrospectivity because it was part of the old Act and we brought in the new consolidated Act. In fact—

The PRESIDENT: Order! This does seem a rather lengthy interjection.

The Hon. C.J. Sumner: It is relevant and provides the information.

The PRESIDENT: Order! You do have a reply.

The Hon. K.T. GRIFFIN: What the Attorney-General was indicating by way of interjection is certainly not referred to in the second reading explanation. I must say that I was of the view that the difficulty has only recently arisen not as a result of taking out that provision in the principal Act but as a result of the court now having before it some increases in jurisdiction which have raised legal argument. The point which I make is that, if what I am suggesting is the scenario is correct, it would be quite improper to have included only in this piece of legislation a specific provision which overrides the prospective decisions of the courts and treats this law as being different from all others. That is the concern I have about embodying in the statute a specific provision.

In my view, if this argument is being raised in relation to the Criminal Injuries Compensation Act it can equally be raised in respect of the other sorts of legislation to which I have referred and in respect of a variety of other legislation which affects individual rights.

The Hon. C.J. Sumner: You can't do that.

The Hon. K.T. GRIFFIN: The Attorney-General can explain to me later, or he can do it now if he can get an interjection in. As I understand it, this piece of legislation, by virtue of what the Attorney-General is providing in the Bill, is different. It is treating criminal injuries compensation differently. If that is the case, it is my view that the question whether or not the 1987 amendments to this Act has, in effect, retrospective operation ought to be resolved by the courts. It seems to me, to be quite unreasonable to attempt to prescribe a principle for this Act when, in fact, that same principle is not going to apply to others.

The Hon. C.J. Sumner: It applies to everything.

The Hon. K.T. GRIFFIN: If the Attorney says that it applies to everything—and I would agree as a matter of law that that is the way it ought to be—I see no reason for this amendment to be introduced.

The Hon. C.J. Sumner: Because we are trying to clarify it and save a lot of trouble. It will save the legal costs, and save the courts time, including going to the High Court. If we knew what we intended when we passed this, surely we can clarify it. We intended clearly that it ought not to be retrospective. It is a drafting error. If it is a drafting error (which the Parliamentary Council does not accept), we are just trying to clarify it. It happens every day of the week.

The Hon. K.T. GRIFFIN: Madam President, if it is a drafting error, we ought to know what it is. With respect, it is not in the second reading speech at all. I have not had time to go back to the 1987 Act to see what was repealed which had the effect previously of saying that it was not retrospective. Why should the Criminal Injuries Compensation Act be treated any differently from any other piece of legislation when the principle to which the Attorney has referred in his second reading explanation applies to every other piece of legislation?

If section 16 of the Acts Interpretation Act applies to other pieces of legislation and there is no difficulty, why should the Criminal Injuries Compensation Act be any different? Why should it not be treated in the same way as other legislation? That is the problem that I see, that it is more appropriate, notwithstanding the question of costs, for the matter to be resolved as a test in the court than to embark on a procedure which treats criminal injuries compensation legislation differently from any other by incorporating in it a special provision.

The Hon. C.J. Sumner: It was in every Criminal Injuries Compensation Act after the 1973 decision. It was inadvertently left out. Parliamentary Counsel says it was left out because it was not necessary. The judges raised the point. Everyone intended when it was passed last year that it ought not apply retrospectively. Surely, in the interests of commonsense we ought to just resolve what our intention was and stop the confusion. The litigants and all the people will have to wait for probably six months until the matter is resolved in the High Court, before they get paid. We are not paying anything out until the issue is resolved.

The Hon. K.T. GRIFFIN: I agree that the issue has to be resolved. My point is that this is the first time that issue has been raised. It is nowhere in the second reading speech. In the context of the Bill before us, and in the context of the second reading speech, it appeared that the criminal injuries compensation legislation was being treated differently—

The Hon. C.J. Sumner: It's not.

The Hon. K.T. GRIFFIN: Let me continue. On the basis of what appeared in the second reading explanation and because it appeared that it was going to be treated differently, the Opposition was going to argue strongly that there was no need for this Bill and we were not going to support it. If when we get to the Attorney's reply there is more information that will enable us to reconsider the matter, I am happy to reconsider it, but for the moment the Oppo-

sition has made the decision that we ought not to treat this differently from other legislation.

The Opposition and I are happy to reconsider, but it is only because the second reading speech is defective, in the light of what the Attorney is indicating across the Chamber, that we have this hassle now. I am happy for other members to speak and for the Attorney to reply. I will reserve my position and the Opposition's position on it until we get that reply and then it may be that we can resolve it quite satisfactorily in Committee, but at the moment there is quite inadequate information before the Council in respect of what was or was not done and what was inadvertent and what was not.

The Hon. J.C. BURDETT: I do not support the Bill. It would appear that the previous Bill was defective and the second reading speech on this Bill was defective. The Attorney omitted to say in his second reading explanation of the Bill that, prior to the introduction of this Bill on at least one occasion—and he has, by interjection, suggested that there are others—a case had been before the courts in respect of an injury inflicted by a criminal before the date of the coming into operation of the last amendment to the parent Act.

In that case the learned judge specifically addressed the question of whether the maximum was $20 000, as enacted by Parliament, or the previous $10 000. The judge addressed the question, including the 1974 Supreme Court case, to which the Attorney refers. He decided that on the basis of the decided cases the maximum ought to be $20 000, and that was the sum he was proposing to award. The matter did not go by default. The judge specifically addressed the question. In those circumstances I should have thought that, as the matter is within the ambit of the judicial function of government, it ought to be left there, whatever the argument about the saving of costs. The arguments advanced by the Attorney come close to striking out the doctrine of separation of powers. The basis of that fundamental doctrine, which is the bastion of our freedom, is that Parliament makes the laws, the Executive administers the laws and the judiciary interprets the laws in individual cases according to law.

In the case to which I am referring Parliament has done its job and the Act which it passed has come into effect. The Executive in this case has no part to play. The judiciary has adjudicated on a case before it and has specifically considered the question of what was the appropriate maximum in that case. The Attorney is not satisfied with the adjudication of the court and wants Parliament to intervene and, even after the lapse of this very short space of time, tell the judiciary what to do and how to interpret the Act. This is really an example of Parliament's intervening in a case or cases when it should be legislating for all citizens and leaving it to the courts to adjudicate on the laws that we pass in particular matters.

I know of the one case (and the Attorney, by interjection, suggested that there were others), and I ask the Attorney when he replies, to say how many cases are before the courts at present where this matter is in issue. What particularly disturbs me is that, in the case of which I am aware, none of the assessed compensation has been paid, and the matter of payment has been adjourned from time to time, including quite recently, in the past few days, on the grounds that the present Bill was likely to be introduced and passed. The matter has been adjourned and the applicant has been deprived of any money—whatever the amount—because the Attorney's original Act was not specific in its terms. This is a disgraceful intervention by Parliament, which has been asked ultimately to intervene by the Executive into the judicial function.

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

The Hon. J.C. BURDETT: It is not. The Attorney has indicated that if this Bill is not passed payment of moneys may be held up for six months because of proceedings in the High Court, but at present it is being held up because the courts have been told that this Bill will be introduced and passed.

The Hon. C.J. Sumner: That is not right. There are no cases being held up.

The Hon. J.C. BURDETT: Yes there are. In fact, I know of a case where it is being held up and where it has been before the court several times. Every time, the Crown has argued that it ought to be adjourned because the matter is now to be addressed by Parliament. Madam President, the issue addressed by this Bill, having been before the courts, having been litigated and adjudicated upon, should at this stage be left to the judicial process, including the appeal process and ought not to be interfered with, whatever the Attorney's assessment and that of his advisers may be as to the ultimate outcome. He is apparently confident that the effect of the Act is that the new maximum only applies to cases where the injury occurred after the Act came into operation but of course he may be wrong. The Attorney said in his second reading explanation—

The Hon. C.J. Sumner interjecting:

The Hon. J.C. BURDETT: I intend to oppose the Bill.

The Hon. C.J. Sumner: What did you intend in 1987; did you intend it to be retrospective?

The Hon. J.C. BURDETT: I think you ought to explain your intentions in 1987. The Attorney, in his second reading explanation—and I find this astonishing—said:

> To save unnecessary litigation, it is preferable for the Act to be amended to make it clear that only victims of crime who were injured after the amending Act came into operation, are entitled to have their compensation assessed on the basis that the maximum amount of compensation payable is $20 000.

This next passage, which I find extraordinary, states:

> This is what was intended and is only fair to those victims of crime who have had their compensation assessed on this basis.

This is a strangely convoluted argument. People who have suffered an injury since the Act came into operation will get what was intended and there is no question of any unfairness to them. Madam President, if the Government took out the clause prohibiting retrospectivity by mistake, the Government has to wear it. Matters are now before the courts and should be resolved by the courts. If it is a drafting error in the ordinary sense, which I reject; the ordinary sense is just making a slight mistake, a wrong word or a comma, and I reject that. It has already had an effect on litigants and the process of the courts should not be interfered with. I take up the point which the Hon. Mr Griffin raised in relation to the suggestion of it being a drafting error or something of that kind, which was raised in the second reading explanation. I oppose the Bill.

The Hon. C.J. SUMNER (Attorney-General): I would like to respond because I feel there is some misunderstanding about what the Government is trying to do here, and before the Council makes up its mind we ought to go back to the 1987 amendment. This amendment, among other things, increased from $10 000 to $20 000 the maximum amount of compensation that a victim of crime could receive. The general principle is against retrospectivity and the normal rule is that it would not be retrospective, that is, the increase would only apply to injuries that occurred after the date on which the Act came into force in 1987. So, what the Parliament and this Council in particular has to do, is

to decide what was the intention in 1987. If its intention clearly was that it ought not to be retrospective (and that was certainly my intention) I would expect in accordance with the general principle against retrospectivity which the Council and the Parliament usually adopt—

The Hon. K.T. Griffin: Did you actually say so?

The Hon. C.J. SUMNER: I will come to that. It would normally have been assumed that it was not retrospective; that the matter only applied to prospective injuries, that is, after the date upon which the Act came into effect. This of course is similar to the Motor Vehicles Act amendments which restricted the amount of damages at common law to $60 000. This only applies to injuries that occurred after the date upon which the Act came into existence. The WorkCover legislation only applies to injuries incurred after the date upon which the Act came into existence. Amendments to the workers compensation legislation through the ages and as the Hon. Mr Burdett would know, increasing amounts, only apply to injuries that occurred after the date upon which the Act came into effect.

That is a consistent principle that has run through the law in virtually all these areas, and the only hiccough to that occurred in *Re Beni* in 19 SASR 1974 at page 253 where an application for compensation for criminal injuries was made under section 7 of the Criminal Injuries Compensation Act 1969-1972, which provided for compensation to a maximum of $1 000. While the application was pending, the maximum compensation was increased, by the Criminal Injuries Compensation Amendment Act 1974, to $2 000.

It was held by His Honour Walters J. that the amending Act applied and operated at the time when compensation was being assessed in the application and that the maximum compensation to which the applicant was entitled was $2 000. That is the only exception to the general principle that I have outlined. Under the Act of 1978, the amount of compensation payable was increased from $2 000 to $10 000. That particular decision was specifically addressed in the amending Act. Section 5 provided:

> This Act shall apply in relation to an injury arising from any offence committed after the commencement of this Act. The repealed Act shall continue to apply in relation to an injury arising from any offence committed before the commencement of this Act.

So, in 1978 a specific transitional provision was inserted to accord with the general principle against retrospectivity. When this Bill was introduced in 1987, the Parliamentary Counsel removed that transitional provision. What I am trying to do now is to replace it into the Act to make it quite clear that the principle against retrospectivity is upheld. The problem we have is that we have now had the 1987 Act in place for some 12 months. We have had large numbers of cases settled and in fact I suspect not only settled but litigated in the courts.

The Hon. K.T. Griffin: Do you have any figures on how many?

The Hon. C.J. SUMNER: I do not have any figures but there are obviously a number of cases that have gone through the courts on the assumption that the old injuries maximum was only $10 000. It was not the litigants that raised the point, because everyone would be working on the assumption that for old injuries $10 000 applied. It was not the lawyers acting for their clients who raised the issue, it was the judge and he said, 'Well, what about this case?' We go back to the 1987 amendment and find that the transitional provision that corrected the 1974 decision was not in the 1987 amendment. The Parliamentary Counsel tells me that it is not necessary and I should take it to the highest court in the land. The Solicitor-General is of the view that it is probably not necessary either, but the fact of the matter is that it has been raised.

I believe the Parliament intended it not to be retrospective. I am asking now for the Parliament to clarify that to avoid everyone having a lot of trouble because a single judge may override Walters, J. which means it would go on to the Full Court. If they decide similarly to Walters, J. we may end up in the High Court and there will be nine months of delay during which no-one will be paid. That seems to me to be a very unfortunate result, and if that happened we would have to pay out more and then try to collect refunds.

All we are trying to do is follow what has happened in this Parliament on many occasions, I would have thought, namely, that where a problem is identified legislation is clarified so that everyone, the community and the litigants, know exactly where they stand. I think that, in fairness to everyone, in fairness to those people who have claims before the court at the moment, the issue ought to be resolved. This relates not only to people who have had their claims settled out of court but to those whose claims have been actually determined within the court over the past 12 months.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I do not know, but obviously a large number have been settled on the basis of the old legislation. If we lose in the court, and the Parliament is not prepared to put in an anti-retrospectivity clause, we must go back and re-argue all those cases. Did the Parliament intend in 1987 for the increase to $20 000 to operate retrospectively? I put to the Council that clearly the Parliament did not intend that. It has never done that. It has not happened in workers compensation, motor vehicle damages or in criminal injuries compensation, because we specifically put in anti-retrospectivity clauses.

The general position taken in Parliament is that legislation ought not to be retrospective. The Opposition often comes along and says that that is a principle that we should adhere to with great firmness and fortitude, unless it is specifically referred to in legislation, unless a clause dealing with retrospectivity is specifically included in the legislation. So, all those principles surely indicate that we did not intend the Bill that we passed in 1987 to be retrospective.

The Hon. J.C. Burdett interjecting:

The Hon. C.J. SUMNER: The honourable member says that he did not specifically think about it.

The Hon. J.C. Burdett interjecting:

The Hon. C.J. SUMNER: Yes, of course I did, and I was operating completely under the impression that it was not retrospective. Lawyers throughout the town have operated on the basis that it was not retrospective, and judges throughout the town have operated over the past 12 months on the basis that it was not retrospective. The general principle is that Parliament is against retrospective legislation. The problem is that we have had this case which has now been referred to, and for some reason—about which I am starting to feel pretty narky right at this moment—the transitional clause was left out of the legislation, and clearly it ought not to have been, because it was a principle accepted in 1978. But there we are and my responsibility is, I believe, to try to correct the situation. In 1987 when we were working through this matter, did we intend that it would be retrospective? I do not think we did.

The Hon. K.T. Griffin: Has the judge made any reference to the effect of removing that so-called transitional provision, in the sense that it signifies the intention of Parliament to do otherwise?

The Hon. C.J. SUMNER: I did not argue the case, but a case has been argued and judgment is pending in the

matter. However, it was the judge who heard the case who has raised this matter and so I suppose he will feel bound by the Supreme Court. If he does, then we will have to go to the Full Court and then to the High Court, as far as I am concerned, because Parliamentary Counsel did not intend that it would be retrospective. I did not intend that it would be retrospective, and I do not believe that the Council intended it to be retrospective. We always get berated about retrospective legislation and then I come here to correct what I believe is a drafting error and am now being told that it could be retrospective.

The first point that we have to make up our minds about is whether we now believe that the legislation ought to be retrospective. If we do not believe that it ought to be, for all the reasons that I have outlined, then we ought to correct it now and let it go through the Parliament in the next couple of days. The judges will know where they stand, the litigants who are waiting in line for their cases to be settled will know where they stand, and I believe that we will be giving effect to what Parliament intended in 1987.

I hope that that has clarified the position. I apologise to the Council if the second reading explanation was not as clear as it should have been, but I trust that my reply has now put the matter into some kind of context. I believe that, in terms of justice for the individuals and in terms of inconvenience and delay that might occur, Parliament has a responsibility now to make clear what it did not make clear in 1987.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. K.T. GRIFFIN: The Attorney-General has certainly provided much more information in his reply than was in the second reading explanation.

The Hon. C.J. Sumner: I have apologised for that.

The Hon. K.T. GRIFFIN: I have accepted the apology—it is on the record. However, in the light of what the Attorney-General has indicated I would like some further time to consider the matter with a view to dealing with the matter tomorrow. The Attorney-General did say that there had been a number of cases in the courts since the 1987 amendment was made and came into effect, and by way of interjection I asked whether he would be able to get at least the number of those cases so that we would have before us some information to ascertain what sort of effect there would be on the litigants in either supporting the Bill or, more specifically, opposing the Bill. If the Attorney could get those numbers, remembering that almost always the Crown is involved in these sorts of applications under the Criminal Injuries Compensation Act, that would be helpful in resolving a final view on the Bill.

Those figures might usefully show the number of those claims that have been made and which relate to injuries occurring prior to the 1987 Act coming into operation, those which have been settled and those which are currently awaiting trial, as well as those which have in fact been decided by the court. I would hope that it is not a particularly onerous task and that it could be completed by tomorrow. With that sort of information and in the light of what the Attorney-General has indicated, I am certainly prepared to give some further consideration to the Bill and to take up the matter with my colleagues in the Opposition. It is unfortunate that there was not a clear explanation given in the second reading as to the way in which this all came about. However, in the light of what the Attorney has indicated I am prepared to give some further consideration to it.

The Hon. I. GILFILLAN: I indicate that the Democrats have consideration and respect for the Opposition's view in this matter. I did forewarn the Attorney that he was not going to have a dream run on this piece of legislation, and my prophecy has proved to be correct.

From conversations I have had and arguments I have heard, the shadow Attorney-General and the Hon. John Burdett have given this matter admirable attention and proper concern. It is interesting that the people most affected by this matter—the victims of crime—have not been mentioned at all. If I were a victim of a crime and the incident had occurred prior to the significant 1987 legislation and the hearing for my damages did not occur, through no fault of my own, for a period of two years, I would not be overdelighted to find my damages were restricted to $10 000 compared with others in the same situation who could possibly receive $20 000, because the crime occurred after 1987.

The justice in the issue has not been addressed yet and I am more concerned about that than the fine point of whether Parliamentary Counsel was remiss or the Attorney-General deficient in his second reading explanation. It may not be directly relevant, but it is interesting that a convicted person as a consequence of the amendments in 1987 is required to pay a levy to provide funds for compensation, regardless of whether it took place before or after 1987. On balance I am persuaded to support the legislation, but in respect to the Opposition's position I would prefer that it had time to deliberate on the matters it has raised and for the Committee debate to be adjourned.

The Hon. C.J. SUMNER: I am prepared to do that and will make information available for honourable members. I appreciate indications from the Opposition that it is prepared to examine the matter in the light of my explanations. In respect of the Hon. Mr Gilfillan, obviously the concern to increase the amount of $10 000 to $20 000 in 1987 was to assist victims and that was an important increase. It would be unfair if a group in the last 12 months had their cases litigated and settled on the basis that everyone assumed that it was $10 000 and that those lucky enough to come in afterwards would be entitled to a sum based on $20 000. That would be capricious, unfair and inconsistent with what normally happens in these cases. You must have a cut-off point at some time.

I have a lot to do with the Workers Compensation Act and there was always the problem of an injury occurring before the date that the Act came into effect. The compensation is awarded in accordance with the lower rates in such cases whereas, if it were after the date of the Act coming into effect, it is awarded at the newer rates. That would often appear to the litigant to be unfair, but the Legislature had to take a stand that there was a cut-off point. Although it may appear unfair, if we do not have a cut-off point injustices and capricious things are introduced into the law based on when one settled a claim or initiated the proceedings. I agree with the suggestions made by the Hon. Mr Griffin and will try to get the information he has sought.

Clause passed.

Progress reported; Committee to sit again.

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 August, Page 190.)

The Hon. K.T. GRIFFIN: This Bill reflects amendments made to the Federal National Crime Authority legislation.

Remembering that although the National Crime Authority is a Federal body established by Federal legislation, nevertheless it is recognised in the National Crime Authority (State Provisions) Act of 1984 as a body with power to investigate offences against State law. The 1987 Commonwealth legislation was amended to give the National Crime Authority power to apply to a judge of the Federal court for a warrant to arrest a person in relation to whom a summons had been issued to appear before the authority where there are reasonable grounds to believe that the witness has absconded or is likely to abscond or is attempting or likely to attempt to evade service of a summons.

The Bill before us brings the State Act into line with the Commonwealth legislation to ensure that the authority has identical powers under both Commonwealth and State Acts in respect of both Commonwealth and State crimes. Therefore, I see no difficulty with the first amendment to the National Crime Authority (State Provisions) Act. With respect to this piece of legislation, reference is made to the warrant being issued by a judge of the Federal court. I know that that reflects the position in Federal legislation, but I am concerned that no reference is made to a judge of the State Supreme Court. I see no reason why warrants ought not to be issued by State Supreme Court judges as well as by Federal court judges. One has to remember that Federal court judges are of equal status to State Supreme Court judges.

During the Committee stage I will propose that we add to the provision in the Bill some specific reference to judges of the Supreme Court being authorised to issue warrants to the National Crime Authority. That may be important in a practical context because there are only two judges of the Federal Court in South Australia and it seems that if both are away and the National Crime Authority requires a warrant urgently in this State there will then have to be an application to a Federal Court in some other State or Territory.

I do not see any reason why such an application in those circumstances should not be made to a judge of the Supreme Court of South Australia. It may be that by including reference to a South Australian Supreme Court judge it creates pressures for Governments of other States to include judges of their Supreme Courts. However, if this is to be a partnership operation investigating serious organised criminal activity, while the Federal Government has responsibility with respect to administration and to funding, it is equally appropriate that States have some involvement also through their Supreme Courts. I would regard it as being something of an affront to the status of the Supreme Courts of the States that only Federal Court judges presently appear to be authorised to issue those warrants.

The other aspect of the Bill is to remove the sunset clause. When the National Crime Authority was established, because of a great deal of uncertainty about the way in which it would operate, the powers it would exercise, the way it would exercise those powers and its effectiveness, a five year life was incorporated in State and Federal legislation. It is now proposed that that sunset clause be removed. The Opposition is prepared to support that proposal also.

There has been a lot of criticism about the National Crime Authority and, in relation to the removal of a sunset clause, it is important to assess the value of such an authority in the investigation of organised criminal activity and in the apprehension of criminals. The National Crime Authority generally acts behind closed doors. Its operations are not conducted under the glare of the public spotlight as, for example, the Fitzgerald inquiry is conducted in Queensland, with the prospect to create harm to persons who might otherwise have been innocent and against whom it could not be proved beyond reasonable doubt that they had committed crimes. While there seems to be some quite startling revelations before the Fitzgerald inquiry, I would be disappointed if the National Crime Authority were to operate in the public arena as does the Fitzgerald inquiry in Queensland. So, its operations behind closed doors are appropriate for the sort of investigation which it undertakes, and its liaison on its investigations with other law enforcement agencies of the States and Territories is also important.

The question of confidentiality of information is also critical to the development of strategies to combat organised criminal activity and to identify those who are involved in that activity and bring them to justice. Last week the Attorney-General made a ministerial statement on an anti-corruption strategy. He tabled chapter 12 of a report of the National Crime Authority to the Government. Whilst the recommendations might be regarded as being somewhat vague one of those recommendations related to the establishment of an anti-corruption unit, which the Government has indicated it will do. However, I should say during the course of the debate on this Bill that there is some disappointment with the statement made by the Government on the anti-corruption strategy in the sense that little information was given as to how it was to be established—by Act of Parliament or administrative action—what powers it was expected to have, what would be the range of its operations, and whether it was going to be concerned principally with allegations of corruption against police or would have a much broader brief; the whole structure of this anti-corruption unit was quite unclear.

As it was, we had an indication that the ministerial committee comprising the Attorney-General and the Minister of Emergency Services (being responsible for the police and the Police Commissioner) would in fact be developing the strategy and identifying the way in which the anti-corruption unit would be established and what its powers and terms of reference would be. There was no clear indication as to the sorts of personnel who would be involved, remembering, of course, that that chapter 12 from the National Crime Authority did indicate that the independence of the unit would be enhanced by the supervision of senior personnel from Crown Law authorities from South Australia, secondment of police officers from other States, and the attachment of accountants.

The authority in that chapter 12 recommended the establishment of an anti-corruption unit in all Police Forces. It said that it remained of the view that there is a strong case for the establishment of such a unit in South Australia. It also stated:

> The unit would be responsible for the investigation of corruption allegations and the development of effective anti-corruption programs. It is not enough in the authority's view simply to investigate in isolation allegations which arise from time to time; a pro-active approach is called for.

Notwithstanding that, the discussion papers and background papers which were tabled by the Attorney-General in conjunction with his ministerial statement dwelt on the aspect of allegations of corruption in the Police Force. There were some passing references to corruption in the public sector and in the wider community, and the identification of some high risk areas. But, there was in the anti-corruption strategy and in the papers which accompanied it no clear indication of the way in which allegations outside the Police Force were to be identified. In fact, the Police Commissioner did, on a previous occasion, make a public statement that in his view corruption ought to be regarded for what it is, that is, another aspect of crime, and ought to be treated as such.

To that extent I do not think anyone disagrees with that assessment, but, because of the insidious nature of public corruption, it will require, as the National Crime Authority indicates, a pro-active strategy which is designed to seek out, rather than wait for, information. The Opposition believes that the National Crime Authority is a valuable agency for obtaining intelligence about criminal activity and undertaking investigations in the way it does, particularly in conjunction with law enforcement agencies. For that reason we are prepared to support the removal of the sunset clause.

So the Opposition supports the Bill, but subject during the Committee stage to some further consideration of the possibility of a Supreme Court judge being also authorised to issue warrants in respect of potentially absconding persons who may be sought by the National Crime Authority for the purpose of giving information.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support of the Bill. With respect to his comments that there was some disappointment about the Government's statement on an anti-corruption strategy and the fact that the strategy did not outline the precise nature of the anti-corruption unit, I can only respond by saying, as I did during Question Time, that the precise structure of the unit is to be examined by the ministerial committee, and that committee will make recommendations on that which will be made available to the Parliament.

I should say that the statement made by me and the ministerial statement made by Dr Hopgood in another place were made less than three weeks after the NCA report was received. Clearly, the Government did not want to proceed in this matter without the views of the NCA. So, I believe that we have acted as expeditiously as possible in providing Parliament with as much information as was practicable on this matter, to indicate to Parliament the directions in which we were going. As I say, this happened less than three weeks after the NCA report was received by me. I do not anticipate that the ministerial committee will delay in bringing down its recommendations, although obviously it is a matter that will take some weeks.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Warrant for arrest of witness.'

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

Page 1, line 18—After 'the Federal Court', insert 'or a judge of the Supreme Court of South Australia'.

I did raise in the second reading debate the question why a judge of the Supreme Court of South Australia is not included in the amendment. It seems to me that it would facilitate the work of the NCA to have a State Supreme Court judge included. Although I gave instructions for an amendment to be drawn up, I have not yet received it, and it has not been circulated. The amendment is a relatively minor alteration in terms of drafting, and I hope that we can proceed without having the amendment before us.

The Hon. C.J. SUMNER: The Government agrees with the amendment in principle. I refer to section 12 of the National Crime Authority (State Provisions) Act 1984, section 12, which deals with search warrants. Subsection (11) provides:

A reference in this section to a judge of a prescribed court shall be construed as a reference to—

(a) a judge of the Federal Court; or

(b) a judge of a court of the State.

I think it ought to be consistent.

The Hon. K.T. Griffin: I agree with that. It is not a contentious matter.

The Hon. C.J. SUMNER: The principle is agreed.

Progress reported; Committee to sit again.

TELECOMMUNICATIONS (INTERCEPTION) BILL

Adjourned debate on second reading.

(Continued from 16 August. Page 192.)

The Hon. K.T. GRIFFIN: This Bill is long overdue. The Attorney introduced it in April at the end of the session but, because it was so late in the session (it was introduced on the last day), it was not considered. The Bill seeks to enable State police to apply for the issue of warrants authorising telecommunications interception. The power to obtain interception warrants is available only to State agencies which have been declared by the Commonwealth Minister if she is satisfied that the State has legislation making satisfactory provision regarding matters such as the retention of warrants, the keeping of records relating to interception, the use of intercepted information and the communication and destruction of interception information, the inspection of records by an independent authority reporting to the Attorney-General, reporting by the State Attorney-General to the Federal Minister responsible for the administration of the Act and reporting by the Police Commissioner to the Attorney-General, the furnishing of copies of all warrants and instruments of revocation to the Federal Minister, and the destruction of irrelevant records and copies of intercepted communications.

Under the Federal Act interception is to be allowed on the application of State police on a warrant issued by a Federal Court judge for two classes of offences. Class 1 offences are murder and kidnapping; and class 2 offences are those punishable by imprisonment for life; or where there is a maximum period of at least seven years imprisonment, involving loss of life or serious personal injury, or the serious risk of such loss or injury; serious damage to property in circumstances endangering a person's safety; trafficking in narcotic drugs; serious fraud; or serious loss to the revenue of the State.

In determining whether or not to issue a warrant a judge must take into consideration the extent to which other methods of investigation are being used, how much information would be likely to be obtained by such methods and how such methods would be likely to prejudice the investigation. In relation to class 2 offences, there are some additional constraints. A judge must also have regard to the privacy of persons likely to be interfered with by the interception and the gravity of the conduct constituting the offence being investigated.

This Bill is seeking to establish a structure within which telephone interception will be undertaken at the request of the State police. The Bill provides for the Police Complaints Authority to have the responsibility of inspecting police records at least once in each six months to ascertain whether or not there have been complaints with the Act. The Police Complaints Authority must report to the Attorney-General after each such inspection. There is some question whether the Police Complaints Authority is the suitable body. I certainly have no wish to pre-empt what the Hon. Mr Gilfillan may raise on that point, except to say that the Police Complaints Authority is established by statute as independent.

I know it has a significant amount of contact with police, but it does have statutory responsibilities which require it to exercise the authority of scrutiny of the operations of police and to provide reports ultimately to the Parliament.

So, subject to what might be raised later in the second reading reply and in relation also to the Committee stage, I am reasonably comfortable with the Police Complaints Authority although I can recognise there may be some concern about its exercising an overseeing role. There may be some other personal body which would perhaps be free from some of the criticisms which I have heard in relation to the authority but about which I have no evidence to determine whether or not they are of substance.

The power for the State police to tap telephones was raised as long ago as April 1985 in the context of the drugs summit which was organised by the Federal Government and at which the Premier of South Australia indicated that he would support the power being given to State police. Federal legislation is now in place after a long wait. From the decisions of the national drug summit, there was a lot of reluctance by the Federal Government to introduce its own legislation to authorise telephone interception. Consequently, there was a longer delay in State police getting that power. Members may recall that I introduced a private member's Bill to give the State police the power to exercise telephone interception powers but I recognised at that time, and I reiterate now, that there certainly had to be a concurrence by the Commonwealth in that course of action before it could be effectively exercised in South Australia.

The Royal Commission of Inquiry into Drug Trafficking made some pertinent points about telephone interception. It surveyed the existing rights of law enforcement officers, and said:

> This short survey of the existing rights of law enforcement officers to intercept conversations of suspected drug traffickers in Australia highlights the severe limitations imposed on such officers. The main cause of that weakness in combating drug crimes is that listening devices are available to be used only as part of an operation directed to the apprehension of a criminal or criminals. All of the Acts on the subject—Commonwealth and State—require that before a warrant may be issued there must be shown to exist an offence, whether already committed or likely to be committed. That availability affords no assistance in the investigation of activities which indicate to an expert investigator that closer examination of those activities is required before there can be directed operations to apprehend and charge persons with particular crimes.

Later, it states:

> Although in some cases interception may happen to provide evidence against an alleged offender, its major use is a means of intelligence-gathering. It is only when that process of intelligence-gathering is completed that the next step can be taken—an operation in which the criminals are apprehended and charged. The right to intercept is an important weapon in the arsenal of intelligence.

The structure of the telephone interception authority is quite different from that which originally was envisaged but, notwithstanding what I would regard as a cumbersome mechanism, at least the State police will now have that power as a result of this Bill. This power must be exercised with caution but all the indications from various royal commissions—Costigan, Stewart and others—from the submissions from the police themselves and even the Law Council of Australia is that those powers are valuable in enabling intelligence to be gathered with a view to apprehending criminals in organised crime and bringing them to justice.

The civil liberties issues are important and ought not to be overlooked. They are largely overcome in my view by the protections of a judicial warrant, the constraints on the issue of judicial warrant and the monitoring role of an agency such as the Police Complaints Authority. The Law Council of Australia indicated in its submission to the Joint Select Committee on Telecommunications Interception that its privacy committee had argued that, if tapping were to be extended, it should not be carried out in cases which are only by accident of definition drug offences.

As we have it the ambit of telecommunications interception powers has been broadened considerably and I have supported that all the way. To get into a narrow definition on what is a drug offence could seriously prejudice the exercise of the power because frequently drug-type offences do occur in conjunction with other criminal activity, and it would be quite unfortunate for some argument to arise in the courts as to whether or not the power had been exercised in relation to a narrowly defined Act.

This Bill is, as I say, complementary to the Commonwealth legislation and when passed will give our State police a very valuable investigatory tool of which I have been very supportive publicly ever since the matter was first raised in early 1985. The Opposition supports the second reading.

The Hon. I. GILFILLAN: The Democrats support the second reading of the Bill. In doing so I would like to express our profound concern at the introduction of telephone interception, although recognising that it has been presented to us with a variety of safeguards and precautions which were mentioned in the second reading explanation and also the remarks of the shadow Attorney-General (Hon. Trevor Griffin). I do not intend to repeat those. I believe it will be very difficult—in fact impossible—to ensure that the telephone calls of innocent people will not be intercepted. The range of circumstances in which the police can present a case to ask for permission to intercept telephone communication is bound to impact on people who are innocent and whose telephone conversations may well be a source of great embarrassment and a serious invasion of privacy. I believe that, on balance, it does provide an instrument for tracking down serious crime of such value that these fears and concerns are not insignificant but become less significant in our approach to this legislation.

However, I want to make a couple of comments about some amendments that are on file. That may foreshorten some of the discussion in the Commitee stage. It seems as though, in the Bill, the Government has indeed gone to some pains to ensure that the presentation of the argument for approval for telephone interception has been as well safeguarded as can possibly be arranged. However, the authority that will be supervising and vetting the police activities as far as telephone interception is concerned is stipulated as the Police Complaints Authority. The Democrats are not confident that that is the right authority to vet the day-to-day detail and report directly to the Attorney-General because, although the judge originally granting permission may have been at great pains to ensure that there would be no abuse of this legislation, the actual recording of what takes place and how these reports are handled will be critical. The identification of the abuse and misuse of material that may have been quite legally gained will be the real threat from introducing this quite dramatic procedure into our community life.

Therefore, I have placed on file an amendment providing that the authority is reconstituted as the inspection authority, and it would comprise a judge or magistrate appointed by the Chief Justice of the Supreme Court. My feeling is that this puts the inspecting authority completely outside of the control and direction of the Government, and influence and possible face-to-face persuasion by the police. As I say, I consider the Police Complaints Authority, with its constant involvement with the police, is susceptible to such influences. I indicate to the Council that my proposal may not be the optimum, and that other alternatives may be worth considering. I argue that my proposal has the advan-

tage that, first, the person who is the inspection authority will not be appointed by the Government, as is the case with the Police Complaints Authority, and that the inspection authority would be appointed and supervised by the principal who stands at the highest of integrity in our State's structure—the Chief Justice. So, I indicate the Democrats' support of the legislation. I look forward to some discussion and amendment in relation to the details of the inspecting authority. We support the second reading.

Bill read a second time.

RADIATION PROTECTION AND CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 August. Page 359.)

The Hon. R.J. RITSON: The Opposition supports this Bill for the reason that it appears that the Bill has been agreed to as between the mining company and the Government. The Bill concerns fees for a licence for the Roxby Downs mine, under the Radiation Protection and Control Act. The principal purpose of that Act was to provide, amongst other things, Government control over the type of equipment in use in medical premises, the safety of X-ray machines, the monitoring of the health of people working with them, and the control of the adequacy of training such people. It is a somewhat strange result to have this Act embrace such a huge and different enterprise as the Roxby Downs mine. My advice is that the licence to operate with radioactive materials is traditionally a once only licence in relation to medical practitioners and hospital premises, and that the sum of money that would be paid during the life of the 50-year mining lease at Roxby Downs is a very large, but as yet undisclosed, sum, a sum which would be a great imposition if paid on a once only basis and thereby covering the next 50 years of that mining lease.

The Bill therefore proposes to enable the licence fee to be paid in instalments. As I say, information about the amount of the fee, whether the fee is truly related to the costs of health surveillence of workers from the radiation point of view, or whether it is a tax, is not forthcoming to the Parliament, and that concern has been stated in another place. Nevertheless, in the absence of that information, since the matter seems to have been agreed between the mining company and the Government, that a certain amount of money be paid in a certain way, far be it for this Opposition to interfere with that arrangement. However, I hope that in due course the Government will see fit to give us a more detailed explanation of what has been agreed to. Having said that, I support the Bill.

The Hon. M.J. ELLIOTT: We are certainly debating one thing and one thing only, and that is the Radiation Protection and Control Act Amendment Bill as it relates to Roxby Downs, and the continuing saga of the hypocrisy of the Labor Government, with the immense inconsistencies in its policy and in the way in which it behaves. It is indeed a sad time as this project progresses further along. The Government has extremely supple loins: not only does it reverse its policies extraordinarily easily but as soon as some complaint came from the joint venturers about the way that the fee was to be charged once again the Government gave in. It is now willing to grant a 50-year licence and collect a fee annually, something that had not been contemplated previously.

I also share the concern of the Hon. Dr Ritson that there has been no indication as to the size of the fee, although I have heard mentioned $100 000 a year from what I think is a reliable source. If that is the case, the difference for the joint venturers is the question of having to pay $5 million up front or paying $100 000 a year for the next 50 years. That makes a considerable difference in the input to the Government's coffers. An amount of $5 million up front as an investment would have a value of something like $25 million at the end of 50 years.

The Hon. R.J. Ritson: It would pay for a lot of film badges.

The Hon. M.J. ELLIOTT: It would do a lot of things. However, an amount of $100 000 a year would have a diminishing value. There is no indication whether the Government has any intention of regularly reviewing that fee. Will it be $100 000 for the next 50 years or will the value be maintained by regular increases so that we can recover the costs associated with the health aspects of radiation protection and control? There is no indication whatsoever of this. I am concerned that the Government is asking for a blank sheet and for us to sign now with no real indication being given of what will happen on that sheet after it has been handed over.

The second matter of great concern is the speed with which this Bill appeared and passed the House of Assembly. Once this has been passed and signed by the Governor, we will see the full mining licence. I expect trucks to be rolling through supposedly nuclear free zones in Adelaide within two weeks. All the intelligence that has come my way suggests that the trucks are ready to roll. The Government tends not to move legislation very fast at this time of the session, but this Bill is moving extraordinarily fast.

The Opposition is clearly more than happy to cooperate, even though it has concerns about not knowing the fee. We now have a Labor/Liberal coalition with the Democrats increasingly becoming the Opposition Party. The Democrats indicate their opposition to the Bill. We are being asked to sign a blank cheque and, although we know the purpose of that cheque (we are extremely concerned about it, that in itself), signing blank cheques is not a good practice.

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 18 August. Page 358.)

The Hon. L.H. DAVIS: It is sad and somewhat disconcerting, when one sees the pages of Adelaide's daily papers filled with stories about a summit for Adelaide, that this city of one million people has so lost its way that we need a talkfest of top people to put us back on the rails. The suggestion that development and the way it is done in Adelaide and South Australia has to be put under a microscope is a sad reflection on the state of this State. Can one imagine that suggestion being seriously made and debated in Perth, Brisbane or Sydney? I think not. Just two years ago we celebrated South Australia's 150th anniversary in grand style. The sesquicentenary was a celebration of the State's history—our not inconsiderable achievements with limited resources and a time to look to the future. The most worthwhile projects of the sesquicentenary were those which also benefited future generations, for example, the several museum projects in Adelaide and regional centres.

The starting point in any debate is surely to recognise our strengths and our weaknesses. We should understand that Adelaide with one million—South Australia with 1.4 mil-

lion people—has only a small share of the nation's population. In fact, this State's share of the nation's population is about 8.5 per cent. It is just a pinhead of people on a world map which now encompasses about 5 billion people.

Adelaide's greatest asset is the planning of Colonel William Light, its parklands and its 19th century buildings—the elegant Victorian architecture of the North Terrace cultural precincts and the bluestone and stone villas of the nearby suburbs.

Adelaide and South Australia are not the centre of the universe. We should be prepared to learn from what is happening in other parts of Australia and in other countries of the world—not only to learn of good ideas but also how to avoid problems. We should be about pursuing excellence and not accepting mediocrity.

A politician in Opposition has an invidious role. To some people Opposition Parties are in trouble because of their excessive carping, criticising, knocking and whingeing. However, criticism of Government projects, initiatives or administration must surely be justified if the execution is not first rate. Many exciting developments have taken place in Adelaide over recent years, and I will list in no particular order some recent exciting developments and individual achievements of which all South Australians should be proud.

First, the sesquicentenary celebrations under the leadership of the very underrated Kym Bonython gave many old and young South Australians the opportunity to learn of their State's history, and communities throughout South Australia were given the chance to celebrate and in many cases participate in a project that would bring tangible benefits to future generations.

The redevelopment of Port Adelaide and the proposed redevelopment of the East End Market are projects which clearly demonstrate their economic benefits in linking development, heritage, arts and tourism.

The O-Bahn busway has been a spectacular success and was made possible because the Tonkin Liberal Government inspected this novel idea in Germany and adapted it to service the transport needs of Adelaide's north-east suburbs. It is an example of learning something from overseas.

Sir Donald Bradman, who turns 80 years of age next Saturday, was recently voted Australia's greatest ever male sportsman. Sir Donald's style, wit and, in earlier days, business acumen mark him as one of the great Australians and a model for any budding sports star. I would like to think that Sir Donald may nudge yet another century.

South Australia's Technology Park is the undoubted leader in Australia in the difficult, often money-draining sharp end of technology where results may take years to achieve. The development of technology means walking the path of patience. That is difficult for Australians, many of whom sadly see a short-term investment as being a ticket in the next race and a long-term investment as being a ticket in next week's X-Lotto.

The Hon. R.I. Lucas: Who developed Technology Park?

The Hon. L.H. DAVIS: That was the Tonkin Liberal Government as well.

I want to commend the townships of Blyth, Mintaro and Penola which can be models for all South Australian towns, but for different reasons. Blyth, to the west of the gently rolling hills of the Clare Valley, is only a few minutes drive from Clare. The 1986 census showed that in the Blyth District Council there were just under 800 people. Blyth should be a town now fighting for survival, but the people of Blyth are proud and are fighters.

Their town is neatly signposted for tourists. There is a helpful tourist information board. Ian Roberts, an artist who I understand specialises in bird paintings, owns the Medika Gallery which has recently won a State tourism award. Blyth, as all members know, has fought hard to stop its hospital from being closed down. That was exemplified by the fact that in the Australia Day parade there was Blyth, being a bit political perhaps on a non-political occasion, but nevertheless making a point about its hospital.

An honourable member interjecting:

The Hon. L.H. DAVIS: As my colleague has reminded me, Blyth also gave the world Michael Pratt.

Mintaro, a village on the historic copper route from Burra to Port Wakefield, was at death's door a decade or so ago. The so-called 'out of towners', 'fly-by-nighters' and 'rubbernecks'—the description of people who were not born in the district but who have gone there to live—have revitalised this village. In fact, the whole of Mintaro is now a heritage precinct and is one of the most popular tourist destinations in South Australia.

Fran Gerard and Martin Stanley have just won a top State tourism accommodation award for Mintaro Mews. Wally Tonkin's Antique Shop, Robinson's Fire Museum. Reilly's Cottage Art and Craft Shop, the delightful Magpie and Stump Hotel and the nearby Martindale Hall are all vital pieces in this most attractive tourist jigsaw at Mintaro. It makes the point that out-of-towners can make a sensitive and beneficial contribution to tourism in the region and, most importantly, create employment in rural areas which otherwise might be struggling and losing jobs.

Penola in the South-East, adjacent to the famous Coonawarra wine region, is another example where hard work and vision has given the town a tourist industry that it did not have a few years ago. Old buildings have been restored and cute shops have been opened which have brought a lot of style into the township.

There has been the recent restoration of the interior of the Adelaide Town Hall and the Adelaide Post Office opposite. How many visitors get to see this splendid restoration work or even know of its existence?

The wine industry in South Australia, which in direct and indirect employment from grapes to glass must employ at least 10 000 people (on my estimation), produces 60 per cent of Australia's wine. How many people know that fact? Wine industry leaders are also tourism industry leaders setting examples to Governments on how to get things done. The Clare and Barossa Gourmet Weekend shows how harmoniously food, wine and arts come together.

The *Adelaide Review* is a delight to read.

There is the success of the world's top studs at Collinsville and Bungaree in South Australia's Mid-North. When the possibility of the submarine project was first raised the Chamber of Commerce and Industry recognised the enormous potential of the project and, with the State Government, private sector planning and hard work, South Australia won a major part of this important employment-creating project.

The continued development of the State's museums—the Maritime Museum at Port Adelaide and the Migration and Settlement Museum—and the redevelopment of historic buildings on North Terrace reflect South Australia's long-standing bipartisan commitment to the arts.

The recent growth of the bed and breakfast industry gives overseas and interstate visitors and, in fact, South Australians themselves the opportunity to enjoy South Australia's heritage and natural attractions in comfort. I should declare a small interest in that matter.

The quality of research at the world-rated Waite Research Institute, the University of Adelaide, the Flinders University and the Institute of Technology are examples of long-standing excellence in South Australia. How many South

Australians know that for the past four or five years Flinders University has been awarded more research moneys per academic staff member than any other university in Australia?

The Australian Grand Prix will be raced in Adelaide for the fourth time in November. That Adelaide won a place on the exciting Formula One calendar of races reflects the vision and determination of Kym Bonython and Bill O'Gorman. It was their idea; it was their concept. Their case for Adelaide was picked up and developed by the Government for the benefit of all people interested in motor racing and, of course, also for the benefit of tourism and the general promotion of South Australia.

The leadership of the South Australian National Football League in developing Football Park and in making the judgment to stay out of the Victorian Football League, so avoiding the debacle that occurred to the domestic football competition in Western Australia when the West Coast Eagles entered the Victorian Football League, is an example which shows that parochialism has its place.

Roxby Downs—arguably the world's largest underground mine—will come on stream later this year. It is worth remembering this ore body was first discovered in 1975 and that it has taken 13 years to bring it to the production stage. It is an example of the risks and costs associated with major mining projects. Roxby Downs, now a township of several thousand people, has been created in the desert.

The Hon. R.I. Lucas: Who said it was a mirage in the desert?

The Hon. L.H. DAVIS: I think the Premier said it was a mirage in the desert! I guess he will be walking through that desert later this year when he goes to the official opening ceremony.

The Stony Point liquids scheme was added to the Cooper Basin gasfields. The Stony Point scheme was completed in the early 1980s and was the biggest capital project of its type in the world at that time—well over $1 billion.

The Hon. R.I. Lucas: Which Government did that?

The Hon. L.H. DAVIS: Again, that was an initiative under the Tonkin Liberal Government. I am trying very hard to be even-handed in this.

Members interjecting:

The Hon. L.H. DAVIS: I am calling it as I see it. The economic benefits flowing from the gas and oil projects out of the Cooper Basin are obviously enormously beneficial to South Australia, not only in terms of employment but also in terms of export dollars and other income that is generated within this State.

The Adelaide Casino is an attractive use of an important Adelaide landmark.

The bicentennial Adelaide Festival of Arts was most successful, and we should not forget that the 'Festival State' is a major selling point for the State, being carried in fact on our car registration plates; it is our signature for South Australia.

Those are the 20 positive points that I would highlight.

I now want to examine what are the not so good features, but not in any particular order. I have not made an exhaustive list of either because I want to dwell on another subject this afternoon. I have not gone to such great lengths because I have tried hard not to be too political in this list.

One of the problems that concerns me about South Australia is our continued lack of population growth. Consistently, we have the lowest population growth in mainland Australia.

Western Australia and Queensland have a population growth three times that of South Australia. A growing population through migration and natural increase has economic benefits. It helps to ameliorate the fact that we have an ageing population. It is a matter of concern that our ageing population, that is, people over 65 years of age, is now 11.6 per cent against the national average of only 10.5 per cent. There are undeniable economic benefits flowing from population growth. It is reflected in Western Australia in which, as I mentioned, the population growth is three times that in South Australia, and which is producing twice as many houses as is South Australia. That has resulted in an additional 25 000 to 30 000 jobs per annum, just in the housing industry alone, in Western Australia.

Secondly, tourism in South Australia has lost its way. For the past two years there has been much talk but little action. It starts from a visit to the airport, where there is a lack of trolleys, and it continues with inadequate signposts. It shows in the lack of money in marketing. No other Australian State spends so little in marketing tourism. Certainly we have heard noises that all will change on Thursday, but look at the ground we have lost in the past few years.

Government waste is most certainly a matter of concern to the South Australian community. I refer to the South Australian Timber Corporation and the *Island Seaway*. The list, as members opposite are only too painfully aware, can go on for a long time.

I refer to the Government's budget strategy of achieving a balanced budget, not by cutting expenditure as much as by increasing taxes, not so much by chopping out waste but by increasing taxes, and not so much by selling off Government assets because of the restricting influence of political dogma but by additional borrowings.

Also, the sad ugliness of much of Adelaide's twentieth century architecture is of much concern to me. A wellknown Adelaidian recently returned from Brisbane and a visit to Expo said to me, 'You know, 10 years ago I used to come back from Brisbane feeling a little bit smug, because it was a bit of a hick town. I do not come back feeling smug any more—Adelaide is clearly falling behind.' Consider the ASER development which the Premier boasted would be a magnificent development. If you like, it was to be the jewel in Adelaide's twentieth century architectural crown. Sadly, now that it is nearing completion a judgment can be made.

The rough cement lift walls on the east and west side of the hotel are awful. I was at lunch the other day at an Adelaide restaurant; I came out and walked past the hotel, when the people with whom I dined said, 'It is going to be much better, isn't it, when they have finished the hotel.' I said, 'What do you mean, "When they finish the hotel"?' They said, 'When they have painted the lift walls the same colour, or put cladding on them.' I said, 'What you see is what you get—it is finished.' Certainly, the original plans did not show the colour as we now see it. A person standing at the North Terrace/King William intersection or on the Festival Plaza is confronted by its ugliness (I am talking about the area for the lifts). It looks like a multi-rise concrete meat safe, and that is not all.

In August 1986 the State Government was told that the office building adjacent to the hotel was to be silver-grey, and that is clear from a letter I forced the Government to table earlier this year. However, in December 1987 the Premier (Hon. Mr Bannon) expressed shock, outrage and horror that the colour was not honey coloured, as he had expected it to be and, indeed, as the original plan had made clear it would be. He tried to do something about it and could not because it would cost $4 million-plus to change it to the Premier's preferred colour. This is the premier development in South Australia. Along with many other people in Adelaide I was appalled that such a mistake could occur. Now we hear that we are getting an exhibition hall

of 3 000 square metres, a size which all the top exhibition organisers in Australia say is a joke.

I turn now to the arts. As I have said, we can be proud of the most recent Festival of Arts and all the Festivals which, since 1960, have helped put South Australia on the arts map. However, we should not be too gruntled now that South Australia has lost its national leadership in the arts. The closure of the Stage Company last year was just the tip of the iceberg. There are difficulties in many other areas that reflect not only on the Minister of Arts but also his Assistant Minister, the Hon. Barbara Wiese.

I refer to the destruction of the historic Grange vineyard, which was a shameful affair. For a State claiming leadership in the wine industry, would it not have been a wonderful site just 7 km from Adelaide for a national wine museum?

South Australia is becoming the transportable capital of Australia. I have every sympathy with people who cannot afford more expensive housing, but there are several heritage towns in South Australia whose appearance is being badly spoilt by the indiscriminate siting of transportable houses.

As to Government meddling in business, why is the State Government buying Enterprise Investments in Thorn EMI at a time when countries and Governments of all political persuasions around the world are selling off commercial ventures which can be better handled by the private sector?

The Hon. Diana Laidlaw: Like Western Australia?

The Hon. L.H. DAVIS: Maybe the Premier is taking a leaf out of the book of Western Australia and trying to form a mini version of WA Inc. and call it SA Inc. It certainly is a surprising move that the Bannon Government by acquiring industries and companies has gone in the reverse direction.

Inevitably Expo has to be mentioned because South Australia by its performance in 1988 at the Brisbane World Expo has completed a unique third leg of a triella. In New Orleans, South Australia was not in the Australian Pavilion and that was admitted by the then Minister of Tourism (Hon. Mr Keneally) who said it would not happen again. In Vancouver, in 1986 it did happen; again, South Australia was not sighted, and in fact the new Minister of Tourism (Hon. Barbara Wiese) did not even know that Australia had a pavilion in Vancouver. That is how much the Department of Tourism, and in particular the Minister of Tourism, were on top of the portfolio. Then, of course, in Brisbane there has been a mad scramble, an enormous public relations effort to try to cover up the undeniable fact that, of the nine Australian pavilions representing the States, Territories and Australia itself, there is no question that South Australia's pavilion is the weakest of all.

I was there in the second week and the pavilion was not even completed at that point. The sad thing was that was at the time when the media around the world were making their judgments of the pavilions to see and those not to see. As we all know, South Australia did not rate. When I was there, there was no casino wheel or racing car. It was just a barren piece of floor with no people on it, as people congregated around the very neat, novel, colourful and attractive displays of the adjacent Northern Territory and Tasmanian stands.

An honourable member: You still had to queue to get in to see it.

The Hon. L.H. DAVIS: You did not have to queue for South Australia, you just walked straight in. In fact they grabbed you, just to help fill it up.

Finally, the Government insists on compulsory unionism in South Australia, even to the extent of requiring people receiving Government moneys in some cases to join a union before becoming eligible for that money.

In dealing with the pluses and minuses in South Australia in recent years, I also want to touch on one particular industry which I believe is very much underrated and underpromoted by the Government of South Australia—the wine industry. In South Australia there are now 159 wineries, 47 of which are in the Southern Vales area; 41 in the Barossa Valley; 21 in the Clare Valley; 11 in the Adelaide Hills; 11 in the Riverland; 20 in the Coonawarra-Padthaway area; and two at Langhorne Creek. There has been an enormous growth in wineries in South Australia. In 1961, there were just 69 wineries, so the number has more than doubled in the past 25 years. Vines under cultivation for wine production in South Australia occupy 23 000 hectares or approximately 57 000 acres. It is not possible to get an accurate figure on direct and indirect employment in the industry but the census shows that in the wine and brandy production area over 2 300 people are employed.

I estimate that some 10 000 persons are employed in grape growing, production of wine and brandy, packaging, marketing, transportation and the wholesale and retail operations of the industry. It is a very significant industry in South Australia. South Australia of course is the wine State. It produces approximately 60 per cent of all wine. South Australian exports of wine accounted for some $28.5 million in 1986-87 and it is growing quite rapidly. Australian consumption of wine has levelled off at just over 20 litres per head, and that pattern is also obvious in some other countries, such as America. There has been a falling off in cask wine but an increase in demand for quality wine.

The United States also has had a similar experience. They do not call it cask wine there; they call it jug wine. In America in 1987, consumption of wine per head fell for the first time since 1962 and that reflected in particular a fall in the consumption of jug wines and coolers. So the emphasis is very much on quality. People in aggregate are drinking less but better wine. It is interesting to note that consumption per head in Australia is roughly double that in America. Australian wine exports to America have jumped dramatically in recent years from $6 million in 1985 to $22 million in 1987 and, recently, to give emphasis and thrust to our exports into that big market of 245 million people, an Australian Wine Importers Association has been established in San Francisco.

Last month I was fortunate to travel to California and spent a few days examining the Californian wine industry. California is a remarkable State. With 36 million people it is the most heavily populated State in America and, if California was its own country, it would be the sixth or seventh largest nation in the world in terms of gross national product. It is a State with incredible and diverse resources, not the least of all the people.

The wine industry started with the Franciscan missionaries who came from Mexico in the late eighteenth century and they established 21 missions from San Diego to Sonoma county just an hour north of San Francisco. The north-south mountain ranges, which are a feature of California, inevitably lead to very diverse climates. There are hundreds of micro climates which enable a wide range of grape varieties to be grown in California. That was not known at the time the missionaries came in to San Francisco, but certainly wine was important in their daily rituals. Then, in the early nineteenth century, French vine cuttings were introduced which gave the industry a fillip. In the mid-nineteenth century, the Californian gold rush brought thousands of miners to California and, as people would appreciate, miners did not mind the odd drop or two.

Just a few decades after that, phylloxera all but wiped out the wine industry in California, and just as they had overcome the setback of phylloxera prohibition was on them. Prohibition outlawed the commercial production and sale of wine and other alcohol between 1919 and 1933. That put most winemakers out of business, apart from producers of medicinal and sacramental wines. However, it is interesting that in California each head of household was permitted to make 200 gallons of wine per year, so it kept some expertise in California. There were quite a few basement cellars and wine producers.

The Hon. R.J. Ritson: House parties?

The Hon. L.H. DAVIS: Yes, house parties—perhaps that is where the term 'house wine' came from. Today California is the centre of the wine industry in the United States, and produces 90 per cent of all the wine in the United States. Eighty per cent of Californian wine is produced in the Sacramento and San Joaquin Valleys—but those are not the areas that are best known to wine lovers around the world. The Napa Valley and the Sonoma Valley are most certainly the best known of the quality wine districts of America. Sonoma County, with some 300 000 people, has 28 000 acres under cultivation, and the Napa Valley has about 25 000 acres under cultivation. In other words, those two adjacent wine districts have about 53 000 or 54 000 acres—incidentally, about the same amount of vineyards are under cultivation for wine production as for the whole of South Australia. However, as I mentioned, they produce only a small part of California's total wine production—about one-sixth.

In relation to the Sonoma Valley, for example, its 28 000 acres is split evenly between white and red wine grape varieties, with Chardonnay accounting for over half the acreage of white wine grapes and with Cabernet Sauvignon and Zinfandel dominating the red plantings. America rates sixth in the world for its production of wine, ranking well behind Italy and France, which compete for the title of the world's largest wine producer. So, America, ranked sixth, with 436 million gallons in 1987, remembering that 90 per cent of that is produced in California, produces about four times Australia's production, with Australia ranking twelfth, with 108 million gallons, in 1987.

Australia is becoming quite an important exporter of wine to America. As I have mentioned, there has been a dramatic increase in exports in the past two years, and we now rank as the sixth largest exporter of table wine, to America, with 1.8 per cent of total United States table wine imports.

The point that I want to dwell on today is the importance of the wine industry to the economy. In California, 8 per cent of all harvested agricultural land is planted in grapes. In fact, it is one of the top four agricultural products in California, in terms of farm value, and only half of those grapes are used for wine production. Some $US5 billion of Californian wine and $US500 million of Californian brandy were sold at retail throughout the United States in 1986. They estimate that 15 000 people are employed in California at the grower/farmer work level, with 40 000 jobs in production, packaging, marketing, transportation and support activities, with a further 20 000 jobs in wholesale and retail operations, generating a total of 75 000 jobs in California, and this is together with all the property tax, excise tax, sales tax, licence fees and income taxes which flow from the industry into government.

The Napa Valley is undoubtedly the best known of those two wine districts. It is perhaps best known because Robert Mondavi more than anyone is responsible for the Napa's fame. He has been a one-man convention and visitors bureau.

The cost of acquiring vineyards in the Napa is staggering. Producing vineyards are now selling at $US30 000 to $US35 000 per acre, depending on the variety of grape and age of vines. The cost per acre in the Sonoma Valley is about $US20 000-plus.

The Sonoma County Convention and Visitors Bureau is very active in selling the Sonoma Valley as a tourist attraction, and the wine county calendar is full of delights for visitors, such as a crab feed, an old-time fiddle contest, the super mile, the midsummer Mozart festival at a winery, the Citrus Fair, the Valentine's Day Sweetheart Ball, the Winter Wine Fest and Cultural Art Show, a country folk festival, the Redwoods Summer Music Festival, and Music in Vineyards, where there are eight concerts ranging from folk, jazz, Vivaldi, poetry, singing, chamber music and opera. There is also a vintage fashion show, the World Singles Croquet Championships, a rose festival and parade and a kite festival.

The Hon. T.G. Roberts: No ballooning?

The Hon. L.H. DAVIS: Yes, certainly ballooning is a very big activity in that area. There is the Petaluma Summer Music Festival, festival film services, a carnival of the animals for children, jugglers, clowns, music, crafts and free concerts, and there is also the Russian River Wine Fest. There are wine tasting championships, which are held over two days at a vineyard. People are given eight wines to taste and the winners move into the finals when prizes are awarded for the top tasters. Food is often grilled over grapevines, to give the food a sweet earthy flavour. There are excellent and easy to read guides to wineries setting out phone numbers, hours, retail prices, where gifts are available and where there are picnic areas, and so on. There are horse-drawn vineyard tours and also farm trails in these valleys with maps indicating where apples, plants, flowers, bacon, beef, honey, cherries, Christmas trees and wool products can be purchased and where picnic and party areas are located.

The Hon. T.G. Roberts: Is signposting adequate?

The Hon. L.H. DAVIS: The signposting everywhere was excellent and we did not get lost once. There is a bed and breakfast exchange, which enables a person who wants to spend some time in the valley to ring a number and arrange a booking after indicating what is required, the dates, and the price range. The Napa Valley has a wine auction which has been held every June since 1981. The proceeds benefit local hospitals and charities. There is also the opportunity in Sonoma to go to a vineyard to pick grapes, and to have a pickers' picnic at the winery, where the grapes are crushed, with the opportunity to come back in a few months to sample the wine. A few months later still the picker picks up his or her own wine made from premium grapes.

The area is of interest also for its history. Robert Louis Stevenson married an American in San Francisco in 1880. As he had advanced tuberculosis he travelled to the warmer regions of the Napa and stayed at Calistoga and then on the mountain near St Helena for just a few months. When he subsequently wrote *Treasure Island* and other novels he based some of the scenes on the area where he had spent these few happy months. As a result of that, St Helena has established a collection of Stevenson, called the Silverado Museum. St Helena, in the heart of wine country, boasts this marvellous small museum, which contains original letters, manuscripts, photographs and paintings of Stevenson.

So, that is part of the background to the wine industry in the United States. The industry works closely together, assisted by a large promotional budget made possible by a bed tax and other fees. For example, in Sonoma they collect 7c a case from each of the wineries which goes into the

annual budget for marketing. Most of the wineries take part in a national tour, which last year saw consumer trade and press tastings in 16 States of America. A wine institute based in San Francisco helps ensure that the wine industry in California keeps on top of legislative difficulties and provides an enormous amount of economic and statistical information relating to the wine industry. The wine institute's public relations department educates the public and promotes Californian wine.

The Department of Health and Social Issues in California works to educate consumers, media and medical professionals about wine as a moderate food beverage and also manages medical and social research projects, coordinates grants to reduce alcohol abuse and monitors scientific research to provide support to other industry efforts. The wine institute in San Francisco also maintains one of the country's finest wine libraries for the use of members and accredited writers. It has more than 3 000 volumes and an extensive collection of periodicals and historical files.

So, the Napa and Sonoma were exciting wine counties to visit. It clearly showed the economic benefits flowing from the production, promotion and sale of wine, and the industry's close link with food, music, art, theatre and community activities, which were often centred around vineyards. Quality products were for sale at many wineries, good shopping, top bed and breakfasts and a high premium placed on heritage and cultural tourism. Something is to be learnt from the Napa and Sonoma. There is a link with South Australia. South Australia has many winemakers who have had close links with the Californian wine industry, for example, Tim Knappstein, Peter Lehmann and Brian Croser. There are lessons for South Australia from those two regions. The Sonoma and Napa place an emphasis on excellence, enjoyment and experience.

South Australia is the wine State, producing close to 60 per cent of Australia's wine. However, a visitor to Brisbane Expo would not have had that impression. I am most critical of the Government for its failure to drive home this unique advantage that we have in South Australia—not only the economic benefits of the industry but also the benefits for tourism.

The visit to the Napa and Sonoma for me underlined what one wine critic once said: that wine is bottled poetry. A close link exists between wine, culture, heritage and tourism. It is something that is done with great flair and sensitivity in those two regions. I hope that in South Australia we have the opportunity to match the efforts of the Napa and the Sonoma.

[*Sitting suspended from 5.57 to 7.45 p.m.*]

The Hon. R.J. RITSON: I support the motion for the adoption of the Address in Reply and in doing so I reaffirm my loyalty to Her Majesty Queen Elizabeth, Queen of Australia, and to her representative in South Australia His Excellency Sir Donald Dunstan, Governor of South Australia. I thank His Excellency for the speech with which he opened Parliament and I join with him and with members of this Council in expressing condolences and regret at the death of the late Pastor Sir Douglas Nicholls, a former Governor of South Australia and a truly good man. I join also with other members in this Chamber in welcoming Mr Julian Stefani to this Parliament and I am sure that we can look forward to his making a very worthwhile contribution to the legislative process in this State.

The occasion of the Address in Reply is one on which members may in a grievance fashion canvass a wide number of subjects or may deal specifically with matters in His Excellency's speech. On this occasion I propose to talk about one issue, that is, the issue of euthanasia. Over the past few months there has been increasing activity by the Voluntary Euthanasia Society. A number of articles in newspapers have described in a fairly emotional fashion the distress that is caused by terminal illness, and these articles imply that the passage of legislation permitting euthanasia will be, on balance, good, rather than bad, for society. It is a very complex subject and I will not be able to canvass the matter in its entirety on this one occasion. However, I am sure that there will be an increasing amount of debate about it. It is strongly rumoured in the community that we are likely to see perhaps next year a private member's Bill on this subject in this Council.

What does the word 'euthanasia' mean? The subject is clouded in euphemisms as people talk about the right to die—death with dignity and active and passive euthanasia—but when all the cliches are swept away what we are left with is a discussion as to whether doctors should be permitted to kill their patients at their patient's request. That is what the debate is about. The question of withholding treatment *in extremis* or withdrawal or refusal of treatment of patients is already adequately dealt with by compassionate current medical practice and by the Natural Death Act, which deals only with the rights to refuse useless and distressing treatment when the patient is inevitably dying, although the common law probably gives us all a right to refuse a much wider range of medical treatment, including treatments which could save life.

As I say, those matters are not in contention. The one thing that remains for the proponents of euthanasia to achieve is a change in the law whereby doctors are permitted at their patient's request to take active steps to kill them, (that is, probably by poisoning) or to aid and abet their suicide. There are certain present legal obstructions to that because active killing is murder, and aiding and abetting a suicide is a criminal offence. So, I want to talk for a moment about the consequences and complications that present should anybody propose such changes in the law.

First, the argument is put about that there is some natural right to do what we wish with our bodies, including bringing about our own deaths. I want to talk for a moment about the sorts of circumstances under which people might express a desire to be killed or for assistance in their own suicide.

There being a disturbance in the President's gallery:

The Hon. R. J. RITSON: Mr Acting President, it is common for speakers to be disturbed by discussions of members on the benches. It is distressing to be disturbed by laughter of strangers coming from the President's gallery, and I seek your protection on this matter.

The ACTING PRESIDENT (Hon. J.C. Burdett): Order! I ask that everyone in the Chamber please be quiet and enable the speaker to be heard.

The Hon. R.J. RITSON: Thank you, Mr Acting President. The first category of persons that may seek death at the hands of another involves people who are suffering an inevitably fatal disease, have commenced the process of dying and who may ask that their sufferings be alleviated by being rapidly put to death rather than continue to suffer. Another group of people who may request death are those who are not in any sense inevitably dying but who suffer a chronic painful disabling condition. In those cases the request for death may not merely be a product of the pain but a product of inability to see any further usefulness in a painful life when unsupported by friends and relatives and apparently having no other purpose in life which would sustain them in their pain.

Then, there are conditions which are emotionally distressing because they are disabling, even without pain or being

fatal—disabilities such as amputeeism, blindness, paralysis: combined with a depressive reaction, such a person, as contemplates his life and perhaps his lack of friends, lack of self-worth, because he may not be contributing to society, may wish for death. Finally, there are people without any physical disability who are depressed and may wish for death or attempt suicide.

One of the things that bothers me about this whole debate is the argument based on autonomy—based on a person's right to dispose of themselves as they wish regardless of any attitude of society. It is their body; they have a right. I do not think that society generally accords with that degree of autonomy. We are not autonomous beings; we are subject to laws and social responsibility. To argue merely that because someone desires death they have a right to be killed presupposes that somewhere there is a duty upon others to kill them—every right has a corresponding duty.

I wonder whether we want a society which, instead of according a citizen the right to prevent a suicide or of having a Mental Health Act which entitles this State to give compulsory treatment to save the life of people with depressive illnesses, says that what a person wants is their right. I refer to a British Medical Association report on this subject that I collected while overseas in May. It addressed the attention of a committee to, amongst other things, the argument of autonomy.

I want to point out some of the practical problems and mistakes which can occur if one accepts purely the argument of autonomy because what a person thinks they want is not necessarily what they really want and not really representative of how they would react when confronted with an actual situation. The report refers to a study in Edinburgh, which involved a number of patients who had made serious suicide attempts. It is interesting that the failed suicides rarely repeated their attempt and most were glad that their lives were saved. A study of individuals who made serious suicide bids showed that only 1 per cent to 2 per cent went on to take their own lives. The report states:

> It seems there is strong reason to act so as to save or preserve life even where the individual concerned has avowed or indicated by his deeds that he wishes to die.

The point is that the origin of that wish may be complicated. It may not be the real wish and we have to think carefully before we determine that what a person thinks they want is something that they really are entitled to.

The same study referred to requests for death by people in the first category that I mentioned, the people suffering chronic pain from inevitably fatal illness. It found that in most cases where death was requested by these people it resulted from a sense of being a burden on the community, a sense of being of no further worth and that, if the persons were assured that the people caring for them really cared and were going to see them through their last illness with maximum pain relief, if they were assured that they were important to their friends and family, the requests for death ceased.

The relationship of this sort of case to the hospice movement is quite important and the British report found it was the experience of St Christopher's Hospice, London, that only a very small percentage of their highly selected group of problem cases—that is, people facing a long and painful last illness—who required specialist paleative care had pain that could not be adequately controlled and controlled without heavy sedation.

Thus, the technology exists for removing the pain of terminal illness and for comforting the person so that the perceived necessity for active killing of that patient out of mercy no longer exists. I am not saying that this care of the dying is universal or even predominant at this stage in society, but I am saying that the technology exists—the knowledge is there—and what society should be doing is teaching, educating and putting in resources to make sure that in the future no-one suffers unnecessarily in their last illness.

The perceived need for euthanasia in the last illness is something that can be done without because the medical profession should be working towards better care of the dying. It should be working towards the dissemination and teaching of the technology which enables an optimal death. To sell out that endeavour to a change of law that says 'We will kill the people instead' is to my mind a retrograde step.

The study at St Christopher's Hospice furthermore made an interesting observation: that in the small number of their problem patients, where pain could not be adequately controlled without heavy sedation, paradoxically it was not those patients who asked doctors to end their lives. We have to question seriously the need for a change in the law to allow active killing of patients on the basis of mercy and look to the dissemination of knowledge, throughout the helping professions, about paleative techniques and hospice care.

Of course, there are a number of other problems if one starts to determine that there can be killing of other groups I have mentioned because, as I say, all of those people who are not terminally ill are, in effect, treatable in other ways and I do not know anyone who would seriously contemplate an officially and legally sanctioned system of killing people instead of treating their depression.

In the framing of any euthanasia laws many problems come to mind. Should the killing be done with prior approval, or should the doctors concerned merely decide, perhaps as they do with the termination laws at present, that a certain case meets whatever criteria are laid down in the particular law, record the matter and do the job and then send off the forms to the Government? Would the Government want to register the euthanasia? Would it want to review it after the event or approve it prior to the event? If it approved it prior to the event, would the approval be a review of documents, as we have in the controls over the authority to prescribe drugs, where you must get prior approval to prescribe an expensive drug, but where the documents are reviewed and the patient is not; or would the patient be reviewed?

Indeed, would doctors themselves want to do it, or would we find that the vast majority of the medical profession would say, 'Why do we have to be the people who carry this out?' Killing someone is very easy. I could take anyone here and teach them in 10 minutes how to give a lethal intraveneous injection, so why does it have to be a doctor? We could have an institutionalised sanitorium, a State clinic, in which the small number of doctors prepared to do this work would carry out the larger number of euthanasias and, if it was with prior Government approval, one would need an office of euthanasia and a commissioner for euthanasia.

That seems to be a bit of a nightmare, but these would be things the Government would have to desire if such a Bill passed. The question of euthanasia of children would arise because people would ask, 'If this mercy death is available to adults, why is it not available to children below the age of consent?' We would then have something less than voluntary euthanasia, because the subject of the act herself or himself would be not legally competent, even though conscious and aware, and we would have a relative deciding. That might sound a bit far fetched, but the draft of a Dutch Bill that was withdrawn from that Parliament had some conditions in it that dealt with the involuntary euthanasia of children with parental consent, and I will

come back a bit later to describe the Dutch situation. So one has to get over lots of humps to introduce something which should become quite unnecessary with the proper dissemination of the principles of hospice care.

The animal analogue is sometimes raised; the idea that one would do as much for one's cat or racehorse so why deny that to one's fellow human being? Why deny one's fellow human being mercy killing? Of course, animals are very different from people and we have quite different rules about animals and, as another person said in a debate of this nature earlier on, we treat animals quite differently, anyway. We cut off their skins and wear them; we eat them; and when we put them down we do so largely for economic reasons. It is not humane at all to kill an animal instead of giving it intensive care. Most animal diseases which result in the animals being killed are in fact treatable, but at a fairly enormous expense and, once the expense exceeds the retail value of the animal, the answer is quite clear—the animal is put down. But we are different; we have this idea that each human being is rather special, that life is intrinsically valuable and should not be disposed of lightly. I believe we need to reflect that in our law.

The question of where the lobby comes from interests me because, in my experience as a practising doctor (and I have seen a number of people die; I have made decisions myself about withholding treatment from people so that their life is not unnecessarily prolonged), it is uncommon for me to get requests for death which are genuine requests for death rather than an expression of need for reassurance that the person is still valuable. The patients who have requested death from me have been people who were capable of full recovery and have recovered, and I believe that they would be quite pleased now with the state of the law that prevented me from killing them upon request.

The Hon. C.J. Sumner: I don't think anyone has ever quite suggested that.

The Hon. R.J. RITSON: I think they have. If one argues from autonomy, one is saying that the person has a right; if they want to die, they have a right. Someone put to me a hypothetical argument, not an actual argument, of a person who attempted suicide, failed, was left with some disability and a year and a half later successfully suicided. That person was not in any way terminally ill. The argument put to me was that they should be provided with the means of knocking themselves off with dignity. For heavens sake, we have a Mental Health Act that says they are not entitled intrinsically to suicide; they are entitled intrinsically to medical treatment and we can seize them against their will and treat them. They get better and come back and say, 'Thank you doctor; I am back at work now.' So, to argue that because someone wants something they have a right to it in this question of life is something which I do not believe is generally acceptable to society. However, the pro-euthanasia people so often bring up this argument from autonomy and it is just not sustainable. It is crazy to say that autonomy extends that far, but people argue it.

Mr Acting President, in my experience, the strongest arguments for euthanasia (that is, active killing, because the passive stuff was dealt with earlier) come from people who are trying to protect themselves from the difficulties, consequences and distress of watching someone else suffer. It is, without wishing to be too disparaging, an argument from well people who are afraid of becoming sick and afraid of being like that rather than an argument from the point of view of the person who is doing the suffering. One will get a much bigger lobby for euthanasia amongst well people who have perhaps not yet come to terms with contemplating their own ultimate mortality than one will get from the nursing homes.

I want to make a point now about the problems involving prior declarations because it has been put that one ought to have the right to make a living will: a written declaration. Such a declaration, made when one is legally competent, to operate if one ceases to be legally competent, is that under certain circumstances one may wish to be put to death. Many well people find that idea attractive. It is commonly said by the well people, 'When I am like that, when I am degenerate, when my leg has dropped off, when I cannot see out of one eye, when I dribble, when I sit in front of the television set all day in a nursing home nodding and not knowing where I am, I would not want to be like that. So now that I am legally competent, I want to ensure that, when or if that happens to me, rather than being left like that, I be put to death.'

The problem with that is that people who are in that latter state, people who have senile dementia for example and perhaps some brain damage from a stroke, have a present consciousness at that time which is different from the consciousness they had when they were a barrister and signed the document. They now do not remember perhaps that they signed the document; they are not legally competent because perhaps their conversation does not make sense and they are not able to express any sense of a will. But in fact at that time they may be perfectly satisfied with themselves. So what do you do, because there you have grandpa, physically and mentally degenerated, in the state he said he never wanted to be in when he signed the prior declaration (which he now cannot remember signing) but his present recollection is that he cannot remember his past, he cannot remember the document but he is looking forward to the next program on television? What do you do, drag him kicking and screaming off to the sanitorium to be killed because you have to give effect to his wishes when he was competent and not his apparent wishes now he is incompetent?

There are enormous problems in the question of euthanasia acting on a prior declaration. The more I think about the way people might draft a Bill to overcome these difficulties, the more horrified I am. For example, one of the necessary prerequisites would be the repeal of the provisions which I believe are in the Criminal Law Consolidation Act concerning the aiding and abetting of suicide. The law presently does not assume we have a right to suicide. As I said earlier, there is no penalty for suicide; such a penalty would obviously be stupid. But there is no right and citizens have a duty and a right to prevent suicide, and it is an offence to aid and abet suicide. The consequence of the repeal of that law so that it could be made, in certain circumstances, lawful for a doctor to give a deadly potion, as it were, to a patient for the patient to take themselves, opens up all the other questions as to the rights to suicide and the duties to treat. Then there is the question of suicide pacts made between people in which one person intends to survive. How do you deal with that? I believe the drafting problems are immense.

The other problem, of course, with the medical profession, if such changes in the law were to reside with it, is that, in relation to any class of 100 young people enrolling in the medical faculty in the first year, one can predict that what will come out at the other end will be about 95 good doctors, two schizophrenics and three criminals—

The Hon. T. Crothers: How many specialists are we producing?

The Hon. R.J. RITSON: What a silly remark; the honourable member has not been listening to my speech and

should go back to sleep. The point is that there are as many criminals around the medical profession as there are around other professions. In looking at a question that arose in another State recently, there was a doctor on trial for murder who had just helped a dear old fragile lady with her death and passing into another world—but he happened to be a beneficiary of her will. That is a problem.

As to life insurance, there is a form of quite cheap life insurance that gives good risk of death cover up to a certain age, but after that certain age the benefits disappear. What would be the pressures upon somebody with an incurable illness, with some time left to live but with the chance that they might survive a month too long when the life assurance disappeared? That person may indeed, out of a sense of duty to his family, request euthanasia. There is no limit to the number of pressures, subtle and unsubtle, that may operate upon a person to make them request euthanasia for reasons other than that they cannot bear to live or that they deserve to be killed as a merciful act.

I do not know how any draftsman can foresee those pressures or foresee perhaps some of the abuses and tragedies that may come out of it. But, of course, that is not to mention the things that the manner of death can do to others, apart from the subject of euthanasia. If there is encouragement or condonement between relatives and the person who decides to ask for euthanasia, will there be any residual guilt that it happened that way instead of dying peacefully at home? I do not know, and I am not sure whether anyone else knows, but the combination of pressures that could arise if this quite unnecessary step of legalising direct killing were taken could lead to a change, which was described to me by my colleague, John Burdett as a change from the right to die to the duty to die; that people in this new culture, in this brave new world that might come about if this law was changed, might in large numbers very well feel somehow that they owed it to friends, relatives, beneficiaries, or the world to request euthanasia, even if they were not sure that they wanted it.

It is a nightmare of a field. I recommend this British Medical Association report. It covers 80 pages and deals with many aspects of this problem which I have not canvassed here. It is probably one of the most definitive works on the subject in the past decade. I have several copies. It is not otherwise available in Australia. I brought it back with me from England, and I would be happy to make a copy available to any honourable member who wanted to have a look at it.

The last thing that I want to say before completing this rather incomplete foray into this complex field is that much has been made of the position in Holland. In fact, I visited Holland in May this year and held discussions with Dutch medical people with an interest in this matter, and I had described to me the legal and political situation there. I thought that I would indicate this to the Council because some lobbyists have left the impression that euthanasia is legal in Holland and that somehow that is a step forward. The intentional killing of somebody in Holland is never legal. It is murder. But in Holland's legal system there is a further defence.

Just as we have some defences to homicide, such as insanity and, in some jurisdictions, diminished responsibility and provocation, Holland has a defence of *force majeure*, and that is the notion that a major and great emotional pressure, threat, or some other major force acting on a person causing them to commit a crime can be a defence to or a mitigation of that crime. In Holland, there were a number of instances where doctors carried out mercy killings on patients and when they came to trial it was found that under certain circumstances—depending on the circumstances of each case—the defence of *force majeure* succeeded, so the prosecution developed the custom of not proceeding with any prosecution, of not proceeding to try doctors, where the circumstances of their act were such that the defence related to *force majeure* was likely to succeed.

The next step was that the Government drafted a Bill in which it sought to codify the circumstances under which this defence might be available, and they were very strict circumstances, requiring incurability, imminent death, severe pain, etc., and make the act legal. That Bill went before the Dutch Parliament but was withdrawn by the Government amidst huge public outcry. It never came to the vote, because the people there quite clearly did not want a law which provided in the statutes a list of occasions where doctors might kill their patients.

Politically, against this background there is a doctor, called Dr Pieter Admiraal, who has appeared on television openly admitting that he has killed patients and indeed has done so without their consent or desire. An anaesthetist and intensive care specialist, he has killed patients who have been in intensive care, unconscious and with severe brain injury and who, if they survived, would have been likely to be left with grave impairment of brain function; in other words, it would be very unlikely that they would resume anything like a normal life but that they would not inevitably die. It is involuntary euthanasia on the basis that the person, if they recovered, would be severely disabled. Doubtless, that matter will work its way through the Dutch courts, but that is a political challenge to the system.

Following the withdrawal by popular demand of the Bill which, in effect, would have legalised mercy killing, another Bill was introduced, and, instead of making mercy killing no longer a crime under certain circumstances, it would have acted as a set of statutory rules of court, if that Bill were passed.

So, the sorts of circumstances which in the first Bill would have said that it was not a crime would, in the second Bill, take the form of a set of court rules for judges to determine whether or not a crime had been committed having regard to the defence of *force majeure*. I do not know what has happened to that Bill: I understand that it continues to be the subject of debate, but it has more support than the previous Bill. In its working party report the British Medical Association noted that in Holland as opposed to England the system of hospice care and the system of teaching palliative care and care of the dying was far less well developed.

I have not yet touched on the questions of sanctity of human life, morals and ethics. I have scratched the surface and tried to alert Parliament to some of the complications that would have to be addressed if this Parliament ever considered passing a law that permitted doctors to kill their patients. I am terribly impressed by the British Medical Association's report, which should be read by those members of Parliament who face the grave responsibility of voting on such a Bill. The report concludes that human life is always valuable, that care of the dying is always technologically and potentially very good, but sometimes not actually very good in particular instances. The report states that the way to go is to improve care of the dying, that the law should not be changed in Britain and that the penalties should remain severe. Having said that, I support the motion.

The Hon. PETER DUNN: First, I acknowledge the death of Sir Douglas Nicholls, who was very much respected within the Aboriginal community. While he was well and able, Sir Douglas served this State in the manner to which

we are accustomed, until he had an untimely illness and could not serve out his term as Governor. By the same token, he was the first Aboriginal in Australia to be elevated to that position. He was well known and well respected.

I also acknowledge the retirement of the Hon. Murray Hill, who did a remarkable job over the years in his contribution to this State. He first served in the navy where he received much less than a pocketful of money as the reward for his efforts. With that small amount of capital he became a very prominent businessman in the real estate industry and gave great service to the community. South Australia needs people of his ilk. He had a long and distinguished career as a member of this Parliament until he retired as its grandfather. It is nice to be able to recognise the fact that the Hon. Murray Hill made such a contribution. He had a lovely turn of phrase and a lovely way of arguing a point in this Chamber, and he always kept the Opposition or the Government—depending on which side of the Chamber he sat at the time—on its toes.

I also wish to acknowledge Julian Stefani, who comes here with an excellent reputation. I look forward to his contribution. I know that he will be a great replacement for the Hon. Murray Hill and that he will prove to be an excellent member of this Parliament in the service of the people of this State in the future.

However, that is not the main thrust of my contribution tonight. I wish to speak about the State and this Government and its very weak performance over the past five years. In fact, the Government's performance is really quite atrocious. I suppose that is what the Manager of the State Bank, Tim Marcus Clark, meant when he said the other day that there were too many knockers in this State. It is interesting that immediately that was said the Premier went on the defensive and started blaming the Opposition. Which Party governs this State? Is it us—are we to blame? No, it is members opposite who control the Treasury benches and it is they who say 'Yea' or 'Nay'. It is members opposite who should be encouraging business to develop in this community. It is our job as the Opposition to review legislation and put up alternative points of view so that the public can judge whether the Government is performing well. For the Government to blame the Opposition is arrant nonsense.

It is interesting to note that the Minister of Tourism, now present in the Chamber, saw that this was happening some time ago when she said that there were knockers in the State and that we needed to encourage a bit more business. To her credit, and before our fairly weak Premier did anything at all, she came out publicly and said that we needed more development in this State. If we go back over the record and look at the development that has occurred in this State, at least since I entered Parliament in 1982, there is the bread and circus of the Grand Prix. I do not knock it; it is a good event for the State. However, if you compare it with the world Expo in Brisbane, it is a Mickey Mouse outfit.

The Hon. Barbara Wiese interjecting:

The Hon. PETER DUNN: I do not think that you have to compare it, but it is a very small event. In fact, it lasts for only a couple of days, while Expo will go for six months. So much more money is going into Queensland compared with what is coming into this State, and the Expo is so much more impressive than our Grand Prix. I do not know what business has been attracted to this State as a result of the Grand Prix. People simply come here, enjoy themselves, spend some money and then leave. That is fine because it raises our standard of living—and that is what we are about—but it does not leave a lasting impression. Every week in the newspapers we see that one State or another is trying to take the Grand Prix away from us. If the Government's present approach continues, we will lose the Grand Prix—there is nothing surer.

Members opposite should look at the previous Government's record. The Olympic Dam development was of great benefit to this State. In fact, it is probably the greatest development in Australia in the past 20 years. The Mount Newman or Hammersley Range development is probably in the same category. All available indicators show that the Government cannot run much at all or attract any new business to this State. It was a Liberal Government which put through the indenture Bill and got the Olympic Dam project off the ground. It was also the Tonkin Liberal Government which built the international airport. Of course, it is small, but we had to start somewhere. The present Government has done nothing to increase its size or even lobby the Federal Government to have it extended. We have a stupid situation at the moment where the Japanese can fly in but cannot fly out because the runway is not long enough to accommodate a Jumbo jet. Therefore, effectively, no Japanese are coming to this State for any length of time. Instead, they visit Sydney, Melbourne, Cairns or Townsville. They go into the centre of Australia and return to Japan that way. If the Government was half awake it would lobby the Federal Government to extend runway 23—and it needs only one extension—and upgrade the international reception area.

If that had occurred, I am sure that in the past five years we would have seen many of those tourists. South Australia has just as many attractions as New South Wales, Queensland, Victoria, or any other State, where those tourists visit and leave their much wanted dollar. This Government has done nothing; I have not heard a squeak out of it. I have been informed by flight service operators at Adelaide Airport that it could lose 700 people and that they could finish up in Melbourne. If that is the case, South Australia will be left with about 20 people to operate Adelaide Airport, which will be operated by remote control from Victoria. I have heard nothing from the Government about that. My press release about six months ago resulted in some publicity, but there was no response from the Government, which simply went on in its own sweet inimitable way as the Premier contemplated his navel.

The Hon. T.G. Roberts: Will we bring them over in containers?

The Hon. PETER DUNN: No, we could fly them in in jumbos, and if the runway was extended we could fly them out all the way to Tokyo. The Minister of Tourism shakes her head. I daresay that that is a reflection of how much work she has done in this area as to whether or not we can fly those tourists in or out. If she were to lobby the Federal Government and have the runway extended, a plane could take off with a full load of fuel and go straight to Tokyo. The Minister knows, as I do, that the Japanese have relatively short vacations, something like seven or eight days. So, because there is no time, they cannot enter in one part of Australia, transport themselves around the country and then leave from somewhere else. At the moment we cannot fly them out from South Australia and, because of that, we are losing many millions of dollars.

The third matter to which I refer is Technology Park, which has already been mentioned this evening. Who started that project? I think that if we look at the records we will find that it was the Tonkin Government. I think that Technology Park is an important development for South Australia. It needs bipartisan support. I agree with everthing that the Government has done in relation to it. In fact, I

think that the Government has been weak. It talks about what is going on out there but I do not think that it has made a great deal of effort. The Minister of State Development and Technology has not made many announcements offering concessions and land or time and effort by State planners. Perhaps, for a certain time, the Government could offer participants a holiday from electricity, rent, rates and taxes. This would attract people to that development. America did not develop its industry—

The Hon. G.L. Bruce: Like the Myer development.

The Hon. PETER DUNN: It is the Government's fault that that project has not developed any further. The result will be that we will lose it; it will go to Melbourne, Sydney or Brisbane. This Government could not organise a tea-party. I now turn my attention to the O-Bahn. Who developed that? This Government has taken such a long time to build it that it might as well have built a railway line to those suburbs. At the time of the 1982 election the Premier said that the project was rubbish but, during the last election, he said that it would be finished within 18 months. Members opposite should look at the Premier's speeches in this area. What has he done? Six years down the track and it is still not finished. One has only to look at the front-bench; not one member has been in business or done a hard day's work in their life. I do not think that one of them has had a blister on their hand, including the Hon. Carolyn Pickles—

The Hon. G.L. BRUCE: I rise on a point of order. The honourable member is reflecting on members on this side of the Chamber.

The ACTING PRESIDENT (Hon. J.C. Burdett): Order! I do not think there is a point of order. The honourable member is talking about the amount of work done.

The Hon. PETER DUNN: I am saying that these people do not have the skills to understand how development occurs. I am saying that in the past a Liberal Government has thought up these projects and got them going. How long has the Government taken to build the ASER development—ages and ages. Half of it is due to be rebuilt, and it is not even finished. This Administration does not have the skills to be in government. It is very good politically but it is doing nothing to develop the State.

The Hon. Carolyn Pickles: What sort of skills do you have? You're a cocky.

The Hon. PETER DUNN: At least I have had to put my money on the line.

The Hon. Diana Laidlaw: And take the risks.

The Hon. PETER DUNN: I have had to take the risks and deal with seasons. I do not think that members on the Government benches have ever had to do that. I looked at all the members in the Lower House and could not find one businessman. I could not find anyone who has ever had to risk his money or take a challenge. Somebody said that there was no development in this State and immediately we hear the Premier whingeing like a little pup and blaming the Opposition. That is one of the weakest arguments I have heard in my life—to blame the Opposition because it is negative. Who knocked off the Jubilee Point project? That was not the Opposition—we do not have that power—it was the Government.

The Hon. Barbara Wiese: When did we hear you supporting it and when did we hear your shadow Minister of Tourism—

The Hon. PETER DUNN: It is not our job to support it; we are the Opposition. We are there to put the alternative viewpoint. The Democrats said that it was environmentally unsound yet you blame us for not supporting it. That is one of the weakest arguments I have heard in years. The Government deliberately did that to protect its member in that electorate, and the Minister knows that as well as I do.

The development of this State seems to revolve around the metropolitan area. The Premier's speech almost entirely talks about development in this city. This Government does not really have a member with a country electorate. Admittedly, it has two members in the Iron Triangle, but neither of them have a close relationship with that area. This State is still an agrarian society and a higher percentage of our income comes from primary industry than is the case in any other State. Country people deserve a better deal than they get from this Government.

We get bread and circus in Adelaide, but that does not help the people at Roxby Downs, Coober Pedy, Mintabie, Port Lincoln, Mount Gambier, or Renmark very much at all. This Government revolves around the centre. We have a great story about what it is going to do to the Paradise interchange and how it is going to fix up the hospitals. Let it go out to the country and talk about hospitals. See how it gets on out there. All it has done is take away primary care, and it is planning to take aware acute care. As a matter of fact, it is planning, in most cases, to take away what the people themselves built. The Government says that it is a forward thinking Government. Our Premier said that the Opposition is to blame because there is no development in this State.

The Hon. G.L. Bruce: You mean Mr 72 per cent, don't you?

The Hon. PETER DUNN: That is right, Mr 72 per cent. We will see about that in the future. However, let us look at some of the indices published by the South Australian Treasury. The document states that in 1987-88 the South Australian gross domestic product (and that is the total product of effort by everybody in this State) measured in dollar terms on a percentage basis increased by 2.8 per cent. That might sound good until it is compared with the rest of Australia which increased by 4.4 per cent. During 1986-87 Australia's gross domestic product increased by 2.6 per cent whereas South Australia's gross domestic product increased by only 0.6 per cent. That is atrocious. It makes me cry to read it.

In 1985-86 the gross domestic product for Australia increased by 4.3 per cent, but for South Australia it increased by only 2.7 per cent. That covers the past three years and it is even worse beyond that. Further, unemployment in this State was about 8 per cent, which is the second highest in the Commonwealth, and members opposite say that theirs is good Government! I suggest that they could not manage a Dinky toy factory. It is an atrocious Government and as weak as water. All those indices indicate that this State is going down the gurgler so fast that it does not matter, but members opposite tell me that their Premier has a popularity rating of 72 per cent.

In relation to the South Australian manufacturing industry, from 1982 to 1987 the total number of people employed on a percentage basis (and this is a distribution by industry) decreased from 20.4 per cent to 16.9 per cent, while the rest of the Commonwealth decreased from 18.9 per cent to 16.3 per cent. So, our manufacturing industry has fallen off. One has only to look around the State and, in particular, at the car industry. It was only by a stroke of genius or good luck that General Motors-Holden even stayed in this State. It very nearly went to Victoria. We lost most of our car industry to Victoria.

The Hon. T.G. Roberts: Was that in 1980?

The Hon. PETER DUNN: That shows how up to date the Hon. Terry Roberts is. He says '1980'—this is 1988! The figures to which I have just referred are for the period

1982 to 1987. General Motors-Holden has released a new model and I understand that it has rejuvenated the South Australian industry quite a bit, but we have still lost employees in the manufacturing industry at a greater rate than the rest of the Commonwealth. We have to gauge our performance by comparing it with the rest of Australia rather than looking inwardly at our navel, as I am sure the Government has done in the past six years. It has contemplated its navel to such a degree that everybody else has rushed past. One has only to look at Sydney, Brisbane or Perth to see by how far, and by how much, we have missed out.

The other interesting indices relate to agricultural services, and I reiterate that this is still an agrarian society. In 1982 South Australian agricultural services employed 7.7 per cent of the work force and in 1987 it employed 7.3 per cent, (which is a drop of 0.4 per cent), while in comparison, in 1982 the rest of Australia employed 6 per cent of the work force and in 1987 it employed 5.4 per cent (which is a decrease of 0.6 per cent). The decrease has been considerably greater in the Commonwealth than has been the case in this State, which indicates that we still rely heavily on agriculture, but we tend to get less of the cake. Primary production in this State generates about $1.8 billion and, as I said, it employs about 7.3 per cent of the State's work force. Those figures apply to a range of products from the pastoral industry, whether it be beef, wool, wheat, wine or citrus. Let us be honest about that income: nearly every dollar of that is overseas money, which goes to raising our standard of living. That has a multiplier effect. When that money gets into this State, it can be multiplied by about 2, possibly 2.4 per cent, and that gives some idea of the very great worth of those primary industries.

I now turn to a breakdown of how that primary production is divided within the State. Wheat generates about $385 million and wool generates $378 million. In the past few months the price of those two products has risen dramatically on the world markets. We all know that wool has risen between one-third to a half of its value (although it has dropped a little recently), and wheat prices also have risen rather dramatically recently. The reason for that increase is the drought in the Northern Hemisphere.

South Australia is also suffering a drought, but does this Government take any notice of that? Does this Government offer any help? Does this Government offer any succour at all to people who are suffering as a result of the drought? The answer is 'No'. Once again the Minister of Agriculture sits in the big black box and contemplates his navel. He says, 'Well, they can do or die' and I can assure him that die they will. They have had a series of bad seasons, not because of their own poor management but, rather, because the seasons in that area have been bad. Whilst other parts of the State have had extremely good seasons (and I refer in particular to the Murray-Mallee, which has had eight better than average seasons), the northern and western parts of Eyre Peninsula have not. However, the situation will again come good and, as a result, that area will add to the standard of living in this State. It will produce its product and it will acquire those overseas dollars that we so desperately want.

The fishing industry brings about $90 million into this State. I suppose that 90 per cent of that money is again export earnings. The industry is wide and vast and includes such fish as whiting (which is probably one of the nicest table fish in the world) and abalone, which is becoming an incredibly difficult mollusc to obtain worldwide, with the result that abalone is worth about $50 per kilogram. Off the West Coast of Eyre Peninsula divers are catching abalone which weigh as much as half a kilogram, so every two molluscs can be worth $50. I suppose that that is one of the reasons why that industry is under pressure from poachers, but it is a very important industry and an important export earner for this State.

We also have the prawn and cray industries, along with a huge tuna industry, which is the biggest in the Commonwealth. We are now developing that very highly prized sashimi section of that industry. That is virtually raw fish taken from very big and fat tuna. That industry is developing without very much effort by the State Government. In fact, the State Government has been an impediment in most of these things. The Coorong mulloway fishermen will be affected by proposed regulations. The Government has not thought out the problem. It has said, 'We will put a blanket there and that will fix it', with the result that people who have fished all their lives will be affected. The Hon. Gordon Bruce likes to travel around Australia. He probably likes to dangle a line in the sea and catch a fish, but he will not be able to do that in the Coorong.

He will not be able to set his little net and catch a few mulloway—no way. No, this Government has done nothing but create impediment to progress. I refer to the snapper fishermen of Spencer Gulf. The Government has tried to knock them off. This is a great Government for development! I am sure that the Premier would be tickled pink if he was a fisherman faced with these restrictions, but it would be below his dignity to go fishing in Spencer Gulf. He would want to go Grand Prix driving or the like.

The Hon. Barbara Wiese: He would want to go running.

The Hon. PETER DUNN: Yes, he would like to have a run. Indeed, I admire him for that: he is a great runner and does that extremely well. Apart from that, half his energy is used up running around instead of being used to develop business and a commonsense direction for this State.

The Hon. G.L. Bruce interjecting:

The Hon. PETER DUNN: No, we were feeding him. As he could not get a good feed in Adelaide, he came up to get a good feed of mutton and homemade bread. He appreciated it. The hospitality was typical of people who live in that harsh area. I would have thought that he would have had compassion for people in those areas and would have offered them a little money on a long-term loan basis. There is no way that these people want grants: they want long-term loans to get them over this period while they are in a bit of bother.

Returning to fishing, what about the oyster farms that are being developed? South Australia imports about 97 per cent of its oysters. Most members enjoy oysters. An oyster industry is being developed in several places on Eyre Peninsula and Yorke Peninsula. Such an industry has to be encouraged, yet I hear whispers that the Government wants to regulate it, to get its sticky fingers into it and ensure that no-one gets too much. The Government should allow the use of a bit of risk capital. Madam Minister, what about letting them make a bit of profit and then have a look at it?

At present we have a marvellous potential for an industry. We have areas that will grow oysters as good as any in the Commonwealth. Indeed, I refer to a story in the *Rural News,* a small publication from Eyre Peninsula. It talks about the development of the oyster industry in Cowell. The oyster grown there is *Crassostrea Gigas,* which is the Pacific oyster. The spat is developed in Tasmania, taken to the Cowell area and grown and developed in Cowell harbor, which is the biggest totally landlocked harbour in South Australia. It is not like Port Lincoln, which is more of an open harbour. The Cowell harbour is about 12 kilometres

long and five kilometres wide and has relatively still water, thus being an ideal place to grow these oysters.

To give the Council an idea of the interest taken in this, I refer to this press report, which states:

The Local council—

the Franklin Harbor Council—

is currently faced with seven oyster lease applications and already Jade Oysters, Franklin Harbor Oysters and Oyster Traders are well underway, harvesting and selling dozens of the in-demand oysters each week. The big oyster boom kicked off four years ago when a Fisheries Department study found Franklin Harbor was one of SA's best areas for oyster farming.

In fact, that is not quite correct. I looked up one of the fishery magazines the other day to discover that it recommended that the area was not very good, that it was not the best place to grow oysters. But that recommendation has proven to be wrong. Here we have a bit of venture capital going into the industry. We have people prepared to put their money where their mouth is and develop a product that most people enjoy. The press report continues:

At first shareholders knew nothing of aquiculture but they researched the industry throughly, visiting leases in Coffin Bay and Tasmania, looking at different methods and talking to scores of people.

That cannot be done for nothing; it costs money. These investors put their money in. The report continues:

The first 2 500 dozen oysters were put into Oyster Traders five hectare patch of Franklin Harbor in December last year and in a three month trial period the company was able to sell at least 200 dozen a week.

That is in three months. In Sydney in the Hunter River it takes up to two years to grow oysters, yet they grow in South Australia in three months. The report continues:

Mr Tonkin said about 50 000 oysters (4 166 dozen) would be put in each month as markets for that many oysters could be developed.

The report goes on to state:

97.3 per cent of oysters consumed are imported.

The article concludes:

The State Government is drawing up a State-wide aquiculture plan while Franklin Harbor District Council has asked the Lands Department to draw up a management plan to identify harbor uses and areas where oyster farming should not be permitted, assisting the council in granting planning approval for oyster farming. Mr Tonkin hopes government can arrange appropriate legislation and control quickly, so the growing oyster industry is not stifled by delays and confusion.

I bet that it will be. Indeed, I can assure the Council that the Government will dillydally and doodle around just as it did with the ASER project until such time as the industry is nearly lost. There will be little help or assistance given to the industry; the Government's representatives should be over there offering all the help and assistance possible in terms of personnel and planning, but I have heard nothing of that. I have tried some of the Cowell oysters and I can assure members that they are delicious. It will be my pleasure to go to Opera in the Outback in a fortnight and I will be taking Cowell oysters into the northern area so that we can each enjoy the opera with an oyster.

Members interjecting:

The Hon. PETER DUNN: The Hon. Mr Griffin says that he hopes they will be refrigerated. I can assure him that the oysters will be pulled out of the sea on the morning I take them up there. They will be fresh indeed. I have already mentioned that the Government is tardy in helping in any way in respect of the fishing industry. It just about ruined the snapper industry by wanting to control northern reaches of Spencer Gulf, where most snapper breed, with the result that we have professional people who have been catching snapper for the Adelaide market saying that they do not think they will bother about it and they are going into other industries.

Let us have another look at what is happening in the Iron Triangle area. I was interested to note from the Governor's speech that the Government is pleased to observe the development of the Iron Duke iron ore mining area near Whyalla, as though the Premier himself has made some contribution and has made some effort towards the development of this project. Well, the Premier has done nothing, absolutely nothing! This is a development undertaken by the long products division of BHP in Whyalla. It has nothing to do with the Government. Why it is mentioned in the Governor's speech, I will never know. The Premier is a good times man. He likes to be associated with announcements. He likes to be there when everything is going fine. No wonder he rates at 72 per cent, when he can stand up and say that he is pleased to announce the development of Iron Duke. The first real explosion to take away the cap of overburden from that mine will occur this week.

There will be the development of about 24 kilometres of railway to join up Iron Duke with Iron Baron. When that is finished, about 160 people will be employed for the development, which will employ about 60 people permanently. It will supply Whyalla with enough iron ore to continue with its very successful long products project. Those long products go mostly into the building and construction industry. Unfortunately, the manager (Mr Hugh Trewartha) informs me that very little remains in South Australia because there is so little development in this State. It all goes interstate. Very little of the H irons, RSJs and rectangular section material from the Whyalla mill is used here.

They have also developed a very successful technique for making railway irons. The process of hardening the surface is a world leader. But little thanks to this Government, which has put very little into this development. The Premier loves to stand up in another place and say, or have the Governor state in this place, that his Government made the announcement that Iron Duke was to be developed.

The Hon. T.G. Roberts interjecting:

The Hon. PETER DUNN: I guess that the Premier finds great solace in doing those sorts of things, because he has not put any money into it at all. It is totally a BHP project.

The Hon. T. Crothers interjecting:

The Hon. PETER DUNN: I might say the only involvement of the Federal Government was in relation to the Steel City's program; some money was put into the Whyalla area. Whyalla is indeed a very poor city. To be quite honest, it is a very sad city. Whyalla had a very viable and complex industry, but there have been changes in Australia's shipping needs and in demand in relation to other industries in Whyalla. Because of those changes, a lot of employment was lost. The Housing Trust ran an enormous project up there, and many people who were unemployed in Adelaide finished up in Whyalla, with the result that there is an extremely low income level and a poor standard of living.

To demonstrate that, let me cite an article that appeared in the *Whyalla News*. I do not know the date of the article, but it deals with the amount of money that retailers turn over. Under the headline 'Pirie people spend less than others', the article states:

Retailers in the Port Pirie area turned over less than their counterparts in Mount Gambier, Whyalla, Port Augusta and Port Lincoln during 1985-86. This is according to a detailed report on the retail industry in South Australia released by the Bureau of Statistics recently. The census is the ninth of its kind carried out since 1948, and the first since 1979-80.

The report shows Port Pirie (including the District Council of Pirie) turned over just on $80 million, while Mount Gambier turned over $183 million, Whyalla (which has the largest country population) $117 million, Port Augusta $88 million, and Port

Lincoln $83 million. In turnover per head of population, Port Pirie (once again including the district council) recorded a figure of $5 200.

That is what people spent; that indicates their retail spending power. This amount was less than Mount Gambier at $6 900, Naracoorte at $6 600, Port Augusta at $6 500, Murray Bridge at $6 000 and Port Lincoln at $5 300.

By contrast, Whyalla's turnover per head of population was only $4 400. That gives some indication of the disposable income of those people in Whyalla, and why industry that can be attracted to that area to improve that standard of living should be attracted. The Government should be making every effort to try to attract some other industry into that area. The report goes on at some length to split up how that money is spent in those areas, but it demonstrates graphically that from Mount Gambier to Whyalla, there is a difference of $2 500 per head, nearly 30 per cent difference in disposable income. That is atrocious and the Government has done nothing about it. It has wandered around in the wilderness when it had an opportunity to put some effort into it.

That leads me on to say that it is time the Government had a very close look at putting a uranium enrichment plant somewhere in that area to employ some people. It was looked at at some length in the late 1970s and early 1980s but it was not continued. The Labor Party could not get its act together; the Premier was not game to have a go at it. With today's technology, I think the Government ought to look at it again. With the new technologies in the enrichment of uranium and centrifuge methods we can put in a relatively small plant which can process the product that comes from the Roxby Downs mine and the return to this State would be enormous. If one wants to be a little bit visionary and look further down the track, rods can be made and leased to nations, brought back and put down the Roxby Mine and encased where the metal has come out for the mining process. The slime and silt goes back down the mine to refill the stokes once it has been mined.

Roxby Downs is unique in the fact that uranium is being mined from so far underground—1 000 metres—and that would be a very safe way of storing those very complex and relatively dangerous by-products of the uranium cycle. That would be a very sensible way to go about it in the long term. I am not suggesting it be done this week. All of these programs have a long lead time and need a lot of planning. It is time we had a look at it. We are ideally situated, in this State to handle that product, and I know that dangerous product could be put back down that mine and be left there and never touched again because the mine itself understands radiation; it is handling it all the time; it knows what to do; it has the expertise. That is a very sensible way of handling it. There is plenty of room for improvement and development of the uranium energy cycle. The latest information that I have indicates that there are approximately 120 nuclear power stations being developed at this moment.

An honourable member: Is Three Mile Island being started again?

The Hon. PETER DUNN: Some silly comments are made, like 'Three Mile Island' or 'Chernobyl'; well, people learn from those cases. Some 400 other nuclear stations are operating satisfactorily. Go to France and ask them how they want their power generated. We are seeing at the moment terrible problems that have been generated with acid rain, with the CO2 effect on the atmosphere and with what is purported to be CFCs and the combined effect that all of those factors have on our atmosphere and on our growth of produce. If we keep on at the rate we are going, we may find it difficult to feed the nations as we know them today.

So, I suggest that the Government have a close look at developing this process. It has already agreed that uranium is okay out of Roxby, although perhaps not out of Honeymoon or Beverley. They were not suitable types of uranium but what is coming out of Roxby is suitable and it behoves the Government to get its act into gear. I suggest the Premier is so weak that he would not suggest it.

Perhaps his left wing might tip him over if he were to make that suggestion, but that is the logical conclusion. The Premier will open the Roxby Downs project shortly. He will go up there and get all the kudos with the opening of the project. If there was ever a cynic, someone with two sides to him, it is this Premier. One only has to read his speech of 1981-82 on the Roxby Downs project and the Indenture Bill. Members have heard it a thousand times—the 'mirage in the desert'. It is a brilliant project. If anyone has not been up there, go up and see what is being spent and what it will do for this nation and South Australia. The State will benefit by $38 million in royalties in the first year. The project will generate about $1.1 billion.

What did the Premier say? All he could say was that it was a mirage in the desert. It is a knocking speech, yet he calls us knockers. He did nothing during that time. He faded out of the debate after a while as he knew he was a loser. I noted that in the Committee stage of the Bill he had nothing to say. Yet, he will be up there getting the kudos and have his chest stuck out so far that he will trip over it.

If he was really keen about it he ought to ask Norm Foster to open it—he is the one who got it off the ground. It would be wise for the Premier to show his colours, welcome Norm back to the Labor Party and ask him to open Roxby Downs. That would be the logical step. However, the Premier will continue to say that we knock all the development in this State. We have not had a project like that in the Commonwealth in the past 20 years other than maybe the Hamersley Range project. That demonstrates our Party's *bona fides*. We have the runs on the board but members opposite cannot talk about any development. They cannot even build a marina at Jubilee Point. They are as weak as water!

The Hon. C.J. Sumner: You opposed that.

The Hon. PETER DUNN: We did not! The Government controls the Treasury benches and says 'Yes' or 'No', not us. Do not blame us.

The Hon. C.J. Sumner: Ask Mr Oswald.

The Hon. PETER DUNN: You were protecting your man—do not blame Mr Oswald. He can say what he likes. The Government makes the decisions and not us—I have never heard a weaker argument than that. The only two things that I can recall this Government doing in the six years that I have been here are the Grand Prix, which is a good project, and the ASER development which will be a good project. However, it has been so long in development that is almost due for renewal. This Government has ground to a halt and the figures I have given are from the Government's own pamphlet. This demonstrates that this State is going down the gurgler at a great rate. The Premier must get off his behind and make some bold statements instead of being wishy-washy and contemplating his navel. But that is how he keeps his 70 per cent popularity rating. However, at the moment he is not making any hard decisions, and members on the front bench opposite know that. So, we can demonstrate our *bona fides* as far as being a Government for the development of this State is concerned, but I challenge the Government of today to demonstrate its *bona fides* in that respect.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 408.)

The CHAIRPERSON: Previously the Committee was on clause 2 and the Hon. Mr Griffin had moved an amendment. However, an amendment of the Hon. K.T. Griffin now on file is slightly different from the one previously moved.

The Hon. K.T. GRIFFIN: I seek to withdraw the amendment that I moved prior to the dinner adjournment.

Leave granted.

The Hon. K.T. GRIFFIN: I move a further amendment, as follows:

Page 1, line 18—after 'Court' insert 'or the Supreme Court'.

As I was saying when the matter was previously before the Committee, I am seeking to get some recognition of the jurisdiction of Supreme Court judges in this legislation. Certainly, the Federal legislation predominantly recognises only Federal Court judges, but when it comes to the question of issuing a warrant to an absconding debtor it seems to me that there would be some advantages in having a South Australian Supreme Court judge as one of the judicial authorities, along with the Federal Court, able to issue such a warrant, particularly if it is required at very short notice.

I recognise that the inclusion of a State Supreme Court judge might have some difficulties if the jurisdiction was extended beyond the bounds of South Australia, but in the subsequent amendments—which are on the list of amendments that has been circulated—I have attempted to accommodate that and to limit the operation of such a warrant received from a Supreme Court judge to the matters within the jurisdiction of the State. That may, I suppose, be regarded as somewhat cumbersome, but I think there are still some advantages in providing for a South Australian Supreme Court to be involved. It is for that reason that I wish to proceed with the amendments, and to have on the record the view which I hold: that in relation to the National Crime Authority there are functions which ought to be within the competence and power of a State Supreme Court. It exercises jurisdiction in relation to State offences as well as Commonwealth offences and, in respect of the particular Bill before the Committee, it seems to me to be most appropriate that the authority to issue a warrant should be widened to include a judge of the South Australian Supreme Court.

The Hon. C.J. SUMNER: Initially, when the Hon. Mr Griffin raised this point, I was reasonably amenable to agree to his amendment because, on the face of it, there did not seem to be any problem in a Supreme Court judge as well as a Federal Court judge having the capacity to issue warrants for an absconding witness. However, on mature reflection, I think I should oppose the amendment for these very good, essentially practical reasons. First, a warrant issued by a State court can apply only within the State. Federal Court warrants operate Australia-wide, obviating the need to apply for a warrant in another jurisdiction should the fugitive leave the State.

I point out that no Federal jurisdiction has been given to the State court, so the State court could only issue a warrant where a State investigation was involved. Where a joint Federal/State investigation is being carried out, it may not be clear which jurisdiction is involved and jurisdictional arguments may arise. In other words, the Federal National Crime Authority legislation does not invest the State courts with jurisdiction with respect to absconding witnesses. That being the case, the State court's jurisdiction is limited geographically—territorially—by applying within the State of South Australia and jurisdictionally if dealing with a matter that does not involve a State investigation element.

The Acts that set up the National Crime Authority throughout Australia are uniform and the Government's Bill is designed to bring the State Act into line with the Commonwealth Act. As I understand the position, to amend it to include the State Supreme Court would make the State Act non-uniform with the rest of Australia. The Hon. Mr Griffin's amendment as it is would create non-uniformity within the Act itself. Section 12 provides that a judge of the court of the State can issue search warrants. That is not limited to the Supreme Court but, of course, in the case of search warrants, Federal jurisdiction has been conferred on the State courts by the national legislation. Problems with extraterritorial jurisdiction do not arise with respect to search warrants because the warrant is directed to a specified locality.

In the case of search warrants, a Federal jurisdiction has been conferred on the State courts and there is no problem with extraterritoriality. However, with respect to warrants relating to absconding witnesses, no Federal jurisdiction has been conferred on the State courts and it is possible that a jurisdictional argument could arise.

If only one court is mentioned in the legislation there will be no capacity for confusion on the part of officers of the National Crime Authority or the State police who will be seeking these warrants. It would be most unfortunate if a warrant was sought and granted and subsequently the person against whom it was granted raised a point relating to the power of the court to grant that warrant.

In principle, I have no real objection to the Hon. Mr Griffin's amendment. Had State Supreme Courts been included in the national legislation, so that they were vested with the required Federal jurisdiction, obviously I would not have any problem. However, I think caution in this case probably dictates that we should leave the Bill as it is introduced by the Government and decline to accept the Hon. Mr Griffin's amendment.

The Hon. I. GILFILLAN: The Democrats will be led by the mature opinion of the Attorney-General and will oppose the amendment.

The Hon. K.T. GRIFFIN: I also present a mature opinion, which did not require reflection. I appreciate the points that the Attorney-General is making. It is important for the status of the courts and the operation of the National Crime Authority within a State such as South Australia that the State Supreme Court is vested with jurisdiction. I think that sometimes this sort of legislation is enacted at the Federal level only with the experience of New South Wales and Victoria in mind and that the feelings, experiences and needs of the less populous States—those further away from Canberra—seem to be overlooked.

In light of the fact that this amendment will now not pass, in view of the Attorney-General's indication and the indication of the Hon. Mr Gilfillan, I ask the Attorney to further consider this question and, if it is possible, to make representations to the Commonwealth to bring this area in line with search warrant legislation so that State Supreme Courts have Federal jurisdiction vested in them with respect to the issue of that particular warrant. I think that that would be the best way of handling it.

The Hon. C.J. SUMNER: I am happy to undertake to make representations to the Federal Attorney-General along the lines indicated by the honourable member.

Amendment negatived.

The Hon. K.T. GRIFFIN: In light of that decision I do not intend to proceed with the other amendments I have on file.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

TELECOMMUNICATIONS (INTERCEPTION) BILL

In Committee (resumed on motion).

(Continued from page 410.)

Clause 1—'Short title.'

The Hon. K.T. GRIFFIN: I ask the Attorney-General when the Bill will come into operation after it has been passed and assented to.

The Hon. C.J. SUMNER: I cannot give a precise date. We have to enter into an agreement with the Federal Government under the legislation, get the equipment established, presumably, and draft regulations to bring it into operation. That will progress as quickly as it can. With the budget being handed down later in the week, perhaps the honourable member might care subsequently to ask whether funding will be given to enable this initiative to be implemented.

The Hon. K.T. Griffin: It sounds like some months.

The Hon. C.J. SUMNER: He will probably find that the answer to that will be satisfactory, but clearly it will take a little time to get the administrative arrangements in place. If the honourable member would care to pursue that matter in the Estimates Committee I will try to get an answer.

Clause passed.

Clause 2 passed.

Clause 3—'Interpretation.'

The Hon. I. GILFILLAN: I move:

Page 1, line 29—Leave out all words in this line.

Page 2—After line 32, insert new definition as follows:

'the inspection authority' means a judge or magistrate appointed by the Chief Justice of the Supreme Court to be the inspection authority under this Act:

I spoke briefly to this amendment in my second reading contribution and I do not intend to go into detail again except to say that it is prompted by a concern that the Police Complaints Authority is not adequate and is not acceptable to the Democrats as the authority outlined in this clause. The tasks that the authority is to fulfil, as spelt out in the Bill, are very responsible and will be the acid test of whether this whole system is abused.

The Hon. C.J. Sumner: What's wrong with the Police Complaints Authority?

The Hon. I. GILFILLAN: The Police Complaints Authority is appointed by the Government and has a very close working relationship with the police. It is important that the public has every confidence in the supervision of the use of these extraordinary powers. I think it is lamentable that our society has had to resort to telephone tapping, but I accept that pernicious activities in the community require this. It is very much a last resort. I think that anyone who treats this measure lightly, and does not realise the serious consequences of the intrusion into our privacy and civil liberties, has a very irresponsible attitude to the overall perspective of how a community should operate.

As I said in my second reading comments, it may be that this is not the optimum suggestion, although Parliamentary Counsel, I and others have not been able to offer a better alternative to this amendment, that is, for the Chief Justice to appoint a judge or magistrate as the inspection authority. I indicate that this is a test amendment for the series of amendments that I propose and that, if I am not successful with this one, I will not proceed with the others. I assume that there will be some discussion on other matters pertaining to the clause apart from my amendment. Before this clause is voted upon, I would like the opportunity to speak on another matter.

The Hon. C.J. SUMNER: The Government is aware of the nature and seriousness of this legislation. Any suggestion that the Government, or indeed the Opposition, does not view the passage of this legislation with due seriousness and is not giving proper consideration to it I think would be rejected by the major Parties in this Chamber. Obviously, there are implications for civil liberties in measures such as this. However, I point out that it was introduced in this State following its passage through Federal Parliament, and that followed a committee of inquiry of the Federal Parliament into an appropriate way to enable State police to have telephone interception powers. I am pleased that the Hon. Mr Gilfillan has expressed some concern about civil liberty matters, because he does not always adopt that approach consistently.

However, the Government cannot accept his amendment. As he indicated, clause 8 of the Bill provides that the Police Complaints Authority is the inspector of records under the Act. The Commonwealth Act, which enables telephone tapping to occur by State police, does not specify who the inspector must be. Section 35 *(h)* of the Commonwealth Act requires the State legislation to make satisfactory provision for regular inspection by 'an authority of that State that is independent of the eligible authority and on whom sufficient powers have been conferred to enable the independent authority to make a proper inspection of those records for that purpose'.

The Police Complaints Authority is independent of the eligible authority (the South Australian police) and the inspector is given powers in clause 9 to enable him to make a proper inspection of the records. Under the Commonwealth, New South Wales and Victorian legislation the inspector is the Ombudsman. In the case of the first two of these, there is no separate Police Complaints Authority. Both the Ombudsman and the Police Complaints Authority are independent statutory bodies answerable to Parliament. The Police Complaints Authority rather than the Ombudsman was chosen, because of the authority's existing jurisdiction in relation to police. The Ombudsmans Act specifically provides that the Ombudsman has no jurisdiction in relation to police. Of course, this would not have prevented this new jurisdiction being conferred upon him but, with the availability of another suitable body to perform the function, it was not necessary.

Another alternative was possibly to appoint as the inspector a person such as the auditor of the Operations and Intelligence Section of the Police Force, but that would create practical problems. Obviously, the inspector will not be able to do the whole task by himself and will need assistance. The question is: where is this to come from? While it is simple, for example, to bind the authority and its officers to secrecy, as is done in clause 11, this sort of thing is much more difficult when the assistants are unidentified, as they may have to be if, for instance, an auditor such as applies in the Operations and Intelligence Section were appointed.

I understand that, at least at officer level of the Commonwealth and the States, the Bill that we are considering

this evening will be considered satisfactory to the Commonwealth to enable telephone tapping by the South Australian police to occur.

In respect of the Hon. Mr Gilfillan's amendment involving the judiciary in this inspection process, an officer of the Attorney-General's Department contacted the Chief Justice to get his views on the matter and the Chief Justice indicated that it would be inappropriate that a judge or even a magistrate should be the inspection authority. For those reasons, I oppose the honourable member's amendment. The Bill as introduced is satisfactory. The Police Complaints Authority is a body charged with investigating complaints against the police; it is established by statute of Parliament; and it is responsible in general terms to the parliamentary process.

The Hon. K.T. GRIFFIN: I seriously considered the Hon. Mr Gilfillan's amendment, but for several reasons I am not inclined to accept it. My first reason is that the legislation creates offences some of which relate to the furnishing of information or refusal to furnish it. It seems to me that, if a judge or magistrate undertakes the responsibility of overseeing the work of the police in respect of this Bill, a prosecution may be launched, for example, in the Magistrates Court and the matter ultimately go to the Court of Criminal Appeal.

In those circumstances, on the one hand, judges of the Supreme Court will be involved in determining matters of law or penalty in relation to the administration of the Act and, on the other hand, they will also have the responsibility to oversee the way in which it operates. In those circumstances, it would give rise to an immediate conflict, I believe an undesirable conflict, between the court exercising its judicial responsibilities and the Chief Justice exercising what is in effect an administrative responsibility either directly or by delegation to a judge of the Supreme Court, a judge of the District Court, or a magistrate.

So, I believe that there are undesirable philosophical consequences to pursuing the matter in the way suggested by the Hon. Mr Gilfillan. That, of course, presumes that I am uncomfortable with the Police Complaints Authority undertaking the inspectorial responsibilities. However, I am not uncomfortable about that. The Police Complaints Authority is specifically established to investigate, independently of the police, allegations and complaints against the police. It has specific statutory responsibilities to act independently in the investigation of those allegations and complaints.

It is in that context that the Police Complaints Authority is equipped to deal with the responsibilities that this Bill seeks to give it. While one may hear a criticism or two about the authority, no-one has been able to substantiate those criticisms to me.

The Hon. C.J. Sumner: What are they?

The Hon. K.T. GRIFFIN: I have had one or two criticisms relayed to me that it did not fully investigate, that it did not do its job properly but, from the source of those complaints, I suggest that it is only because the persons who have made the criticisms will never be satisfied. The other important criticism relates to resources. I have recieved information suggesting that the authority does not have sufficient resources to fully investigate all the complaints made to it. With the additional responsibilities given by this Bill, it seems that the authority has to be provided with further resources to enable it to do its task properly and well and to discharge adequately its functions under its own Act and under this Bill.

Maybe during the budget Estimates Committees it should be ascertained how well resourced the authority is and whether it is going to be adequately resourced to enable it to undertake its responsibilities under the Bill. In terms of the philosophy of the appointment of the authority to undertake the inspectorial responsibilities conferred by this Bill, it is an appropriate body, and I do not have any misgivings about it undertaking those responsibilities. If those responsibilities were to be conferred on the courts or judicial authorities, I would have much greater cause for concern about that course of action. Therefore, I indicate that the Opposition is not able to support the Hon. Mr Gilfillan's amendment.

Amendment negatived.

The Hon. I. GILFILLAN: Clause 3 identifies two classes of offence. Will the Attorney indicate under which heading 'investigation of corruption' is covered, or is this provision so restrictive that an investigation into corruption would not involve the use of telephone taps?

The Hon. C.J. SUMNER: There is no such offence as 'corruption'.

The Hon. I. Gilfillan: There's an anti-corruption unit. How would your definition of corruption relate to the anti-corruption work of the unit?

The Hon. C.J. SUMNER: There is no offence of corruption as such. There may be offences in which corruption is mentioned; in the sense in which 'corruption' is used, it is more a general word referring to criminal actions which involve public authorities in an illegal way. It may well be that serious fraud in relation to public authority could be corruption in some circumstances.

The Hon. K.T. Griffin: What about bribery?

The Hon. C.J. SUMNER: It could be. Murder, conspiracy to kidnap, serious risk of the loss of a person's life, or trafficking in narcotic drugs—all of these things could be involved with some aspect of corruption. Mr Moyse was referred to as a corrupt policeman but he was not charged with being corrupt; he was charged with trafficking in drugs and a number of other things that he did, causing serious loss to the revenue of the State. I would have thought that there were enough offences there to take into account what is generally regarded as corruption. I am not sure how these offences tie up with those in the National Crime Authority Act, but generally the National Crime Authority is charged with the task of combating organised crime, and organised crime in so far as it might corrupt public officials. The National Crime Authority Act does contain definitions of offences which are confined substantially to the more serious offences against the laws of the land.

In other words, the National Crime Authority's operations do not extend to every act of criminality. Quite clearly, presumably for civil liberties concerns, it was considered desirable for the telecommunications interception provisions to be available only with respect to more serious criminal activities. In other words, they will not tap telephones to try to ascertain whether someone has been guilty of larceny of chocolates to the value of $10 from John Martin's. I am sure that the Hon. Mr Gilfillan, with his civil liberties concerns, would agree with that. So, the telecommunications interception power will be used with respect to the most serious criminal offences. Corruption in the broad sense could be picked up under any one of the offences mentioned in the Act.

The Hon. K.T. GRIFFIN: I have always said that one of the difficulties has been to identify the particular offences. As I said in my second reading speech, this is much wider than was originally proposed at the national drug summit, and I am pleased with the extension. It may be that other offences ought to be included but, looking at the Criminal Law Consolidation Act, one sees that fraudulent misappropriation has a maximum penalty of seven years, so that

would certainly be covered. There are offences under the Companies Code which I suppose would come within the ambit of serious fraud and again would be subject to telecommunications interception. The good question which the Hon. Mr Gilfillan raises is: what is to be the extent of the use of telephone interceptions in relation to things like suborning a witness, conspiring to defraud and a whole range of other sorts of crimes. I am pleased that at least it has got this far and I would much rather have this than nothing at all.

The Hon. C.J. SUMNER: The other thing that has to be pointed out is that this is as far as the Federal Parliament will permit the States to go in any event.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—'Commissioner to report, etc., to Attorney-General.'

The Hon. I. GILFILLAN: How much extra work does the Attorney-General think will be loaded on his desk in complying with vetting these warrants and revocations of warrants?

The Hon. C.J. SUMNER: It is not possible to say; it depends on what use the police decide to make of the legislation.

The Hon. I. GILFILLAN: Will you need extra resources to handle it?

The Hon. C.J. SUMNER: No.

The Hon. I. GILFILLAN: For the sake of good humour in this Parliament perhaps we ought to vote him an appropriation amount.

Clause passed.

Clauses 7 to 10 passed.

Clause 11—'Secrecy.'

The Hon. K.T. GRIFFIN: This clause deals with secrecy. I do not have an amendment on file, because I want to explore with the Attorney-General the reason why there is a maximum fine of only $1 000, if there is a breach of the secrecy provisions. I notice that in clause 10 a penalty applies for failure to attend before a person, to furnish information, or to answer a question. A person who, without reasonable excuse refuses or fails to comply with that requirement is guilty of an offence and the maximum penalty is a division 8 fine ($1 000) or a division 8 imprisonment (three months).

I would have thought that, with the sensitivity of information gathered from the interception of telecommunications, there should be a much tougher maximum penalty, including imprisonment because it would be very much worthwhile to somebody who has access to information that X's phone is being tapped or, when it has been tapped, to make it available to the *Age* or whatever. A $1 000 fine is nothing; they get $10 000 by way of payoff for disguising the information.

Even if imprisonment is for three months, I am not satisfied that that is a sufficient deterrent to breaches of confidentiality. It is a matter of judgment as to what the maximum penalty should be but I would suggest that, for a lot of people who might gain information, it is worth going to gaol for three months. They will not be there for three months: they will be out in very much less than that and they might end up with a grand payout from the person to whom they have sold the information that his or her telephone has been intercepted or someone else's telephone has been intercepted, and here is a transcript.

I raise with the Attorney-General the fact that this clause requires a much heavier penalty both by way of fine and imprisonment. I ask him to consider what he thinks might be an appropriate penalty.

The Hon. C.J. Sumner: If you add 'or division 8 imprisonment' that will satisfy you to some extent and I will consider it in the House of Assembly.

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

Page 9, line 9: After 'fine' insert 'or division 8 imprisonment'.

The Hon. C.J. SUMNER: That amendment overcomes to some extent the concerns of the honourable member, and I indicate that I am prepared to accept it because it would then provide a $1 000 fine or imprisonment for three months, which is an improvement from the viewpoint expressed by the honourable member. I am happy to have the question of penalties reviewed before the Bill passes in another place and to consider increasing the penalties. To give me some guidance on what the honourable member might consider appropriate, does he think that the penalties in clause 10 relating to other offences are inadequate also?

The Hon. K.T. GRIFFIN: If one reflects on what is intended by this legislation, the division 8 fine and division 8 imprisonment even for clause 10 is inadequate because, for the sake of three months in gaol, soneone who refuses to attend or furnish information (and it may be someone in the administration of the scheme refusing to do so), can say that they would prefer to serve time. Anything is possible in the area of organised criminal activity. I have heard all sorts of stories about drug trafficking where someone will put up X to serve time on this occasion if caught, and on another occasion put up Y and look after their family while they are in and give them a bit of a pay-off when they come out. In this murky area anything is possible. Even clause 10 penalties are inadequate.

I suggest that a year's imprisonment maximum for clause 10 and two years for clause 11 should be considered. This is very serious, particularly if there is a secrecy provision. In the area of telephone interception, if any of that information is divulged not only in relation to the impact on the person whose telephone is being tapped—it may be innocuous—that person's reputation may be ruined before it ever goes to court. Likewise, if someone has access to the transcript and alerts a target to the fact that the telephone is being intercepted, or even provides a transcript, I think that that is very serious and ought to attract a very stiff maximum penalty.

The Hon. C.J. SUMNER: I indicate that I am favourably disposed to those proposals of the honourable member. We will give consideration to the Government amending the Bill in the Lower House to reflect that.

The Hon. I. GILFILLAN: If there was this increased penalty in clause 11 but there was an offence which had a much wider implication than, say, a relatively minor and perhaps even innocent leak of information, could action be taken under any other legislation for a different offence, not necessarily related specifically to this clause?

The Hon. K. T. GRIFFIN: I suppose if it was used in the context of blackmail, demanding money with menaces, the Criminal Law Consolidation Act provisions would then be brought into play. However, so far as I can see, under this Bill, there is no other way in which one could prosecute an individual who obtained and improperly divulged information.

Amendment carried; clause as amended passed.

Remaining clauses (12 to 15) and title passed.

Bill read a third time and passed.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 406.)

Clause 2—'Commencement.'

The Hon. C.J. SUMNER: Although I intend to report progress again shortly, I have asked the Committee to reconvene so that I can provide it with information that was requested when we were last considering this matter. I was requested to advise the Committee how many claims have been paid since the 1987 amendments to this legislation came into effect. The total claims paid for the 1987-88 financial year are 318. The amendment came into operation on 1 August 1987, so the figures for one month do not relate to that amendment. In July 1988, 27 claims were paid so, in round figures, about 300 claims have been paid since 1 August 1987 when the 1987 amendment increasing the maximum amount from $10 000 to $20 000 came into effect. The Assistant Crown Solicitor in charge of this matter in the Crown Solicitor's office cannot recall any claims having been paid under the 1987 amendment, that is, under the new provisions. So, those 300-odd claims have all been settled on the basis of a maximum of $10 000 and relate to injuries that occurred before the amendment came into effect on 1 August 1987.

The other information that I wish to give the Committee is that all those claims are the subject of a court order so they have all been before the courts in one form or another, although it is fair to say that only a small proportion—possibly 5 per cent—were the result of contested cases in court. Nevertheless, 300 cases were approved in court without anyone taking the point that the 1987 legislation was enacted retrospectively to increase the amount from $10 000 to $20 000. All those claims were settled on the basis that $10 000 was the applicable maximum. Until a senior judge raised this point a few weeks ago, approximately 300 cases, either agreed or contested, had been before the courts, and no point was taken by any lawyer about this matter. I put that to the Committee as a fairly compelling argument as to why the Government's Bill clarifies the 1987 action and makes it clear that the assumption on which everyone acted and on which the 300 claims were settled was, in fact, the correct assumption.

The Hon. K.T. GRIFFIN: I thank the Attorney-General for putting that information on the record. I will certainly give further consideration to it and I hope to be in a position to deal with it tomorrow. I wonder whether overnight he will give consideration to one other matter that has come to mind: that in at least one case the judge raised the issue and I understand that the parties were required to argue the point. It may be that that hearing went longer than it would otherwise have done had the matter not been raised and the issue thrown into doubt. In those circumstances, will the Attorney-General give consideration to an *ex gratia* payment of the additional legal costs incurred in arguing the matter before the judge?

I do not know whether or not it is just one case or whether there are others, but it seems to me that it would be grossly unfair, if in fact the view of the Attorney-General ought to be accepted, that those litigants ought to be required to pay those costs.

The Hon. C.J. SUMNER: Only one case has been argued and I undertake now that the additional costs will be met by the Government so that the litigant will not be out of pocket because the matter had to be argued in the court.

Progress reported; Committee to sit again.

ADDRESS IN REPLY

Adjourned debate on motion for adoption (resumed on motion).

(Continued from page 423.)

The Hon. T.G. ROBERTS: In speaking to the motion for the adoption of the Address in Reply I place on record my sympathies and condolences to the family of the late Sir Douglas Nicholls who died on 4 June this year. I certainly respected him for the role that he played during the short time he held office in this State, and I congratulate the Government of the day on appointing him Governor.

In his speech, the Hon. Mr Dunn criticised the Government about the lack of progress in relation to major projects in this State. He did not go any way in giving credibility to the Opposition in relation to how it sees the direction of this State going. It was one of those Address in Reply contributions that was very critical of the Government but put up nothing to suggest that there were any ideas coming from the Opposition backbench relating to structural changes that it sees the State needs to develop to take it into the year 2000. If one looks at some of the developments that have taken place over the past 12 months one will see that there have been significant changes in international trading groups and blocs.

Deregulation in a number of countries has meant that their borders are open for international trade. Europe has virtually become one trading bloc. In 1992 common market countries will become almost one trading nation with a national passport and there will be movement of trade between countries with little or no restriction. Trading companies will rush to set up inside Europe so that those countries can obtain the advantages they require to trade in such a large trading group. A number of changes have occurred in America's attitude towards free trade.

A temporary alliance has been forged between Canada and the United States in terms of another free trading bloc. We have the CER agreement between Australia and New Zealand, which has opened up opportunities for trade between these countries, and opportunities are opening up in the Pacific region, in Asia, Japan and China. Australia is well placed to take advantage of some of those trading groups now being established. It is not a simple matter for a nation to set itself into place to take advantage of these new trading groups, but there is a national co-ordinated plan to be able to do that.

The Hon. M.B. Cameron interjecting:

The Hon. T.G. ROBERTS: The Hon. Mr Dunn gives a very regionalised account of South Australia's position. I was going to open it up to the international arena and then show how the national trade position affects the State's position and how the State has to work in with the national co-ordinated plan so that the State is best placed to take advantage of that situation.

Establishing the CER group with New Zealand will bring lot of attitudinal change towards trans-Tasman trade, and some of the large Australian companies are going offshore to New Zealand to forge unified trading blocs with some of the major New Zealand companies. Elders has formed an alliance with New Zealand Forest Products, which will give it some trading advantages inside New Zealand. I guess that there will be a growth of inter-New Zealand and trans-Tasman trade by Elders through that marriage. With the total deregulation of the New Zealand economy, there will be an opening up of opportunities in Australia through that New Zealand initiative.

Australia has displaced Japan as the major source of New Zealand imports and is just behind that country as an export market. So, one can see that there is a nationally co-ordinated plan of which States need to take advantage, and South Australia, which geographically is probably one of

the worst placed States in Australia, to take advantage of international trade—probably just in front of Tasmania—needs to be a little more aggressive than some of its sister States on the eastern seaboard, Queensland and the Northern Territory, which are more strategically placed for a springboard into the Pacific and Asian rim.

The discussion that has been threaded through some of the Address in Reply and other speeches during the past two weeks has centred on problems associated with the Opposition's stated immigration plan. I think that one would be foolhardy to disregard some of the trade implications of Australia's placing any restriction on or cutting off any opportunity for immigration from any of its neighbours Certainly there needs to be a close monitoring of migratory patterns, but that has always been the case. If we were going to take a position of leadership from behind, a lot of the migratory patterns that have been established since the 1940s would never have come about. In general terms, Australia needs a non-discriminatory immigration policy and a policy of multiculturalism fundamental to ensuring a secure future for Australia. Included in a migratory package which brings the skills that are required so that Australia can take advantage of the new trading opportunities that will present themselves, we need an education system that is in tune with the changes that will take place in the direction of trade over the next two generations.

If we accept the Hon. Mr Dunn's view that we are still an agrarian State and nation, it does not present much hope for those people who require jobs, particularly those young people who will come on to the market in the next few years. If one takes the figures that he presented of 7.3 per cent of the work force employed in the agricultural industry compared with 17 per cent employed in manufacturing, the rural industries, as valuable as they are (and nobody on this side of the Chamber would demean the contribution made by the agricultural industry), should not be relied upon. I think that, over the past 10 years, Australia has found itself in difficulty, because it has relied on the agricultural and mining industries to soak up the job seekers who come on to the market. The Hon. Mr Dunn also mentioned the fact that there were problems with drought on the West Coast and that the Minister was not listening to the plight of people in that area. I can assure members that the Minister has taken note of the problems associated with the drought in the Ceduna and Koonibba area. He is well aware of the problems and he monitors the situation so that he may be kept up to date with it.

The Hon. Mr Dunn sees the aquiculture programs as being important and they certainly are in terms of some of the individuals involved, but they will not provide the future backbone of the South Australian economy. There needs to be a concerted attempt by the State and Federal Governments to coordinate a revitalisation of our manufacturing industry. I think that there are signs that that is happening. If one takes the recent visits by Spanish, British and other European leaders to Australia and couple them with the fresh interest that the Japanese and Chinese are showing in many of our mining ventures, I think that Australia will be well placed for the next 20 years, especially if that is coupled with a revitalisation of the manufacturing sector and if we involve ourselves in some of the value-added areas that go with the mining industry. The Thai Government is negotiating a coal deal with Australia. Singapore has set itself up as an international trade centre for barter deals. We are talking with the eastern Europeans about barter deals and fresh trade deals, and expeditions are now starting to set up companies in Japan and China.

For all those reasons, as well as the refugee intake in which Australia needs to participate, we need a cosmopolitan view of the world and we must maintain a cultural link with, and understanding of, the nations with which we trade. I think it would be fairly chauvinistic if we decided to be an Anglo-Saxon based enclave in the Asian Pacific area while building up contacts and expecting trade relations with those countries which have separate cultural links. There needs to be a full understanding of the cultures of those countries with which we expect to deal.

So, the next period needs to be looked at as a springboard for revitalisation of Australia's economic base. It needs to be done in a planned and coordinated way. The Hon. Mr Dunn spoke almost as if the State had no coordinated strategy development for revitalisation of its trade base, but there is a national plan that will rely heavily on a restructuring of its education base, retraining of its work force, and the budget that was announced tonight indicates that large sections of Australia's resources will be spent in those areas. Looking at the profit indicators over the past 12 months for some of the large companies that the Hon. Mr Dunn mentioned operated in South Australia, I note that BHP's profit is up 15 per cent to $940 million.

Although it operates nationally, a large portion of BHP's operations are in South Australia, and it recorded a profit of $940 million for this 12 months. Ford Australia has achieved a 95 per cent increase in net profit to $37 million for the year, which represents a 3.4 per cent return on its assets.

The Hon. R.I. Lucas: What about your mate Bondy?

The Hon. T.G. ROBERTS: Bondy does not like investing in South Australia. I am not sure what his reasons are.

The Hon. R.I. Lucas: He made $400 million last year and paid $4 million in tax.

The Hon. T.G. ROBERTS: South Australia has had to do without Mr Bond's injection of funds. He has injected his funds interstate and overseas.

The Hon. R.I. Lucas: Is he a mate of yours?

The Hon. T.G. ROBERTS: I do not think so. GMH looks to make a $60 million profit this year, and there are indications that metal manufacturing industries that have been languishing for some time have now been revitalised by not just the steel plan but by the car plan, as well. The car component industries are all starting to make profits. I see from the *Age* that Metal Manufacturers is raising its interim dividend by 20 per cent after a 51 per cent leap in net earnings, and the list goes on.

There is a strong surge in profit levels by most of the major manufacturing companies and there are good indications that many of those profits will be put back into restructuring of those companies to allow them to take some advantage in the new investment climate that the Federal Government has set with the lowering of corporate tax and a reduction in the overseas debt. This augers well for a new opportunity for Australia and South Australia to take advantage of the new economic climate that hopefully will exist with the new international climate.

Turning to another area of the present debate, that is, the white paper and the green paper on education, it cannot be separated from the development plans of most of the major manufacturing companies. It certainly cannot be separated from the debate around South Australia's contribution to a revitalised manufacturing sector. The white paper received various reactions, but in general terms the restructuring of higher education cannot be seen separately from the debate that is going on in primary, secondary and TAFE education.

It is all interlocked and it is not separate from our plans to revitalise manufacturing. The white paper drew a marked

reaction from those people who participate in the service delivery of education, and one of the major groups, the influential Australian Vice-Chancellors' Committee accused the Government of over-regulation in terms of its white paper and its outline for what it saw as the future development of tertiary education institutions. Most other groups talked of insufficient regulation. The Federated Council of Academics Acting General Secretary, Mr Peter Sumners (no relation to the honourable Chris) said:

> ... the Government was treading the dangerous road of deregulation, with the white paper representing a Government withdrawal from its proper role in coordinating, planning and funding the higher education system. The Federation of Australian University Staff Associations was concerned about the Government's heavy-handed approach.

So, we have two different assessments of the white paper from two organisations:

> The union's General Secretary, Mr Les Wallis, said the decision to reallocate funds from universities to the Australian Research Council would damage research not directed at particular processes or products.

From the Federal Minister's office came a statement that lined up with the broad statement I made previously, as follows:

> ... the contradictory responses of the AVCC and the other groups on deregulation clearly indicated that the Government had 'struck the right balance between autonomy and regulation'.

Those debates are still continuing in the tertiary institutions and the restructuring that is taking place at present involves all participants with broad debate and wide discussion. The employers are also making contributions to the restructuring through their own federations, and the ACTU has made its own contribution in terms of how it sees the education debate proceeding. The recently handed down national wage case falls into the same organised structure as the manufacturing plan and the education plan; the national wage case decision ties in with the broad banding of the skills base that is being encouraged by employers, unions and the community in general. The basis of the decision, which may be confusing to a lot of people in the community, was to overcome a lot of the impediments that have been put in the way of the manufacturing sector in relation to some of the demarcation problems that have existed. Some career paths have been blocked by the rigid, narrow demarcation problems that have existed in the industry over a number of years.

The decisions are in line with the restructuring program that has been developed nationally. It is not a series of decisions being made by the commission without any definite plan; it is a plan to encourage workers to be reskilled, retrained and to follow career paths in their particular industries. Traditionally, Australian labour markets have been highly flexible by international standards in terms of labour turnover between firms and between geographic regions. But high labour turnover between firms is a two-edged sword in terms of its contribution to labour productivity. Most jobs embody specific skills. The time taken to acquire these skills and to select and acquire replacement labour imposes a cost on the firm and the economy. Employing bodies are now starting to take notice of some of the union contributions that have been made over a number of years. They are now starting to turn management skills into training programs on site to ensure that employees are at the leading edge of these technologies and can take advantage of the springboard into the export markets that they hope to enter.

If the Hon. Mr Peter Dunn was here he would perhaps be able to throw some interjections at me and say that I am over stating the case on behalf of the manufacturing sector but if South Australia is to prosper then all those ingredients are what is required to enable us to get back into the international arena so that we can have an adequate standard of living for our people; so that we can take our fair share of responsibility for migrant intake; and so that we can look after not just those people, the newcomers who do come into Australia, but also people in the workforce and the traditional owners of Australia—the Aborigines. Many programs now have been designed and developed to encourage Aborigines to be involved. There is a move by our people in education to recognise that they have a role to play in outback areas and in transitional areas that gives them the opportunity to participate in the development of industry and commerce. A paper on Aboriginal education action plans which have just been drafted states:

> The Aboriginal people are an important part of the wider educational community. Their traditions and experiences must contribute to the future development of education in South Australia. Thus, they should be involved in the decision-making in all aspects of education, including curriculum, personnel and policy development. This involvement should be in addition to that directly related to Aboriginal studies and the education of Aboriginal students. Participation of Aboriginal people in all aspects of system and school decision-making is integral to achieving equal opportunities for all. There are various ways such involvement can be achieved—e.g. consultation, committee membership—and it is this department's policy to overcome any barriers to this participation.

So that there are plans to involve a broader participation rate and equity for Aborigines in education. We hope that the Liberal Opposition does not go down the devisive lane which has been stated by its national leader in terms of sectionalising Australia, and that the whole debate on equality for all Australians, Aboriginal, migrants and Australian residents, is not turned into a debate that becomes devisive.

We have a national strategy in place that perhaps does need some fine tuning by the Opposition, and nobody would like to see the Opposition not make any contribution to that. The Hon. Mr Dunn said that being in Opposition means one has to state an opposite point of view. I do not believe that that is what an Opposition should do at all. If the Opposition sees benefit and merit in the Government's case, that should be stated both in this House and publicly outside. But that does not appear to be the case. Wherever the Government states a case, the Opposition goes out and states an entirely opposite point of view, whether it believes it or not. The Opposition then splits into a thousand individual pieces, trying to see who can get the most media coverage in stating the various positions that come out of opposing the Government's views. Members try to get themselves in a position to challenge, in one form or another, I believe, for the leadership or a shadow position on the front bench.

That will not do anybody any good, and around the fringes of what would be regarded as the New Right, which operates just outside—and it is getting closer—the internal mechanisms of the operations of the Conservative Parties, we now have a more sophisticated right operating.

Perhaps they have learnt a few lessons from the hammering they took in the last election, but we still have individuals and large organisations developing policies to oppose not only the putting forward of ideas on fine tuning for a new Australian direction but also turning around a philosophy to attack the Government and the institutions that are working hard to get a united position so that Australia can advance to the year 2000. I hope that members opposite in this place are reasonable enough not to take that track but, when the New Right presents an opportunity for people to get on to the bandwagon, some people will make use of that opportunity and travel along the road with it. I support the motion.

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

ELECTRICAL PRODUCTS BILL

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

IRRIGATION ACT AMENDMENT BILL

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

In view of the lateness of the hour, I seek leave to the have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Historically 'rateable land' was land suitable for horticulture and viticulture that could be irrigated by water gravitating from an irrigation channel or pipemain.

Rates were only charged against rateable land and the base rate was calculated on the basis of the area of rateable land in each holding. A fixed quantity of water per hectare was provided in return.

In 1974 the Kingston irrigation area system of channels was replaced with sealed pipemains and metered supplies. Subsequently other irrigation areas converted to pipemains. In order to promote the more efficient use of water allocations, irrigators were permitted to use them to cultivate land that had previously been non-rateable land. The advent of efficient pumps had facilitated the irrigation of land beyond the rateable land limits.

The basis of rating an area of rateable land has begun to erode.

Another step towards efficient use of water resources was implemented about the same time. Water allocations were redetermined, taking into account the type of planting. Thus vines, for example, drew an allocation of 10 700 kilolitres per hectare and fodder 14 700 kilolitres per hectare. Given these changes, it was a further logical step in the direction of efficient water use to permit irrigators to transfer allocations to other irrigators who could better use them.

The base rate has continued to be set at a fixed rate per hectare of rateable Land, regardless that additional area had been planted or that there were differential allocations or that allocations had been transferred. It is reasonable and equitable to abandon this method of setting the base rate and relate it instead to allocations, by expressing it as a fixed percentage of the total allocation of each holding. It is proposed to fix the percentage at 50 per cent as this most closely resembles the current level of base rates.

This method of rating does not apply to the Loxton irrigation area or reclaimed irrigation area.

The comprehensive drainage system is designed to control perched water tables and/or the level of the groundwater mound, to ensure that the crop root zone is not waterlogged. It is considered that most irrigators contribute to the problem and would be adversely affected were it not controlled.

Drainage rates are payable only by those irrigators whose holdings are directly served by the comprehensive drainage system.

There is a perceived inequity in the fact that many irrigators who contribute to the drainage problem and benefit from the drainage system do not contribute to the cost of maintaining it.

Recovering both water supply and drainage costs through a single rate will rectify this inequity.

This Bill, will provide the power to do this at the request of an Advisory Board.

The thrust of these amendments is to provide the Government with greater flexibility to deal with these rating issues in conjunction with the Irrigation Advisory Boards.

The provisions of the Bill are as follows:

Clauses 1 and 2 are formal.

Clause 3 makes consequential changes to the arrangement provision.

Clause 4 makes amendments to the definition section of the principal Act.

Clause 5 replaces Part V of the principal Act. Section 54 defines terms used in the new Part.

Sections 55 and 56 set out the powers of the Minister in relation to the supply of water for irrigation, domestic and other purposes. Section 57 places obligations on the owner of land and section 58 enables the Minister to carry out those obligations at the expense of the owner if he fails to perform them. Section 59 establishes a landowner's entitlement to water in accordance with his allocation. Section 60 provides for allocations and variations of allocations. If an owner reduces the area under cultivation he can request the Minister to reduce or revoke the water allocation with the result that the liability to pay the minimum rate set out in section 65 is reduced or removed completely. If, at a later date, the owner wants to increase the crop, he can apply for an increase in the allocation, but the Minister can only grant the application if sufficient water is available. If additional water is not available the only way an owner can increase his share is by purchasing the whole or part of an allocation from a neighbour. The Minister can review and change allocations every five years but must always base a change on the water requirements of the crop growing on the land. Section 61 provides for transfer of allocations with the Minister's consent. Division IV provides for recovery of costs by rates. Section 63 (2) will enable the Minister, at the request of an Advisory Board to recover the cost of draining land as a component of the water supply rate. Alternatively, section 66 enables the Minister to declare a separate drainage rate. Section 64 enables the Minister to declare different rates. Section 65 requires the payment of a minimum rate even though no water is used. Any amount so paid is paid on account of the water supply rate (65 (2)). Sections 67 and 68 provide for the reduction of rates in certain circumstances. Section 69 provides for liability to pay rates. This replaces a similar provision that has been in the principal Act since 1983. Section 71 protects the Minister where the Minister is unable to supply water because of an insufficiency. Section 72 provides for records. Section 73 provides for the supply of water to, and the drainage of water from, non-rateable land. Section 74 enables the Minister to discontinue the supply of water to or drainage of water from land.

Clause 6 repeals sections 119 and 120 of the principal Act in consequence of earlier amendments. Clause 7 inserts a transitional provision.

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

ACTS INTERPRETATION ACT AMENDMENT BILL (No. 3)

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 10.55 p.m. the Council adjourned until Wednesday 24 August at 2.15 p.m.