LEGISLATIVE COUNCIL

Tuesday 7 February 1995

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Conveyancers,

Electricity Corporations,

Environment, Resources and Development Court (Native Title) Amendment,

Land Acquisition (Native Title) Amendment,

Land Agents,

Land and Business (Sale and Conveyancing),

Land Valuers,

Local Government (1995 Elections) Amendment,

Motor Vehicles (Conditional Registration) Amendment,

Native Title (South Australia),

Parliamentary Remuneration (Salary Rates Freeze) Amendment,

Public Finance and Audit (Local Government Controlling Authorities) Amendment,

Road Traffic (Miscellaneous) Amendment,

Shop Trading Hours (Meat) Amendment,

South Australian Water Corporation,

Stamp Duties (Miscellaneous) Amendment,

State Disaster (Major Emergencies and Recovery) Amendment,

State Lotteries (Scratch Tickets) Amendment,

Statutes Amendment (Oil Refineries),

Vocational Education, Employment and Training,

Wheat Marketing (Barley and Oats) Amendment.

BRUCE, Hon. G.L., DEATH

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That the Legislative Council expresses its deep regret at the recent death of the Hon. Gordon Lindsay Bruce, former President and member of the Legislative Council, and places on record its appreciation of his distinguished public service.

It is with a heavy heart that I move this motion and speak to it. It is fair to say that Gordon Bruce was a friend of all members of the Legislative Council, certainly of those present and, indeed, of a good number of past members as well. It is testimony to the man that his friendships went beyond Party lines. Obviously, he had very strong friendships within his own Party, which he represented for many years in this Chamber, and he also had many friends in the Liberal Party—I speak from personal experience—and amongst the Australian Democrats, both present and past members. Testimony to that friendship, respect and admiration was the fact that so many members of Parliament from all political persuasions and from both Houses attended the memorial service to pay their final respects.

In preparation for my contribution this afternoon I looked at some of Gordon's speeches and his CV. One cannot help but have a smile come to one's face as one goes back through the period of time that one has known someone. Obviously, members of the Labor Party will be able to speak of a longer period of time than I as a member of the Liberal Party, but as I went through the CV and, in particular, Gordon's involvement in select and standing committees, I remembered a number of them. The first select committee on which I sat as a member of this Chamber in 1983 dealt with the local government boundaries of the towns of Moonta, Wallaroo and Kadina. I am sure that members who served on local government select committees at that time will well remember their experience as a very productive process.

I think that the Hon. Mario Feleppa also was a member of the committee and he kept us well fed with some wonderful delights of Italian origin whilst we were on those trips. It was my first experience of a select committee and, looking back on it now some 12 years later, I can think of no two finer members of the Labor Party to have served on that committee in taking a new member through the importance of the committee work of the Legislative Council. Not only were Mario and Gordon (there may well have been other members from the Labor Party—I cannot recall) considerate but also, from the viewpoint of members in looking at some of these issues, we were able to discuss them and to make recommendations to the Legislative Council and the Government, having listened to interminable evidence, as these select committees do.

For those members who know that part of South Australia and other parts, almost World War III breaks out when one talks about the amalgamation, forcible or otherwise, of local government boundaries and one gets the whole history of that particular part of South Australia when one takes evidence. That was my first experience. Again in 1985 and 1986 (as the Hon. Anne Levy will attest) the Select Committee on Disposal of Human Remains took evidence on a most important issue, and again it was a select committee where Gordon, the Hon. Anne Levy and members of both Parties worked together assiduously on a difficult issue to try to come to some resolution.

The CV of Gordon Bruce involves many more committees than those. There was the select committee that dealt with random breath testing. The Hon. Legh Davis has on occasions over the years regaled Liberal members on occasions with stories of the important work of that committee. The Hon. Martin Cameron was another member of that committee, as was the Hon. Barbara Wiese. They have regaled other collections of members over the years on the important work of that committee and on some of the experiments that had to be engaged in in the work of that committee and in the interests of ensuring accurate research and accurate deliberations—

The Hon. Barbara Wiese: Gordon made an important contribution to those meetings.

The Hon. R.I. LUCAS: Yes, a very important contribution. Other members may well be able to speak, but it is an example of the important work in which the committee system of the Legislative Council has engaged over the years, and Gordon was an important contributor to and supporter of the work of the Legislative Council. When I was asked by the *Advertiser* for a comment at the time of Gordon's passing, it was difficult. How does one summarise what one would characterise a friendship with somebody in what one knows will be two or three lines in an obituary or a story in the newspaper? From recollection, the two things I talked about were the friendships which he had across all Party lines, and the second issue was that he was a passionate defender of the importance and value of the work of the Legislative Council and, in particular, the committee system. All members would support that.

In going through some of the press clippings of Gordon's career, I was attracted to one which was written in the *Advertiser* by a little known journalist back in 1985 and which talks about the Labor policy in relation to the Legislative Council, as follows:

> But Mr Bruce does not see a move to abolish it—

the Legislative Council—

> coming for many years. 'I feel there is a role for the Legislative Council's committees,' he said. 'I believe the Council can reach judgments that are better considered than those reached in the heat of debate in the Lower House. We do not have to beat drums, fly flags and play to *Hansard*. The pressures to be seen to be performing aren't so great, so we get on with the job of compromising and getting a workable decision.'

The article was by a little known journalist, Michael Atkinson, who was with the *Advertiser*. I am not sure where he has gone since then!

Members interjecting:

The Hon. R.I. LUCAS: With the *Advertiser*. However, I give credit to Michael: in that relatively brief quote he summarised Gordon's very strong views back in 1985, and his strong views right to the end of his Legislative Council career.

The article also goes on to talk about Gordon in the context of the random breath testing debate going on at the time and the unusual position that Gordon was in being a prominent official of the Liquor Trades Union and, of course, a member of the Labor Party and of the Legislative Council select committee. Michael Atkinson states:

> He does the research and hears the evidence that puts Government policies in touch with reality. He scrutinises bureaucratic regulations to make sure nothing oppressive or outrageous gets through. While front bench demagogues trade rhetoric across the floor of the Assembly, he is studying legislation clause by clause and helping to forge the compromises between the two Houses of Parliament that become the law. For the Labor Party he knocks on electors' doors for other MPs, organises their campaigns, makes the compromises in the Trades Hall bar and keeps Caucus discipline. The Liquor Trades Union has a tradition of keeping the peace at Trades Hall.

Again, without going through all of that article entitled 'Thursday man' written by Michael Atkinson back in 1985, I think it is indeed a very fair summary of and testimony to the work of Gordon Bruce at that time and subsequently.

There is obviously much more that can be said, but I know that many other members who, as I said, have known Gordon for longer will obviously want to contribute. I know that the Premier and other members in the House of Assembly share these sentiments. I am sure they have their own condolence motion as well. On behalf of the Government I formally pass on the Government's and my personal condolences to Olive and to the rest of Gordon's family at this time.

The Hon. CAROLYN PICKLES (Leader of the Opposition): Those of us who knew Gordon well will miss him. But as members have heard, those on the other side will also miss Gordon. It is a measure of Gordon the person that members on both sides of Parliament respected him when he was here and will miss him now that he has gone. Gordon was elected to Parliament in 1979 following a long career in the Liquor Trades Union as assistant secretary and later as president.

Gordon was chairperson of the Subordinate Legislation Committee from 1983 to 1989, Government Whip from 1982 to 1989 and President of the Legislative Council from 1989 until his retirement in 1993. Gordon was very proud to have become the President of the Legislative Council and I think that he served this Chamber well.

Throughout his career in Parliament Gordon was a great defender of the role of the Legislative Council. He believed that it served a useful purpose and he also believed that Legislative Council members should have proper facilities and adequate staff. I am sure that he would have liked to join us in our new rooms in Parliament House. He certainly worked very hard to try to achieve that, without success, while he was President of the Legislative Council.

I recall the remarks that he made at the dinner we had for retired members of the ALP. Gordon, although he had very great difficulty in speaking, managed to give, I think, a very rousing defence of the Legislative Council. I think we were all very moved by his presence at that dinner that night.

Other members may wish to speak of Gordon's career, both in the Parliament and in the union, but I would like to talk about Gordon Bruce the man as I knew him. He was a man who loved life. He loved to travel both overseas and around his beloved Australia. He believed that we should have a travel allowance so that we could broaden our mind by travel overseas. I believe that Gordon represented Australia very well as an ambassador when he was overseas. He loved his country and he loved to travel in it.

He was a plain speaking man; some might say a bit too plain and a bit too blunt. He often stirred us up in Caucus by coming right out with it at the time, whatever the debate might have been about, but always with humour.
Gordon was a man who had a great sense of humour.

With his wife, Olive, he travelled in his caravan to many parts of Australia. That is the one thing to which he looked forward in his retirement—travelling around with Olive. It is very sad that he had been retired for only a couple of months when he was diagnosed as having this very cruel motor neurone disease. I know only too well what a cruel disease it can be because my father died from it.

Gordon battled this disease. It frustrated him and I think it angered him. His helplessness in later months was very difficult for his family and friends, but always he retained his sense of humour. He felt very strongly about people being able to choose how they died and being able to die with dignity. I think that he gave a very brave and moving article to the *Advertiser*, and those of us who read it could not help being moved by it. Perhaps when we again look at that legislation we will remember what Gordon had to say.

I will return briefly to my comments of him as the person I knew. He was always very helpful. When I first came into Parliament he invited me into his office—as I am sure he has done with other new members—and said, 'Well, Carolyn, what do you want to know? I know everything there is to know about the details and secrets of Parliament House'—and indeed he did. He new more than anybody else I knew. As I said before, he was a man who loved life. I think we all feel very sad that Gordon did not have a long retirement which he would have enjoyed. I notice that in the Gallery are members of his family, and I convey my deep sympathy to Olive, his three children—Douglas, Nigel and Cheryl—and four grandchildren of whom he was inordinately proud and whom he loved very much. We will all miss Gordon. I second the motion.

The Hon. M.J. ELLIOTT: I rise also to express my regret at the all too sudden loss of Gordon—sudden in the sense that it was so soon after his retiring from this place. As other members have said, it was a slow, progressing disease

but one which, from my observation, he handled despite great difficulty. The fact that he made a contribution to an important debate in this place, although that contribution was made from outside, was significant.

I think that Gordon was a friend to everybody in this place. He will be sadly missed. He was not a complex man: what you saw was what you got. As President, he was unbiased. That is a tradition which we have had in this place, but I think that Gordon, more than anyone I have seen so far, was very much an unbiased President. Before he was President, I served on several committees with him and he made an important contribution to them. As I said, his lack of complexity and his willingness to speak bluntly meant that he was a very valuable contributor to committees. He called a spade a spade on every occasion.

His good humour ensured that, despite the cut and thrust of politics and the philosophical differences of members, we all got on as people. It is the strength of democracy in Australia that, while we will have disagreements, good humour can largely continue. People like Gordon made a very important contribution to that occurring.

On one occasion I recall Gordon hosting a delegation from the Soviet Union. He had a habit of talking about them coming from Russia, which was not quite the right thing for a few members of that delegation. I think that they were absolutely stunned by the fact that members of different political Parties actually talked to each other, because in that delegation there was a Gorbachev supporter, a Yeltsin supporter and a few other people, and they were not talking to each other although they were on this joint delegation to Australia. They could not believe that we talked to each other. Gordon, as the host, made sure that the group was very convivial, and I think that that absolutely staggered the Russians. However, I am not sure that it ended up doing any good over there. One can only hope that some of it rubbed off and that the commonsense that Gordon displayed will gradually seep in over there.

I understand, and perhaps George might tell the story, that on one occasion he even gave advice to East Germany on how that country might be run. It might be worthwhile George offering that reminiscence today. Finally, I would like to say that Gordon does live on. He has left a mark on me, and I am sure he has left a mark on others presently in this place and on others who have been here before. I offer my condolences to his wife, Olive, and to his family.

The Hon. G. WEATHERILL: As honourable members have said, when Gordon found out he had this terrible disease, it took him a week or two to come to terms with it. When he had come to terms with it, he was no different from how he always was. He had that big smile and he wanted to mix with people. Like most of his friends, I am dealing with this by thinking about the happy times. Mike Elliott just reminded me of one. I have been writing things down for the last week or so, but I will not even look at them because I cannot make up my mind which one I want to talk about. However, I recall Olive, Gordon and I going to East Berlin. We had a meeting with the President over there. The meeting was supposed to last for half an hour. Gordon said something that scared the pants off everybody and the meeting lasted for 4½ hours: we sat there drinking cognac for 4½ hours. East Berlin was a terrible place at the time. People were running around with machine guns, people were being controlled, and it was dreadful. But not long after that they pulled down the wall. Gordon always claimed credit for being the one who did that. Olive and I reckoned that we had some little part in it. But then both of us started to doubt that we did have any part in that because it was not long after that that he went to Russia, and, of course, communism collapsed. On the way back, he went to Israel and, of course, the Arabs got their own country. I said, 'Well, I don't know, but I think Gordon is having some influence wherever he goes, so therefore the travel allowance might be very well spent!' There were lots of occasions like this.

When he found out about this terrible disease, Gordon did not withdraw but made it easy for his friends and family to gather around him. That was absolutely fantastic. It was easy to go there. Even up to his last Friday with us, he was laughing and joking. I know that when he went to Legh Davis's house for a party Legh was surprised that he was so jolly and happy, and so controlled. I just hope that when my time comes I can be as happy as Gordon. When I walk along the passageway and I see that beautiful portrait of him, it makes me think of the happy times, and I am sure that everybody here will say, 'I knew that guy and he was great.'

The Hon. T. CROTHERS: What can I say? I am speaking with sunglasses on not because I am travelling incognito but because I have an ulcerated eye.

The Hon. R.I. Lucas: I thought you were Dean Jones.

The Hon. T. CROTHERS: Well, maybe not a bad person to be; certainly he would be of much better quality than some of the people I have to face, after his 300 odd. However, what can I say about Gordon Bruce? I have known him longer than anyone in this Parliament. At times, time is the enemy of memory. After the Leader asked me whether I wished to make a contribution and I had said that I did, I tried to piece together for how long I had known Gordon. I cannot recall whether it was 29 or 30 years. His good lady wife, Olive, who at present is within earshot, as is his eldest son and only daughter, Cheryl, would possibly know better than I how long it is that I have known Gordon, but I knew him prior to his becoming a paid officer of the Liquor Trades Union, and that might be some 29 years ago.

I knew him when he was Vice-President of the union, and I knew him when he was President. He was President of the union for some seven years in his first term. I succeeded him and was President for nine years. When I went on to become Secretary, he succeeded me again. Gordon Bruce, to the best of my knowledge—and it is very considerable—never had an enemy. He might have had different degrees of friends: some very good, some average; but he never had an enemy. He had that commonality about him that would almost not permit him to have an enemy. Many times, when he and I were union officials and when we were in here, we would argue the toss and argue it pretty heatedly, but I always knew that that was the way it was with Gordon and me and that the next minute we would be buying each other a drink or a cup of coffee and there would be no falling out in respect of having had even a serious difference of opinion.

Gordon Bruce was a man's man. Initially, he came from Victoria and, believe it or not, he and I had something in common: he came from the shire of Belfast in Victoria. As members know, that town changed its name because of a row back in the 1880s, with an order by the Irish born Judge Rowntree that the town of Belfast should change its name, which it did, but the town is still in the shire of Belfast. So, Gordon and I had many things in common. I followed him as Vice-President of the union, as President of the union and as Assistant Secretary of the union. Unfortunately, although he

would have been Secretary had he stayed, Parliament called him in 1979 and he came here. With the retirement of the Secretary I then became Secretary but, lo and behold, I followed him in here.

I hope and trust—and I know that his wife will not mind my saying this—that there the similarity, at least for a while, will end. It is most unfortunate that Gordon died in the manner in which he did. It is quite true what previous speakers have said about his love of travel. I know for a fact that, after having for many years owned a Kombi wagon, in which he and his good lady wife used to travel the length and breadth of Australia, they had one made up for themselves, which he was very proud to show to me. It was a great tragedy that he did not live to enjoy it. It was a great tragedy that he retired at the proroguing of the last Parliament on 10 December and then, as I understand, found out in about March or April of 1994 that he had that peculiarly named but incurable disease from which he subsequently died.

He did not last that long. I went and visited him on one occasion, and he was just the normal Gordon Bruce: brave, a smiling face; how can you say more? I would like to think that I was as courageous as he was, once he got over the initial shock; that I will be as courageous he was when my time comes. I know that I speak for every member, not only of this House but of this Parliament—and I am sure you will give me some grace, Mr President; I understand about the President's Gallery—when I say to his good lady wife, eldest son and daughter that they have our condolences in respect of the early and shocking passing of Gordon. As I have said, I have known him for some very considerable time. He has always been my friend, and always will be.

We saw in his passing the passing of a fairly unique individual who could bridge philosophies, as was pointed out by a number of speakers, and who could bridge the type of common thought that we all would espouse. He was a convivial fellow, no doubt about that. Up until I stopped being convivial myself some two years ago, Gordon and I spent many a convivial evening together, both in and out of the House.

I know his sage counsel, with his demise, will be missed. I am sure he would have been talked to, even in his retirement, by people looking for some sage, commonsense approach. He will be missed: what more can I say? He was my friend, he will always be my friend in my memory, and when my time comes to go I hope I will display the fortitude and the courage that he showed. I could say much more, but I shall not. I think that is enough from me. I have said what I wanted to say. Again, I say to his good wife, Olive, his elder son and daughter, Cheryl, that they have all our condolences in the passing of a husband, a father and a very fine human being.

The Hon. K.T. GRIFFIN (Attorney-General): I wish to add my tribute to Gordon Bruce. I learnt a lot about Gordon Bruce, as I am sure he learnt a lot about me, as we shared taxis after late night, early morning sittings of the Council on many occasions over the years as we travelled to our homes south of Adelaide. I learnt about his family, as I am sure he learnt about mine. I learnt about some of his achievements, not the least of which was flying model gliders—something which I have always aspired to but never achieved but he has. I learnt a lot about his love of Australia and his wish to travel extensively, and I learnt about those occasions when he did travel widely in Australia, particularly in the campervan.

He was a man who had, as other members have indicated, a very staunch commitment to the independence of the Legislative Council. I can remember many occasions when he was fiercely protective of its independence in this Chamber among some of his ALP colleagues and also, I might say, as I have heard in various places, among members of both Parties in another place.

Gordon was also very much respected in the Commonwealth Parliamentary Association and as President he chaired the State Executive Committee of the CPA, but also travelled in his role as a member and particularly as Chairman. From overseas members of the CPA I have heard that he has been very much respected and a very staunch advocate of the parliamentary system.

Without disclosing confidences of what happens within select committees, I can say that, in relation to parliamentary privilege, on which he was one of the members of a joint select committee, he was a fierce protector of parliamentary privilege and a very staunch advocate for maintaining the rights of members within the Parliament to make statements and to raise issues without fear of being in some way intimidated by outside influences or being subject to litigation.

In the course of the conduct of the business of Council, as other members have said, it was quite obvious that Gordon was even-handed. I can remember one or two occasions when he was even prepared to take the rather bold step for a President of sitting down one or two of the Ministers of the then Government Party. He also, of course, took a fairly heavy hand with members of the then Opposition, but it was quite obvious that he was even-handed and fair.

The other important characteristic—and there are many others, of course—was that he was able to maintain confidences, and in this respect it did not matter whether one was a member of the Labor Party, the Liberal Party, the Australian Democrats or anything else.

Gordon's passing was sudden and took all of us by surprise. I join with all my colleagues in the Legislative Council in extending my condolences to Olive and to his family and to endorse with my own words the respect in which Gordon Bruce was held by all members.

The Hon. BARBARA WIESE: Many members have already said many of the things that I would have said had I spoken earlier, but I want to place on record my condolences to Gordon's wife, Olive, and their family on his passing. Gordon was a good friend to me throughout many years. I first met him in 1977 when we were both preselected to stand for the Legislative Council. We were elected on the same day in 1979. For some six years we shared a room together. He was a very considerate and pleasant room-mate during all those years.

We shared many humorous moments during those first few years as we both learnt the parliamentary ropes, and we made our own observations about some of the funny traditions that seemed to exist in this place. But, throughout all that time and throughout his parliamentary career Gordon had a very strong view about the role of Parliament and its importance within our democracy, and he remained committed to those ideals.

I enjoyed his sense of humour, his intense honesty and the sincerity with which he held views on all topics. I did not always agree with his points of view on everything, but I certainly respected them and his sincerity.

Like others, I think it is a real tragedy that he was unable to enjoy a much longer retirement and to fulfil the plans that he had to travel and to share so much with his wife and friends. I think my most enduring memory of Gordon is the positive way in which he lived his life. Life was something to be enjoyed, and Gordon made the most of every single day of his life. He set a very important example from which we could all learn. As the saying goes: we are not here for a long time, so we should be having a good time. Gordon certainly lived up to that saying, and I am pleased that he did, because his life was cut short in a very cruel way.

I also admired very much and was able to observe at fairly close quarters during my first six years in this place the very close relationship that he had with his wife. It was a tender, loving relationship, and I know that Olive and the whole family will miss him enormously. I join with other members in expressing my condolences to them.

The Hon. L.H. DAVIS: As the Hon. Barbara Wiese has observed, Gordon Bruce was a member of the class of '79. I also came into the Legislative Council during that year. Like the Hon. Barbara Wiese, I was a new chum on the block and, together with Gordon, I learnt the parliamentary ropes. I cannot testify to the stories that have been told about Gordon's contribution to the headlines in East Germany, Russia and Israel, but I have no doubt of the veracity of those stories that have been related to us today by the Hon. George Weatherill. However, I can say with some conviction that the Hon. Gordon Bruce was an enormous contributor to the committees on which he served. During the 1980s there was a round of select committees that looked at council rationalisations in the country, as has already been mentioned. I served on one committee which visited Port Lincoln, and that was a very pleasurable experience, because on that occasion the members of the select committee took their wives and turned it into a weekend away. It was an opportunity for us to meet the wives of other members of Parliament, and on that occasion I got to know the Hon. Gordon Bruce very well.

The Hon. Barbara Wiese has already mentioned the contribution that Gordon made to random breath testing, which is something that we now take for granted. However, in the early 1980s it was a very emotional and passionate issue, which was bitterly opposed by many sections of the media. In fact, *The News*, the afternoon newspaper of the day, ran an eight page supplement that railed against the evils of random breath testing. It was easy for the members of the Liberal Party who served on that select committee in the sense that none of us had a direct relationship with the liquor industry, but Gordon Bruce with his ties to the union in an official capacity was very much under pressure. I think it is fair to say that his significant influence and direction on that important issue saved many lives in South Australia in the years following the introduction of that legislation.

Gordon Bruce was a very fair man, and that was evident when he was elected to the presidency of the Legislative Council, an office which he held for over four years. He was a commonsense President. He was not afraid to call to order members on both sides of the Council, including, dare I say, the former Attorney-General. His fairness was reflected in the fact that he could always bring the noisiest of members to order, and I think that during his presidency he did not throw out one single member.

In August last year Gordon and Olive were invited by Liberal Legislative Councillors to their traditional dinner to mark the opening of the parliamentary session. That was a measure of respect for the man, something which, as far as I know, the Liberal Party had never done before in the history of the Legislative Council. That underlined the warmth and respect which the Liberal Party politicians in the Legislative Council, and indeed in the parliamentary Party, had for Gordon Bruce. He was admired by all Liberal members who served with him in the Legislative Council during the period from 1979 to 1993. The genuine respect of all members of the Parliament and the many members of the community whose lives Gordon Bruce touched was reflected in his funeral service, which was a celebration of his life. I join with the other members of the Legislative Council in expressing my condolences to Olive Bruce and her family.

The Hon. ANNE LEVY: I join with other members in paying tribute to Gordon and in mourning his passing. It is with a strange feeling that I do so, because Gordon succeeded me as President of this Council and I am still here and he is no longer with us. His election to the presidency occurred at a very opportune time. By becoming President when he did, he was able, within very few weeks of his obtaining office, to lead a delegation from this Parliament to Armenia, a trip which I may say I had been looking forward to. But, perhaps I will get to Armenia some day.

Many members have already spoken of Gordon the man and Gordon the President. He was certainly well respected as President of this Council, exhibiting, as he did, great fairness to all members. It has already been stated that he was a strong supporter of the importance of the Parliament and of the Legislative Council, as well as of the role of its President. It is not often realised that in many circles the President is regarded as both the guardian and the representative of the Council and often of the Parliament.

Gordon assumed this role with his usual cheerfulness and I am sure he enjoyed the many duties that go with the responsibilities of representing and being the guardian of the Parliament. Others have spoken of his role on select committees before becoming President. I, too, served on a number of select committees with him, including local government committees, in particular one dealing with Port Pirie. I served with him on the famous Select Committee on the Disposal of Human Remains and one on bushfire prevention (not the one which reported within recent memory, but on a much earlier one on bushfire prevention). Bushfires do not seem to have been prevented by either select committee. In all select committee work he gave close attention to what was occurring, considered the issues very carefully and responsibly, while enlivening many a deliberative meeting with his jokes and asides to lighten the mood if ever it appeared to be becoming complicated.

Another contribution that Gordon made to this Parliament was in the selection of wines for the Parliamentary dining room and refreshment room. He was an enthusiastic member of the wine selection committee—another of his duties that he enjoyed very much—and I am sure that since he retired from this place the quality of the wines certainly will not have risen and may well have fallen in not having Gordon there to provide his wise advice on their selection.

Many have mentioned his forthright approach. He would always state his views quite unambiguously. His no nonsense attitudes enlivened many a Caucus meeting, but he was always good tempered. I concur completely with those who say that Gordon had no enemies. One could disagree with Gordon (and I often did) but one always remained good friends.

He accepted with difficulty the tragic disease from which he died. I remember him speaking about how he seemed to have the ability to succeed against very long odds. He won a car in a lottery soon after he entered Parliament, against very large odds. Then he struck motor neurone disease, again a very rare condition with very long odds against getting it. But, to present those two events in juxtaposition was Gordon's way of making it easier for other people to come to terms with his tragic disease. I certainly hope it helped him in dealing with it himself.

My deepest sympathies go to Olive and the family. I know how excruciating it can be to watch a loved one die inch by inch. Our hearts go out to them. Today's debate today will I am sure convince them that we all have happy memories indeed of Gordon and that we will long remember him, as I am sure they will too.

The Hon. R.R. ROBERTS: I rise to pass a few remarks also on this sad occasion of the passing of our good friend Gordon Bruce. On our side I am the baby of the Parliament of which Gordon was a member. When I first came here I came on an appointment after a very fiery incident involving my predecessor, John Cornwall. I arrived at Parliament House. I was shown my office, which was a converted toilet block. I did not know where I was going. I walked around and there was no introduction to anybody and I was walking down the passage and encountered a smiling face. That person said, 'My name is Gordon Bruce; welcome to the place; do you know where everything is?' We became good friends.

Gordon and I shared electorate duties from time to time and I was fortunate that I was able to take the opportunity to travel with Gordon and listen to some of his views on life. He was the quintessential tourist. It did not matter where he went: if you went to Roxby Downs he had his head in the uranium or silver. He went to the blowhole in Elliston with George and me one time. The waves were crashing everywhere, with warnings not to go near the open sea, but Gordon had to go and have a close look. I can still see him streaking across the bottom of the blowhole trying to get out. George Weatherill gave him a 20 yard start and beat him. Gordon was full of fun and life.

Gordon Bruce always ensured, if he thought something was right, no matter what the company—whether it was John Bannon in the Caucus or at some sub-branch meeting—that he gave his view. I remember an instance going to a staid sub-branch in the electorate of Finniss and there were many elderly people present. An issue was raging about the building of a bridge to Hindmarsh Island and what it would mean to the facility of Goolwa, Victor Harbor and those areas. Gordon Bruce did not take the easy way out by agreeing with them. There was a particular chap there, a vast man with huge hands, a powerful man and Gordon disagreed with him. I can remember Olive sitting alongside him and the argument raged on and got passionate. When Gordon spoke he always rose to his feet. He would spring up to interject and Olive would reach up and grab him by the back pocket to pull him down. I thought this would be a bit dodgy as I had to go back to that sub-branch. When I go back there today those people remember that debate with great fondness. They said it was the best meeting they had for years. Gordon had that charm about him. He always put his viewpoint and was prepared to listen to others' viewpoint, which was endearing. He would not necessarily agree, but put his view strongly.

We are all lamenting the passing of Gordon Bruce and the short time he had after his retirement. Gordon Bruce would be the first to say that he was a lucky man. Over his life he suffered many adversities within his family, but was also very lucky. He always told me that he was extremely lucky to become a member of the Legislative Council and he told me quite candidly that he knew nothing about it and was honoured to get the opportunity to come into the Legislative Council. As has been expounded here earlier by other speakers, he became a devotee of the process of the Legislative Council and believed most passionately in it. He always defended it, even with the most ardent critics of the Legislative Council. There have been people within the Labor Party who have questioned the role of the Legislative Council. Prior to coming in here I was also fairly critical of it. Now that I am here I do not think it is such a bad place. Through the influence of Gordon Bruce somewhat, I have come to recognise the role the Legislative Council plays.

On the question of luck, Gordon had luck in lotteries, in his appointments and in his career. However, I think that if we were to look back Gordon would probably say that the luckiest day that he enjoyed was the one on which he met Olive and started the family which gave him so much pleasure and about which he was always proud to talk.

Given that we lament the fact that Gordon had a very short retirement, I think that if he were asked today he would still say that he was very lucky that he had the things he had and that he achieved the things he was able to achieve. I believe that we, too, were lucky to have had the opportunity to work and socialise with Gordon Bruce. I support the motion.

The PRESIDENT: I support the accolades in this Chamber today for Gordon Bruce. I always felt very comfortable in his presence and I thought he was a fine man. I offer my condolences to Olive and her family and may God bless his soul.

Motion carried by members standing in their places in silence.

[Sitting suspended from 3.13 to 3.26 p.m.]

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 37, 44, 45, 48, 49, 51, 52 and 55.

TRANSPORT INFRASTRUCTURE

37. **The Hon. BARBARA WIESE:**

1. When is it expected that work will be completed on the development of an asset management strategy for major public transport infrastructure such as vehicles, depots and permanent ways?

2. Will the Government make details of this plan available to the Opposition?

The Hon. DIANA LAIDLAW: The former State Transport Authority had well established asset management plans for major public transport infrastructure.

The asset management plans deal with maintenance, upgrading refurbishment and replacement and cover rollingstock, depots, permanent ways, stations and interchanges.

Implementation of these plans are reflected in the Transport portfolio's major works program. The current program includes:

Continuing contract with Clyde Engineering for the delivery of new 3000 class railcars to replace the old red hens;

Continuing contract with MAN Automotive for the delivery of new buses to replace the old Volvo B59 buses;

Rehabilitation of permanent way on the Noarlunga line;

Resleepering and ballast replacement on various parts of permanent way;

Upgrading of:

Railway stations
Car Parks
Pedestrian crossings
Outer Harbour line

Other major work funded under the recurrent budget include:

Bus body structural corrosion prevention and rectification
Continuation of refurbishment work on the Glenelg trams

Asset management planning has to be a continually evolving process, taking into account new factors and knowledge as they arise. As such, development of asset management strategy will be ongoing.

Further information on this can be obtained from the budget papers.

COOBER PEDY AREA SCHOOL

44. **The Hon. CAROLYN PICKLES:**

1. Will the Minister accede to the request by the school council for additional teachers at the Coober Pedy Area School to meet special education needs and the concerns of the school council about learning outcomes?

2. Will the Minister support the learning assistance program initiated by the community to commence in 1995?

3. Does the Minister agree that this school has a strong case to decrease, rather than increase, class sizes?

The Hon. R.I. LUCAS:

1. Coober Pedy Area School has a total staffing allocation of 34.1 full time equivalent staff. This includes 0.6 Tier 2 salary for special education. This allocation has been given in response to details provided by the school and its district superintendent, and takes into account the complexity of the student population.

2. The Learning Assistance Program (LAP) is highly valued by the Government. Parent volunteers work within local schools and provide support to many children. This scheme encourages teachers and adult volunteers to work together to assist identified students.

Schools which have previously conducted LAP schemes have reported positive changes in student learning outcomes. While the program requires time and commitment, schools involved in it report that satisfaction for all those involved more than compensates for the effort required.

The LAP scheme is supported through the publication of a range of booklets providing advice on the initiation and implementation of the scheme. These are available from The Orphanage Teachers Centre.

Throughout the year LAP conferences are also arranged to support the scheme.

3. The staffing allocation for schools is based upon the number of students who attend, their year levels and the complexity of the school. The current allocation is based upon estimates provided by the school and advice from the District Superintendent of Education. The 34.1 full time equivalent reflects the base allocation plus the additional components for the school's complexity.

The Coober Pedy Area School has also sought to recruit staff through the SNAPS (Schools with Significant Aboriginal Population). This process allows for considerable school input into the recruitment and placement of staff at their school.

GILLES STREET PRIMARY SCHOOL

45. **The Hon. CAROLYN PICKLES:**

1. Why was the Gilles Street Primary School chosen for review?

2. Is the Minister aware of the opposition to this review by parents who are happy with the quality of education outcomes at the school?

3. Does the Minister acknowledge this review is creating uncertainty about the future for the school community and having a damaging effect on morale and operation of the school?

4. Will the Minister write to the parents of all students at Gilles Street advising them of the basis on which he will decide the future of the school?

The Hon. R.I. LUCAS: A deputation from Gilles Street Primary School approached me on 22 August 1994 with a request that I guarantee the long-term future of the school. I indicated to the deputation that I did not have adequate information on which to base an appropriate response, and that I would be initiating a review of Gilles Street, Sturt Street and Parkside Primary Schools so as to establish what is the best way of providing education to the three communities involved.

I am aware that there are members of all three school communities who are satisfied with the current operations of their schools. I am also aware that the rumours circulating for some years about the future of the three schools have stopped some parents from enrolling their children in the schools.

I acknowledge that a review inevitably increases uncertainty in a school community, and that there is a danger of this uncertainty impacting negatively on the morale of a school. Advice by the District Superintendent reports a preference by the Parkside and Sturt Street school community that the review not take a long time, for these reasons.

I therefore expect the review to proceed as expeditiously as is compatible with a thorough and open review process.

I look to the review to provide me with some information on this issue but, as I have indicated to the school, the final decision will rest with me as Minister.

The terms of reference for the review are currently under consideration and representatives of the three school communities. As soon as these are finalised, they will be provided to all parents of the three schools.

LOCAL GOVERNMENT REFORM

48. **The Hon. ANNE LEVY:**

1. When will membership of the Ministerial Advisory Group on Local Government Reform be announced?

2. How many women will be included in the group?

The Hon. DIANA LAIDLAW:

1. The membership of the Ministerial Advisory Group on Local Government Reform was announced by the Minister for Housing, Urban Development and Local Government Relations on 1 December 1994.

2. One.

WOMEN NUMBERS

49. **The Hon. ANNE LEVY:**

1. As at 30 June 1994, what was the proportion of women among the members of all boards and committees which have Government appointees?

2. When does the Government expect this proportion to reach 50 per cent?

The Hon. DIANA LAIDLAW:

1. As at 30 June 1994, women represented 26 per cent of all paid Government Boards and Committees.

2. The Government has set a goal of 50 per cent representation of women on Government boards and committees by the year 2000.

TRANSADELAIDE TICKETS

51. **The Hon. CAROLYN PICKLES:** Has the Education Department monitored the effect of the cancellation of the issue of TransAdelaide tickets to School Card holders and have there been any cases of absenteeism as a result of this action?

The Hon. R.I. LUCAS: The Department for Education and Children's Services established a register of questions and criticisms to monitor the effect of the cancellation of the issue of TransAdelaide tickets to School Card holders, following the announcement of the changes to the School Card Scheme, as part of the 1994-95 Budget announcement.

This registration of calls indicates that about 60 per cent of calls to the School Card section were from schools, the remainder from parents. Approximately 50 per cent of calls from schools and 40 per cent of calls from parents related to the cancellation of the issue of TransAdelaide tickets to School Card holders.

Schools wanted to know about the administrative arrangements for the existing tickets and parents were seeking more information about the cut-off date for the use of those tickets. A number of schools and parents called to complain about the cancellation of the tickets.

District Superintendents of Education were surveyed for information on any cases of absenteeism as a result of the cancellation of the issue of TransAdelaide tickets to School Card holders. Most of the District Superintendents were not aware of any actual absenteeism due to the removal of TransAdelaide tickets to School Card holders.

QUALITY ASSURANCE UNIT

52. **The Hon. CAROLYN PICKLES:**

1. What are the titles, classifications and salaries of all staff employed in the Quality Assurance Unit of the Education Department?

2. What investigations have been carried out by the Quality Assurance Unit during 1994?

3. What is the program of work for this unit for 1995?

The Hon. R.I. LUCAS:

1.

Title	Classification	Salary
Co-Ordinating Superintendent	Superintendent	$69 000
Superintendent (Early Childhood)	Superintendent	$67 000
Superintendent (R-7)	Superintendent	$67 000
Superintendent (R-7)	Superintendent	$67 000
Superintendent (Secondary)	Superintendent	$67 000
Manager	ASO7	$52 326
Office Manager	ASO3	$30 033
Administrative Officer	ASO1 (.93)	$21 950
Administrative Officer	ASO1 (.6)	$15 650

2. The QAU will not be predominantly an investigations unit although reviews will be part of its activities. Subject to the finalisation of the detail of its charter, the unit's emphasis will be on

- promoting effective achievement of goals at a reasonable cost
- a developmental approach to continuous quality improvement
- meeting the objectives of conventional internal audit.

In building up an approach to quality assurance two major projects are nearing completion

- describing the framework for quality assurance
- reviewing the approach to internal audit under the quality assurance framework.

The QAU was fully staffed in week 3 of term 3 in 1994. Since that time the unit has developed documents that describe a draft framework for quality assurance processes in the Department for Education and Children's Services, drawing upon world best practice in the education quality movement and in the self evaluation movement. These documents are the focus of a series of current consultations with sections of DECS, and its clients, to be finalised early in term 1, 1995.

Included within the quality assurance framework is the internal audit function of DECS. Quality assurance and internal audit aspects will have investigatory, developmental and training functions. Quality assurance processes will support schools, preschools and units in continuous improvement and quality practices. Random audits will determine whether required procedures are being observed.

System-wide reviews will be conducted to inform the Chief Executive of risks and avenues for improvement by providing analyses, appraisals, recommendations, advice, and information concerning DECS's activities.

The QAU is also acting as consultant on aspects of a number of current reviews, for example MINSEC, the Review of School Discipline, and evaluation of aspects of the trial of Basic Skills testing.

3. The final details of the program of work in 1995 will be finalised in the near future.

TAXIS

55. **The Hon. BARBARA WIESE:** Will the Minister reconsider the reply to Question on Notice No. 34(II) in light of the customary practice that it is Government which pays (not the contractor) in the event of Government contracting out one of its functions?

The Hon. DIANA LAIDLAW: Prior to contracting out vehicle inspections, the individual vehicle owners would pay the former Metropolitan Taxi Cab Board to carry out inspections of taxis and small passenger vehicles. Under the new arrangements, the individual vehicle owners deal direct with either of the two private organisations within the terms of the contracts to inspect the taxis and the small passenger vehicles.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R. I. Lucas)—

Electricity Trust of South Australia Contributory and Non Contributory Superannuation Schemes—Annual Report, 1993-94.

Regulations under the following Acts—

Sewerage Act 1929—Scale of Charges/Pipes across Allotment Boundaries.

Waterworks Act 1932—Scale of Charges.

By the Attorney-General (Hon. K. T. Griffin)—

Adelaide Convention Centre—Letter to Economic and Finance Committee from Minister for Tourism.

Annual Reports, 1993-94—

Advisory Board of Agriculture.

Commissioner for Equal Opportunity.

Juvenile Justice Advisory Committee.

Mining and Quarrying Occupational Health and Safety Committee.

South Australian Occupational Health and Safety Commission.

State Business and Corporate Affairs Office.

WorkCover Corporation.

City West Campus Project—University of S.A. Report to Public Works Committee.

Flinders Medical Centre Accident and Emergency Department Upgrade—Report to Public Works Committee.

Regulations under the following Acts—

Fisheries Act 1982—Northern Zone Rock Lobster.

Forestry Act 1950—Recreational Access and Use of Reserves.

Meat Hygiene Act 1994—Slaughtering Procedures.

Summary Offences Act 1953—

Non Expiation Fees.

Traffic Infringement Notice—Learner's Permit/Probationary Licence.

Rules of Court—

District Court Act 1991—Uniformity of Rules with Supreme Court.

Environment, Resources and Development Court Act 1993—Appeals and Applications under Irrigation Act.

Supreme Court Act 1935—Caseflow Management Procedures—Amendments.

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulations under the following Act—

Liquor Licensing Act 1985—Dry Areas—
New Year's Eve—
Adelaide, Victor Harbor, Beachport.
Normanville.
Port Elliot/Goolwa, Renmark.
Murray Bridge.
Port Adelaide Mall and Waterfront, Semaphore Esplanade, Port Augusta.

By the Minister for Transport (Hon. Diana Laidlaw)—

Annual Reports, 1993-94—
Bookmakers Licensing Board.
Department of State Aboriginal Affairs.
Local Government Grants Commission South Australia.
Radiation Protection and Control Act 1982.
Architects Act 1939—By-laws—Fees.
Development Act 1993—Development Plan Amendments—
District Council of Angaston—Cook Street Concept Plan—Plan Amendment.
District Council of Kapunda—Kapunda Township Plan Amendment Report.
District Council of Tatiara—Bordertown Industrial Estate Plan Amendment Report.
Mount Barker—Rural Living Review Plan Amendment.
Willunga—Interim Structure Plan Amendment.
Willunga-McLaren Vale Schedule of Local Heritage Places Plan Amendment.
District Council By-laws—
Wallaroo—
No. 2—Council Land.
No. 3—Fire Prevention.
No. 4—Dogs.
No. 5—Animals and Birds.
No. 6—Bees.
Willunga—No. 21—STED Schemes.
Yankalilla—No. 34—Moveable Signs.
Local Government Act 1934—Rules—Local Government Superannuation Scheme.
Racing Act 1976—Rules—
Bookmakers Licensing Board—Various.
Harness Racing Board—
Breeding Season.
Correction—Grammatical Error.
Ease Out.
Interpretation Plasma.
Register of Horse Lease.
Regulations under the following Acts—
Development Act 1993—
Building Code of Australia Amendment.
Regional Centre Zones—Fences and Development.
Environment Protection Act 1993—
Fees and Levy.
Former Body Corporate.
Harbors and Navigation Act 1993—Vesting of Land in South Australian Ports Corporation.
Health Act 1935—Licensing of Nursing Homes.
Motor Vehicles Act 1959—Traffic Infringement Notice—Probationary Licence.
National Parks and Wildlife Act 1972—Entrance Fees—Lincoln/Coffin Bay National Parks.
Native Vegetation Act 1991—Increase in Fire Break Width.
Optometrists Act 1920—Advertising—Mutual Recognition of Qualifications.
Passenger Transport Act 1994—Taxi Industry—Various.
Racing Act 1976—Sports Betting—Adelaide Oval.
Road Traffic Act 1961—
Buses Right Hook Turns.
Exempt Vehicles.
South Australian Health Commission Act 1975—Private Hospitals—Southern District War Memorial Hospital.
South Australian Ports Corporation Act 1994—Removing Speed Restrictions.
Supported Residential Facilities Act 1992—Licensing of Nursing Homes/Psychiatric Rehabilitation Hostels.

MEAT CONTAMINATION

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a ministerial statement from the Premier in the other place on contaminated meat.

Leave granted.

TRAINING FUNDING

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a ministerial statement from the Minister for Employment, Training and Further Education on Federal funding for training.

Leave granted.

CONSUMER AFFAIRS REPORT

The Hon. K.T. GRIFFIN (Minister for Consumer Affairs): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.T. GRIFFIN: At the conclusion of the 1994, it was drawn to my attention by the Commissioner for Consumer Affairs that an error had occurred in the Commissioner's Annual Report for 1993-94. A small number of prosecutions had been omitted from the report's statistical data. The Commissioner, on my instructions, immediately issued a press release explaining the error to members of the public.

As Minister for Consumer Affairs it is my responsibility to table the Commissioner's Annual Report in Parliament. I take this opportunity to correct the omission of the prosecutions by tabling the corrected page of the report and to assure Parliament that, when printed, as the Annual Report will be very shortly, the corrected page will appear in that version.

The omitted offences consisted of four prosecutions under the Fair Trading Act, three under the Trade Measurements Act and one under the Packages Act. The error occurred when a draft report, with an incomplete list of prosecutions in an appendix, was mistakenly submitted to me for tabling in Parliament. The omissions were detected when the final report was being prepared for printing.

The offences, which were the subject of the omissions, were all of a generally minor nature with penalties ranging between $400 and $1 400. Since becoming Minister for Consumer Affairs, I have been concerned to ensure that prosecution for minor offences should not be the first and only action taken against a retailer where breach has occurred, particularly where the retailer has offended before.

The Commissioner for Consumer Affairs has been working with certain retailers and, where appropriate, the Retail Traders Association, to overcome patterns of repeat offending which result from poor administrative systems and operational methods. This approach is in everyone's best interest. Industry benefits from genuine assistance with obvious difficulties, consumers benefit from long-term improvements rather than easy, transient solutions and the court system is saved the expense of numerous minor court cases.

I consider that this method of dealing with legislative breaches is more positive and far more likely to result in ongoing compliance than the cynical exercise of prosecuting the same group of retailers for the same group of offences year after year. The Commissioner for Consumer Affairs has my full support for this initiative. I seek leave to table the corrected page of the Annual Report for the Commissioner for Consumer Affairs for 1993-94.

QUESTION TIME

MEAT CONTAMINATION

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, as Leader of the Government in the Council, a question about the recall of contaminated meat.

Leave granted.

The Hon. CAROLYN PICKLES: The Minister for Education and Children's Services was acting Minister for Health from 31 December 1994 to 25 January 1995 inclusive. During that time, contaminated mettwurst produced by the Garibaldi smallgoods company was being consumed by children and adults around Adelaide. The chronology of events is as follows. On 26 December the first case reported was on dialysis; on 10 January case two was on dialysis; and on 14 January case three was on dialysis. On 16 January the Chief Public Health Officer realised that there was an epidemic. On 18 January the fourth case was on dialysis; on 19 January, the fifth case, and on 22 January, the sixth case.

On 23 January, following the work of the Institute of Medical and Veterinary Science and the Women's and Children's Hospital, health officials identified Garibaldi meat as the source of the epidemic and requested a recall. On 25 January health officials met with Garibaldi. On 26 January a warning was published in the *Advertiser* by Garibaldi. The recall consisted of a small newspaper advertisement inserted by Garibaldi on page 4 of the *Advertiser* on 26 January and 27 January. The Health Commission did not publish any warnings and consumers or retailers who did not read the *Advertiser* on those days or who do not read English had no warning of the seriousness of this matter.

On 29 January and 1 February seven more cases were on dialysis. Unfortunately, on 1 February a child died. Also on 1 February the Health Commission suggested to Garibaldi that it recall additional produce from its company. On 1 February the product was still on the shelves in Adelaide and interstate, and some product was unbranded. On 1 February the Health Commission asked companies to recall interstate product. On 2 February there was another confirmed case. Also, some retailers received a Health Commission pamphlet concerning the recall of the product on 2 February. On 3 February, which was only last Friday, there was another confirmed case—18 days after identification of the epidemic and 11 days after identification of the source. Upon becoming aware of the source of the problem on 23 January, why did not the Minister, as Acting Minister for Health, issue an order under section 25 of the Food Act to all relevant retailers prohibiting the sale of all stocks of mettwurst suspected of being contaminated?

The Hon. R.I. LUCAS: There is a very simple answer to that. The advice provided to me as the Acting Minister for Health was that, in broad terms, there were two general ways one could go in relation to the recall of a food product. The first and preferable process was to seek the agreement of the manufacturer in relation to the particular product. It is important to remember that, literally within hours of being advised, we were having to do an all-in press conference and the information provided by the Health Commission experts at that time related to a particular product of the company Garibaldi, and the particular product, from recollection, was garlic mettwurst with a batch date number, which was in February or March (and I am operating from memory at this stage). The advice that was provided did not relate to other products, I think up to 100 or 200 product lines, of the company.

The other process that could have been followed was to issue a recall without the agreement of the company by using various powers under the Food Act. As Acting Minister for Health at that time, I accepted the expert advice of the Health Commission that the preferred course of action was to seek the agreement of the company for the voluntary recall of the product, because the company knew all its retail outlets whereas the Health Commission was not in a position, particularly with a product such as this, to be able to do so. So that is the simple answer to that.

The other aspect is that, as Acting Minister for Health, within two to three hours of having received that advice on whatever Monday that was, I had organised a press conference at 3.00 or 3.30 that afternoon which all the radio stations and newspapers attended, and which three of the four television stations attended. As Acting Minister for Health, I noted that there was one television camera less than there should have been. We ascertained that it was ABC Television, for some reason, and I asked an officer to contact ABC Television prior to its going to air that evening, to say, first, that we were disappointed that the ABC was not there and, secondly, that if it was not going to run the story we believed that, in the interests of consumers, it ought to at least run—without the vision—the story of the recall. To its credit, it did run a story, read by the television news reader, issuing the recall notice and publicising that. As Acting Minister for Health, I can only therefore repeat that, as an acting Minister in a particular area, one must rely on the expert advice of the health experts, in this case within the Health Commission. Of course, one must make a judgment, and make it quickly, in relation to these obviously very sensitive issues. As I said, within two to three hours we did that and we made sure that public advice was issued.

One has to be very cautious in relation to this issue. I certainly do not suggest that the Leader's question is anything other than a genuine question, as I am sure that is the way it is intended. I understand that extended questioning is going on in another place, but I am sure all members in this Chamber—Liberal, Labor and otherwise—would not want to see this issue being made a political football. The issue is too important for members to use as a political football. Having spoken with members of the Labor Party and with members of my own Party over the past few weeks, I believe that that is a view that is shared by all members in this Chamber and in another place—that this issue really ought to be treated as the serious issue that it is, and one should not seek to make it a political football.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: As I said at the outset, I am not suggesting that the question from the Leader of the Opposition is anything other than a genuine question. What I am

saying is that we need to be cautious and sensitive in relation to this matter. Equally, there are also issues in relation to the undoubted good work that the experts in the Health Commission did in trying to come to a decision in relation to the cause of this epidemic. A lot of work had to be done by those officers, and I give credit to them for the detective work they did to try to track down the cause. Even now, whilst I am not the acting Minister any more, but nevertheless an interested observer, a raging debate is still going on as to where the exact cause is, what the reasons were and why we had this situation with this processor and manufacturer in South Australia, with it not occurring in other places in South Australia or indeed in other parts of Australia as well. The experts are still trying to come to some sort of agreement or consensus on that.

It is always a touch easier with the benefit of hindsight to look back and say, 'Well, there's the chronology; do this, do that.' Certainly, from my viewpoint as then Acting Minister for Health, I have no problems at all in defending the actions that I took in those first few hours after being advised on that Monday as to the process that ought to be followed on the advice of Health Commission experts about the recall of the original product, which was the garlic mettwurst.

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Leader of the Government in the Council, in his capacity as then Acting Minister for Health, a question about the HUS epidemic.

Leave granted.

The Hon. R.R. ROBERTS: There are two aspects of this HUS epidemic that are of some concern: first, how the epidemic was handled when the information started to become available and, secondly, what we are going to do about it next. The responsible thing to do about it next is to ensure that adequate safeguards are put in place. I had discussions this morning with the Hon. Dale Baker, and we had some agreement that we need to do that. The Opposition is prepared to cooperate in any way to ensure that proper standards are put into place. I agree with the point put by Mr Andrew Theophanous, Secretary to the Federal Health Minister, that there does need to be some uniform standard in this area for consumers across Australia, so that no matter where the meat is processed, as it has been alleged in this case, in Victoria or New South Wales, there is a commonality of standards to which we can all adhere.

However, there is the other aspect to the way this matter was handled when the outbreak occurred. People are asking—mothers in particular—'how come this incident was allowed to go on for so long without action?' They are demanding answers. I am advised that it was confirmed on 23 January that Garibaldi mettwurst was identified as the source of the HUS epidemic. I am also advised (and I have checked the Act) that sections 24 to 27 of the health regulations provide powers for the inspectorate to enter premises and/or vehicles to collect evidence, and it is an offence to deny that information to the inspectorate. I am advised that the information that was required as to where the mettwurst had been supplied was not sought by the Government, and it was not until 31 January that Garibaldi was compelled to provide information as to where mettwurst had been sold. Obviously, quite considerable time had elapsed between that identification and the information coming to the attention of the public generally. I have also been informed that it is the Government's right to undertake advertising to notify the public as to the dangers that may be present in respect of these matters, and those costs are retrievable at the end of the day. My question to the Minister—

The Hon. R.I. Lucas: Who from?

The Hon. R.R. ROBERTS: From the company. My question is this—and I understand that in his previous answer the Minister did address some of this area, but he did say that he received advice—when the Acting Minister for Health became aware on 23 January of the identification of Garibaldi mettwurst as the source of the HUS epidemic, why did he not immediately order the Health Commission's officers to demand information from Garibaldi about the shops to which mettwurst had been supplied, in accordance with his powers under the Food Act? If the answer is to be 'in accordance with advice from the Health Commission', what was that advice?

The Hon. R.I. LUCAS: We are having an action replay of what is going on in another place at the moment, where the questions properly are being addressed to the Ministers for Health and Primary Industries, and indeed the Premier.

The Hon. Anne Levy: We're allowed to find out things, too.

The Hon. R.I. LUCAS: I am happy to assist to the best of my ability as the Leader of the Government in this Council and as the then Acting Minister for Health. I must say that there would be significant parts of that comment and explanation from the honourable member with which the Government would disagree. The Minister for Health, in particular in his explanation of the actions taken by the Health Commission and its officers, would indicate a different story from that which has been outlined by the Hon. Mr Roberts.

The honourable member asked me why I did not order the company to recall its product, or words to that effect, on the day that I received the advice. As I said in reply to the question from the Leader of the Opposition, the advice from the Health Commission was that agreement had been reached by the company to recall all the product: garlic mettwurst, not mettwurst generally, as the Hon. Mr Roberts was talking about.

As acting Minister for Health, if one is presented with advice that says, 'This particular batch of garlic mettwurst ought to be recalled; we have had discussions with the company and it will recall all that product', it would seem to be a touch of overkill at that stage to be saying, 'We now order you to do it,' when it has already agreed to do so voluntarily—completely consistent, I understand, with the procedures followed by Labor Ministers and Labor Governments over the past 10 or 20 years when various products have had to be recalled.

As I said, it is fine with the benefit of hindsight to indicate that perhaps different procedures should have been followed, but in that case the advice from the Health Commission was quite clear and unequivocal that this was what had to be done and, within the space of two or three hours, it was done.

PATAWALONGA

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources a question about the Patawalonga redevelopment.

Leave granted.

The Hon. T.G. ROBERTS: I have been contacted, as have a number of other members, about the concerns that are starting to emerge regarding the proposed engineering solution to the problems being faced at the Patawalonga. We on both sides of the Chamber all join the Federal Government's initiative and the State Government's uptake of the moneys offered through the Better Cities Program to look at a development program in that area associated with a clean-up program.

I guess that the distinguishing factor between the two positions will come out in the questions that I have to put to the Minister, and the distinguishing differences are in the proposal that is being put by the proponents of the engineering solution. That proposal is to build a weir at the current outlet of the Patawalonga and to dredge at least two metres of soil or silt from the Patawalonga floor.

The Hon. M.J. Elliott: Contaminated silt.

The Hon. T.G. ROBERTS: Yes, it is supposed to contain contaminants that have rested there and been fed into the Patawalonga area for a long time. The intention in the proposal is to place that contaminated soil on the property of the Federal Airports Corporation and then to dump it, I understand, in the area where the proposed extension of the runway is to occur. The further proposal is then to cut an outlet through the Land Trust land (or the Patawalonga golf course, as it is now) to form another outlet through to the sea. I understand that that will cause much concern, particularly with SARDI and with other vested interests in the area, and that many of the concerns that have been directed to me are around the proposal as it now stands.

The proposed program does not contain a proposal for an environmental impact statement, and this concerns many people and organisations in the area, such as the West Beach Trust, the Federal Airports Corporation and SARDI, because they want to have clean, uncontaminated intakes at the point where their water is drawn in. I understand that—

The Hon. Diana Laidlaw: Are they happy with what they take in now?

The Hon. T.G. ROBERTS: When the committee of which I was a member looked at the proposal for the marine research program to go ahead in that area, proposals were being put forward that the program be put either at Port Lincoln or in the South-East, where water would be of better quality and where the marine research programs would produce better results. Ultimately, however, the decision was made to build at West Beach, and now SARDI is concerned that the engineering solution being applied to the Patawalonga will interfere with its programs.

Also concerned are the Henley and Grange council, the Henley and Grange Residents Association and individual local residents. I understand also now that the local member (Mr Steve Condous), replying to the pressure being applied to him by residents in his electorate, is now concerned. My questions are as follows:

1. Will the Government abandon the controversial plan being considered? If not, will the Government improve its community liaison with an amended proposal?

2. Will the Government commission an EIS to ensure a proper, open process and, if not, why not?

The Hon. DIANA LAIDLAW: As the honourable member noted, this proposal is merely that at this stage: a proposal that is being discussed. It does not have a higher status than that. I will refer the honourable member's questions to the Minister and bring back a more considered reply, but this has not been formally adopted by the Government as the solution to all the problems.

HIGHBURY DUMP

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for Housing, Urban Development and Local Government Relations a question about the proposed Highbury dump.

Leave granted.

The Hon. M.J. ELLIOTT: In the *Government Gazette* of 2 February there is a notice under which the Minister for Housing, Urban Development and Local Government Relations declared that a proposed development at Highbury for a dump is of major social, economic and environmental importance. The significance of that is that it will require an environmental impact statement under section 48(2) of the Development Act. I am advised and understand that the development was considered to be in conflict with the development plan and, as such, was not likely to gain approval to proceed.

The Hon. A.J. Redford: By whom?

The Hon. M.J. ELLIOTT: By lawyers who have read through the proposal and the development plan.

The Hon. A.J. Redford: Which ones?

The Hon. M.J. ELLIOTT: Ones who are better than the honourable member. The Minister, in making his declaration under section 48(2) of the Development Act, has put himself in a position to give an early 'No' to the development. Alternatively, he is also in a position to override the normal planning procedures to allow the development to proceed. In making his declaration, the Minister has deemed the project to be of major social, economic and environmental importance.

Residents of the area where the development is proposed recognise the social and environmental importance of the development—all reasons for the dump not to proceed—but are asking me of what economic importance is a landfill. Apparently, the Minister has discounted the possibility of an early 'No' to the development. It has been reported to me that the Minister may, in fact, have indicated to the developers his positive support.

It is further reported that one of the developers (CSR) has in the past week bought more land within the development area, indicating that it is highly optimistic of its chances. If the Minister has declared this development to be of major social, economic and environmental importance for the purpose of allowing the dump to proceed, he is guilty of a gross abuse of ministerial power. I ask the following questions:

1. If the development does conflict with the development plan, why bother with an EIS?

2. Does the Minister intend to exercise his powers of an early 'No' in relation to a landfill dump which has no economic significance but which has clear negative environmental and social impacts?

3. What undertakings has the Minister privately given to the developers?

The PRESIDENT: Order! I remind the Hon. Michael Elliott that it is the start of a new year and, although I do not mind a little elasticity, he did reflect on a member during that

question. I remind members that if they interject they will get reflections like that. I would also ask the honourable member to refrain from doing that. Also, there was a considerable amount of opinion in that question, and I remind members of that.

The Hon. DIANA LAIDLAW: I would like to clarify one matter before agreeing to take all those questions to the Minister for reply. It is the Government which makes such proclamations, not the Minister, in terms of the notice being placed in the *Government Gazette*. I do not think it is of much benefit to single out that person at this time.

MEAT CONTAMINATION

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister for Education a question about health notices.

Leave granted.

The Hon. BARBARA WIESE: Honourable members will welcome the comments that were made earlier by the Minister that he wishes to provide as much information as he can concerning the HUS epidemic, and I am sure he acknowledges, too, that this has been a very serious matter and that the public is entitled to require the Government to be accountable and to know that it has, in fact, undertaken every action that it might have been able to take in order to inform the public that this particular product, garlic mettwurst, was contaminated and that it needed to be withdrawn.

As the Minister would be aware, under section 27 of the Food Act there is an authorisation for the Minister to publish advertisements for the purpose of informing the public of food which is considered to be unfit for human consumption. After the identification of Garibaldi mettwurst as the source of the HUS epidemic on 23 January, why did the Minister, as the acting Minister for Health, fail to publish advertisements pursuant to section 27 warning against the risk that the Garibaldi product was unfit for human consumption?

The Hon. R.I. LUCAS: I cannot add much more than the answers to the questions to the Leader of the Opposition and the Deputy Leader of the Opposition. As the acting Minister for Health I acted on the advice of the experts within the Health Commission, together, obviously, with my own judgment. I followed their advice, and as I indicated—I will not go over all the detail again—we sought not only the cooperation of the company but also, secondly, to maximise the publicity—on television and radio and in the press—to ensure the recall of this product with this particular batch number.

To refresh members' memories, at that time we were talking about one particular batch number of one product. Subsequently, of course, a number of other batches over a greater period of time and other products were the subject of recall. So, at that time, that particular batch number and product was all that we were talking about, and I can only repeat that, as the acting Minister for Health, I acted promptly on the advice provided by the experts within the Health Commission as to the appropriate procedures as the acting Minister for Health for me to follow.

The Hon. BARBARA WIESE: As a supplementary question, does the Minister acknowledge that he did not cause an advertisement to be published following the detection of the contaminated garlic mettwurst and, as there were people who had this product in their shops and in their homes long after the television and radio reports concerning this product, does he believe in hindsight that he should have caused an advertisement to be published concerning this matter?

The Hon. R.I. LUCAS: No, I do not. The honourable member has an inflated opinion of what a few centimetres in the general section of the *Advertiser* and the value those might have in relation to advertising. From my viewpoint as acting Minister for Health, but also as a politician of some 12 or 13 years standing, my view is that people are more likely to see news, hear news and read news when it is featured on the television news, when it is featured on the radio and when it is featured on page 1, 2 or 3 of the only newspaper that we have in town.

I can only say to the honourable member again that the only advice I received as the acting Minister for Health was to take the action which I duly and promptly took and which I believed to be the appropriate action to take at that particular time. I certainly believe that more people will watch television news, that more people will listen to radio news, and that more people will see the headlines on page 1, 2 or 3 of the *Advertiser* than will read an advertisement that might have been buried somewhere within the *Advertiser*.

I am not sure what subsequent action was taken by the Health Commission and the Minister for Health in relation to paid advertising once we got beyond the first particular product with that particular batch number which was the subject of the first recall. I can certainly make inquiry of the Health Commission and the Minister for Health in relation to what action was taken and the reasons for that action.

I can certainly speak for my own part about the reasons why we took the first decision, and I have already outlined that to the member on two separate occasions and, indeed, to two other members earlier in Question Time.

The Hon. T. CROTHERS: As a supplementary question, I direct a question to the then acting Minister for Health. Will the Minister find out and inform this House what potential impact the lack of the fact that the Government advertised, as prescribed by law, might have on some subsequent legal action perhaps undertaken by the parents of the children either against the Government or against the company now under provisional liquidation?

The Hon. R.I. LUCAS: Even if I was a lawyer I would not venture an unpaid opinion to the honourable member, but particularly as I am not a lawyer I certainly will not be venturing an unpaid or paid opinion in relation to legal liabilities or any legal action which might ensue. The member rightly points to the fact that there has been some press coverage of the possibility of legal action. Clearly, that is a decision that individuals will have to take, and at that time whomever is the defendant will have to take his or her legal advice and defend it in the appropriate forum.

However, it is certainly not proper or appropriate for me on this occasion to make any comment about that. The only other thing I can say is that I would have to reject the explanation to the honourable member's question concerning something along the lines of 'due to the Government's inaction' or words or phrases to that effect. Certainly, that is not an opinion that would be shared by me, as a member of the Government, or indeed, I am sure, by the Minister for Health or officers who work long and hard within the Health Commission to try to do the necessary detective work on this issue. I am sure they would not accept that they were inactive and did not take the appropriate action.

I would think that members, particularly the Hon. Mr Crothers and others, would support the work that officers of the Health Commission, the IMVS and others have undertaken and continue to undertake in relation to this very difficult issue. As a member of the Government, I have already placed on the record and do so again my acknowledgment of the sterling work they have done and continue to do.

The Hon. T. CROTHERS: I have a further supplementary question, Mr President.

The PRESIDENT: Order! I think the honourable member is stretching the limit a bit, but I will allow the question this time.

The Hon. T. CROTHERS: I draw to the attention of the Minister the fact that I did not ask him to make a statement on the matter. I asked him to find out—and I guess Crown Law is where you would ask—whether there was any potential for impact because the Government did not advertise as prescribed by law. I did not ask the Minister for an opinion; I asked him to find out. Mr President, will you direct the Minister to answer my supplementary question?

The PRESIDENT: I am sorry, but I do not have that power.

The Hon. R.I. LUCAS: I am a very compliant Minister, and I am always happy to endeavour to please. I will look at the honourable member's question to see whether there is anything further that I may be able to offer than that which I have already offered by way of explanation. However, if past experience is any indication of future answers, it was the view of past Attorneys-General, particularly the Hon. Mr Sumner on many occasions, not to offer legal advice in relation to these particular issues. If an action ensues and if the Government is a party to it, Crown Law may well need to be involved. I thank the honourable member for his question, and if I can add anything useful to my answer I will endeavour to do so.

GARIBALDI SMALLGOODS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question about the provisional liquidation of Garibaldi Smallgoods.

Leave granted.

The Hon. R.D. LAWSON: Yesterday, the Supreme Court appointed a provisional liquidator of the company which manufactures Garibaldi Smallgoods. The power to appoint a provisional liquidator is usually exercised when an application to wind up a company is made and when there is some danger that the directors may dissipate the assets of the company before the court determines finally whether the company ought to be wound up. Of course, the circumstances in which a provisional liquidator is appointed vary from case to case. Press reports suggest that the provisional liquidator of Garibaldi Smallgoods was, in fact, sought by the directors of the company.

Directors of companies have onerous obligations and duties not only to the company itself and its shareholders but also to its employees and creditors. The law has not always recognised the duties of company directors to the employees of companies. For example, the famous leading case on the subject arose when Henry Ford was still the dominant director of the Ford Motor Company. He got his board to resolve to plough back into the company the profits and to reduce the price of its cars. He was motivated by a desire to increase employment and to spread the benefits of the industrial system. Shareholders successfully sued because they claimed that the object of the company should be to pay them higher dividends and not to act with such altruism, and the court agreed.

We have changed markedly since then. The result would be different today because it is accepted that directors have to consider not merely the economic welfare of the company and its shareholders but also its employees, creditors and suppliers, etc. Press reports suggest that there is understandable concern in the community about the effect of the provisional liquidation on the employees of Garibaldi Smallgoods. My question is: will the Attorney-General assure the Council and the community that the provisional liquidation of Garibaldi Smallgoods is not a device that will sacrifice the legitimate expectations of the employees of that company and those who may have claims against it?

The Hon. K.T. GRIFFIN: I am not privy to the reasons which motivated the directors to seek provisional liquidation of Garibaldi Smallgoods. I think it should be recognised that the Corporations Law provides for that course of action to be followed in a variety of circumstances, and the Corporations Law builds protections into the law for creditors and employees in the event of a final liquidation. There is an order of priority: employees have a priority for wages and there are also priorities for secured and unsecured creditors down the list, and shareholders come absolutely last.

The law is fairly well developed, so that whenever there is a receivership or liquidation or provisional liquidation, interests of creditors and employees are protected by the law to the extent of the assets of the corporation. It is fair to say that, in the circumstances which appeared to face the directors, they took a decision which I think was appropriate to protect the interests of employees and creditors and for any dealing with the assets and liabilities to be taken in a manner which is measured rather than precipitate. In those circumstances, I would be very surprised if one could assert that the appointment of a provisional liquidator was for any reason other than to protect the assets and liabilities and, ultimately, the employees and creditors of that corporation and its associated companies.

MEAT CONTAMINATION

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister of Consumer Affairs a question about mettwurst.

Leave granted.

The Hon. ANNE LEVY: According to reports in the media, the cause of the contaminated mettwurst which has resulted in the tragic epidemic of HUS is toxins from E. coli 0-111, which have been found in a consignment of mutton from Victoria to Garibaldi Smallgoods. As I understand it, the ingredient label for mettwurst states that it is made of pork and beef and various spices and preservatives. So, one might well ask what infected mutton was doing in mettwurst when mettwurst is not meant to contain mutton but pork and beef.

This side issue relating to mettwurst obviously is affecting the whole smallgoods industry in this country. What reliability can people place on the contents label of any piece of sausage if something which is labelled as being made of pork and beef can, in fact, contain mutton? It has been put to me that this is misleading labelling and that it is an offence not to accurately describe the contents of goods for sale. I ask the Attorney whether he will undertake to investigate all

smallgoods manufacturers in this State to ascertain the actual contents of their smallgoods (mettwurst, salami, etc.) to see whether the ingredients label is an accurate measure of the contents so that people can again have faith in the labelling system.

If something is labelled as being made of beef and pork and actually contains mutton, what confidence can anyone have in the contents labelling of any sausage or smallgoods which are available for sale in this State? It would seem that such an investigation is necessary to restore confidence on the part of consumers in the smallgoods manufactured by other than Garibaldi, which presumably will not be manufacturing any more. The situation of the mettwurst from Garibaldi is obviously having an effect on all smallgoods manufacturers in this State and it is surely important that confidence be restored in the contents of smallgoods from all South Australian manufacturers.

The Hon. K.T. GRIFFIN: I do not profess to be an expert on what should or should not be the ingredients of particular food products. Some people would argue that mutton is better than beef, whilst some would argue that beef is better than mutton and better than pork and so on. There are a variety of opinions about that and about whether in mettwurst it is appropriate to use meats other than pork and beef. Labelling is not just the area of responsibility of the Department of Consumer Affairs but also, in relation to food products, comes very much within the area of responsibility of the Minister for Health under the Food Act and even at the national level with the National Food Authority. There are also packaging Acts and other legislation.

Whilst it may seem attractive to the honourable member to immediately investigate all smallgoods throughout South Australia, I doubt whether there is any necessity for that to occur. As the Premier and Leader of the Government in this Chamber have indicated, this particular set of circumstances is being handled with the cooperation of the whole of the smallgoods industry in a effort to maintain the confidence of the public in that industry and also to ensure that the causes of the HUS disease are properly identified and the conditions which relate to it properly addressed. I will refer the issues raised by the honourable member to the Commissioner for Consumer Affairs in so far as they relate to consumer affairs areas of responsibility, and bring back a reply.

WAGE LEVELS

In reply to **Hon. T. CROTHERS** (1 December).

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has provided the following response:

1. The Income Distribution Report issued by the University of Canberra's National Centre for Social and Economic Modelling (NATSEM) reported that the estimated average disposable income of South Australians was $555 per week, which was 5.1 per cent below the national average of $585 per week and the equal lowest (with Queensland) of the six States.

The measure used by NATSEM is broader than just income earned through wages in that the estimate includes income earned through self-employment, investments, and other private sources along with income from Government transfer payments (i.e. pensions and other benefits) and 'nets off' income tax payments. In addition, these figures are probably influenced by workforce composition factors such as the proportion of full time and part time employment in each State.

2. The latest Bureau of Statistics estimate of average weekly earnings for South Australia suggests that the average weekly wage for someone working ordinary hours in a full time position was $602.60 (gross) in August 1994, a figure 2.3 per cent below the national average. This measure of wages was the fourth highest among the six States—above both Queensland and Tasmania.

When comparing wage or income levels between States it must be remembered that South Australia has a lower cost of living than the national average, particularly in the area of housing costs. This means that South Australians can enjoy a comparable standard of living to residents of other States even with (up to a degree) lower nominal incomes.

When comparing wage levels across the States, the figures do not necessarily indicate if wages in a particular State are 'too high' or 'too low'. In the production of goods and services the important factor is whether an individual's wage is commensurate with their productivity and the competitive position of their employer.

3. The Government will take every opportunity to present the true position in respect of comparative income levels between the States in an effort to correct any distortion of these comparisons in the community.

BEEF

In reply to **Hon. T. CROTHERS** (23 November 1994) and answered by letter dated 20 December 1994.

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following responses:

1. Yes.

2. No.

3. The animal health and farm chemicals programs within primary industries have a long history of educating South Australian farmers about the risks to export markets and to human health that might arise from the inappropriate use of agricultural and veterinary chemicals. All opportunities are taken to extend relevant information to producers through the rural media and extension material at district offices. Much of the extension material is produced by national bodies to ensure a consistent message is sent to all Australian producers. A fine example of this is the 'Do it right campaign' relating primarily to the use of antibacterial agents.

The farm chemicals program is currently being restructured. A major focus of the new program will be the education of primary producers about farm chemicals. A producer education officer and an industry education officer will soon be appointed. As a consequence, PISA's contribution to education and training in the area of chemical residues will increase markedly in the near future.

The strong promotion by PISA of the 'National Farm Chemical Users' Training Program' will also continue. This course provides training in chemical use, safety and associated issues such as residues. The majority of primary producers are expected to complete this program within the next few years. South Australia has one of the highest rates of completion of this program by primary producers.

In light of the 'cotton trash incident', PISA and local agricultural industries are re-examining their regulatory controls and the effectiveness of their extension efforts so that a similar situation should not arise in South Australia in times of feed shortage.

4. PISA strongly supports current national residue monitoring programs that aim to minimise residue and contaminant levels in Australian export produce. Examples of these control programs are the national residue survey, the national antibacterial residue minimisation program and the national hormonal growth promotant control program. Under these programs, PISA ensures that any residue detections are promptly investigated and that appropriate regulatory controls are implemented to control the problem.

Furthermore, in cases where these national programs are not seen to adequately represent South Australia's interests or when a potential residue problem is identified that is seen as specific to South Australia, Primary Industries SA has conducted detailed State programs to address the issue. These programs have included additional antibacterial residue programs and residues surveys of pigs, poultry, horses, yabbies, potatoes and general fruit and vegetables.

The 1987 organochlorine crisis that threatened beef exports to the USA demonstrated to local producers the severe consequences of allowing our produce to contain chemical contaminants above internationally accepted limits. Under this program 230 South Australian properties were placed under quarantine to ensure evidence of chemical residues was fully investigated and resolved. (Only a small number were found to have residues that actually violated the Australian MRL).

PISA is considering undertaking a review of alternative sources of feed from waste plant material that may be used in South Australia at times of chronic feed shortages. These would include citrus peel from juicing operations, potato peel from potato processing plants and grain dust from storage silos. This will help to minimise the potential for an incident similar to the cotton trash problem occurring in South Australia.

5. PISA believes that a joint Commonwealth, State and industry approach to addressing high risk residue issues provides the best approach to minimising the potential for a major residue disaster in South Australia. A typical program will include a significant education component to alert farmers to the issues involved and a suitable monitoring component to ensure that the produce is not adversely affected.

However, much of the responsibility will lie with the producer as the user of the farm chemical. Moves to industry based on-farm quality assurance schemes will be supported as a means to correcting residue problems at the source. Future vendor liability legislation will ensure that responsibility for any chemical misuse remains with the person misusing the farm chemical.

INERT INGREDIENTS

In reply to **Hon. M.J. ELLIOTT** (3 November 1994) and answered by letter on 5 January 1995.

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

The honourable member has raised the issue of excipient ingredients (also termed inert or non-active ingredients) in pesticide formulations. The Minister for Health has provided advice on this matter, specifically addressing the general issue of excipients in various formulations available in Australia (pesticides, ag-vet chemicals, pharmaceuticals). It is true that some excipients are themselves chemicals that possess toxic properties (and therefore the terms 'inert' and 'non-active' are often misnomers) and this is evaluated closely by the authorities that handle approvals for market release.

In Australia, the registration of pesticides is the responsibility of the National Registration Authority for Agricultural and Veterinary Chemicals (NRA). The NRA seeks advice on matters relating to toxicity and public health from the Chemicals Safety Unit (CSU) of the Commonwealth Department of Human Services and Health. The CSU requires, as part of its toxicological assessment, data on the acute toxicity not only of the technical grade active constituent but also of the formulations (ie, active plus excipients) to be marketed in Australia. These studies on the formulated product are required in order to set appropriate first aid instructions, safety directions and warning statements for the product.

In addition to requiring studies on the formulated product, the CSU has also prepared a draft list of approved excipients, developed in consultation with the NRA, Worksafe Australia and Avcare, the peak industry body. While inclusion of excipients on this list is not mandatory for registration of a product, provided toxicological studies are included on the product as indicated above then applicants may seek to have a chemical added to the draft list. Chemicals may be included on the list if the chemical has already been approved by an authoritative national or international regulatory agency. Where the safety of an excipient has not been recognised in this way, applicants are required to submit all available information on the toxicity of the chemical, which would generally be expected to include the chemical identity, composition and impurity profile, acute and repeat dose toxicity, toxicokinetic, metabolic and genotoxicity studies.

In the case of excipients contained in formulated products which have been on the Australian market prior to these regulatory arrangements, the Commonwealth is introducing an Existing Chemicals Review Program (ECRP). While the ECRP is based on the nomination of the active constituent, the review of the chemical will cover all products in which it is found. As such, pesticide formulations (ie, including excipients) will be examined to ensure that appropriate labelling, poison scheduling, first aid and safety directions apply, and not only to the active constituent but also to the products containing it. Considering then the honourable member's example of the toxic solvent methylene chloride, the labelling of a product which contains this chemical as an excipient will embody the scientific evaluation of its toxic potential, its concentration, and the exposure circumstance.

Additionally, the Minister has provided information on excipients as used in drugs and other therapeutic goods. This area is regulated by the Commonwealth Therapeutic Goods Administration (TGA) which has established guidelines for the pharmacological and toxicological documentation needed to support the use of an excipient. The relevant guidelines are:

1. The toxicology and pharmacology of an excipient used for the first time in a therapeutic good should be investigated as if it were a new active substance.

2. In the case of excipients registered in a pharmacopoeia (European, United States or British Pharmacopoeia) and other well-known excipients, which have not previously been used in Australia, adequate data to justify their use should be provided. This may include published material.

BENLATE

In reply to **Hon. M.J. ELLIOTT** (20 October 1994) and answered by letter on 15 December 1994.

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

The Health Commission will make available to the honourable member information held by the commission in accordance with the provisions of the Freedom of Information Act. Some information held by the commission has been obtained through membership of national committees. Under Section 25 of the Freedom of Information Act, those documents may require consultation with other Governments in relation to their release. Further, some of that information has been provided on a 'commercial-in-confidence' basis which may require consultation under section 27 of the Freedom of Information Act. A review of the information held by the commission will be undertaken and the honourable member will be contacted in relation to his request.

The SA Health Commission has no record of a Freedom of Information request in relation to Benlate. If the honourable member has further information relating to this matter, it will be investigated.

RURAL ASSISTANCE

In reply to **Hon. M.J. ELLIOTT** (13 October 1994) and answered by letter on 16 December 1994.

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

Although the Prime Minister's drought assistance package mentions: 'In developing these measures, we will take into account the need to ensure that any such investments take full account of their environmental impact', it seems that the impacts of providing for additional on-farm storage and water facilities may not have been properly analysed prior to this statement.

The Standing Committee on Agriculture and Resource Management (SCARM) On-Farm Risk Management Working Group (OFRMWG) recognises these taxation concessions may encourage the overuse and further over-commitment of the water resource but this level of impact is unclear at this stage because the details of the package are not yet known.

In addition, the Murray-Darling Basin Commission's Water Use Steering Committee is preparing a Water Use Report for presentation to the Murray-Darling Basin Ministerial Council. This report will record water usage and management arrangements within the basin, identifying the potential for increase in consumption, identify the impacts of consumptive use on riparian flows and river health and recommend actions to achieve sustainable development.

South Australia has representatives on both these sub-committees.

It is concluded that any concerns that South Australia may raise regarding impacts of the drought assistance package will be adequately addressed in these two forums.

WASTE DISPOSAL

In reply to **Hon. M.S. FELEPPA** (13 October 1994) and answered by letter on 15 December 1994.

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations and the Minister for the Environment and Natural Resources have provided the following information.

1. The Minister for Housing and Urban Development is currently investigating this matter and is looking at the relevant

planning issues. If the Minister considers that the best way to resolve the matter is to prepare a plan amendment to change the zoning he must be satisfied that it is of 'significant social, economic or environmental importance.' The Minister has not yet made a decision on this matter but has called for a report to assess the economic merit of this proposal to establish whether the development is 'significant' or not.

2. Environmental impact studies are carried out for major projects and development applications that are considered to be of 'major social, economic or environmental importance' and where there is insufficient information to determine the impacts. Such a study was not required for the previous applications relating to this development as the Waste Management Commission had adequate information relating to the environmental aspects and issued licences for this development.

3. For the reasons stated previously it is unlikely that an EIS would be called for, should another development application be lodged. However, if the Minister considers that the development is 'significant' then he may choose to prepare a Plan Amendment. This amendment includes a report that investigates the merits of the proposed amendment and would cover aspects relating to social, economic and environmental issues.

4. The deputation, which included Mr Ralph Clarke and two representatives from the Kilburn Residential Improvement Association, expressed concerns about the proposed development and its possible impact on surrounding areas. The Minister listened to these concerns and gave an undertaking that he would convey these concerns to the members of Cabinet.

In addition the Minister for the Environment and Natural Resources has advised as follows:

2. An odour dispersion study has been carried out by Collex's consultant using emission data from the proponent's treatment plant in Sydney, NSW. Concentrations of odourous compounds were measured, then used in a computer model to make predictions at ground level. A consultant is currently undertaking a more rigorous odour-dispersion study for Collex. Odour measurements from the Sydney plant will be made using dynamic olfactory techniques and then modelled for the Kilburn site. The measurements modelled will be Odour Detection Units with a computer model utilising local meteorological data.

3. There is extensive and continuing contact between community representatives, representatives of the Corporation of the City of Enfield and officers of the Office of the Environment Protection Authority, the Development Assessment Commission and the Economic Development Authority. The concerns of the local community are known to these officers through personal contact via telephone, letters and face-to-face meetings.

WATER CONSERVATION

In reply to **Hon. M.S. FELEPPA** (22 November 1994) and answered by letter on 16 December 1994.

The Hon. DIANA LAIDLAW: The Minister for Infrastructure has provided the following information.

The State Government is committed to the efficient and environmentally sustainable use of the State's water resources. Wastage of water is not condoned under any circumstances. For householders, the Government's objective to pricing water, so that it reflects in some way the cost of supply, is a positive and pro-environment approach.

The EWS, from time to time, issues a number of publicity brochures to the householder on wise water consumption and water conservation and also has available a range of brochures, free of charge, at all service centres in the metropolitan area and major country centres. These brochures cover a wide range of topics relating to water supply, including rainwater tanks, their selection and maintenance.

All new buildings and renovations have been required to install dual-flush cisterns in South Australia for some years.

The Government considers that the installation of other water efficient devices is a housekeeping matter and a responsibility of the householder.

The Water Technology Committee, of which the EWS is a member, has set up a Water Efficient Appliances and Plumbing Committee to promote national initiatives for water-use efficient appliances and plumbing for the water industry.

National Water Week, 23-30 October 1994, was a vehicle to promote the wise use of water to the community and to draw their attention to all relevant issues related to the efficient use of water. The National Water Conservation Rating and Labelling Scheme was officially launched during that week. The scheme will help consumers by highlighting the most efficient appliances.

The issue of water conservation extends beyond the function of the EWS in supplying water and includes efficiency of water use in irrigation, the largest consumer of water.

The State Water Plan to be released by the Minister for the Environment and Natural Resources in March 1995 will describe the pattern of use in South Australia and provide the basis for developing a water conservation strategy.

CANNABIS

In reply to **Hon. R.D. LAWSON** (27 October 1994) and answered by letter dated 3 January 1995.

The Hon. K.T. GRIFFIN: The figures quoted by the honourable member originated in a presentation by Mr Neil Donnelly of the National Drug and Alcohol Research Centre at a public health conference in Adelaide and were reported by the *Advertiser* on 13 October 1994. The figures were derived from work done by the National Drug and Alcohol Research Centre for the National Task Force on Cannabis. The research done for the Task Force report does not in fact show an increase in cannabis use which is significantly greater in South Australia than for the rest of Australia. The report states:

> A longer-term evaluation of the effects of the CEN scheme in South Australia was undertaken for this report, incorporating the most recent NCADA survey data. This corroborated the findings of the short-term evaluation, in that increases in rates of cannabis use in South Australia were not significantly greater than for the rest of Australia. Overall, the available data are consistent with there having been either no increase, or, at most, a small increase in the prevalence of cannabis use after decriminalisation.

(Page xii, Donnelly and Hall, *Patterns of cannabis use in Australia*, Monograph Series No. 27, Australian Government Publishing Service, Canberra, 1994. Prepared for the National Task Force on Cannabis, National Drug Strategy.)

Mr Donnelly also stated in his presentation that :

> the rate of increase was much the same for South Australia compared to the rest of Australia. That is, there is no significant difference in the increase.

In other words, whilst it is true that there may have been an increase in cannabis use in South Australia, there was a nationwide increase over the same period. Thus States which did not decriminalise cannabis offences experienced similar changes to South Australia.

Whilst there were some differences between South Australia and the rest of Australia in the raw percentages of those who had ever used cannabis, these were not statistically significant. The surveys were designed to assess national tends in drug use and to evaluate the effectiveness of the National Campaign Against Drug Abuse (NCADA). The surveys were not designed with interstate comparisons in mind and so sample sizes within States were too small to allow firm conclusions to be drawn about differences between States.

The research appears to show that the young experiment with cannabis and then the majority abandon its use. People over 50 tend not ever to have been exposed to cannabis and hence it is likely that over the next 20 years or so surveys will show progressively higher proportions of people having used cannabis if current rates of use by the young continue. It could be that in part the national increases shown in the surveys since 1985 are simply the result of this mechanism. It is thus important when considering usage in the community to distinguish between levels of those who have ever used the drug and those who regularly use it.

Notwithstanding the above, large-scale surveys of school student drug use in New South Wales and Victoria in 1992 found that cannabis use had increased significantly since 1989. In Victoria for example, use by Year 11s increased from 30 per cent in 1989 to 43 per cent in 1992. Whilst comparable data on South Australian students for the same period is not available, the results may be suggestive of a national increase in exposure to cannabis.

The available research points out that there may be some misapprehension in the community about the nature of the changes to the legislation, perhaps resulting from a confusion of the term

'decriminalisation' with 'legalisation'. The report of the National Task Force on Cannabis pointed out (p. 35) that in the places where minor cannabis offences were decriminalised (SA and the ACT), roughly a third of people surveyed mistakenly believed that cannabis use was legal, whereas in New South Wales and Victoria where it has not been decriminalised, only 2 per cent and 7 per cent respectively believed that personal use was legal. It may be of note that one of the comparisons between South Australia and the rest of the country that was statistically significant was that there had been an increase over time in the percentage of South Australians who said they might be prepared to try cannabis if offered by a trusted friend, whilst nationally there was no change. It is possible that this may have been due to the more widespread misapprehension in South Australia that personal cannabis use is legal. The report recommends greater efforts to educate the public that no cannabis-related offences have been removed from the statutes.

In summary, there appears to have been a national increase in the number of those having used cannabis, but there are no grounds for believing that this has occurred to a greater extent here than in the rest of the country. The increases appear to have occurred regardless of the nature and extent of the legal sanctions against its use and possession in each jurisdiction. The National Task Force on Cannabis has stated that cannabis is the most widely used illicit drug in Australia and has recommended that a national education strategy on the health effects of cannabis be developed. The task force concluded that the health risks to occasional users of cannabis are low, but that there are risks associated with heavy and chronic use. Additionally, some groups are at greater risk of developing health risks from cannabis use. Examples are drivers intoxicated by cannabis, pregnant women, heavy cannabis users and people with pre-existing psychiatric disorders. Any public education strategy should increase public awareness of these risks.

In order further to examine the effects of the various legal options for dealing with cannabis use currently adopted, the Ministerial Council on Drug Strategy recently endorsed a recommendation from the National Task Force on Cannabis that a research project be undertaken to explore the social and economic impacts of the various legal options. A research team has begun planning and preliminary work for the study, coordinated by the Australian Institute of Criminology. Funding will be sought from the National Drug Crime Prevention Fund. Other collaborators on this study will include the SA Drug and Alcohol Services Council, the National Centre for Research into the Prevention of Drug Abuse (Curtin University, Western Australia), the National Drug and Alcohol Research Centre (University of New South Wales), the University of Queensland and the ACT Alcohol and Drug Services. For the South Australian component, preliminary discussions have been held with senior police about studying Cannabis Expiation Notice data. The study will build upon earlier studies by the Office of Crime Statistics and the Drug and Alcohol Services Council.

SECOND-HAND VEHICLES

In reply to **Hon. ANNE LEVY** (24 November 1994) and answered by letter dated 3 January 1995.

The Hon. K. T. GRIFFIN: The Office of Consumer and Business Affairs has two brochures providing information on the purchase of used cars. The first is entitled 'Buying a Used Car' and is available for general distribution to the public.

The second brochure is entitled 'Motors' and is designed in the form of a cut-out featuring a Chevrolet. The brochure was designed with young people in mind, and in the latter half of 1990 was distributed to all year 11 and year 12 students in South Australia. Since then it has been available on request and marketed through our schools program.

Another related product distributed to year 12 students was a brochure entitled 'Don't let these Jeans give you the Credit Blues'. This brochure outlined the wise use of credit.

It is proposed that during 1995 the Customer and Education Services Branch of the Office of Consumer and Business Affairs will produce a youth pack entitled 'Ready to Roll'. This pack will contain both the 'Credit Blues' brochure and the brochure 'Buying a Used Car', as well as some information on Renting and 'Value for Money' decision making. The pack will be distributed to schools as well as being available through other suitable outlets such as job centres and vocational training centres.

The youth pack, 'Ready to Roll', is being developed through extensive consultation with youth workers, teachers and young people themselves to ensure that the information and design is relevant and appropriate.

It is therefore clear that a lot of good work by the Office of Consumer and Business Affairs is under way and young people, particularly year 12 school leavers, will be wiser and more knowledgeable consumers as a result.

CHILD CARE

In reply to **Hon. ANNE LEVY** (2 November 1994) and answered by letter on 16 December 1994.

The Hon. DIANA LAIDLAW: The Minister for Family and Community Services has provided the following information.

It is the policy of the Department for Family and Community Services that when for any reason a parent or parents are not in a position to care for their children that extended family is considered to be the most appropriate option. It is also the department's policy to respect the rights of parents to make such arrangements in situations where they are capable of doing so. It is only when there are no viable options within a parent's network that the Department for Family and Community Services would become involved.

As a result of the questions raised, attempts have been made to identify the persons mentioned. Limited information was supplied by the honourable member's office but it did not identify the person. Extensive efforts have been made by departmental staff to identify the person in question, but due to the limited nature of the information this was not possible. It is therefore not possible to address this particular case.

In normal circumstances when arresting a sole parent police would respect the parent's right to make alternative arrangements for the care of their children with extended family or friends. If the parent had no viable option available, then police would assist the parent to contact the Department for Family and Community Services. In keeping with its policy, the Department would consider placement with family as being preferable to placing children in substitute care. When placement within the extended family is not possible, then arrangements are made for children to be placed in emergency foster care. In making such placements, schools and child care centres can be involved, and it is not the practice of any agency involved in this process to allow children to be left without care.

In response to the specific points raised the Minister is not aware of any situation in the past 12 months where a sole parent who was being arrested and had no viable option for the care of their children within their own network was:

- denied the opportunity to make alternative arrangements for the care of their children by the Police.
- refused assistance by the Department for Family and Community Services.
- arrested, and as a result of this their children were left without care.

In conclusion, it should be stressed that whilst on occasions sole parents are arrested it is the policy and practice of the agencies involved to ensure that children are cared for.

ON-THE-SPOT IMMUNISATION

In reply to **Hon. BERNICE PFITZNER** (16 November 1994) and answered by letter on 6 January 1995.

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

The Minister for Health has advised that opportunistic immunisation is actively encouraged by the SA Health Commission and the SA Immunisation Forum. The Australian Immunisation Procedures Handbook, 5th Edition, recently published by the National Health and Medical Research Council states 'every visit to a health care provider is a valuable opportunity for the health care provider to check on the child's vaccination status. Vaccinations should either be brought up to date at that visit, or an arrangement made for a follow-up visit.' These national guidelines are those used by immunisation providers throughout South Australia.

Over 850 individuals and organisations throughout South Australia, involved in providing immunisation services, will receive a communicable disease control bulletin encouraging and suggesting ways of creating opportunities for opportunistic immunisation.

A national immunisation campaign will commence in March 1995 and will include encouragement of opportunistic immunisation.

DOCTORS

In reply to **Hon. BERNICE PFITZNER** (1 November 1994) and answered by letter on 5 January 1995.

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

The Minister for Health has advised that the issue of proximate call and its relationship to continuous work is currently the subject of arbitration in the Industrial Commission. Therefore, it would be inappropriate for the Minister for Health to make any statements concerning the likely outcome of that matter.

The current award provision states 'a trainee medical officer shall not be rostered to work any time in excess of 16 hours per shift'. The award provides that in an emergency this may be exceeded. The award also provides for eight clear hours free of rostered duty following such a shift. The award also provides for proximate call where the trainee medical officer is required to sleep on the hospital premises and be immediately available for re-call.

Proximate call over recent years has in the main been ceased and replaced by rostered duty. Only in those cases where there is need for a doctor to be immediately available for re-call within the hospital has this persisted. These are put into the award by agreed consent between the Union and the employer.

The need for continuity of care and experience are also issues which need to be addressed for this group of employees.

However, hospitals are aware of the need for high levels of performance from all medical practitioners including trainee medical officers and where possible will ensure adequate rest.

UNION OFFICIALS

In reply to **Hon. CAROLYN PICKLES** (20 October).

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has provided the following response:

1. None.

2. Three people have been questioned (not interrogated) internally by WorkCover investigations officers. Nine other people have been questioned by the South Australian Police Department.

3. It is inappropriate to identify the positions of persons questioned as this may lead to identification of the persons publicly and that is likely to be undesirable for those persons.

4. No.

HOME-BASED WORK

In reply to **Hon. CAROLYN PICKLES** (25 August 1994) and answered by letter dated 19 December 1994.

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has provided the following response:

As a general principle the Government supports the ILO's work and recognises its important role in the international arena, particularly in the task of fostering the development of democratic and fair industrial relations systems in the growing economics of the third world and also in the areas of eastern Europe and former eastern block countries as they move towards the creation of western-style economics.

We therefore support the work of the ILO in developing standards and recommendations on industrial relations and related issues for consideration by Australia and other countries around the world.

The South Australian Government does, however, have three significant differences in approach to the ILO from the current Federal Labor Government.

Firstly, we believe in an autonomous State industrial relations system which is primarily accountable to local employers and employees. We are therefore not prepared to blindly ratify the terms of any international convention or treaty, whether it be the ILO or any other international organisation.

In this way we preserve both the integrity of our autonomy while giving recognition to the important work of international policy making organisations.

The credibility of our position in this regard is demonstrated by our actions.

The South Australian Liberal Government is the first and only State Government in Australia to embody important ILO conventions dealing with equal pay for men and women for work of equal value, and termination of employment at the initiative of the employer into our domestic state industrial relations legislation.

It should be noted that the Industrial and Employee Relations Act, 1994 introduced by the Government empowers the Employee Ombudsman to advise individual home-based workers on the negotiation of individual contracts, and also to examine the conditions under which work is carried out in the community under contractual arrangements with outworkers.

This provides a further indication of the Government's general concern for the welfare of home-based workers and the very positive steps it has taken to provide for the investigation of issues relating to their employment.

We note that the Federal Labor Government, despite its rhetoric in relation to International Labour Organisation conventions, has compromised its own position by a highly selective application of ILO conventions.

For example, the Federal Labour Government has failed to give proper recognition in its industrial relations laws to freedom of association conventions. Indeed, just more than a year ago, the Federal Government's industrial relations legislation dealing with minimum size of trade unions was found by the ILO to be in breach of the freedom of association convention.

So, we will consider ILO conventions and recommendations on merit, not on a broad brush approach or for selective political purposes.

Secondly, we fundamentally oppose any attempt by the Federal Government to ratify conventions without the agreement of the States and Territories. While such ratification by the Federal Government may not be unlawful, it is clearly contrary to the spirit of our federal system.

The ratification last year by the Federal Government of Convention 158 dealing with termination of employment was a classic example of this practice—particularly where that convention was used by the Federal Government to prop up its so-called reform act last of December.

Finally, but even more important, is our fundamental opposition to the Federal Government's use of ILO conventions as a backdoor method to expand the Federal Government's constitutional power over industrial relations, through the external affairs power of the Australian Constitution.

Such a device presents a fundamental threat to the balance of State-Federal industrial relations in Australia. It is political opportunism of the worst kind.

It also unfortunately moves the focus away from the merits of relevant ILO conventions into the political and legal field of the separation of powers between Australian Federal and State Governments. This can only have the effect of undermining the standing which ILO conventions and recommendations should have in the industrial relations and wider community.

The debate about ILO conventions and recommendations should centre on wages and working conditions, not as a backdoor device for power gathering by central governments.

For this reason the South Australian Government has already issued proceedings in the High Court of Australia in conjunction with most other major Australian States.

These proceedings challenge the reliance by the Federal Government on ILO conventions to expand it powers.

We will argue that such an approach is a misuse of the external affairs power of the constitution.

I would point out that these concerns that I have expressed about the use of ILO conventions are direct criticisms of the Federal Government's manipulation of ILO conventions and not of the ILO conventions themselves.

The Government is currently assessing its attitude to the convention and recommendation dealing with home-based work. A response to an ILO questionnaire on the matter has been received from the United Trades and Labour Council of South Australia and the response of the Employers Chamber of Commerce and Industry to the same questionnaire has yet to be received. When that occurs, the Government will take account of the views expressed by both parties and develop its view.

The Government's response, incorporating the views of all respondents, is being prepared for submission to the Federal Government. Eventually the Australian Government submission will be forwarded to the ILO for inclusion in its deliberations in respect of the development of a convention covering home-based work.

As to the question of the Government's submission being made public, this will be determined once the views of all respondents are received.

HIGHBURY DUMP

In reply to **Hon. T.G. ROBERTS** (23 November 1994) and answered by letter on 22 December 1994.

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

Understandably, there has been considerable public interest in the proposal to establish another solid waste landfill at Highbury since the project was publicly announced by the companies involved early this year. Such interest has been made obvious by way of inquiries to the Office of the Environment Protection Authority and other Government agencies. More than two hundred letters have been received by these agencies. The Minister is sure that very few if any of his parliamentary colleagues would be unaware of the level of concern about this project.

Whilst the proponents have held several public meetings in the Highbury area, the first occasion at which State Government officers were briefed was on Friday 23 September 1994. That meeting was attended by EPA staff, officers from the Department of Housing and Urban Development, representatives of the proponent Enviroguard, and their consulting engineers. Discussions centred on the scope of the project, time frame for development, the extent of environmental investigations currently in progress, and the statutory assessment and approval processes for projects of that nature. Both the proponents and their consultants acknowledged at that time that they fully expected a formal Environmental Impact Statement (EIS) to be required by the Government. During the meeting it became clear that the proponents intention was to lodge a Development Application and a Draft or Preliminary EIS in the near future.

It was suggested by EPA staff at that meeting that, in light of the reference in statute to the term 'Environmental Impact Statement' it was undesirable and possibly misleading to refer to documents other than those intended in the statutes, to be titled EIS, Draft EIS or Preliminary EIS, that is, documentation submitted in response to a determination by the Minister for Housing and Urban Development, in accordance with the provisions of the Development Act 1993.

The EPA's concern was based on the implication that, by naming the document an EIS, the Government had been involved in its development. This was clearly not the case—not even guidelines for preparation of an EIS had been determined and agreed. This position was reinforced in a letter to the proponents dated 1 November 1994 from the EPA, in which it was suggested that a Development Application or project notification be submitted as a matter of urgency, and that an 'EIS' not be released until the statutory processes required had been initiated, including establishment of the EIS Guidelines for this project.

The Development Application was lodged with the City of Tea Tree Gully in early November, together with a document titled 'Preliminary Environmental Impact Statement'. Subsequently, an officer of the EPA once again advised the proponent of the misleading naming of the document called 'Preliminary Environmental Impact Statement' and the Minister understands that the proponent may have changed the name on subsequent issues. Irrespective of the title of the document it is not, and cannot be, the statutory EIS for this project. The provisions of the Development Act must be complied with.

The Minister understands that officers from the Department of Housing and Urban Development have expressed similar concerns, about the naming of this document, to the proponent Enviroguard.

AGENT ORANGE

In reply to **Hon. T.G. ROBERTS** (11 October 1994) and answered by letter on 6 January 1995.

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

The Minister for Health has advised that the Public and Environmental Health Service of the SA Health Commission maintains ongoing surveillance of the incidence of disease in South Australia through its Epidemiology Branch. This includes cancer and pregnancy outcomes.

The Service's Environmental Health Branch keeps under review information relating to the adverse health effects of exposure to various chemical substances. This includes reviewing the international scientific literature as well as participating in the work of national bodies such as the National Health and Medical Research Council and its committees.

The Hazardous Substances Section of the Environmental Health Branch provides advice to members of the public, including pest and plant control operators and farmers as well as others concerned about exposure to herbicides, etc.

It is not the role of the Public and Environmental Health Service to identify the health problems of Vietnam veterans. However, when the report is available, it will be carefully considered to see if there are matters on which assistance can be provided.

General practitioners are encouraged to undertake continuing education to keep their diagnostic skills up-to-date. The Health Commission's Public and Environmental Health Service provides advice to general practitioners on recognising symptoms and problems associated with pesticide exposure, although not as part of a formal training program.

ENVIRONMENTAL POLICY

In reply to **Hon. T.G. ROBERTS** (3 November 1994) and answered by letter on 16 December 1994.

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

The Government has no concerns about the survey that was cited in the question and has no plans to undertake surveys of its own.

There are two reasons for this:

1. A close examination of the publication referred to shows that the issues revealed by the survey relate to Local Government's perception of the discrepancy between information needs and the availability of that information when it comes to carrying out its functions in the environmental policy area. The implications of the survey that are purported by the preamble to the question would seem to represent a significant misunderstanding of the data provided in the article that was being cited.

2. The Department of Environment and Natural Resources, through its Local Environment Advisory Service, is actively involved in supporting Local Government in developing environment policies and addressing needs that may be relevant in South Australia. The information referred to in the question was obtained from a survey of less than one third of all councils in Australia and it is not known how many of these were from this State. The Government therefore sees no reason to review its existing program in response to data that constitutes a generalisation across the whole country.

FLOODING

In reply to **Hon. R.R. ROBERTS** (3 November 1994) and answered by letter on 16 December 1994.

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

The watercourse in question does not fall within a proclaimed water course or a water protection area. As such, under section 634 of the Local Government Act 1934, the council is responsible for the protection of all watercourses within this area. In particular, regarding interference of watercourses, section 635 states that a person shall not obstruct or alter a watercourse, unless authorised to do so by the council. For these reasons, the Minister for the Environment and Natural Resources considers the issue to be solely the responsibility of the Local Council.

FISH, CONFISCATED

In reply to **Hon. R.R. ROBERTS** (30 November).

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following response:

1. On 22 February 1994, Fisheries Compliance Officers conducted a routine check of Mr Des Slattery's fish processing premises and detected a breach of the regulations. Specifically, Mr Slattery did not have documentation available to account for some of the fish stored on his premises, and as such he was issued with an expiation notice and the fish in question were seized.

Under the regulations governing fish processing activity, holders of fishing licences are not required to register as fish processors if they process fish taken pursuant to their licence only. However, if they also process fish taken by other licence holders, then they are required to register as fish processors and maintain appropriate documentation on the premises.

It is understood that Mr Slattery had obtained fish from other licence holders. Indeed, on the day the Fisheries Compliance Officers checked Mr Slattery's premises there were fish from other licence holders on the premises, and there was no documentation to that effect as required by the regulations.

Mr Slattery and his associates were aware of their obligations. When Mr Slattery took over the fish processing business from the previous operator, Fisheries Compliance Officers made a point of calling on him and explaining the requirements. Also, some weeks prior to Mr Slattery being issued with the expiation notice, Fisheries Compliance Officers again visited the premises. On that occasion one of Mr Slattery's associates was given a verbal caution for failing to maintain documentation as required by the regulations.

Under the circumstances there is no basis for an apology to Mr Slattery, nor for compensating him for the seized fish.

2. With regard to the fish processor registration fee for 1993-94, Mr Slattery paid the prescribed fee of $525 in October 1993. However, as Mr Slattery had taken over the business and was not operating it at the beginning of the registration period, a proportional refund of $175 was issued shortly after. It is understood that the cheque was presented on 1 December 1993.

With regard to the fish processor registration fee for 1994-95, Mr Slattery paid the $2000 fee in accordance with the regulations which were valid at the time.

Since the disallowance motion on 12 October 1994, those processors who paid the fee in full have been issued with a proportional repayment of $860.42. It is understood that Mr Slattery's cheque was presented on 6 December 1994.

PROSTITUTION

In reply to **Hon. R.R. ROBERTS** (1 December).

The Hon. K.T. GRIFFIN:

1. Between 13 August 1993 and 11 November 1994, prostitution was taking place at the premises known as Club 007, 198 Wright Street, Adelaide. The owner was recently convicted in the Central District Criminal Court for procuring and is believed to have now left the State as a consequence. Another person, believed to be the one using the pseudonym Faye McLeod, is frequently found at this brothel and has 16 convictions for prostitution-related offences.

During the dates that prostitution was occurring at Club 007, Operation 'Patriot' personnel charged approximately 113 persons with prostitution offences; of those 87 were convicted, mostly for being 'on premises' pursuant to Section 21 of the Summary Offences Act 1953. One was charged for procuring and four with receiving money in a brothel. Fourteen matters are pending and 12 were withdrawn; five the latter concerned receiving money, the remainder were for being 'on premises'.

2. The act of providing sexual services for payment is not an offence in South Australia and never has been. The criminal law does, however, prohibit almost every other activity which surrounds that core act. In general terms, the coverage of the criminal law includes the following:

- the offence of keeping or managing a brothel;
- the offence of receiving money paid in a brothel in respect of prostitution;
- the offence of letting or subletting premises knowing they are to be used as a brothel;
- the offence of permitting premises to be used as a brothel;
- the offence of keeping a common bawdy house or a common ill-governed and disorderly house;
- the offence of knowingly living on the earnings of prostitution;
- the offence of soliciting for the purpose of prostitution;
- the offence of habitually consorting with reputed prostitutes;
- the offence of being the occupier of premises frequented by reputed prostitutes;
- the offence of being in premises frequented by reputed prostitutes without reasonable excuse;
- the offence of procuring a person to become a common prostitute; and
- the offence of procuring a person to move interstate to become an inmate of a brothel for the purposes of prostitution.

3. No approach has been made to me by the Commissioner of Police suggesting changes to the law in order to enable police to enforce the law more effectively. If such suggestions are made, they will be considered on their merits and in relation to the demonstrated need for change.

4. The extent to which the client or customer of a prostitute can be convicted of an offence is not clear in South Australian law. In *Scott v Killian* (1958) 40 SASR 37, the South Australian Court of Criminal Appeal was evenly divided on the question whether a client was an accomplice in the offence of receiving money paid in a brothel for the purposes of prostitution. Honourable Members should be made aware that, if the client is guilty of an offence, that fact may well make convictions of both prostitutes and clients harder to obtain, as the courts may well require the evidence of the accomplice (in each case) to be corroborated.

On the other hand, the justice of applying the criminal law equally to suppliers and customers has been recognised for years. In 1977, for example, the Mitchell Committee said it could see no justification for distinguishing between customer and supplier.

I have already stated to the House that I have not given consideration to legislation on this issue.

RURAL ASSISTANCE

In reply to **Hon. R.R. ROBERTS** (23 November).

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has supplied the following response:

In my response to the member for Flinders I did say 'Interest rates on these loans are going up by 2 per cent, but any farmer who can establish hardship will be looked at sympathetically with an interest rate subsidy or some other assistance.'

It is also true that the information sheet on interest rate subsidies states:

You are not eligible if you:

- are relocating (that is, selling all land and buying a new property)
- have more non-farm assets and income than are needed for reasonable risk management for the farm
- have an existing RAS loan.

Many of the RAS loans held on the books of Rural Finance and Development have been there for many years. It is not uncommon for the banks in their endeavours to assist farmers in difficult situations to amalgamate all of the farmer's loans, including the RAS loan, into a long term bank loan. In these cases RF&D will pay an interest rate subsidy on the repayment of the RAS loan. This in effect reduces the interest cost by up to 50 per cent for at least one year.

In all other cases I have instructed RF&D to request a letter from the farmer appealing against the rate increase. RF&D will review each case based on the last few years' financial statements. If the farm has been making poor returns the interest rate will not be increased. The position will be reviewed again in July 1995 after harvest receipts are known.

In cases where the farmer's financial institution or RF&D believe the farmer could use some independent help, the farmer will be offered a Farm Plan grant of $3 000. The grant will enable a farmer to commission an independent consultant to assist them in the development of a property management plan. This plan will bring together financial and natural resource management issues and will have many benefits for the farm family and their financiers.

PESTICIDES

In reply to **Hon. T.G. ROBERTS** (29 November 1994) and answered by letter dated 29 December 1994.

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following response:

1. A past survey supported by the National Farmers Federation showed SA farmers appreciated the need for training in the safe handling and use of all agricultural chemicals. The survey also showed farmers' willingness to participate in such training.

2. As a result of recommendations of the South Australian Review of Agricultural Chemical Spray Drift (1992), the Government supports the National Farm Chemical Users Training Program as the main educational program on responsible use of agricultural chemicals.

The course is being supported on a voluntary basis and its progress and effects monitored over a period of four years. It will then be reviewed to determine if any further action is required.

To date in South Australia more than 5 000 farmers have successfully completed the program. This is the highest figure of completion on a pro rata basis of any State in Australia.

AQUACULTURE

In reply to **Hon. G. WEATHERILL** (1 December).

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following responses:

PRODUCTION

Aquaculture has developed rapidly in South Australia over the last few years. Farmgate production value has grown from about $150 000 in 1989-90 to $34 million in 1993-94, and is likely to exceed $60 million this financial year. By the following year it is probable that South Australia will lead all other States in the farmgate value of aquaculture production for human consumption (ie. excluding the pearl oyster industry). Most (about 88 per cent) of South Australia's aquaculture production is high priced sashimi grade tuna targeted at the Japanese markets. Over the next few years as farmed abalone sales come on-line and barramundi and oyster production expands beyond local and interstate markets, this percentage is likely to increase.

The benefits of aquaculture to the State are best estimated not from farmgate production value, but from a recognition of the three time multiplier effect (based on overseas data) which is typical of the labour intensive nature of the industry and its associated service industries. Based on this multiplier, the economic benefit of aquaculture to South Australia during the 1993-94 year value is estimated to be about $102 million. Aquaculture is also important in that it generates economic wealth and employment in economically depressed rural areas.

Ongoing economic opportunities exist in South Australia, through increased production of marine finfish and shellfish, the establishment of aquaculture related service industries (eg. feed manufacture, veterinary diagnostics, aquaculture systems construction and maintenance, education), as well as through the sale of research services and aquaculture technology interstate and overseas.

The significance of Government research and development has clearly been demonstrated in the rapid development of the oyster, tuna and abalone industries and whilst data on the return per research dollar from the State Government is not available for South Australia, it has been estimated to be about 20:1 in Hawaii which has a comparable size aquaculture industry.

RESEARCH & DEVELOPMENT

SARDI is the Government agency which targets research and development. The Aquaculture Research and Development Program within SARDI has as its mission to:

> 'Facilitate through research, the development of an economically profitable and sustainable aquaculture industry which has the support of the community of South Australia'.

Its key objectives are:

- Through scientific leadership and innovation, provide the necessary direction required to advance aquaculture in South Australia.
- Through the provision of scientific and technical advice encourage orderly and sustainable development in sympathy with the environment.
- Undertake and oversee scientific and technical research to minimise financial risk to present and future aquaculturists by increasing productivity, reducing costs, diversifying products and developing good management practices.

During 1994-95 the SARDI Aquaculture Research and Development Program will, in close collaboration with existing and future industry groups, facilitate the development of farmed southern bluefin tuna, abalone, oyster, barramundi, snapper, rock lobster and mussels. Research will, depending on species, target the broad fields of reproduction, physiological tolerances, nutrition, system design, farm practices, health, environment, species diversification and stock enhancement. Other opportunities involving novel species and products have been identified, but cannot be investigated until seed funding is procured.

AQUACULTURE R&D FUNDING

Funding of aquaculture research and development in South Australia is from three primary sources: the State Government, the Federal Government and private enterprise.

- In 1994-95 state funding through SARDI will be about $190 000 of which about $132 000 is salaries (two research officers and a technician) and $58 000 program operating expenses. About half this budget represents the State's contribution to the National Aquaculture Cooperative Research Centre which makes available to the South Australian aquaculture industry partners (tuna, abalone and barramundi) a national network of scientists targeting key industry needs. SARDI scientists lead the national tuna and abalone research programs.
- In 1994-95 a grant of about $67 000 per annum was obtained from the Rural Industry Adjustment and Development Fund for three years for the employment of a research scientist based in Port Lincoln to facilitate SARDI's existing projects in collaboration with the tuna farming industry.
- In 1994-95 the SARDI Aquaculture Program will also obtain, on a competitive basis from the federal government, about $250 000 for tuna, abalone and snapper research. This year SARDI scientists have also helped South Australian aquaculture industries obtain about $100 000 of grant funding by developing research applications, providing in-kind support to projects, and supervising industry based scientists.
- Also in 1994-95 the SARDI Aquaculture Program expects to receive about $140 000 from the oyster and tuna industry groups which pay a levy to government for monitoring the effects of aquaculture on the marine environment.
- About $6 000 of funding is expected through cost recovery activities facilitating the development of aquaculture education and training courses in South Australia, so as to economically benefit the State, as well as to ensure the ongoing availability of technically competent researchers and farm based aquaculturists. During 1994-95 SARDI Aquaculture Program scientists are expected to have been involved in lecturing at each of the three South Australian universities, the Port Lincoln TAFE and the Fishing Industry Skills Centre. South Australian, interstate and overseas graduate and post-graduate students are also supervised on an ongoing basis, as are secondary school work experience students.

STATE COMPARISON

All State Governments have invested in three main areas to facilitate and support the rapidly developing aquaculture industries: infrastructure; research and development; and management, policy, planning, licensing and compliance (see figure 1).

The effectiveness of South Australia's activities is seen in the comparison of the level of aquaculture production from each State and the number of personnel employed to support this sector in government (almost no support exists from private enterprise at this time because of the diversity and small size of the industry).

- R&D (including health) support is significantly lower in South Australia than in any other State when compared to policy, management, planning and licensing support (0.5:1). The ratio is about 6:1 in the NT, about 2:1 in NSW and QLD, and about 1:1 in Tasmania and WA. It is interesting to compare this (based on information from the Northern Territory, Department of Primary Industries and Fisheries) to agriculture in general (a mature industry) where the ratio is about 0.5:1 and horticulture (a rapidly developing industry like aquaculture) where the ratio is 4.5:1.
- R&D (including health) support is very much lower in South Australia than any other State on a farmgate value basis (excluding the pearling industry which because of its mature nature gains little support from government).

This indicates that South Australia with the present value of the South Australian aquaculture industry, and the predicted increase in value over the next few years due to the expansion of existing operations and the potential for new developments based on novel species, systems and products is receiving a very favourable return from its investment in aquaculture R&D.

The current (1993-94) farm gate value of aquaculture in South Australia is $25.6m.

- Approximately $20m of this is southern bluefin tuna which is exported to Japan.
- Significant volumes of barramundi and oysters are sold interstate with a total value of approximately $1m.
- All other product is sold locally.

FIGURE 1.

STAFF CATEGORIES —FTEs (excluding compliance/enforcement)							
STATE	R&D	HEALTH	EXTENSION	PLANN-ING	LICENSING	MANAGE-MENT	OTHER
NSW	26	1	-	4 (2)	4 (1)	1	4 (1)
QLD	20	4	2	2	4	6	
TAS	10	2.5	-	7	1.5	2	
NT	8	0	0.3	0.3	0.2	0.5	
WA	8	3	4	2	2	2	
SA	3 (SARDI)	0.5 (VETLAB)	1 (PI SA)	2 (PI SA)	1 (PI SA)	1 (PI SA)	2 (PI SA)

Note: The data are estimates (due to many personnel having dual roles) based on statistics provided by Dr C Shelly, Northern Territory, DPIF and communication with key State government aquaculture agencies.
FTEs = full time equivalents.

SELF PROTECTION DEVICES

In reply to the **Hon. BARBARA WIESE** (16 November).

The Hon. K.T. GRIFFIN:

1. I am aware of community interest in this issue. I have received a letter from a manufacturer of self protection sprays which I assume to be the same as that received by the honourable member.

2. The legal position in this State is as follows. Section 15 of the Summary Offences Act contains three offences. The first is best described for current purposes as carrying an offensive weapon. An offensive weapon is defined to include 'a rifle, gun, pistol, sword, dagger, knife, club, bludgeon, truncheon or other offensive or lethal weapon or instrument.'

The second offence is directed at firearms and has no application here.

The third offence says that it is an offence to manufacture, sell, distribute, supply, deal in, possess or use a dangerous article. What is a dangerous article is listed in the Dangerous Articles Regulations. That list is a long one, but, generally, includes hunting slings, catapults, cross-bows, blow guns, flick-knives and so on. It also includes 'self protection sprays' such as the one to which the honourable member refers. The exact words of the regulation are as follows:

'Self-Protecting Spray—a device or instrument designed or adapted to emit or discharge an offensive, noxious or irritant liquid, powder, gas or chemical so as to cause temporary disability, incapacity or harm to another person.'

Two general points need to be made.

(a) Carriage of Weapons For 'Self-Defence'

'Lawful excuses' can be many and various. In the case of self-defence, the law has become reasonably well-defined over the years. The result of the cases has been that the accused has a lawful excuse if he or she has a reasonable belief that he or she will be attacked imminently. What is imminent will depend on the nature of the case, and further, the type of weapon or dangerous article is relevant. What might be a reasonable precaution against attack by rioters may not be if the apprehended attack is by an unarmed individual. It is clear that it is not lawful to carry an offensive weapon or a dangerous article because, generally, one might be attacked.

(b) The Policy Issues

The following matters should be noted:

- If women are to arm themselves against potential attackers, they should realise that they are, in general, just as likely to be assaulted by someone they know as by a stranger. The tendency in this debate is to focus exclusively on the fear of stranger violence. But a 1989 Victorian police study showed that 23 per cent of assaults were classed as 'domestic violence' and cautioned that the actual figure was likely to be much higher because of gross under-reporting. New South Wales surveys have reported that only 25 per cent of sexual assaults are perpetrated by strangers. Self-protection sprays are unlikely protection against domestic violence.
- The person most likely to be harmed by weapons possessed for self-defence is the owner or an unintended victim, either by accident or because the assailant takes the weapon away and uses it.
- If we, as a society, allow the possession in public of dangerous things, we allow it for the hoods and the thugs as well as the ordinary citizen. Nothing is easier than simply to assert a general fear of being attacked because that is a current perception. Of course, it may be said, the thugs will be armed anyway. The answer is, of course, that now they can be arrested and charged for it. Ironically, the Leader of the Opposition in the other place is calling for the tightening of the law in this area.
- The current debate has focused on the insecurity of women against attack generally, but there is also an important issue about the insecurity of men? According to the National Committee on Violence, men comprise 2/3 of homicide victims and comprise 75 per cent of victims of serious assault recorded by police, and 80 per cent of assault victims treated in public hospitals. Those who have most reason to fear are men. Should we, then, be advocating the arming of everyone?
- Just because a woman is armed with, say, a can of cayenne pepper for self-defence, does not mean that she will be able to use it or, if she does, will use it responsibly or well. A citizen might well beware asking someone for directions, the time, or the location of a tourist facility for fear of being sprayed as a precaution. Or the possessor might simply miss, and spray an innocent bystander by mistake. Cayenne in the face is no laughing matter. It is not meant to be.
- It is, of course, simply not the case that any person can just walk in off the street and purchase a firearm.

3. It follows from what I have said that, while the use of such sprays may well be appropriate for police in the proper circumstances, I entertain grave doubts about the wisdom of arming any citizen at all who might wish to carry one. Who can tell whether the person so armed is carrying the spray for self-defence—or for the purpose of committing armed robbery? In these circumstances the task of police in providing security for law-abiding citizens could well be made more difficult.

WORKERS COMPENSATION

In reply to **Hon. T. CROTHERS** (29 November).

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has provided the following response:

1. No. Because the Government has committed WorkCover to spending an additional $2 million per annum on OHS (over and above the previous Government's efforts) so as to reduce the cost of workplace injury and disease, and has taken real steps to focus attention on OHS in the community, workplaces and Government Departments.

2. The Government was also heartened to see the statistics on

fatalities in South Australia relative to the rest of Australia. Unfortunately, they are not correct and Worksafe has since released the correct numbers. South Australia in fact incurred 32 fatalities in 1991-92, not the 6 reported. This level of fatality is totally unacceptable, and it is why improvements are needed to the present system.

3. The Government hopes that these figures do not continue in South Australia, and it is confident its major initiatives in OHS and workers compensation will ensure that this level of fatality rapidly falls.

4. See above, South Australia's record is certainly far from the best.

5. The Discussion Paper was released to generate public comment. It is not intended to redraft it or to produce a final paper, but the issues are to be debated in Parliament in 1995.

SUMMERS, MR TONY

In reply to **Hon. L.H. DAVIS** (1 December).

The Hon. K.T. GRIFFIN: In August 1994, the Officer in Charge of the Fraud Task Force, South Australian Police Department, sought the advice of the Director of Public Prosecution's office as to possible offences committed by Mr Tony Summers whilst he was Managing Director of Bennett and Fisher Pty. Ltd. The matter had in turn been referred to the Fraud Task Force by the Australian Securities Commission for possible investigation.

Two potential areas of inquiry were identified. These were firstly, the allegation that, following the stock market crash in 1987, Mr Summers had backdated share transfer documents with the effect that shares held by the Summers family in Elders IXL were sold to Bennett and Fisher at pre-crash prices. This resulted in a loss of $180 000 to Bennett and Fisher.

The facts suggested possible breaches of the Criminal Law Consolidation Act, and the Fraud Task Force were advised to undertake inquiries with a view to a prosecution. Those inquiries have now been finalised, with no evidence being found to support the allegation.

The second area of inquiry related to money expended by Bennett and Fisher to carry out improvements on a pastoral property owned by Bendleby Investments Pty. Ltd., a company controlled by Summers. Over the period from June 1988 to February 1989, in excess of $400 000 was expended by Bennett and Fisher on the property. The conclusion was reached that the Companies Code provided the most appropriate possible charges and the matter was, therefore, returned to the Australian Securities Commission for any inquiry that body saw fit.

In addition, the circumstances surrounding the purchase by Bennett and Fisher of a property owned by Mrs Summers in Gilbert Place, were examined to determine whether any offences had been committed. Following investigation, it was found that any prosecution would not have had a reasonable prospect of conviction.

SEAWEED

In reply to **Hon. M.J. ELLIOTT** (23 November 1994) and answered by letter on 16 December 1994.

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources in consultation with the Minister for Primary Industries has provided the following information.

1. Investigations into the affects of harvesting beachcast seagrass from the foreshore are being carried out in parallel with limited development of the industry. Royalties from the sale of the seagrass is partially funding the investigations. The time frame for the outcome of investigations will depend to some degree upon the rate of development of the industry. The Coastal Management Branch of the Department of the Environment and Natural Resources is evaluating the factors that require investigation and photo-point monitoring the foreshore of Lacepede Bay at Kingston SE has commenced. The issues arising from this industry will continue to be included in annual reports of the Coast Protection Board which are tabled in Parliament.

2. It has not been possible to ascertain whether or not seagrass has a high Boron content. The CSIRO in Clayton Victoria is currently undertaking a literature search on seagrasses and any relevant information will be passed on to the Department of the Environment and Natural Resources.

3. The seagrass harvested for export is being processed in Australia. The Minister has been advised that the trail shipment recently exported to California comprised material composted and packaged into retail bags in Australia. It was not for further processing in America. Shipments of material to Japan are processed at Kingston and forwarded to Japan where local additives are included before marketing.

CONTAINER DEPOSITS

In reply to **Hon. M.J. ELLIOTT:** (1 November 1994) and answered by letter on 16 December 1994.

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. The Government has a stated position of maintaining the Act. This has not changed.

2. When the Two Dogs Alcoholic Lemonade was released onto the market, as it was manufactured in a similar way to cider, it was decided to provide the beverage with an exemption. Given that the cider was already an anomaly, it would seem prudent to revisit the issue in a broader context, and address the other inconsistencies within the Beverage Container Act as well. The Minister for the Environment and Natural Resources has directed the Environment Protection Authority to provide him with advice regarding how best to address these obvious anomalies and inconsistencies.

HEALTH PURCHASING

In reply to **Hon. M.S. FELEPPA** (20 October 1994) and answered by letter on 3 January 1995.

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

1. Purchase of goods, as outlined in Estimates Committee A (*Hansard* page 116), relates to specialised medical/surgical supplies for the metropolitan area amounting to approximately $15 million per annum. This represents less than 4 per cent of all goods and services purchased by the health system. The Hospitals & Health Services Association of South Australia, rather than the proposed Department of Health, will establish a purchasing agency to purchase these products on behalf of health units.

Purchasing of health services more generally as proposed is based on the belief that it is no longer appropriate to view the role of the State health system as that of providing all health services required by the public. Rather, the State health system should concentrate on understanding the health service requirements of the community and then purchasing the necessary services from the most efficient and effective providers, whether they be private sector, non-Government or traditional public sector organisations.

The two State purchasing offices (metropolitan and country) will:

- establish the needs of the population they are serving;
- determine the priorities for the provision of services to that population;
- determine the quality and quantity of services to be purchased, and the price;
- seek diversity, competition and value for money in the process of purchasing services; and
- develop effective contracts with the providers of services.

2. Purchasing of specialised medical/surgical supplies will involve two staff who will be employed by the Hospital and Health Services Association of South Australia.

Savings generated from purchasing efficiencies (estimated at $1.5 million to $2 million per annum) will more than offset the cost of these staff.

Creation of the two health services purchasing offices will be achieved within existing resources.

WATER CONSERVATION

In reply to **Hon. M.S. FELEPPA** (15 November 1994) and answered by letter on 16 December 1994.

The Hon. DIANA LAIDLAW: The Minister for Infrastructure and the Minister for Housing, Urban Development and Local Government Relations have provided the following information.

The Government is committed to the efficient and environmentally sustainable use of the State's water resources.

Residents of South Australia understand that water is a vital resource for our State. Quality of life and the continuing growth and development of industry are dependent on the availability of clean, fairly priced water.

Urban South Australia and many rural communities have very secure reticulated water supplies which includes the ability to draw

from the water resources of the Adelaide Hills and the Murray-Darling Basin. EWS records indicate that there have not been compulsory water restrictions in metropolitan Adelaide since 1954, coinciding with the completion of the Mannum Adelaide Pipeline.

In contrast other Australian States have water supply resources which were already approaching the limit of capacity and have this year combined with a drought to produce real hardship and shortage in many communities.

The need in South Australia is for the promotion of sensible, sustainable use of water rather than vigorously promoting conservation measures.

The Government's commitment towards the efficient use of water supplies in SA is graphically illustrated by works currently under way in the Riverland.

This year, the Government has allocated $5 million as part of an ongoing program to replace old open irrigation channels with low pressure underground pipelines. The new pipelines are a technological leap which offers efficiencies unachievable with irrigation by channel. In addition to eliminating water losses from evaporation and leakage, the pipelines drastically improve the level of service to the customer by enabling irrigators to order water when their crops actually need it, rather than when the EWS is able to provide it, which is the prevailing situation with the old channels.

However, the Government's commitment to promote efficient water use is not limited to the rural sector.

While worthwhile moves towards user-pays water pricing have helped heighten public awareness of the benefits of using water efficiently, a further step is the development of national standards of water efficiency for water using appliances.

During National Water Week the Water Conservation Rating and Labelling Scheme was launched in SA. Water using appliances can now be rated and labelled according to the national standards of water efficiency. People now have the opportunity to consider an appliance's water efficiency before purchasing it.

To further promote the need for efficient water use, the EWS will continue to issue and make available, free of charge, a number of publications on efficient water use and the sizing and care of rainwater tanks.

The Minister for Housing, Urban Development and Local Government Relations has provided the following information:

Dual flush toilet systems and rainwater tanks are accepted measures for reducing the quantity of water used per household. While the Government agrees with the general philosophy that if water supply is reduced per household this will contribute to water conservation and there will be less water to be disposed of through our effluent system, the accepted policy had been to encourage, rather than legislate for their installation in new dwellings. The Engineering and Water Supply Department and the Department of the Environment and Natural Resources have released advisory pamphlets on water conservation which promote the use of dual flush toilet systems and rainwater tanks.

If householders install dual flush toilets and rainwater tanks on a voluntary basis, it is more likely that they will be properly used and maintained. It is not the intention at this stage to amend the Building Code of Australia to incorporate requirements for water conservation.

BUS DRIVERS

In reply to **Hon. SANDRA KANCK** (29 November 1994) and answered by letter on 16 December 1994.

The Hon. DIANA LAIDLAW:

1. I am advised that when determining an applicant's eligibility to hold a bus licence, medical fitness must first be established. The recently published document titled 'Medical Examinations of Commercial Vehicle Drivers' is now used as a reference for determining medical fitness to drive commercial vehicles by all driver licensing authorities in Australia. A heavy bus is considered a commercial vehicle for these purposes. This new document supersedes the 'National Guidelines for Medical Practitioners in Determining Fitness to Drive a Motor Vehicle' in respect of commercial vehicles, and has been adopted by a consensus of State Transport Ministers.

This most recent document was prepared for the National Road Transport Commission and the Federal Office of Road Safety by the Australian Faculty of Occupational Medicine, who consulted the specialist medical colleges, the Royal Australian College of General Practitioners, Driver Licensing Authorities, industry and the medical profession in producing the document.

The Department of Transport also consults its specialist medical adviser, from the Occupational Health Division, Department of Industrial Affairs. The specialist medical adviser is a registered medical practitioner. His qualifications include a Bachelor of Medicine, Bachelor of Surgery, Diploma of Public Health and is a Fellow of Occupational Medicine, Royal Australian College of Physicians. The specialist medical adviser has extensive knowledge and experience in dealing with matters associated with medical conditions and their effect on driving and has been providing these services to the department since 1978.

2. The 'Medical Examinations of Commercial Vehicle Drivers' guidelines specify that a person who has had coronary artery bypass surgery should not drive commercial vehicles. However, the issue of a heavy vehicle licence may be considered after twelve months if a medical specialist's report supports the issue of the commercial vehicle licence.

The decision to refuse issue of a licence to drive passenger transport vehicles was made on the advice of the Department of Transport's specialist medical adviser. It is the view of the department's medical adviser that coronary artery bypass patients should be precluded from the issue of a bus licence classification for at least a period of 12 months from the date of bypass surgery. This advice is consistent with the medical guidelines and was provided in the interests of passenger safety.

I do not support any alleged 'off the record' statement that the bus driver has 'lost his licence for life'.

3. The Registrar of Motor Vehicles has statutory responsibility for the decision to issue or refuse a bus licence. His decision is based upon consideration of both the guidelines and any recommendations provided to him by the medical profession. Similarly, the guidelines (Medical Examinations of Commercial Vehicle Drivers) are provided to medical practitioners to assist them in determining a persons fitness to drive.

The cardiologist's assessment of the person's fitness to resume driving passenger transport vehicles in such a short time after bypass surgery, in this instance, is not consistent with the guidelines established by the medical profession.

It should be noted that all other driver licensing authorities, and the medical profession Australia wide, subscribe to the same 'Medical Examinations of Commercial Vehicle Drivers' guidelines.

4. The national guidelines for medical practitioners in determining fitness to drive a motor vehicle that you refer to has been superseded in respect of commercial vehicle drivers. The new guidelines 'Medical Examinations of Commercial Vehicle Drivers', officially adopted by all licensing authorities in December this year, state that 'statistical evidence supports the view that people with coronary artery disease, including those who have had bypass surgery, have an increased risk of future episodes compared with those who do not have the disease'.

The medical guidelines for drivers of private vehicles and other non-commercial vehicles as set out in the document 'National Guidelines for Medical Practitioners in Determining Fitness to Drive a Motor Vehicle', will continue to apply in respect of those vehicles. These guidelines are currently being reviewed on a national basis, and will be issued in a form to supplement the 'Medical Examinations of Commercial Vehicle Drivers' at a future date.

The recommendation to refuse re-issue of a bus licence in this case will be reviewed. The Registrar of Motor Vehicles will consider the re-issue of the honourable member's constituent's bus licence 12 months from the date of bypass surgery. At that time, should medical reports indicate that a satisfactory recovery has been achieved, including confirmation by a medical specialist that the applicant is fit to operate passenger transport vehicles, the bus licence classification will be re-issued.

BREAST IMPLANTS

In reply to **Hon. R.D. LAWSON** (7 September 1994) and answered by letter dated 3 January 1995.

The Hon. K.T. GRIFFIN: The Law Council of Australia advised that it has not received any complaints. The Legal Practitioners' Complaints Committee has not received any formal complaints, but has received several telephone inquiries from women who were principally seeking to obtain legal advice about their potential claims. The callers were advised to obtain independent

legal advice from a practitioner in South Australia. The Law Society of South Australia referred the matter to the Civil Litigation Committee and advises that there was a consensus on the following issues:

- the society is opposed to misleading advertising and the appropriate steps should be taken to prevent misleading advertising in this State by interstate practitioners;
- if a client chooses to seek legal advice or representation from an interstate practitioner, that client should be prepared to have any complaint dealt with by the relevant authority in the other State;
- any complaints against a South Australian practitioner should be referred to the Legal Practitioners' Complaints Committee in the ordinary course of events;
- if a South Australian resident with a grievance against an interstate practitioner contacts The Law Society, that person would be referred to the complaints body in the relevant State.

OUTBACK AREAS TRUST

In reply to **Hon. ANNE LEVY** (6 September).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

The Outback Areas Community Development Trust was established in May 1978 and it consists of not less than three and not more than five members appointed by the Governor.

The current membership of the trust is:

Gavin Keneally, Chairperson and member to 31.3.96;

Maurice Francis member to 25.5.95;

Joy Baluch member to 25.4.95;

William McIntosh member to 24.5.96;

Maryanne Michell member to 25.4.96.

The Minister agrees with the honourable member that it is important that the trust has an Aboriginal person as a member. It is the Minister's intention to appoint an Aboriginal person to the trust as soon as the next vacancy becomes available, which, at the latest, will be May 1995.

The Minister has discussed the above arrangement with the Minister for Aboriginal Affairs who supports the appointment of an Aboriginal person when the next vacancy occurs on the trust.

PORNOGRAPHY

In reply to the **Hon. BERNICE PFITZNER** (17 November 1994) and answered by letter dated 3 January 1995.

The Hon. K.T. GRIFFIN:

1. Yes. However, the Classification of Publications Board only looks into the classification of a publication when a complaint has been made regarding that publication.

2. N/A. See above.

3. The board met on 15 December 1994 and discussed the article in question at length, and decided that it should remain classified unrestricted.

4. There are few effective sanctions to protect people from unethical behaviour by journalists. Unless Mr Creeper can find some grounds on which to bring legal action against the journalist or the publisher, his only recourse is a complaint to the Australian Press Council or the Media, Entertainment and Arts Alliance. The Australian Press Council is a voluntary association of organisations involved in the print media which considers, investigates and deals with complaints about the conduct of the press. Even if the press council finds a complaint has been substantiated, it has no power to provide any redress. The only sanction available to the council is the publication of its adjudication. Readers of the *World* would probably only become aware of an adverse adjudication if the *World* published the adjudication or if it was picked up by some other publication which they read. There is no obligation on an offending newspaper to publish a press council finding.

If the journalist involved is a member of the Media, Entertainment and Arts Alliance, Mr Creeper can make a complaint to the alliance about the journalist's behaviour. Adherence to a code of ethics is a condition of membership of the Alliance and the Alliance has established committees to investigate and make decisions about violations of the code. Penalties which the committees can impose on a journalist include a warning, reprimand, fine of up to $1 000, suspension from membership for up to a year and expulsion.

As can be seen, neither of these avenues will necessarily offer Mr Creeper any satisfaction.

IMMUNISATION

In reply to **Hon. BERNICE PFITZNER** (13 October 1994) and answered by letter on 5 January 1995.

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

1. Educational programs to promote immunisation include:

- Child Adolescent and Family Health Service (CAFHS) nurses promote immunisation at every contact with parents
- the Personal Health Record records all episodes of immunisation and includes information about the various infectious diseases
- the national Health and Physical Education Profile (curriculum development) includes immunisation and schools are encouraged to use teaching videos (for example, 'You've Got What?')
- the new immunisation schedule has been widely distributed
- the regular CDC Bulletin provides information on immunisation and is widely distributed to immunisation providers including local government
- immunisation has been included in the program for the regional health promotion conferences
- a new edition of NHMRC publication 'Immunisation Procedures' is due to be distributed to all vaccination providers within the month.

2. CAFHS has undertaken regular surveys of the immunisation status of children entering pre-schools.

As part of the National Immunisation Strategy, the Commonwealth Government requires certain information in exchange for the provision of free vaccine.

Resources will need to be made available to ensure the accurate collection and analysis of data from all providers (CAFHS, general practitioners, local councils).

CAFHS has been given responsibility by the Health Commission to manage immunisation to ensure national immunisation targets are met.

HOSPITAL STANDARDS

In reply to **Hon. BERNICE PFITZNER** (3 November 1994) and answered by letter on 6 January 1995.

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

1. The Secretary of the South Australian Branch of the Australian Nursing Federation has not supplied the South Australian Health Commission with any details of the allegations which could enable the matters to be investigated. Any complaints of the nature referred to in the newspaper report would be properly and fully investigated if the details were forthcoming.

2. The South Australian Health Commission issued guidelines for development of admission and discharge policies to health units in 1989 as part of the process for ensuring the monitoring of standards of care. The introduction of service agreements between the South Australian Health Commission and health providers in 1994-95 is another mechanism whereby quality management can be audited. The South Australian Health Commission will be monitoring indicators such as re-admission rates.

It is not appropriate for the Minister for Health or the South Australian Health Commission to prescribe the days which patients shall remain in hospital before discharge as this is quite properly a clinical decision made by doctors and based upon the requirements of the individual patients.

FEDERAL AWARDS

In reply to **Hon. CAROLYN PICKLES** (18 October 1994) and answered by letter dated 29 December 1994.

The Hon. K.T. GRIFFIN: The Crown Solicitor was instructed to act for the Government in relation to an application by the union to the Australian Industrial Relations Commission for an interim award to cover principally teachers employed by the Government in South Australian schools. In relation to the interim award proceedings, the Government was represented by private counsel and a legal officer from the Crown Solicitor's Office. In the course of those proceedings the Government initiated High Court proceedings which resulted in an undertaking being given by the union to the High Court. Hearings in relation to the commission proceedings took place on various dates between 24 May 1994 and 12 October 1994 when SDP Riordan delivered a decision refusing the union's application. The Government has been put to considerable expense in contesting

the union's application. In relation to the High Court and Australian Industrial Relations Commission proceedings in which the Government successfully contested the union's interim award application, during the period May—September 1994 inclusive, external legal costs of $165 793.67 have been met and internal costs of approximately $57 534 were incurred within the Crown Solicitor's Office.

This cost needs to be balanced against the potential costs to Government should the union have been successful. The Minister for Education and Children's Services has advised me that the potential costs could run to millions of dollars.

DIRECTORY LISTINGS

In reply to **Hon. A.J. REDFORD** (23 November 1994) and answered by letter dated 5 January 1995.

The Hon. K.T. GRIFFIN:

1. I share your concern about the practice of bogus publishers sending invoices to businesses in South Australia for entries in directories and publications which probably do not exist. The Commissioner for Consumer Affairs and the Trade Practices Commission have over a number of years issued numerous warnings to the business community.

Where appropriate, the Commissioner will continue to issue warnings concerning the activities of bogus publishers.

2. The business community is continually providing examples of invoices to the Office of Business and Consumer Affairs. There would appear to be reasonable evidence to suggest that the practice has not abated. The bogus publishers target a range of business enterprises, Government Offices, Schools, Community and Charitable Organisations.

3. The business community and other organisations that are being targeted by bogus publishers need to be constantly vigilant to ensure that they do not pay accounts for unordered directory entries. There is a need for organisations to develop a clearly defined strategy to deal with this type of practice and ensure that there are 'checks and balances' in place within account payable systems.

It is very difficult for the Commissioner for Consumer Affairs to investigate bogus publishers who often operate from a post office address in another State or from an overseas country such as Switzerland. The Commissioner will continue to liaise with the Trade Practices Commission on the activity of bogus publishers.

ALGAL BLOOM

In reply to **Hon. T.G. ROBERTS** (1 December 1994) and answered by letter on 22 December 1994.

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. Yes, the Government is well prepared in the event of a major outbreak of algal blooms. Comprehensive contingency plans have been developed to ensure that appropriate action is taken by the water supply authorities to either avoid, or to deal with, disruption to public water supplies.

These contingency plans have been prepared on the best available research and practical experience by the Engineering and Water Supply Department, the Department of Environment and Natural Resources, the South Australian Health Commission and Primary Industries of South Australia.

Public information and media liaison is an important part of emergency planning. Consequently, if action is required, information to the public will be both prompt and concise with all agencies providing coordinated and consistent advice. Public awareness brochures and fact sheets on blue green algae have been produced and will be distributed as necessary.

2. The Minister is supportive of the philosophy of reducing the phosphorus levels in our domestic effluent, and thereby subsequently reducing the nutrient load on our treatment works and subsequently in our waterways.

However, there are several ways to approach the problem of phosphorus in detergents. The Minister is not proposing to run a specific media campaign within South Australia targeting detergents. Rather, the State Government is contributing to the development of a national labelling agreement for household detergents. The draft agreement which has been negotiated with the Australian Chemical Specialties Manufacturers Association (ACSMA), which represents the detergent industry, covers such facets as the introduction of low and no phosphorus detergent labelling, modification of detergent formulations and consumer education.

The State Government will also be participating in the review and analysis of the technical, environmental and economic issues of the impacts of domestic wastewaters on the phosphorus status of water resources. This will assist in the development of a national strategic approach for minimising such impacts. The strategy brief recognises that there may be environmental impacts associated with alternatives to phosphorus, and calls for them to be evaluated.

Interstate experience has shown that it is essential that any Phosphorus Awareness Campaign must be general in nature, and not target just one particular source of phosphorus.

ADELAIDE TO DARWIN RAILWAY

In reply to **Hon. T.G. ROBERTS** (30 November 1994) and answered by letter on 30 January 1995.

The Hon. DIANA LAIDLAW: Seeking clarification of the form of the Government's seed capital contribution of up to $1 million in the Ausmelt demonstration plant, the Minister for Mines and Energy has provided the following information.

The Minister has announced the Government has a participating interest in the joint venture and its contribution is capped at a maximum of $1 million. However, so that the Government can benefit from its contribution, in the event that the demonstration phase is successful, the other joint venturers have given the Government the option to convert the participating interest to a full equity share at any time up to the completion of full engineering feasibility, which immediately precedes the construction phase. Exercise of the option will give the Government a 2½ per cent free carried interest and the right to subscribe for a further 17½ per cent share. Whether the Government exercises this option will depend on commercial parameters, and is a decision which need not be made for at least four years.

ROXBY DOWNS

In reply to **Hon. R.R. ROBERTS** (17 November 1994) and answered by letter on 16 December 1994.

The Hon. DIANA LAIDLAW: The Minister for Mines and Energy has provided the following information.

. Housing at Roxby Downs is a mix of company housing provided for rent or purchase to WMC employees, and privately owned dwellings. Other accommodation is available in single persons quarters, the caravan park or the motel.

. The size and number of house sites were determined in the original plan of Roxby Downs township in 1986. House sites have gradually been developed since this time.

. The layout and services provided in Roxby Downs are similar in standard and quality to housing developments in Adelaide. Blocks vary in size and have reticulated water, sewerage, underground power and gas, paved roads and kerbing. WMC is responsible for the development of the allotments and have only been able to recover the cost of development as agreed under the Indenture. Development costs however, are much higher than in Adelaide due to the remoteness of the location, so for the location, the allotment prices are reasonable.

. The majority of housing purchases are for individuals own use rather than for rental, although land is available for private enterprise to develop. Consequently, market prices are relatively high at around $185-$240 for private rental house accommodation. As investors gain confidence in the town as a site for investment, more private rental accommodation will become available. Recently, 70 allotments became available for purchase—60 of these blocks have already been taken up by private investors for purchase.

. A small percentage of WMC employees are waiting for housing accommodation in Roxby Downs. None of the applicants on the waiting list have their address listed as Andamooka. However, current activities at Olympic Dam, including a smelter shutdown and construction activities, have exacerbated the accommodation situation.

. All potential employees are told at their job interview that there is a waiting list for duplex, three or four bedroom house accommodation. The waiting list is currently up to 12 months. In the meantime, all employees have access to single persons quarters, consisting of semi-self contained units. When houses become available, they are offered on a 'first come, first serve basis'.

. Feasibility studies are currently being conducted for the proposed expansion. WMC will be making a decision on the expansion early in 1996. Details of future housing plans are not available but would be expected to take account of population growth and the expected increase in the work force.

. The South Australian Housing Trust (SAHT) has never been seen to have a role in the construction or maintenance of housing in Roxby Downs. All available land is owned by the Western Mining Company under the terms of the indenture and they are responsible for development of any new housing as the need arises.

. The priority of the SAHT is to provide housing assistance to those most in need, who are generally households on low to moderate incomes. Therefore, in relation to Roxby Downs, the level of income of households would be a major factor in the allocation of housing resources. The Minister does not expect that the population would comprise many people who would be eligible for subsidised housing.

WORKCOVER

In reply to **Hon. R.R. ROBERTS** (22 November).

The Hon. K.T. GRIFFIN: The Minister for Industrial Affairs has provided the following response:

1. No. Neither the WorkCover Board nor WorkCover management have determined that section 42 (commutation) applications be put on hold for any purpose. Section 42 determinations are continuing to be made but the number of these determinations is minimal. This is due to section 42(2)(B) which states that a liability to make weekly payments be commuted only where the actuarial equivalent of the weekly payment does not exceed the prescribed sum (currently $96 200 for 1994). As the Corporation is liable to make weekly payments until retirement age and the actuarial equivalent must be based on years to retirement, calculations for most workers, unless aged close to retirement, exceed the prescribed sum and the Corporation therefore cannot commute.

The substitution of section 42 as contained in Amendment Bill No. 82 of 1994 will, of course, rectify this situation by allowing the worker and the claim manager to agree on an amount for commutation which is not subject to statutory limitations. A worker who wishes to exit the scheme will be able to approach the claim manager for commutation, or the claim manager may offer commutation to the worker, and an amount which is acceptable to both parties can be agreed upon without reference to formulae and with reduced scope for dispute. The discretion allowed to the claim manager regarding the offer of commutation and the amount (by making both decisions non-reviewable) is intended to ensure that only workers who will benefit from a commutation will obtain one, rather than the present system in which workers who could be further rehabilitated and placed in employment are instead seeking commutations through litigation.

2. Not applicable.

3. Not applicable.

4. The allegation is not true and, therefore, there is no requirement for direction from the Minister to either the WorkCover Board or WorkCover management.

GULF ST VINCENT FISHERY

In reply to **Hon. R.R. ROBERTS** (29 November).

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following response:

1. A survey took place between 1 June—7 June 1994. SARDI through its research officer for the fishery provided a survey report to the Gulf St Vincent Prawn Fishery Management Committee at its meeting on 10 June 1994. As a result of that report the Committee recommended the opening of the fishery for period 10 June—16 June 1994.

A final survey report was not written due to the announcement of the review by Dr Gary Morgan. Detailed analysis of the survey results and their interpretation were provided by SARDI to Dr Morgan for incorporation in his review conducted between 27 June and 1 July this year.

A November survey did not take place. The November prawn survey was scheduled to take place on 26 and 27 November to provide comparative (appropriate moon phase and time of year) information with previous November surveys conducted continuously from 1984 to 1993.

A two night research cruise on the SARDI research vessel *MRV Ngerin* was undertaken on 2 and 3 November 1994. One night was to maintain continuity of sampling of the reproductive condition (spawning level) of female prawns in northern Gulf St Vincent during the spawning season (October—March). The other night was exploratory trawling in areas north of Longspit Light (not normally fished) to locate areas suitable for trawling to be able to sample prawns migrating from nursery areas onto the fishing grounds. These areas will be sampled again in January 1995 using the *MRV Ngerin*. An internal report was written which will be presented to the Gulf St Vincent Prawn Fishery Management Advisory Committee when it is convened.

2. Cabinet has approved the establishment of the Gulf St Vincent Prawn Fishery Management Advisory Committee which will be responsible for advising the Minister for Primary Industries on future management arrangements for the fishery. The Committee is comprised of an independent chairperson, independent consultant, three (3) elected industry representatives, a Primary Industries representative and a SARDI representative. In fulfilling its obligations the Committee will need to address the issues highlighted by recommendations from the Morgan report. The committee will then report to the Minister.

POLICE TRAINING

In reply to **Hon. T. G. ROBERTS** (3 November 1994) and answered by letter dated 19 December 1994.

The Hon. K.T. GRIFFIN: The Minister for Emergency Services has provided the following response:

This question is similar to one asked of the Minister for Emergency Services by the member for Torrens on 13 October, 1994.

In 1984 SAPOL commenced specific training on mental illness with new recruits. The psychology branch is responsible for the training and it relates to three distinct areas:

[1] Knowledge, Psychology and the Law

[2] Attitude Change

[3] Skills building to enable members to deal with mentally disturbed persons in operational encounters.

The theoretical training concentrates on common misconceptions about mental illness, the causes of psychiatric disorders, comparisons of psychotic and neurotic disorders, recognition of psychiatrically disturbed behaviour, typical policing situations encountered, methods of relating to disturbed persons and options for resolving instances requiring police attendance.

The Mental Health Act and relevant Police General Orders are also examined to ensure trainees understand police responsibilities for apprehension and conveyance, admission orders and the associated paperwork, offences under the Act and procedures to adopt when it is necessary to interview persons suspected of being mentally ill.

A visit to a psychiatric hospital is arranged and this is designed to be experimental for recruits. They develop an appreciation of the hospital role and its interface with the police. The recruits then spend time interacting with patients, learning to recognise the behaviour exhibited by disturbed persons and developing the interpersonal skills and confidence to empathically relate to people with psychiatric problems.

There has been a direct liaison between the South Australian Mental Health Service and the psychology branch for the last 10 years. As a result of the information received from SAMHS, the psychology branch continually reviews and modifies the program.

In addition to specific training with respect to mental illness, handling of suicidal and siege behaviour is included. Part of the training of recruits involves the complete area of psychology-crisis behaviour and the course is conducted by the psychology branch. Successful completion attains credit towards one of the subjects in the attainment of the Certificate in Justice Studies conducted by TAFE.

The police practice module for qualification for sergeants contains segments on the handling of siege, terrorist and hostage situations where emphasis is placed not only on command and control, but on negotiation techniques. The psychology branch is involved in this training.

Members undertaking the degree course at Charles Sturt University also complete subjects in psychology.

Star Division personnel are trained to focus on dealing with specific incidents where their expertise is required rather than on various types of people who may be involved in particular incidents. Whenever a situation is encountered where an offender may be armed with a weapon or knife, the Star Division members attempt

to negotiate with the offender, and in the event of this being unsuccessful, may need to use other tactics. In all cases, the SAPOL policy is to pursue resolution by negotiation. National training provided through the Standing Advisory Committee on the Co-operation of States for the Protection Against Violence (SACCSPAV) and local training courses are provided for negotiators.

The policy of resolution without the use of firearms and by negotiation has been actively followed in South Australia and trained negotiators have been used since 1979. Numerous instances could be cited as examples of resolution in this manner. Many have not received media publicity.

In the last 16 years, only two persons have been shot by Star Division members as a last resort and both survived.

Victoria Police Force have been in contact with the Star Division and are assessing our tactics with a view to adopting a similar approach in their state.

The National Police Research Unit has also been involved in assisting VICPOL.

Prior to the Melbourne shooting of a mental patient, the Deputy Commissioner of Police and Superintendent Mase, Executive Services Branch (former Principal Hostage Negotiator in South Australia) had discussions with the Chief Executive Officer of the Mental Health Service concerning a number of aspects of management of mentally disturbed persons in the community. One aspect of this was the handling of incidents of violence. As a consequence, a further meeting was held on 14 October 1994 with members of the Senior Executive Group and other key personnel in order to establish regional liaison and call out arrangements to involve SAMHS in incident handling.

This meeting identified various issues that need to be addressed by SAPOL and SAMHS to improve liaison and provide a better service. Issues highlighted include:

- Improved liaison between SAPOL and SAMHS
- Training
- Conveyance of patients
- Reception of patients
- Attendance of professionals at incidents occurring in the community
- Combined approach in assisting patients experiencing problems after returning to live in the community

It was agreed that these issues would be addressed in a co-joint manner by a committee made up of personnel from SAPOL and SAMHS. The first meeting was held on 1 December 1994.

PRIMARY INDUSTRIES STAFF

In reply to **Hon. R.R. ROBERTS** (16 November 1994) and answered by letter dated 20 December 1994.

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following response:

The Government is meeting its service obligations to South Australian primary producers, and will continue to do so in ways which will improve its focus on industry development and to maximise the impact of its services.

The 'crisis of confidence' which the question refers to has its foundation in a letter from the Riverland Horticultural Council. This was prompted by an unusually low level of district adviser presence in the Riverland resulting from a combination of circumstances which included a vacancy which has been difficult to fill from within the service and has been advertised nationally, recreation leave being taken, and the unavailability of a casual relief adviser. This situation does not constitute a crisis of confidence in Primary Industries SA as a whole, and services in the Riverland will be restored to the level enjoyed prior to these circumstances arising.

PRAWN FISHERY

In reply to **Hon. R.R. ROBERTS** (1 November 1994) and answered by letter dated 29 December 1994.

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following response:

1. I am not aware of any formal agreement between the former Minister of Primary Industries and the Spencer Gulf and West Coast Prawn Fishermen's Association regarding management of the fishery.

However, I am aware that discussions took place with all industry sectors, including the Spencer Gulf and West Coast prawn fishery, with a view to implementing regulations which would empower the operations of integrated management committees. The nature of these proposed arrangements is quite distinct from the activities of individual fishing associations.

2. There is nothing to stop the Spencer Gulf and West Coast Prawn Fishermen's Association from proceeding with its planning as the internal operations of industry associations are not the concern of Government.

3. With regard to enforcement issues, the department's compliance unit is in the process of reviewing its personnel and operations to provide the best service with its available resources.

Considerable consultation has taken place with relevant staff and a report recommending restructuring of the unit is presently under consideration. Once a decision has been made, industry will be advised.

POLICE, INCIDENT

In reply to **Hon G. WEATHERILL** (16th November 1994) and answered by letter dated 29 December 1994.

The Hon. K.T. GRIFFIN: The Minister for Emergency Services has provided the following response:

The Commissioner of Police has provided the following information:

A solo police officer stopped a vehicle at approximately 11.25 p.m. on Monday, 24 October 1994 in Woolshed Street, Bordertown and spoke with the driver. This person returned a positive Alcotest and was asked to attend the Bordertown Police Station for a breath analysis test. The driver did this and was cooperative with the police officer in the events that followed.

The woman passenger stepped out of the vehicle, walked in circles and staggered, shouted loudly, had a strong smell of liquor about her and was well affected by alcohol. She tripped and fell, lay on the footpath, refused help from the police officer and, shortly after, stood in the roadway, not moving. She was detained under the Public Intoxication Act. Later at the police station she was charged with 'hindering a police officer' and 'refuse name and address', for the incidents that occurred there.

Specific details are as follows:

- the woman passenger was not asked for her name and address while still a passenger in her companion's car;
- the police officer did not say 'so you're a smart bitch are you?' and did not use the word 'bitch' at all;
- she was not ordered from the vehicle;
- the police officer did not push her partner away or tell him 'leave the drunken bitch on the footpath';
- the woman passenger was not taken to the Bordertown Police Station because she refused to give her name and address;
- she was not thrown in a padded cell, but was locked in the cell complex for safety reasons;
- her request to make a telephone call was only denied at a time when her behaviour was irrational and abusive, and it was considered that she may have damaged property;
- she was offered bail on several occasions and her companion was utilised by the police officer to try and achieve this. This method proved successful after several attempts;
- the charge of 'hinder police' and 'refuse name and address' was not proceeded with as a court may conclude that, due to her condition at the time, she was incapable of intent to commit the offences;
- after bail, she and her companion were driven to their motel by the police officer;
- she was initially detained as she was unable to take proper care of herself and no person was then available to take responsibility for her.

HOUSING TRUST RENT

In reply to **Hon. BARBARA WIESE** (23 November 1994) and answered by letter on 3 January 1995.

The Hon. DIANA LAIDLAW: The Minister for Housing, Urban Development and Local Government Relations has provided the following information.

1. The Housing Trust does not have readily accessible information about the number of surviving spouses of deceased pensioners who have had to pay increased rents since the frozen rent policy for pensioners turning 75 was discontinued in 1988.

2. The number of pensioner couples currently receiving the benefit of frozen rents in accordance with the pre-1988 policy is 2 000.

3. Due to data limitations, the Housing Trust is unable to accurately determine the number of spouses who may be subjected to increased rent in the event that the qualifying spouse dies.

4. The Housing Trust plans to review the current procedures relating to frozen rents for pensioners over 75 years of age.

HALLETT NUBRIK

In reply to **Hon. T.G. ROBERTS** (26 October 1994) and answered by letter on 5 January 1995.

The Hon. DIANA LAIDLAW: The Minister for Health has provided the following information.

1. The South Australian Health Commission via its Public and Environmental Health Service has examined air quality data collected by officers of the Environmental Protection Authority from an address at Seaview Road, Yatala Vale in the winter of 1993. The continuous monitoring data were collected from 28 July to 6 August and included estimates of sulphur dioxide (SO_2), hydrogen fluoride (HF), total nitrogen oxides (NOx), and their main species nitrogen dioxide (NO_2), and nitric oxide (NO). Table 1 summarises the main features of the SO_2 and NO_2 data compared with accepted or proposed Australian goals (National Health & Medical Research Council). Table 2 shows, for comparison, the goals which apply in the European Community. Table 3 summarises the data and Australian standards (Australian & New Zealand Environment Conservation Council) with respect to hydrogen fluoride.

These guidelines or goal values represent the ground level concentrations considered unlikely to pose a risk to health of sensitive individuals. Nitrogen oxides and sulphur dioxide have deleterious effects on plants at concentrations lower than those which affect humans and this is reflected in the lower goals in areas of specific land use where sensitive plants are grown or farmed.

Sulphur dioxide emissions reported to be 340 mg/m^3, sulphur trioxide at 350 mg/m^3, nitrogen oxides at 450 mg/m^3, and hydrochloric acid at 350 mg/m^3, relate to single observations measured three to four years ago. In the past two years levels of these emissions have been found by the EPA to be much lower than these (about 150 mg/m^3 total sulphur oxides, 200 mg/m^3 HC1, 50 mg/m^3 NOx) and are typical of the emissions prior to the installation of the gas scrubber during the ambient air sampling period 28 July—6 August 1993. These concentrations were measured in the chimney stacks of the brickworks and do not relate directly to ground level concentrations to which World Health Organisation, European Community and Australian air quality standards apply.

The attached tables show that the airborne concentrations of nitrogen dioxide and sulphur dioxide are well below the recommended standards or goals both in Australia and Europe. No specific goals or guidelines have been set for NOx or NO. It is important to note that the measurements of ground level ambient concentrations of contaminants were made during a period when the wind direction and speed was seen to vary. The lower value of each of the ranges cited (eg 2 ppb for SO_2) corresponded to conditions of little or no wind. The higher value of the range (11 ppb for SO_2) was measured when the wind was blowing directly from the brickworks to the sample collection site, and represents the worst-case ground level concentrations associated with the brickworks' emissions.

The data relating to hydrogen fluoride concentrations indicate that the emissions from the brickworks exceed the ANZECC goals for the protection of vegetation. Plants are very sensitive to the effects of hydrogen fluoride, at concentrations lower than those which cause effects in humans (the occupational exposure standard for HF in Australia is three parts per million). The Environmental Protection Authority is presently making recommendations to deal with plant damage problems at nurseries in the local area.

2. Air sampling data reveal that concentrations of nitrogen dioxide range from less than 1/50th to 1/7th of the Australian or European air quality standards for human health, and those of sulphur dioxide range from less than 1/50th to 1/10th of these standards. Recent epidemiological data (see response to question 3 below) show no increased risk of respiratory symptoms (particularly asthma) in children living in the area which can be attributed to a local industrial pollutant source. Therefore there is no need for checks on the health effects of brickworks emissions on the residents of Yatala Vale.

3. Data from a recent Child, Adolescent and Family Health Service survey of respiratory disease in 4-year-old children have been accepted for publication (Volkmer et al. 1995. The prevalence of respiratory symptoms in South Australian pre-school children I: geographic location. *Journal of Paediatrics and Child Health* In Press), and reveal that the rate of asthma in children from the Fairview Park postcode area is 25 per cent, compared with Golden Grove (22.4 per cent), Wynn Vale (21.7 per cent), Para Hills (17.8 per cent), and Tea Tree Gully (20.0 per cent). The rates for the metropolitan district and for South Australia overall were found to be over 22 per cent. The geographic distribution of prevalence rates for wheeze, bronchitis and hay fever were generally consistent with the distribution of asthma prevalence rates. Although results from Modbury (29.2 per cent), Highbury (37.0 per cent), Ridgehaven (25.5 per cent) and Para Vista (25.6 per cent) were found to be higher, for the north-eastern suburbs in question, there do not appear to be consistent associations between proximity to the brickworks and asthma prevalence. A second paper from these authors—Volkmer et al. 1995. The prevalence of respiratory symptoms in South Australian pre-school children II: factors associated with indoor air quality. *Journal of Paediatrics and Child Health* In Press—concluded that particular factors associated with indoor air quality were associated with these symptoms.

In conclusion, considering the low concentrations of sulphur dioxide, nitrogen dioxide and hydrogen fluoride measured in the Fairview Park area and the absence of a consistently elevated rate of asthma in this and surrounding areas it is unlikely that the emissions from the brickworks in question pose an additional risk to respiratory health beyond that due to other well documented, widespread factors such as cold air, housedust mites, common infections, the use of natural gas for heating and cooking, and exercise.

TABLE 1. Measured levels of airborne sulphur dioxide and oxides of nitrogen at Yatala Vale compared with Australian air quality goals (in parts per billion, ppb)

	SO_2	NOx	NO	NO_2
Range (1 hour average) (ppb)	2-11	5-37	2-15	3-23
NHMRC* goals (ppb)				
10 minute average	490			
1 hour average	250			160
annual average	20***			
Environmental** goals (ppb)				
1 hour average	203			
4 hour average	25			

* NHMRC health goals

** proposed goals for the protection of sensitive vegetation in specific areas of land use

*** proposed to be reduced to 10 ppb

TABLE 2. European Community air quality guidelines

	SO_2	NO_2
EC guideline (ppb)		
10 minute average	175	
1 hour average	123.5	196
24 hour average	43.75*	73.5
annual average	17.5*	
Environmental** goals (ppb)		
4 hour average		46.55
24 hour average	35	
annual average	10.5	14.7

* guidelines apply in combination with smoke guidelines

** guidelines for the protection of sensitive vegetation in specific areas of land use

TABLE 3. Measured levels of airborne hydrogen fluoride at Yatala Vale compared with Australian air quality goals

	General land use	Specialised land use
Measured range (1 hour average) (ppb)	1.4-10.9	1.4-10.9
ANZECC* goals (ppb)		
12 hour average	4.1	2.0
24 hour average	3.2	1.7
7 day average	1.9	0.9

* ANZECC goals for protection of vegetation

MEAT CONTAMINATION

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Education, representing the Minister for Health, a question about the Garibaldi mettwurst dispute.

Leave granted.

The Hon. T.G. CAMERON: Cases of HUS continued to be diagnosed as late as 3 February. The incubation period for the illness is approximately six days. We have already heard an explanation from the Minister that he sought the advice of experts within the Health Commission and he has advised the Council that he acted on that advice. It is only reasonable to assume that a person without any medical training acting for the Minister for Health should seek expert advice from people within the Health Commission. However, on receiving that advice, it was incumbent upon the Minister then to make a ministerial judgment regarding the nature and the extent of the problem and how it should be communicated to the public. I think that on one occasion the Minister suggested that there was no point in putting an advertisement in the *Advertiser* because it would be buried somewhere in the middle. It would not be if the Minister directed that the advertisement be placed on the front page of the *Advertiser*. What we are talking about here is the judgment that the Minister exercised when he received the advice from the Health Commission regarding the nature of the problem.

My question to the Minister is: could adequate publicity and prompt action by the Minister in his capacity as Acting Minister for Health have avoided the poisoning of some of the victims of the Garibaldi mettwurst epidemic and why did the acting Minister not immediately order Health Commission officers to inspect the Garibaldi premises in accordance with his powers under the Food Act?

The Hon. R.I. LUCAS: I should have thought that the Hon. Mr Cameron would be at least someone in this Chamber who would understand the various mechanisms that members of Parliament or political Parties can use to get a message across. He has been involved in political campaigns for quite some time—

An honourable member interjecting:

The Hon. R.I. LUCAS: I intend to—as indeed have I. One makes judgments as to what is most effective. Certainly, my experience of running campaigns and getting messages across to the community is that if you can get the message on television, on radio or on page one of the *Advertiser* then you have a much better chance of getting it across, whatever it might be, to the South Australian community.

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Cameron is talking about wanting to place a front page advertisement, which I presume would be very difficult. My knowledge of the *Advertiser* is that I cannot recall, other than the normal—

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: That is indeed what we did. The recall notice was on the front page of the *Advertiser* and whether it was paid or unpaid is immaterial. It was there on the front page and on page two and page three day after day. It was on television on the first evening and, indeed, on subsequent evenings as various sections of the television media—

An honourable member interjecting:

The Hon. R.I. LUCAS: That is exactly it. The answer to the question is: I made the political judgment as the Minister that that was the appropriate way to get the message across. Having listened to the advice of the experts within the Health Commission, one then has to make a judgment as to what action to take: do you listen to the experts in the Health Commission and follow the procedure and process that they advocate or do you seek to take an alternative course of action?

The PRESIDENT: Order! The time for questions having expired, I call on the business of the day.

MINING (NATIVE TITLE) AMENDMENT BILL

In Committee.

Clause 1—'Short title.'

The Hon. K.T. GRIFFIN: This Bill was one of a package of four Bills when we were last sitting. We dealt with three of the Bills and this was left on the table for further consideration over the Christmas-New Year recess. There are some matters that I think other members may wish to canvass at large in relation to native title issues, particularly as they affect this Bill. I suggest that clause 1 be the point at which members make a large contribution in relation to this issue.

The Hon. CAROLYN PICKLES: The Attorney has explained what has transpired over the passage of some months and the negotiations that have taken place. Therefore, I appreciate the opportunity of making some further comments in relation to this legislation at this stage. This will probably be a longer explanation on clause 1 than we are used to. However, during the passage of the native title Bills before the Christmas break we did not in fact address this Bill individually and it has now become apparent, because of the complexity of the issue, that it needs to be addressed in its entirety and I use this opportunity to do so. I thank the Attorney for his indulgence.

As indicated, this Bill is part of the South Australian native title legislation package put forward last year. As to the background of native title matters and the current context in which this Bill is put forward, I refer members to my second reading speech delivered in this place on 22 November 1994 together with contributions of other members here and those of members in the other place.

We now have the legislative framework to deal with native title claims and a court able to deal with those claims in South Australia. Also, Parliament has catered for the situation where the Crown may wish to acquire land compulsorily in circumstances where native title rights may be impinged upon. I now deal with the mining industry and the procedures for mining in this State in so far as they might impact on native title rights and native title holders. As time passes, one would expect most native title claims to be related directly or indirectly to proposed or anticipated mining operations. Therefore, it is very important to ensure that fair and constitutionally valid measures are put in place to deal with the procedure of granting exploration and mining rights while at the same time protecting native title rights.

Ideally, the debate as to how to mend the South Australian Mining Act 1971 should take place within a more wide-ranging review of that Act. In many respects the Act is outdated (and I note that the Attorney may share this view). In any case, the battle lines have been very clearly drawn by

the respective Government and Opposition amendments which have been on file since November last year.

There are two main issues. The first issue hinges on whether the negotiation procedure taken from Part 9B of the Commonwealth Native Title Act should be carried out before or after the granting of a mining tenement to a mining operator. The Government considers that it is sufficient to grant the mining tenement and then place an obligation on the mining operator to carry out negotiations before physically doing anything which might be inconsistent with native title rights. We take a contrary view, for two reasons. First, we consider that the granting of the tenement, particularly to one person mining outfits or small mining companies, will be taken as an invitation to proceed on to the land and carry out actions which could destroy native title rights. The experience of Aboriginal groups, particularly in the northern half of South Australia, indicates that there is a high likelihood of abuse, despite the tough penalties introduced by the Government in its latest proposed amendments.

The debate about the appropriate right to negotiate provisions comes down to a question of faith in the lone operators and the small mining companies of this State. If you take the view that there is an almost negligible risk to native title rights being destroyed by miners who have legally granted tenements but who have chosen not to acknowledge the possibility of any native title rights being destroyed on the prospective mining land, then the Government's scheme perhaps is workable. If you believe that there is a high risk of an appreciable number of these miners getting their mining tenements and then proceeding wantonly to drive on to land and begin exploring without genuinely giving consideration to native title rights, then the safe and fair way to safeguard native title rights would be to pass the amendments put forward by the Opposition. It comes down to this: we believe that the granting of the tenement is the same as letting the bull into the china shop and asking it to wait patiently while the china is safely put away.

There is a second fundamental reason why we oppose the Government's right to negotiate provisions. Legal advice received by the Opposition suggests that there would be a fair chance that the Government's amendments would be declared invalid by the High Court if someone challenged those provisions, and this is because the Commonwealth's Native Title Act insists upon the negotiation procedures being carried out prior to the 'proposed act'. The 'proposed act' in the Commonwealth legislation most likely includes the actual granting of a tenement, since the granting of the tenement is inherently inconsistent with the continuation of native title rights. If the Government's amendments are passed the mining industry in this State could be in the dreadful situation of having dozens or hundreds of tenements granted but later found to be invalid because the procedure in the South Australian Mining Act is struck out by the High Court. We believe that the Government should not permit this uncertainty and risk disastrous consequences by persisting with its amendments.

The other main issue arising out of the amendments to the Mining Act are in relation to what I call conjunctive authorisations. This term refers to agreements or determinations by means of which mining operators and native title holders, or even native title claimants, can be bound to terms specifying the circumstances under which all manner of mining activities can be carried out, from prospecting right up to large scale mining.

I sum up the Opposition's position as follows. First, we are opposed to the court or the Minister having power to make conjunctive determinations because native title holders should not have terms imposed on them in relation to the circumstances under which mining can go ahead at a time when the size, type and profitability of a mine cannot possibly be known.

Secondly, we say that conjunctive agreements should not be permitted with native title claimants as parties, and this is because there should be no opportunity for mining operators to play off one claimant against another when the group ultimately found to be native title holders has not been able to get the best deal for giving up their native title rights due to the involvement of claimants who never had native title rights in the first place.

Thirdly, even where mining operators are negotiating with established native title holders, we say that any conjunctive agreements should not go to the extent of dealing with actual mining leases. Mining leases are obviously at the top of the scale in terms of jeopardising native title rights.

Finally, we say that conjunctive agreements should not be permitted, even between mining operators and established native title holders, because after initial negotiations, which would take place prior to exploration, years may elapse and circumstances may radically alter before the mining operator actually applies for a mining lease. The negotiation procedure should be entered into each time before a further tenement is granted to take account of the circumstances prevailing at that time. In any case, there is an argument that tenements, such as a retention lease, would not require the negotiation process because a retention lease in itself would not threaten native title rights.

There is a subsidiary issue relating to so-called umbrella agreements, which were introduced in the Government's most recent proposed amendments. We will place amendments on file which will seek to restrict umbrella authorisations or agreements to precious stones fields. Umbrella agreements are intended to allow multiple mining operators and multiple native title holders to come to agreement about a number of relatively small but distinct areas. This will be appropriate in some of the opal fields situations, such as those around Mintabie. This was the original intention of the umbrella authorisation concept and our amendments will ensure that the concept does not lead to abuse when applied improperly in other contexts.

Having dealt with the main issues, I indicate that a number of the Government's most recent proposed amendments are acceptable to the Opposition. Rather than go into detail at this stage, I propose simply to indicate the Opposition's acceptance, where appropriate, during the Committee stage. I take this opportunity to thank the Attorney for his cooperation with regard to negotiations relating to this legislation. Although we have some fundamental difficulties to iron out, I think we have progressed some way with this very difficult and sensitive piece of legislation. I thank the Attorney for making his officers available with regard to this important piece of legislation.

The Hon. K.T. GRIFFIN: I appreciate what the honourable member has said. The Opposition has some issues on which there is disagreement with the Government. It may be, as we go through the amendments, that some of those issues can be explored further and a resolution achieved. It may be, of course, that it ends up at a deadlock conference. However, as I have already indicated, this is an important piece of

legislation and it is complex, and for that reason I have taken the view that officers should be available to brief both the Opposition and the Democrats and to discuss issues, if that assistance is necessary.

Some further consideration is being given by the Government to the final form of amendments, even though we have had amendments on file since November. There have been continuing consultations not only with the Opposition and the Democrats but also with the Chamber of Mines and Energy, the Department for Mines and Energy SA and the Aboriginal Legal Rights Movement, as well as other legal representatives of other Aboriginal bodies.

It may be that, as a result of those discussions, we will want to suggest some fine tuning to the amendments which are on file. For this reason it is probably unlikely that we will get to the consideration of clauses other than clause 1 before next week, but we hope that we can press on with it then on the basis that everybody would have had an adequate opportunity to consider what fine tuning amendments might be proposed, and I undertake to make them available to members as soon as they become available. I thank the honourable member for her additional observations on this Bill as part of an important package.

Progress reported; Committee to sit again.

RETAIL SHOP LEASES BILL

Adjourned debate on second reading.

(Continued from 30 November. Page 1013.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of this Bill. However, we believe that the Bill will require some substantial amendment. To begin with, I should say that all parties are in agreement on some fundamental issues. All Parties in this Chamber appear to agree that there is a need for a regulatory framework which is fair to both landlords and to retail tenants. It must be recognised that small retailers in shopping centres have distinct characteristics and some distinct disadvantages relative to the shopping centre owners in terms of experience and resources, and they therefore deserve a fair and reasonable legislative framework within which tenancy agreements can be negotiated and carried out.

Secondly, I acknowledge that there has been considerable discussion and debate between the various industry groups in relation to the Government Bill, and clearly most of the industry is happy with most of the Bill. It is a question of not being able to please all the people all the time.

I would also like to take this opportunity again to thank the Attorney—he is probably one of the most cooperative Ministers in this Chamber—for organising some meetings with the industry people concerned. Obviously, the Opposition has met privately with these people, but I thank the Minister for trying to bring together the parties on this legislation, which is reasonably contentious in some parts.

The discussion process which has taken place over the past year or so is not dissimilar to the New South Wales experience. In New South Wales the industry groups representing building owners and retail tenants came together to agree on the principles which were then put into legislation that had the support of both major Parties in New South Wales. It was the New South Wales legislation which was used as the foundation for the Hon. Mike Elliott's Bill, the Commercial Tenancies Bill, which was introduced in this place early in the session last year. The Government Bill also draws heavily on the New South Wales legislation. I would like to point out that the Opposition did in fact support the Hon. Mr Elliott's Bill in the second reading, but we have not yet had a comment from the Government. Hence, the Opposition will be supporting a substantial part of the Bill subject to the following reservations.

Of course, there were a number of key issues upon which the various industry groups could not reach agreement—several issues where the protection of retail tenants clashed with the self-interests of building owners. In Parliament, these issues must be resolved according to the philosophical and policy positions of the parties. The Labor Party of the 1990s is attuned to the needs of investors and business people, but we have not lost sight of the need to protect ordinary people who are often at great disadvantage when dealing with huge corporations and their lawyers.

In a great number of cases, retail tenants in shopping centres are small businesses or family businesses, without vast resources or a great deal of experience in negotiating tenancy agreements. These people should have protection from oppressive or capricious actions which may be taken by some landlords. In many respects, they deserve the same sorts of protections that are available to residential tenants.

However, there are a number of issues peculiar to retail tenants, and perhaps commercial tenants more generally, which do not arise in a residential context. In this context the Opposition can now state its position in relation to the issues upon which industry groups do not agree. Our position in relation to the commencement of various provisions of the Bill should be apparent from the amendments we placed on file in relation to the Hon. Mr Elliott's Commercial Tenancies Bill. We are of the view that many provisions can come into effect immediately to give greater protection to tenants without harshly and unjustly impacting upon the commercial agreement that was reached between the particular parties when a commercial lease was entered into.

Clearly, we do not recognise that for the most part current commercial tenancy agreements reflect positions negotiated at arm's length based on the law at the relevant time. Therefore, we will look at amendments to the Government Bill. We will consider closely whether certain provisions can be brought into effect immediately without causing unjust consequences.

The second threshold issue in relation to this Bill is the question of coverage: who is to enjoy the benefits of the protection afforded by the Bill and who is to be included? The Opposition's view generally is that retail tenants should be not be excluded from the Bill unless there is a good reason for the exclusion. In the case of anchor tenants in shopping centres, the reason for exclusion is that these major groups, such as Coles Myer, Woolworths and so on, are well and truly capable of looking after themselves with the financial resources, management and legal expertise available to them.

Generally speaking, the provisions of the Bill are intended to set out a fair and reasonable regulatory framework. If the provisions are fair and reasonable, then they should apply to everyone. Accordingly, we are inclined to be of the view that coverage provisions should follow the New South Wales Act where the cut off is 1 000 square metres of floor area. In this way, all but the very big tenants will be covered. With the introduction of a floor area limit, there is no need for an annual rental cut off point as previously applied under the Landlord and Tenant Act. Retail tenants have expressed dissatisfaction with the way in which many retail tenancies

have been abruptly terminated without renewal by landlords in the past. We support six months' notice being required under normal circumstances before landlords are effectively able to get tenants out.

The Opposition also supports an obligation on the part of landlords to provide written reasons to tenants if a decision is taken by the landlord that the tenant will no longer be able to continue on the premises. Decisions of this nature can be devastating for small businesses, and notice provision is essential so that small businesses have the opportunity to make plans or change plans accordingly and to eliminate capriciousness and to help reduce perception that the threat of non-renewal is used by landlords to extract concessions in negotiations for continuation of leasing arrangements.

We support the right of retail tenants to have a professional adviser present during negotiations, to eliminate any question of undue domination by landlords during the negotiation process. There may be difficulties with how to define 'professional adviser', but we will look at that in the context of possible amendments to this Bill. It is important that tenants have a right to resume occupancy of particular premises following demolition of those premises. Without this statutory right it is possible for landlords to abuse existing standard lease provisions by clearing tenants out for painting or minor facelifts of premises, thereby terminating leases when something short of true demolition has taken place.

In a similar vein, it is important that tenants have certain relocation rights in the event that landlords require tenants to move to a different part of the same shopping centre. To this extent, we agree with the principles set out in clause 54 of the Government Bill.

In respect of minimum trading hours we are satisfied that the Government amendment in clause 58 represents a reasonable position. I think everyone would recognise, however, that many small business proprietors will be put in a difficult personal situation forced to operate for 65 hours per week. On the other hand, if a small business proprietor is willing to take a shop in a shopping centre, it seems reasonable to expect that small business person to go along with the wishes of three-quarters of the tenants in the shopping centre, as provided for in clause 58 of the Bill.

There is a further very important issue that ties this Bill to the wide-ranging consumer affairs reforms that the Attorney is presently undertaking. I refer to the yet unresolved problem of which forum is most appropriate to deal with commercial tenancy disputes. The Opposition sees great merit in retaining the existing Commercial Tribunal, although we have approached the Attorney informally to look at various options for reform in this area.

This will be an appropriate point to inform the Government that the Labor Party's position in relation to the Residential Tenancies Tribunal is that it should continue to stand alone and operate in its current form, even if it is relocated and brought under the umbrella of the Courts Administration Authority. Perhaps the Attorney will consider, in looking at this piece of legislation, whether or not the other Bill that refers to the Commercial Tribunal could not be dealt with first so that this matter could be resolved.

This being the case, the question arises as to what to do with commercial tenancy disputes. We are of the view that commercial tenancy disputes, building disputes and car warranty disputes would all benefit from specialist input in the decision-making process. Therefore, we will insist upon a forum equivalent to the Commercial Tribunal, with the same characteristics and advantages, if the Commercial Tribunal itself is to be abolished.

In general terms, we oppose the attempt to blend these speciality disputes with the general courts system, except where jurisdictional monetary limits are exceeded. We particularly oppose the blending of commercial tenancy and residential tenancy disputes, which are as different as chalk and cheese. It will be like having minor civil claims and large scale commercial disputes heard in the same forum with the same procedural rules. Therefore, we oppose the creation of the Tenancies Tribunal, and we will be opposing the relevant clauses in the Government Bill. Unless the Government can come up with an acceptable alternative, we will maintain that commercial tenancy disputes should continue to go to the Commercial Tribunal, and we are, of course, willing to consider any alternative that the Government may wish to put forward.

From the foregoing arguments it can be seen that the Opposition will be moving amendments in respect of this Bill. We have not put these amendments on file at this stage because we consider that it would be sensible first to ascertain what approach the Democrats will take to the Bill. We would expect the Democrats to move a series of amendments to the Government Bill that would reflect the body of the Commercial Tenancies Bill introduced by the Hon. Mr Elliott last year.

If this is done, we would then take a further look at the Bill in light of any Democrat amendments, and we would then supplement that with amendments reflecting our own view of the matter. So, we will listen with interest to the views of the Hon. Mr Elliott on this issue.

In any case, it really would be a waste of time to proceed with both the Democrat Bill and the Government Bill dealing with the same issue, and we therefore support the procedure of dealing with the Government Bill, as clearly we have more time to deal with this issue here. The Opposition supports the prohibition of so-called ratchet clauses, by means of which landlords are able to say to tenants, 'Tails, we win; heads, you lose.' Members will be aware that ratchet clauses provide two or more alternatives for calculation of rent increases, such that the clause giving the best result to the landlord is the one that takes priority whenever the rent is reviewed.

In recent times, falls in the market value of rental have not been reflected in decreases in rent for existing tenants. On the contrary, clauses stipulating a specified percentage increase per year or in line with CPI figures have led to increased rents for longstanding tenants, even though market rentals are dropping all around them.

Tenants accept these sorts of clauses only because landlords right through the market refuse to compromise at this point. Accordingly, the reality is that anyone wanting to take a shop in a shopping centre is faced with one of these clauses on a 'take it or leave it' basis. The effect of outlawing these clauses will be to force the respective parties to agree on a fair basis for rental increase at the commencement of the lease and, in this way, the risk of excessive market fluctuations will be borne more equitably between the parties.

I have indicated that the Opposition has some reservations to some of the clauses contained in this Bill. We support the substantial thrust of the legislation and will be listening to the views put forward by the Hon. Mr Elliott and his proposed amendments, and at that stage we will consider what our

amendments will be and will place them on file. We hope that we can deal with this in an expeditious manner.

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

ELECTORAL (DUTY TO VOTE) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 30 November. Page 1027.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition opposes this Bill, which is a transparent rehash of the Electoral (Abolition of Compulsory Voting) Amendment Bill, which was quite rightly rejected by the Legislative Council about 10 months ago. The Government was not able to get away with this undemocratic measure then and it will not get away with it now. Everyone recognises that there is no practical difference between a law saying, 'You do not have to vote' and a law saying 'You have to vote, but there will be absolutely no adverse consequence for you if you do not vote.' In effect, the only way to ensure that voting is compulsory is to provide some sort of penalty, even in the mildest form, so that the responsibility of citizens is brought home to them.

There is nothing at all unusual, undemocratic or improper in imposing a penalty upon those who neglect their responsibility and their civic duty to turn up at a polling booth at election time and, one would hope, to record a vote for the Party of their choice. It has been around for a long time, and I think the residents of South Australia are well used to it. One would recall that the Hon. Mr Griffin introduced this legislation around the time of a by-election.

Penalties of various kinds apply to other civic duties that are vital to our democratic society, such as jury service, paying taxes and attendance at school for compulsory education. I refer members to the detailed speech that the Hon. Chris Sumner made in this place on 23 March 1994, together with speeches made by other colleagues in this place. The arguments put then cover all the issues that are brought before us in this Bill. There is no need for me to go through all that again: we have been through this issue over and over again.

The essence of the argument is this. The Liberal Government obviously hopes that if voting is made non-compulsory, either explicitly or by removal of penalties in relation to voting procedures, many people who have traditionally supported the Labor Party will not bother to record their vote. It is as simple as that. There may be some truth in that. The Labor Party stands up for those people who have perhaps not had the good fortune to enjoy such an extensive education as some of the members in this place. The Labor Party stands up for those for whom travel is often difficult perhaps because of illness, disability or living in an isolated area. The Labor Party stands up for those for whom travel, even suburban travel, is unduly expensive or difficult. Certainly, the measures made by the Government in the last 12 months have not assisted in that area. I do not believe that citizens would be at all disfranchised by the continuation of the present situation. I believe that we have canvassed all the issues in this place *ad infinitum*. There is no point in debating the Bill: we oppose the second reading.

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

ADJOURNMENT

At 5.13 p.m. the Council adjourned until Wednesday 8 February at 2.15 p.m.