HOUSE OF ASSEMBLY

Tuesday 25 November 1980

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITION: TUSMORE PEDESTRIAN CROSSING

A petition signed by 123 residents of South Australia praying that the House urge the Government to authorise the immediate installation of pedestrian crossings between the Devereux Corner shopping centre and the Tusmore shopping centre was presented by the Hon. D. C. Brown.

Petition received.

PETITION: PORNOGRAPHY

A petition signed by 23 residents of South Australia praying that the House legislate to tighten restrictions on pornography and establish clear classification standards under the Classification of Publications Act was presented by the Hon. Jennifer Adamson.

Petition received.

PETITIONS: PROSTITUTION

Petitions signed by 32 residents of South Australia praying that the House urge the Government to strengthen existing laws against the prostitution trade, reject any proposal to legalise the trade, and request the Commonwealth Government to sign the United Nations convention on prostitution were presented by Messrs. Evans and Gunn.

Petitions received.

PETITIONS: TEACHERS

Petitions signed by 68 residents of South Australia praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department were presented by the Hon. Peter Duncan and Mr. O'Neill.

Petitions received.

PETITION: ENVIRONMENTAL MUTAGEN TESTING UNIT

A petition signed by 11 residents of South Australia praying that the House urge the Government to re-establish the Environmental Mutagen Testing Unit at the Institute of Medical and Veterinary Science and recognise it as an integral part of the South Australian health services was presented by Mr. Millhouse.

Petition received.

PETITION: SALISBURY LOTTERY AGENCY

A petition signed by 447 residents of South Australia praying that the House urge the Government to provide a lottery agency at the Parabanks Shopping Centre, Salisbury, was presented by Mr. Lynn Arnold.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos. 605, 613, 615, 619, 622, 624 to 628, 630, 637, 640, 656, 664, 674, 679, 683, 686 to 691, 696, 702, 710, 711, 728, 761, 765, 776, 783, 793, 794, 799, and 800.

PAY-ROLL TAX REBATE SCHEME

In reply to **Mr. HAMILTON** (30 September).

The Hon. D. C. BROWN: No abuse of the scheme has been detected by departmental officers. However, many applications by employers have been refused, the most common reasons being:

(a) The youth worker commenced employment before 1 October 1979.

(b) The "additional" youth worker was in fact a replacement.

(c) The youth worker was employed for less than three months.

(d) No pay-roll tax was payable during the period.

(e) The applicant was eligible for a 100 per cent pay-roll tax refund as a decentralised industry.

CONSULTANCY SERVICES

In reply to **Mr. O'NEILL** (30 September).

The Hon. D. C. BROWN: Three consultants selected through official tender processes undertook work during the period:

(i) W. D. Scott & Co. Pty. Ltd. provided advice to Mitre Furniture & Co. Pty. Ltd.

(ii) John Clements Pty. Ltd. provided consultancy services to Alulite Pty. Ltd.

(iii) Amdel was involved in ongoing research into the local development of a thermal oxygen probe. The Department of Trade and Industry bore the cost of the consulting service.

G.M.H. OPERATIONS

In reply to **Mr. HAMILTON** (30 September).

The Hon. D. C. BROWN: An assurance has been given to the Department of Trade and Industry (by Mr. J. Bremner) that, as stated by the Premier in Parliament in June 1980, G.M.H. does not plan to either wind down, or close, sections of the Woodville plant.

MOTOR VEHICLES INDUSTRY ASSISTANCE SCHEME

In reply to the **Hon. J. D. WRIGHT** (30 September).

The Hon. D. C. BROWN: The Motor Vehicle Industry Committee was established by the previous Government in recognition of the special adjustment problems facing the automotive industry, and in particular the additional problems peculiar to the South Australian scene. Such problems include the "world car" and export facilitation. The present Government, in September 1979, instigated a thorough review of the scheme to better define the objectives. About 100 component suppliers, that comprise the supply sources approved by the local vehicle

producers, were visited as part of a survey to identify their assistance needs. The Committee appointed to administer the scheme is:

L. G. Rowe—Department of Trade and Industry (Chairman).
I. J. Kowalick—Department of Trade and Industry (Member).
A. M. Smith—Department of Trade and Industry (Member).
M. P. Tiddy—Director of State Development (Member).
A. R. Arthur—Consultant (Member).
W. H. Carlier—Consultant (Member).
J. R. Manning—Department of Trade and Industry (Executive Officer).

The scheme, as it is now structured, provides financial assistance to facilitate adjustment to changes brought about by new products or processes. Particular regard is given to companies with the potential to make investments for large scale "world car" production. Assistance is aimed at the training and developments costs associated with changing products strategies. Such costs may be incurred either by the retention of outside consultants, by internal activities to investigate and develop new product strategies, acquisition of licences and know-how agreements, and for the training of employees who will be required to operate the new technologies arising from the development programmes. The following summary details these companies assisted to this date:

Castalloy Ltd.
ROH Auto Products Pty. Ltd.
Sampson Engineering Pty. Ltd.
Johns Perry (SAPEC)
J.P. Engineering Pty. Ltd.
McLeod Engineering
Tecalemit (Australasia) Pty. Ltd.
Rainsfords Metal Products Pty. Ltd.
Henderson's-Rebbeck Industries
Globe Products
Tubemakers

EMPLOYEE PARTICIPATION

In reply to the **Hon. J. D. WRIGHT** (30 September).

The Hon. D. C. BROWN: The number of private employers who have sought advice from the Employee Participation Branch in the last 12 months is 63.

GROUP ONE YEAR APPRENTICESHIP SCHEME

In reply to **Mr. ASHENDEN** (30 September).

The Hon. D. C. BROWN: Negotiations have been completed with the Commonwealth Department of Employment and Youth Affairs and they have agreed that approximately 25 per cent of the Australian positions under the Group One Year Apprenticeship Scheme can be be provided to South Australia. In all, 84 positions will be made available as follows: 56 within the Engineering and Water Supply Department; and 28 within the Electricity Trust of South Australia.

WEEKLY PAID EMPLOYEES

In reply to the **Hon. J. D. WRIGHT** (30 September).

The Hon. D. C. BROWN: For the 12 months to June 1980 the attrition rate is comprised of the following elements:

E. & W.S.—
Transferred—13 (3%);
Resigned—220 (55%);
Retired/Deceased—137 (34%);
Dismissed—*16 (4%);
Termination of Contract or Indenture—13 (3%);
Total—399.

P.B.D.—
Transferred—41 (17%);
Resigned—141 (66%);
Retired/Deceased—40 (17%);
Dismissed—*1;
Total—243.

* The 16 dismissals in Engineering and Water Supply Department were occasioned by the persons concerned either fighting on the job, being under the influence of liquor on the job, or similar grounds.

*The one dismissal in Public Buildings Department was the result of proven larceny of Government property.

REGISTER OF HERITAGE AGREEMENTS

In reply to the **Hon. R. G. PAYNE** (4 November).

The Hon. D. C. WOTTON: The register of heritage agreements referred to in Section 16e of the Bill to amend the South Australian Heritage Act, 1978-1979, will be held within the Department for the Environment.

WHYALLA COUNCIL

In reply to **Mr. MAX BROWN** (5 November).

The Hon. D. C. WOTTON: The Minister of Local Government has no intention, at this stage, to initiate an inquiry into the voting rights of members of the council. The decision as to whether a member has an interest in a proposal before the council is a decision which must be made by the individual councillor taking into consideration all of the aspects of the matter before the council for decision. If any member of the community is of the view that a council member has voted on an issue in which he has a personal interest, that member of the community may take civil action against the councillor.

COMPUTER CHARGES

In reply to **Mr. RANDALL** (9 October).

The Hon. P. B. ARNOLD: At the Estimates Committee hearing on Thursday 9 October 1980 the honourable member sought information on the manner in which charges for the use of the Government computer are levied against the Engineering and Water Supply Department. That information has now been obtained and is as follows.

The basic method of charging by the A.D.P. Centre is on the usage of the computer. The charges relating to jobs processed under batch mode include the usage of the central processor (CPU), input/output devices (I/O) which include such equipment as printers, tape drives and plotters, the extent of central memory required and the stationery consumed. Interactive or on-line jobs are charged for basically the same items, but, as the level of service (response time) is better, the charges are correspondingly higher.

The centre has had two types of computer, CYBER 73 and CYBER 173, which, because of their different processing speeds, are charged at different rates. On-line devices also require access through terminal ports which are charged on a monthly basic per port. Other charges include the cost of storing information, either on magnetic discs, which is calculated either on a monthly charge for a

complete disc pack or on volume stored (measured in record blocks (RB)), or on magnetic tape, which is charged at a daily or monthly rate as appropriate. The current scale of charges of the A.D.P. Centre is shown below.

CHARGES: The variation in rates charged for the CYBER 73 and CYBER 173 reflects the higher speed of the CYBER 173. This enables the same nominal charge for processing irrespective of which machine is used.

Approved charges which currently apply are as follows:

Batch Processing

CPU—CYBER 73—8 cents per second.
I/O—CYBER 73—1.2 cents per second.
Central Memory—CYBER 73—0.2 cents per KWS (1KWS is 1 000 decimal words used for 1 second).
CPU—Cyber 173—10·4 cents per second
I/O—Cyber 173—1·2 cents per second
Central Memory—Cyber 173—0·27 cents per KWS
Card Reading—5 cents per 100 cards
Line Printing—10 cents per 100 lines up to 10 000 lines; 15 cents per 100 lines over 10 000 lines
Plotting—66·6 cents per min.
Tapes—50 cents per drive scheduled; 50 cents per tape mounted
Disks—$1·50 per drive used per job.

Intercom Processing

CPU—Cyber 73—15 cents per second
I/O—Cyber 73—2·4 cents per second
Central Memory—Cyber 73—0·4 cents per KWS
CPU—Cyber 173—20 cents per second
I/O—Cyber 173—2·4 cents per second
Central Memory—Cyber 173—0·54 cents per KWS
Line Printing—10 cents per 100 lines up to 10 000 lines; 15 cents per 100 lines over 10 000 lines
Plotting—66 cents per min.
Log-in (for 300 baud dialup lines only)—3 cents per min.
Disks—$1·50 per drive used per job.

Off-Line Printing

The variation in rates charged for the 580 printer and the 501, 512 printers reflects the higher speed of the 580. This enables the same nominal charge for printing, irrespective of which printer is used.

501 and 512 printers—58·3 cents per min.
580 printer—$1·16 per min.
Single-part stationery—0·8 cents per page
Two-part stationery—3·0 cents per set
Three-part stationery—4·0 cents per set
Four-part stationery—5·5 cents per set
Five-part stationery—7·0 cents per set
Bursting—$10·00 per hour (special jobs only)
Plotting—66·6 cents per min.

SIRF Processing

Users of the online package SIRF are charged for the CPU time and the number of I/O requests for each transaction. The relatively high CPU charge for SIRF users includes a weighting for central memory usage, for which no direct charge is made.

CPU—Cyber 73—40 cents per second.
I/O—Cyber 73—1 cent per I/O action.
CPU—Cyber 173—52 cents per second.
I/O—Cyber 173—1 cent per I/O action.

Other Charges

Archived files—1 cent per record block per day.
Permanent files—4 cents per record block per day.
Disk pack—841—$24.00 per pack/month. 844-21 (single density)—$30.00 per pack/month. 844-41 (double density)—$40.00 per pack/month.
History tapes—50 cents per tape/month.
Job stack tapes—10 cents per tape per working day.
Production tapes—$1.00 per tape/month.
Online disc drives—$1 000 per drive/month (24 hours per day). $500 per drive/month (prime shift hours).
Terminal port—synchronous—$50.00 per port/month. Asynchronous—$30.00 per port/month.
Key-to-disk port—$160 per port/month.
Data preparation—90 cents/1 000 keystrokes. (Keystrokes must include keying and verifying).

MINISTERIAL STATEMENT: ITALIAN EARTHQUAKE

The Hon. D. O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. O. TONKIN: I am certain that all members and all South Australians join the Government in expressing profound sympathy for the victims of earthquake devastation in Southern Italy. As yet the total effect of this calamity is unknown. At least 1000 people are reported to have died and thousands more have been injured and rendered homeless. Whole townships have been demolished in this most tragic of natural disasters. Such tragedy inevitably draws people and nations more closely together in grief and in the common purpose of rebuilding whole communities.

That sense of shared sorrow and common purpose is even stronger when the heritage of so many South Australians is inextricably linked to the region and to the people who have suffered. To all South Australians, whose relatives and friends are numbered amongst the victims, we extend our deepest sympathies. We join them in their prayers and in the hope that their loved ones may have been spared.

Already I have contacted the Italian Ambassador in Australia, His Excellency Signor Angeletti, the President of the Regional Government of Campania, and the Italian Consul in South Australia, Dr. P. Massa, to express the deepest sympathy of all South Australians and to offer our full support in Italy's hour of need.

The Prime Minister of Australia and the Italian Ambassador have today announced the establishment of a National Relief Fund, under their joint patronage, and following consultation with the Italian Consul, Dr. Massa, it has been agreed that the South Australian committee will be under the patronage of the Consul and the Premier. Membership of that committee will comprise representatives of the Italian community, officers of the Ethnic Affairs Branch, Commonwealth Department of Immigration, and Red Cross, together with other representative South Australians anxious to contribute to this urgent cause.

Office accommodation and secretarial assistance will be provided by the State Government. The South Australian Government has launched the South Australian appeal with a donation of $20 000 to the National Relief Fund, and I now urge all South Australians to donate generously. Finally, Mr. Speaker, I have written today to the Prime Minister requesting that the Immigration Department give special consideration to earthquake victims wishing to join their families in Australia.

Mr. BANNON (Leader of the Opposition) (by leave): I appreciate the opportunity to join with the Premier in the expressions of sympathy and condolence in respect of the tragedy in Italy. I join the Labor Party in the sentiments that the Premier has expressed, and support and congratulate the Government on taking such instant action to provide South Australian assistance for those in need. Many South Australians have come from that area, many have friends and relatives there and, as the Premier has

said, it is major disasters like this which bind us together, not only as a community but also on an international basis.

I had earlier today suggested that the Government should look to making a donation to the appeal not just in terms of the monetary contribution it could make on behalf of the community but also as an indication that the Government and, through it, the community of South Australia are backing this appeal, and that will encourage people to give more generously and more readily than they might otherwise do. Again, I congratulate the Government on taking that step and making the donation.

The committee that has been announced by the Premier is a source of satisfaction. I appreciate its representative nature and, indeed, would offer the services of any members of the Opposition, if it was deemed appropriate, to serve on that committee to ensure that it was very clearly a community effort from South Australians on behalf of those in need.

Mr. MILLHOUSE (Mitcham) (by leave): On behalf of the Australian Democrats, I join with the Premier and the Leader of the Opposition. I support warmly what has been said by the Premier and by the Leader of the Opposition. I could not help thinking, when I read of the tragedy that has occurred in that part of Italy, that it is a part of the world which is notoriously subject to disasters of this kind. Only a few weeks ago (this is good coming out of bad, I suppose) we had the opportunity of seeing the Pompeii exhibition, which came about only because of a similar natural disaster in that same part of the world. While one does not wish any such tragedy on any part of the world, that thought crossed my mind. I support most sincerely, on behalf of the Australian Democrats, what has been said by the preceding speakers.

The Hon. J. D. CORCORAN (Hartley) (by leave): As a member who represents a very large population of Italian people in the electorate of Hartley, I support the remarks already made. It is not so very long ago that a tragedy of this kind occurred in the province of Friuli, and the Government on that occasion made available $20 000 to alleviate the suffering that occurs from a tragedy of this nature. I am delighted to think that the Government has taken the steps it has taken, not only to make that donation but also to make available facilities for people to lodge donations to the fund that will, I hope, be well subscribed to. I join with what the previous speakers have said, and I hope that the people of South Australia will respond generously.

MINISTERIAL STATEMENT: OVERSEAS VISIT

The Hon. E. R. GOLDSWORTHY (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. E. R. GOLDSWORTHY: I wish to briefly inform the House of some of the major points to emerge from my overseas visit. The visit was extensive, taking in meetings with senior officials in Government and industry in Canada, Britain, Sweden, Holland, France and Japan. I also visited Israel to inspect a development in solar energy, and Hong Kong for some further discussions with the Dow Chemical Company.

The visit has been undertaken at a time when the South Australian Government faces some important decisions with regard to development of the State's resources. I have obtained valuable information which will assist the Government in its consideration of issues, including development and processing of our uranium resources; exploration for hydrocarbon resources and further development of existing resources; future use of coal for power generation; and renewable energy resource technology, especially in solar energy and electric vehicles. Because of the significant resources in this State, the potential economic benefits to the State, and differing public attitudes, uranium mining and development was one of the major issues discussed in all of the countries I visited except Israel and Hong Kong.

I wish to briefly report to the House on observations I have made on the world scene, especially as they relate to any Government participation in the provision of infrastructure for mining and processing projects, and equity participation in uranium enrichment. In my uranium policy speech to the House in February, I said that the Government's view was that mining and processing of uranium should proceed subject to all environmental impact statement requirements being satisfactorily met and all necessary procedures being followed in production operations to ensure the proper handling of products and the sale of uranium to approved countries.

My discussions with senior people in Government and industry in Canada, Britain, Holland, Sweden, France and Japan and site inspections in Canada, Britain, Holland and France have given further confirmation that adequate safeguards are being maintained in the nuclear fuel cycle. These safeguards have been established to the satisfaction of Governments of varying persuasions to the extent that uranium mining and processing and nuclear power are not the subject of any great or divisive political debate in the countries I visited but, rather, are accepted as essential for the future economic well-being of millions of people around the world. In Britain, France, Sweden and Japan, where there are no real alternatives to the generation of electricity by nuclear power, there is firm Government commitment to an expansion of nuclear power programmes.

There is also a growing realisation that because of the continuing uncertainty of oil supply and its cost, and the still very considerable lead times involved in development of renewable energy resource technology, expansion of nuclear power programmes in the more advanced countries will make more readily available other energy resources for the developing countries. In my view this is a significant moral argument for an expansion of nuclear power. Solar, not nuclear—is not an alternative available anywhere in the world at present for large-scale generation of electricity, nor is it likely to be in the foreseeable future, I am informed. If we consider the nuclear power programmes of some of the countries I visited, I point out that in Britain, 13 per cent of current electricity requirements are served by nuclear power. From 1982, there is a commitment to begin construction of one nuclear reactor of 1 000 megawatts each year until the turn of the century so that by the year 2000, 30 per cent of Britain's electricity will be nuclear.

In France, where 21 per cent of electricity requirements is derived from nuclear energy, the commitment to expansion is such that every second month, 900 megawatts of new capacity is being commissioned and by 1990 it is proposed that nuclear reactors will satisfy 73 per cent of French electricity requirements. In Sweden, the proportion of electricity derived from nuclear energy will increase from 25 per cent to 45 per cent by the end of this decade. In Japan, 21 nuclear reactors now provide 12 per cent of total electricity generating requirements and by 1985, 30 more will be built.

With this expansion of nuclear power, significant opportunities will become available for South Australia.

My discussions and observations on three continents have left me in no doubt that South Australia can make a contribution to world requirements by the end of this decade, under appropriate safeguard arrangements. In particular, there is keen interest in the development of the Roxby Downs deposit and the prospect that this will become a mining operation of world scale. The Roxby Downs project was discussed with BP and this will be the subject of continuing detailed negotiations between the Government and Western Mining Corporation.

During my visit to London, I also had further negotiations with Urenco-Centec and British Nuclear Fuels Limited about proposals for conversion and enrichment facilities in South Australia. Further considerable progress has been achieved covering the international transfer of technology for use in the proposed South Australian facilities and in the financing of detailed feasibility studies which will be necessary before Australian and overseas interests fully commit themselves to the project. These negotiations have been held largely in parallel with the Federal Government's Uranium Enrichment Study Group which is due to report soon to the Prime Minister.

I look forward to this report being the next step in achieving agreement to go ahead with the establishment of enrichment facilities in Australia.

Preferred enrichment technology, prospective partners in the project, scales of production, sites and timing are matters which will require decisions in the coming months if Australia is to take advantage of market opportunities that will be available by the end of this decade.

South Australia's proposals for the transfer of technology and for funds to establish conversion and centrifuge enrichment facilities have received strong encouragement, especially in Britain, and our work will allow us to respond quickly to any decisions of the Federal Government that follow the U.E.G.A. Report.

In summary, there is no doubt that, on a world scale, nuclear power is expanding and that by the end of this decade this will offer significant opportunities in uranium mining and processing—opportunities which South Australia can take in the knowledge that the only responsible approach in an energy-hungry world is to make our resources available to suitable customers under appropriate controls.

MINISTERIAL STATEMENT: RIVERLAND FRUIT PRODUCTS CO-OPERATIVE LIMITED

The Hon. D. C. BROWN (Minister of Industrial Affairs): I seek leave to make a statement.

Leave granted.

The Hon. D. C. BROWN: I make this Ministerial statement in my capacity as Acting Minister of Agriculture. As members will recall, the Premier, in a Ministerial statement in this House about 3½ months ago, outlined measures taken by the Government as a result of the critical financial position of Riverland Fruit Products Co-operative Limited. The course of action decided on by Cabinet was aimed at providing the best possible long-term solution for creditors, including growers. As a consequence of the Government's decision, pear and peach producers will have received 80 per cent of moneys owed, and apricot producers 90 per cent, when they sign contracts to supply fruit to the cannery in the 1980-81 season.

As for the shortfall, this can be covered in necessitous circumstances by loans from the State Bank under the Loans to Producers Act. Arrangements were recently made for applications from growers under the Act to be speeded up following discussions that the Premier and Treasurer had with a deputation of growers and employees of Riverland Fruit Products Co-operative Limited introduced by the Minister of Lands and member for Chaffey.

The deputation told the Premier that many growers were still suffering extreme hardship. Applications for loans under the Loans to Producers Act can be made at all branches of the State Bank, which will administer the loans irrespective of the growers' normal banking arrangements.

PAPERS TABLED

The following papers were laid on the table:

By the Acting Minister of Agriculture (The Hon. D. C. Brown)—

Pursuant to Statute—

I. Abattoirs Act, 1911-1973—Regulations—Slaughtering Fees.

By the Minister of Education (The Hon. H. Allison)—

Pursuant to Statute—

I. Classification of Publications Board—Report, 1979-80.

II. Hartley College of Advanced Education—Report, 1979.

By the Minister of Environment (The Hon. D. C. Wotton)—

Pursuant to Statute—

I. Botanic Gardens—Report, 1979-80.

II. Building Act, 1970-1976—Regulations—Building Application Fees.

By the Minister of Planning (The Hon. D. C. Wotton)—

Pursuant to Statute—

I. Planning and Development Act, 1966-1980—Regulations—Interim Development Control—District Council of Penola.

By the Minister of Transport (The Hon. M. M. Wilson)—

Pursuant to Statute—

I. Road Traffic Act, 1961-1980—Regulations—Variation of Traffic Prohibition—Noarlunga.

By the Minister of Recreation and Sport (The Hon. M. M. Wilson)—

Pursuant to Statute—

I. South Australian Dog Racing Control Board—Report, 1979-80.

By the Minister of Health (The Hon. Jennifer Adamson)—

Pursuant to Statute—

I. Prices Act, 1948-1980—Regulations—Price Labels on Declared Goods.

II. Builders Licensing Board of South Australia—Report, 1979-80.

By the Minister of Water Resources (The Hon. P. B. Arnold)—

Pursuant to Statute—

I. Sewerage Act, 1929-1977—Regulations—Fee for Drainage of Exempt Land.

II. Waterworks Act, 1932-1978—Regulations—Rent for Additional Services.

By the Minister of Lands (The Hon. P. B. Arnold)—

Pursuant to Statute—

I. Lands—Resumption of Reserve for Camping Ground for Travelling Stock, Hundred of Napperby.

QUESTION TIME

PRISONS ACT REGULATIONS

Mr. BANNON: Will the Premier say what were the reasons for the Government's decision to have the Chief Secretary suspend certain regulations under the Prisons Act, in particular those regulations relating to the accommodation of prisoners and the placing of persons on remand in cells with convicted prisoners; how long will these regulations remain suspended; and will this issue be considered by the Royal Commission into Prisons? The Government has been faced with the possibility of a major industrial dispute in the prisons over a number of matters, including the continued refusal to expand the terms of reference of the Royal Commission. Yesterday, the Government, through the Chief Secretary, chose to amend the law by way of regulation so that an immediate cause of dispute could be removed. Apart from this being a clear admission of the failure of the Government's policy—

The SPEAKER: Order! I draw to the attention of the Leader that he sought leave to explain his question, and that leave has been granted. However, the Leader must be very careful in explaining the question that he does not transgress the *sub judice* rule that is associated with matters before the Royal Commission. Elements of the statement just made by the Leader come very close to that problem. I ask the Leader to contain his explanation to what is justifiably an explanation.

Mr. BANNON: Perhaps, Mr. Speaker, I could get some guidance from you on this. I was about to refer to the Government's policy, and I take it that that has been ruled out of order. I was also about to refer to the inability of the Chief Secretary to handle his portfolio, which subject, I believe, is not a term of reference of the Royal Commission.

The SPEAKER: Order! The Leader, in using the words "the inability of the Chief Secretary", is obviously commenting, which is not permitted in the explanation of questions.

Mr. BANNON: It is somewhat difficult to frame this explanation, because we are in an area where the terms of reference of the Royal Commission seem to spill over into prisons generally, and yet the Royal Commissioner has indicated that certain matters directly involving prisons and prison administration cannot be dealt with by the Commission. The third part of my question was aimed at that specific point. If I am not allowed to refer to the incompetence of the Chief Secretary—

The Hon. E. R. Goldsworthy: Alleged.

The SPEAKER: Order!

Mr. BANNON: I will take the Deputy Premier's suggestion and refer to the alleged incompetence of the Chief Secretary, which has exacerbated the frustration of those who staff the prisons. I would like the Premier's views on this question relating to the terms of reference, as well as the reasons and length of time for which it will apply.

The Hon. D. O. TONKIN: At the outset, it should be said that the practices at any one of four prisons in South Australia in relation to doubling up in cells and the other matter to which the Leader referred, namely, the segregation of certain classes of prisoner, have been going on for some 30-odd years. This is not something that has suddenly occurred simply because a Royal Commission has been set up or because the Leader of the Opposition has just taken an interest in the matter. That is something that puts the whole question into perspective.

The Hon. Peter Duncan interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: I beg your pardon?

The Hon. Peter Duncan: The illegality has only just been discovered.

The SPEAKER: Order! Interjections are out of order.

The Hon. D. O. TONKIN: I do not think the illegality has only just been discovered, and I point out that the practice of placing two men in a cell in the past, over the past 30 years, has been brought to the notice of Ministers in the past. Indeed, it was because of the objection of the union involved that moves were not made three years ago to allow inmates at Yatala to be out of their cells for about one-third of the time longer than they had been.

To return to the question that was asked, if the Leader was to read the regulations (quite obviously he has not done so), he would find, as I pointed out in this House the other day, that regulation 7 has been in existence as long as the regulations have been in existence I do not know how many years that is, but it would be decades. However, because of the difficulties that have been experienced in South Australia's prisons for 30-odd years and more, that regulation and other regulations, such as regulations 67 and 70, can in fact be dispensed with, with the approval of the Chief Secretary.

Mr. Bannon: If there is sufficient cause.

The Hon. D. O. TONKIN: I should have thought that even the Leader of the Opposition would know by now that for many years it has been impossible to comply with those regulations because of physical conditions. I will not go into the union's activities in preventing accommodation in one other relatively new wing of the prison, either.

The Hon. H. Allison: His own Government thought that there was sufficient cause.

The Hon. D. O. TONKIN: The Leader's Party, when in Government, certainly thought that there was sufficient cause, and the practice in the prisons has been implied use of section 7. What the Chief Secretary has done is to regularise a practice that has been going on in this State under previous Governments for many years. Far from being incompetent, as the Leader chose to call him, the Chief Secretary has been well and truly on the ball in taking the necessary corrective action as soon as the matter was brought forward publicly. In fact, following submissions, having made inquiries and received submissions from the Adelaide Gaol, the Yatala Labour Prison, and the Director of Correctional Services, the Chief Secretary has discussed the matter with superintendents of institutions and has taken the appropriate action in deeming that regulations 67 and 70 would not apply under the standing regulation 7.

Let us get a few things straight. The Chief Secretary has not amended the law. He has complied with the law by invoking regulation 7. Regulation 7 has been in existence with the other regulations as long as they have been in existence, and the practices of the prisons under former Governments were exactly the same. The fact that the Chief Secretary has chosen to give formal approval to the continued application of regulation 7 is to his credit. As to the terms of reference, it seems to be absolutely essential that—

Mr. Millhouse interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: Once again, it seems necessary (although it should not be) to say that the terms of reference have been set down by the Government in response to a series of most serious allegations which were made publicly and in this Chamber about which the member for Elizabeth knows a good deal, having made those allegations. They are serious allegations indeed and relate specifically to allegations of criminal activity, graft,

corruption, rape, and assault—specific matters which have caused the community grave concern and which have reflected upon the prison officers of our service.

That is the reason why the Royal Commission has been set up, and I think it has been accepted by everyone that that is the reason. The Government has already accepted the need for a restructuring of management, for new prison facilities, and for upgrading the prison facilities that we have. The Stewart report has been quite clear on that.

Mr. Langley: What year?

The Hon. D. O. TONKIN: We will do it a whole lot sooner than did the former Government, which had nearly 10 years in which to do something and did absolutely nothing. Before we do anything, we need to know whether those sweeping and most damaging allegations that were made are true.

The Hon. Peter Duncan interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: If they are true, we have every reason to look further. However, until we know that they are true (that is the purpose behind the establishment of a Royal Commission), no-one knows where we should go. I am amazed that the member for Elizabeth, who has been one of the major protagonists of getting to the bottom of the allegations that have been made, should in some way seek to hinder the process of getting to the truth of the specific allegations that he has made. As far as I am concerned, when we know the truth about those allegations, we will know what further action should be taken.

SMALL BUSINESS

Mr. OLSEN: Following his attendance at the Seventh International Symposium on Small Business, will the Minister of Industrial Affairs outline what action the Government intends to take to assist the small business man? It was reported in today's *Advertiser* that small business in Australia needed an effective voice to compete with the claims of big business, big labour and big Government. Mr. Johnson, President of the 615 000 member United States National Federation of Independent Business, said that small business sought not Government favours but support equivalent to the role of small business men in the economy.

The Hon. D. C. BROWN: I thank the member for Rocky River for this question. I know through his previous affiliation with the Federated Chambers of Commerce of his intense interest in small business. This morning I had the opportunity to meet with Mr. Wilson Johnson, who is President of the National Federation of Industrial Business in the United States, a body that represents, I understand, 680 000 small businesses in that country, and I had a fascinating discussion with him. Also, last week I had an opportunity to attend the Seventh International Symposium on Small Business in Melbourne. I was able because of duties in this House to attend only a part of that symposium, but I think on the day that I attended that I had an excellent opportunity to assess what was being done in other countries, particularly the United States, Great Britain and Japan, and also what was being recommended to be done in Australia.

The state in which the Small Business Advisory Unit was left when we took over Government has concerned me for some time. I think I am right in saying that there were 1½ persons in that advisory unit in September last year. The type and direction of the assistance being offered by the previous Government has concerned me also for some time. It is well known that it saw the main thrusts of assistance to small business being granted through the South Australian Development Corporation as Government loans and guarantees. We know that, although that corporation was set up for that specific purpose, in the end it did not really deal with that business, but ended up as a lender of the last resort for medium-sized businesses that were about to go into bankruptcy, liquidation or receivership. Because of that, I believe that the whole direction of assistance to small business under the previous Government ran off the rails.

It became quite obvious that it is important to give the right sort of education and advice to people about to establish small businesses. It is interesting to see that 75 per cent of small businesses that failed did so within the first two years of their operation.

That suggests that there was insufficient advice and planning before the small businesses started. I think that is one area to which the Government should give a great deal of attention. Over the last few months, I have asked my departmental advisers to review completely our policy on small businesses. I hope that before long I can take definite submissions to Cabinet and then make firm announcements as to what the new Government initiatives will be. Until that occurs, I think it is inappropriate for me to outline in detail what the Government might be doing, but I again stress the very great importance that small businesses play within our community.

It is interesting to see that, in the United States, small businesses account for 75 per cent of all new jobs created. I would think that a similar figure would apply in Australia. From information given at the symposium last week, it would certainly apply in Japan. If that is the case, Governments in Australia (and certainly the South Australian Government will be doing it) should be paying a great deal of attention to small businesses and making sure that they are encouraged to develop and expand. That means the right sort of environment for their development and also the right sort of advice and assistance at the very beginning. That is the intention of the Government.

HOLIDAYS ACT AMENDMENT BILL

The Hon. J. D. WRIGHT: Will the Premier say why it has taken the Government three weeks to agree to a proposition concerning the Proclamation Day holiday which was put to it in the Committee stage of the debate on the Holidays Amendment Act Bill on 29 October? On 29 October I moved the amendment which would have allowed a four-day break this year and on any other occasion that Proclamation Day fell on a Saturday or Sunday. Yesterday, the Premier was reported in the *News* as saying that the expectations of many South Australians for this four-day break were frustrated by the Opposition and the Australian Democrats, yet the division list in *Hansard* at page 1627 clearly shows that the Premier and all his colleagues voted against my proposition and maintained that position and their opposition to that sensible provision until yesterday.

The Hon. D. O. TONKIN: I think the Deputy Leader of the Opposition would have done well to continue with his conversation rather than ask that question. The answer to the question is a very simple one: because there was a Bill before the House for permanent legislation, which not only the Government but also hundreds of thousands of South Australians wanted. The Deputy Leader knows perfectly well that his proposition was put up to make the change conditional upon its being a once only exercise and rejecting permanent legislation. If he does not know what

he was doing in this Chamber by moving the amendments that he moved, all I can say is that there is no hope for the Opposition at all.

ALCOHOL AND PREGNANCY

Mr. OSWALD: Will the Minister of Health say whether the South Australian Government will join Tasmania in supporting moves by the National Health and Medical Research Council to further studies into the effect of the consumption of alcohol during pregnancy and whether the Government, if found necessary, will move to label cans and bottles containing alcohol with precautionary labels? For some time now, the National Health and Medical Research Council has publicly expressed its concern at the effects of alcohol on unborn children. In the Tasmanian press last week the Tasmanian Minister of Health, Mr. Miller, is quoted as saying that Tasmania would support any move by the council to further studies into the effect of alcohol consumed during pregnancy. The Minister then went on to say that he had noted with interest the suggestion from the council that bottles and cans of drinks containing alcohol should be labelled with the advice that alcohol taken by pregnant women may be dangerous to unborn children. It appears that a daily intake of 30 millilitres or more of absolute alcohol, which is equivalent to about two or three standard drinks, is a risk to the foetus during pregnancy. The Minister also agreed that the public and the medical profession should be made well aware of such risks to the foetus, and expectant mothers should be advised of the dangers of alcohol intake.

The Hon. JENNIFER ADAMSON: I can assure the honourable member and others that the South Australian Government would support any move of the National Health and Medical Research Council to investigate further the effects of alcohol on the outcome of pregnancy. It is interesting to consider that the emerging trends of study into alcohol almost year by year are indicating the great effect that it can have. When we look back to the introduction of the motor vehicle, there were no links then with the effect of alcohol on driving. It took several decades of scientific study and public debate before Parliaments were willing to accept that link and to take legislative action in order to protect people on the roads from the use and abuse of alcohol.

The same thing is now occurring in other areas, and the outcome of pregnancy is one. The studies by the National Health and Medical Research Council will be given wide publicity and will lead to an effective public education programme that will make every expectant mother aware of the potential dangers of drinking alcohol while pregnant. The suggestion that there should be labelling of alcoholic products to indicate caution in use by pregnant women is something that needs further study, because labelling requirements under the Food and Drugs Act and under the new Food Act and Controlled Substances Act, if carried to the lengths that some health authorities believe is desirable, would mean that the packages or bottles are not large enough to contain all the warnings and cautions that some people consider are appropriate. The answer lies in intensive public education programmes and preventive health measures being taken by general practitioners and health authorities.

Concerning research and further studies being undertaken by the National Health and Medical Research Council, members may be interested to know that much research has been done in South Australia by the Queen Victorian Hospital Research Foundation, under the auspices of Dr. George Gibson, whose papers are yet to be published, but I understand that his work will collaborate further what has been done to demonstrate the dangers of expectant mothers drinking alcohol.

CELLULOSE AUSTRALIA

Mr. O'NEILL: Can the Premier say whether the planned reductions by Cellulose Australia in its employment at Millicent represent a lack of confidence in the policies of the State Government and what action the Government plans to take in this matter? According to media reports, this former major South Australian employer is planning to retrench 30 to 40 employees in December. It has been claimed that Cellulose now has 160 employees compared to the more than 300 it had a year or so ago.

The Hon. D. O. TONKIN: The report is that Cellulose is about to change and rationalise its activities is a result of a specific market down-turn. I am sure that South Australians will regret this move, especially those members concerned with the South-East: the Minister of Education, the member for Victoria, and the member for Mallee. I understand that the demand is partly seasonal, and that the down-turn has occurred at this stage and cannot be overcome in the short term. However, the Minister of Industrial Affairs will have urgent discussions with the management. I am informed that my colleague has already had some discussions with them, and whatever action can be taken to make sure that employment prospects and vacancies are lifted to absorb those people who will have to be put off will be taken.

CORRECTIONAL SERVICES INSTITUTIONS

Mr. MATHWIN: Can the Minister of Public Works outline what the Government is doing to provide extra accommodation and to upgrade existing institutions for people who are required to be housed in secure and semi-secure type accommodation? The Minister will be aware of this acute housing problem for these people, which could even deteriorate. The situation was caused by indifference, ineptitude and inactivity on the part of the previous Government.

The SPEAKER: Order! The honourable member for Glenelg may not comment in giving an explanation.

Mr. MATHWIN: Thank you, Sir. I was going to say—

The SPEAKER: Order! The honourable member may explain his question, without commenting.

Mr. MATHWIN: Very good, Sir. As the Minister will be well aware, the position has deteriorated over the past 10 years.

The Hon. D. C. BROWN: Certainly I can say that there has been inactivity, ineptitude, and everything else one would want to say on the part of the previous Government, when one looks at the supplying of services, particularly public works facilities and suitable accommodation for correctional services in this State; the present situation and all of the problems can be laid directly at the feet of the previous Government. One need go only to a prison like the Adelaide Gaol, or the Yatala Gaol, or some of the other facilities to see the extent to which the previous Government decided deliberately to run them down, knowing that there were no votes as regards the prisoners at an election.

Mr. Millhouse: They've just been put on the roll in the last couple of years.

The Hon. D. C. BROWN: They have been put on the roll. I use that term in the broadest sense, in terms that their votes are insignificant, when one needs to look at the work that needs to be done. I point out to the House what we, as a Government, have approved since September 1979, when we came to office. We have approved $100 000 for the upgrading of the kitchen at the Yatala Labour Prison. We have approved the Cadell Training Centre swimming pool, $47 000, and the Yatala Labour Prison industries complex, stage III, at a cost of $1 565 000. We have also approved further upgrading at the Yatala Labour Prison, in the industries complex under stage IV, at a cost of $1 100 000. All of this has been done in little more than 12 months. We have approved for the Cadell Training Centre transportable education facilities, at a cost of $83 000. We have approved the siteworks, stage I, at Yatala Labour Prison, at a cost of $58 000, together with the erection of security fencing for the exercise yards, at a cost of $95 000.

At the Adelaide Gaol we have approved the installation of a security system, at a cost of $285 000. We have approved of a general communications system for the Department of Correctional Services, at a cost of $261 000. Finally, again relating to Yatala, we have approved an integrated security system, stage I, at a cost of $280 000. All of this is a very significant achievement.

The Hon. E. R. Goldsworthy: What must it total?

The Hon. D. C. BROWN: I have not added it up but, on quickly looking through the list, it totals about $3 500 000. Looking at what has been done during the previous 10 years, I doubt very much whether it would have amounted to that sum, under the previous Government. No wonder the member for Hartley is upset, because he was the Deputy Premier and the Minister of Works during most of that time.

The Hon. J. D. Corcoran: All this amounts to nothing. You know that.

The Hon. D. C. BROWN: In addition to what I have read out (if I may be heard by the former Minister), I point out to the House that we have referred to the Public Works Standing Committee a further two projects, for which I believe we have received that committee's approval.

The first is a new remand wing for Port Augusta Gaol, at a cost of $875 000, and the other project approved by the P.W.S.C. is an additional wing at Northfield Security Hospital, at a potential cost of $720 000. I draw to the attention of honourable members the very substantial list of projects approved by the Liberal Government, under the Premier, in the past 13 months. The member for Glenelg, who asked the question, is a member of the P.W.S.C., and he knows the disgraceful state in which Adelaide gaols and prisons were left by the previous Government.

In addition to those I have already mentioned, other works already under investigation by the Public Buildings Department include, at Yatala Labour Prison, site works, stage II; the road to the dairy; and industries complex, stage V. We are considering a new Adelaide remand centre and a new female division at the Port Augusta Gaol; an integrated security system at the Yatala Labour Prison added to the stage I, which will be stage II; and new visitors' toilets also at the Yatala Labour Prison.

It is a disgrace that we may have to spend $60 000 in this area and certainly this reflects on the state of those toilets. More importantly, for the first time we are considering supplying flush toilets in cells in Divisions A and B at Yatala Labour Prison. It is a disgrace that that has been left to this Government. This matter was ignored by the previous Government and we need now to undertake this work at an approximate cost of $800 000. In addition, because the Chief Secretary is in the process of establishing a dog squad at the Yatala Labour Prison, we will be supplying accommodation for that unit at an approximate cost of $150 000. As the Chief Secretary has already announced, we are looking at the recommissioning of the Gladstone Gaol. Those works show the degree of priority that this Government gives to upgrading the disgraceful public works facilities within correctional services institutions; it is a credit to this Government and a blight on the previous Government.

Mr. M. SCRIVEN

The Hon. J. D. CORCORAN: Does the Premier intend to appoint Mr. Max Scriven as the Director-General of the Premier's Department; if so, when; and what plans does the Premier have for the present Director-General of the department to use his talents in the future?

The Hon. D. O. TONKIN: The matters are currently under consideration.

STATION 5 MMM

Mr. RANDALL: Will the Minister of Environment obtain from the Minister of Arts a report on the validity of an election advertisement which appeared on page 17 of the free magazine *Airway*? That advertisement states:

> The former South Australian Labor Government helped establish 5 MMM FM with a grant of $64 000. The Australian Labor Party believes in a strong and viable public broadcasting sector with adequate public funding.

I was contacted just after the previous Federal election by ratepayers and taxpayers who were concerned that a State Government should pour such a sum into a radio station. This matter needs investigating and I ask the Minister whether he will approach the Minister of Arts in another place in this regard.

The Hon. D. C. WOTTON: I appreciate the seriousness of the matter raised by the honourable member, and I will be pleased to ask the Minister of Arts for a report.

STATE THEATRE COMPANY

Mr. LYNN ARNOLD: Will the Premier explain why the State Government refused the application of the State Theatre Company for financial assistance to take the Dorothy Hewett play *The Man from Mukinupin* to London to perform at the Old Vic? The Premier will be aware that the Director of the Old Vic, Mr. Timothy West, invited the State Theatre Company to perform the play in London. This is widely regarded as a rare and major honour for a non-British company. At the time the invitation was made in July, the Minister of Arts said that it reflected a growing recognition of Australian talent and the standard of the State Theatre Company. Can the Premier explain how the lack of assistance from the State Government, which has led to the cancellation of the proposed tour (the first overseas invitation the company had ever received), can reflect the State Government's claim to be backing South Australia?

The Hon. D. O. TONKIN: I know very little of the details of the matter raised by the member for Salisbury. I have read articles in the press relating to these matters, but until I get a detailed report on the matter from the Minister of Arts I shall refrain from commenting. I will undertake to get that report for the honourable member.

PLASTICS INDUSTRY

Dr. BILLARD: Can the Minister of Industrial Affairs give the House details of recent developments to increase training in the plastics industry to help develop manufacturing in this State? There is now general recognition within the community of the impact that technology changes will have within manufacturing industry in coming years and the consequent importance of those changes to industry in South Australia. Members were informed at a briefing, soon after the election of the Government last year, of efforts being made to ensure that South Australian industry was able to cope with these changes, such as those necessary as part of the emerging world car concept. Many reports confirm that plastics will play an increasingly important part in those changes. There was an announcement by G.M.H. of its plans to build an $8 000 000 plastics factory in South Australia. Because of these changes, it is also important that we develop facilities to train people to participate in these industries. That is why I ask the question.

The Hon. D. C. BROWN: I thank the honourable member for the question. It is becoming apparent that, if we are to cope with the unemployment problem that we have, we need to be very specific and very flexible in making sure that we tackle areas where there is demand for labour. As the member for Newland pointed out, one industry where there is expansion is the plastics industry. It is appropriate to point out that, in its plastics industry, South Australia has already received world recognition. I want to bring to the attention of honourable members one or two areas where that has been achieved. First, there are companies such as Caroma Sales which, on Wednesday night of last week, was a finalist in the Duke of Edinburgh design awards, a company which has been successful throughout Australia and also on the North American market in the sale of its various cisterns. Another company, Uniroyal, has been most successful in the automotive industry in Australia. As the member for Newland said, plastics is the expanding part of the components industry, and I am sure that Uniroyal will expand in that important area. General Motors-Holden's will be setting up an $8 000 000 plastics plant in South Australia. It is important that we have—

Mr. Bannon: It will take away all the business.

The Hon. D. C. BROWN: No, it will not, and Uniroyal realises that. There have been discussions with Uniroyal. G.M.H. has explained to Uniroyal the purpose of its factory. I have also had discussions with Uniroyal and that company now understands the intent and purpose of the General Motor's factory, and Uniroyal does not see that move as being one of taking away and pushing it out of business. In addition, other companies in South Australia have established a tremendous international reputation. I refer to Solar International, the plastic lens company; Sabco, which has been successful in the selling of its products throughout the world; also, companies such as Iplex, which sells its drip irrigation systems throughout the world. Finally, of course, Exacto Plastics, with its Struts children's toys and plastic hockey sticks, has been successful in Europe.

This morning I had the privilege of opening a new training centre in South Australia established by the South Australian Plastics Industry Training Advisory Committee. It is the first time that a tripartite committee consisting of employers, trade unions, and the South Australian Government has established a specific industry training facility in the plastics area anywhere in Australia. I was delighted to see that that facility has been established with equipment from the two major suppliers in South Australia of injection moulding equipment, one being Battenfeld Australia Proprietary Limited and the other being Johns Consolidated Limited. Those companies have supplied all the injection moulding equipment required for this training centre. In addition to that, the Public Buildings Department in the last two weeks has allowed the establishment of the facility. The premises in which this training facility is established have been donated to the Government by Battenfeld Australia Pty. Ltd. We have now an up-to-date training facility for the plastics industry, donated by private industry, to make sure that the plastics industry in South Australia, which has already received world recognition, can continue to expand and that we can supply the skilled labour that will be necessary if that industry is to continue to grow.

RADIUM HILL

Mr. KENEALLY: Will the Premier, as Treasurer, provide the necessary funds to enable the South Australian Health Commission to resume its investigations into whether workers at the Radium Hill uranium mine in the 1950's and early 1960's have suffered a greater incidence of lung cancer than have other members of the community? The Premier will be aware that the early evidence from the study group appeared to substantiate claims made that Radium Hill miners have suffered a greater incidence of cancer than have other South Australians. I understand that this study was discontinued after the Commonwealth withdrew funding. It has been put to me, however, that, because of the importance of the public getting all the facts about uranium, the South Australian Government should provide the necessary funds to allow this important study to be completed and made public in the community interest. I trust the Premier will agree.

The Hon. D. O. TONKIN: I will investigate the present situation.

ELECTRICITY TRUST CLAIMS

Mr. LEWIS: Can the Minister of Mines and Energy, who has recently returned to South Australia, state the extent to which claims (in money terms) have been made against the Electricity Trust for the results of the unfortunate fire on Ash Wednesday last in the Coonalpyn and Tintinara area, which was allegedly started when a s.w.e.r. line, sagging in the heat of that day, arced out to the vegetation beneath it?

The Hon. E. R. GOLDSWORTHY: As I am aware of the honourable member's interest in the matter, I have some information for him. I have had inquiries made of the Electricity Trust to ascertain the current situation. I am advised that 10 claims were made, seven of which have been settled (amicably, I believe), and three of which are still to be negotiated. To the extent that the fire has created concern as to the possibility of transmission lines coming into contact with trees, I am informed that ETSA cuts trees as necessary to ensure safe clearances under all conditions of tree conductor movement.

ISRAEL SOLAR PLANT

Mr. MILLHOUSE: I, too, should like to ask a question of the Minister of Mines and Energy and, unlike the member for—

The SPEAKER: Order! The honourable member will come to the question.

Mr. MILLHOUSE: I was just going to welcome the Minister and his wife—

The SPEAKER: Order! The honourable member will come to the question.

Mr. MILLHOUSE: Yes, I will do it as part of the explanation. Will the Minister please tell the House now what he saw in Israel of developments in solar technology and what he thought of it? Perhaps by way of a preamble to my explanation I could welcome the Minister and his wife back from their holiday overseas.

The SPEAKER: Order!

Members interjecting:

Mr. MILLHOUSE: I am here every day.

The SPEAKER: Order!

Mr. MILLHOUSE: This question, of course, is supplementary to the statement the Minister made earlier in the day, in which all he said about his visit to Israel was:

> I also visited Israel to inspect a development in solar energy.

He went on to say that in all the countries he visited except Israel and Hong Kong he talked about uranium, and he then said:

> In my view this—

having talked about developments in uranium technology—

> is a significant moral argument for an expansion of nuclear power. Solar, not nuclear, is not an alternative available anywhere in the world at present for large-scale generation of electricity, nor is it likely to be in the foreseeable future.

I know I cannot comment on that, but if I could I would say that I do not agree with it. I understand that the Minister included Israel in his trip, at the suggestion of Sir Mark Oliphant, to look at developments in solar technology. Because he was silent in his statement about what he saw there, I put the question to him, and I give him an invitation to tell us now.

The Hon. E. R. GOLDSWORTHY: Let me disabuse the honourable member's mind with his snide comments in describing my trip as a holiday. I would invite him or anyone else in this House who had the opportunity to duplicate that trip to do so. I think even the member for Mitcham, if he wished to avail himself of a three-month study trip overseas, even with his much vaunted physical fitness, with his morning runs and his long distance training, and whatever, would find the trip rather exhausting. Let us lay to rest this nonsense that I have just returned from a seven-week holiday. I suggest that the honourable member should try—

Members interjecting:

The SPEAKER: Order! Honourable members have given the honourable Deputy Premier the opportunity to answer a question, and that requires silence from both sides of the House.

The Hon. E. R. GOLDSWORTHY: Yes, but one's patience does get tried by the incessant hypocrisy of the member for Mitcham. One cannot let these snide comments go by unnoticed. I outlined to the House that I undertook an extensive trip and, at some considerable extra expense, I went to Israel, because it did involve some back-tracking. I went for the specific purpose of looking at the solar pond development, which is to use solar energy for the generation of electricity. Some interest was generated in the first instance as the result of a study trip undertaken by the member for Glenelg, who was the first to draw my attention to the matter, and then later, as the member for Mitcham has somehow managed to find out, the former Governor also expressed interest. It took us a day to go to the Dead Sea with the General Manager of the Agri-Systems Division of Ormat Turbines Limited, Mr. Michael Gill, and a couple of other officers, one of whom had spent some time in Sydney. We spent a day, which was sufficient time to see the system in operation and to assess where it was and where it was likely to go. With a pilot plant they were generating 150 kilowatts of capacity, which is one-thousandth of a megawatt, if the honourable member can do the sums. It is quite a small unit of capacity. The area of the solar pond, although I did not step it out, was about 75 yards by 75 yards. The system consists in having an almost saturated brine solution at the bottom of the pond and relatively fresh water on the top, so that the heat is trapped in the lower layer and the convection is cut out by a system of plastic on the surface to cut out waves, and so on, to stop the mixing. I went there with a completely open mind to assess the potential of this, especially in the outback of South Australia, where we may have some salt lakes suitable for this technology.

The next phase of their operation will be to try to prove up 5 megawatts, which will involve a very large pond. It will be very expensive and, of course, when we talk about generating power for a city or a State, we are talking not about kilowatts but about thousands of megawatts, and we would be looking in South Australia at a new power station in the future of, I would guess, between 500 and 1 000 megawatts. The technology is there, it is running, but it is on a small scale and it is expensive. It is not an alternative and, to the best of my judgment and that of the officers who accompanied me, it is not likely to be able to be harnessed on a large scale suitable for the generation of electricity for a State the size of South Australia, or anywhere in the world.

I went there particularly because it had been portrayed to me as being promising. I really think that, if the member for Mitcham could tear himself away from his law practice long enough to avail himself of an overseas study tour, he would learn a lot and find out what happens in the real world, not that tight little cocoon in which he resides, with a completely blinkered outlook in relation to these matters.

We do live in the real world, and no alternative to the nuclear option is available to countries such as Japan, France, Sweden and Britain. The Swedish Government, for instance, has the stipulations law, which says that no nuclear facility will be allowed to produce electricity unless the Government is satisfied that the final disposal of nuclear waste is absolutely assured. I think the terms are as strong as that, but that country is going ahead with its nuclear programme, and the equivalent of the A.L.P. in Sweden supports it. Sweden has gone ahead and licensed its programme, and the referendum was supported by the Social Democrats, as I think they are called. The only Party in Sweden to campaign actively against the two options to go ahead was the Communist Party. There may have been one other group, but the equivalent of the A.L.P. supported the Government. There are always groups in the middle that will try to grab votes where they can.

We see the birth of these splinter groups: they are usually disaffectioned with their own parent Party. I think of the D.L.P. and recent history—we see these people out on a limb on their own, because they cannot live with their parents.

Members interjecting:

The SPEAKER: Order! The honourable Deputy Premier has the call.

The Hon. E. R. GOLDSWORTHY: The only way they can survive, of course, is to jump on to every band waggon as it passes. They have to hop on and whip up the horses. How else can they live? We will not pursue that. I do not

want to hurt the sensitive feelings of the group to which we refer. The fact is that there is no alternative, and, if ever there was a nation that should fear the effects of radiation, it is Japan. I spent, I think, three days in Japan and had extensive discussions with Government officials and industry people. Japan is entirely dependent on imported energy, and the only alternative for Japan to survive economically is to continue to increase its nuclear commitment to the generation of electricity.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SECURITIES INDUSTRY ACT AMENDMENT BILL

Second reading

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a second time.

The purpose of this short Bill is to correct two minor errors in the Securities Industry Act, 1979. This Act regulates the securities industry in South Australia and was enacted to make the law in this State uniform with interstate law. The administration of the Act is vested in the Corporate Affairs Commission, which is a body corporate established under Part XIII of the Companies Act, 1962-1980. That Part, which was enacted in 1979, also provides for the appointment of the Commissioner for Corporate Affairs.

The responsibility for the granting, revocation and suspension of licences under Part IV of the Securities Industry Act, 1979, is vested in the Commission. However, in both section 40 (1) *(b)* and section 47 (1)*(b)* there is an incorrect reference to "the Commissioner" instead of to "the Commission". The Bill rectifies these errors.

Clause 1 is formal. Clauses 2 and 3 substitute the passage "the Commission" for "the Commissioner" in section 40(1)*(b)* and 47(1)*(b)* of the principal Act.

Mr. CRAFTER secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 20 November. Page 2105.)

Mr. HEMMINGS (Napier): I support the second reading, but feel that in no way has it resolved the problems that the Government is having with the section of the Local Government Act that deals with parking and associated traffic infringements. I think everyone in this House would agree that the sections of the Act which deal with parking are extremely complex, so I would just like to quote what the Minister said in his second reading explanation as follows:

> The principal object of this Bill is to effect sundry amendments to those sections of the Local Government Act that provide for the making of parking regulations. As members wil be aware, the Act was amended in 1978 to allow for virtually the whole parking system to be dealt with by way of regulation, instead of by way of individual council by-laws, and thus achieving uniformity in the parking laws throughout all council areas. Parking regulations were accordingly made on 24 May 1979, but were subsequently disallowed on 4 June 1980 on the ground of purported technical errors in the regulations. Regulations in substantially the same form were made on 5 June as a "stop-gap" measure . . .

This action caused real problems within local government. Right throughout the State, emergency meetings had to be held to, in effect, pass similar "stop-gap" measures so that councils could police their own parking regulations. As a result of these "stop-gap" measures, the working party was set up. There was, I think, some real criticism about the formation or the membership of that working party.

The working party consisted of officers from the Crown Law Office, the Adelaide City Council, and the Department of Local Government. One questions why only the Adelaide City Council was represented on that working party. I realise that there were consultations with the Local Government Association, but to my knowledge (and I stand to be corrected, if necessary) that association dealt with it purely on an executive level rather than by obtaining the views of member councils. There is a situation that could relate to the Adelaide City Council but is not in any way affecting other suburban councils, yet only the City Council was represented on that working party. As a result of that bias towards the views of the Adelaide City Council there will be problems in the ensuing months and years.

One person who will highlight any errors in these amendments will be Mr. Gordon Howie. His role concerning these amendments is clear. It could be said correctly that Mr. Howie is and has been responsible for highlighting complexities and loopholes in the Local Government Act dealing with parking and traffic regulations. He has acted as a public watchdog in these matters, and has successfully taken on the Adelaide City Council and other councils when he has received parking stickers or summonses because of council by-laws. Mr. Howie has successfully appealed against them, and has told the Government and the councils that they were acting incorrectly. Many citizens in this State should be grateful to Mr. Howie for what he has done. For about five or six years, he has pointed out the problems in the Local Government Act, and it seems strange that it has taken all this time for any form of what we hope may be the ultimate solution to be placed before Parliament.

I doubt whether this present legislation will be the solution. To be fair, part of the responsibility could be placed on the previous Administration, as it was under that Administration that the Joint Committee on Subordinate Legislation examined the first draft of the amendments that are before us today. I understand that under this Government four further drafts have been considered, and, according to Mr. Howie, who has appeared before that committee, there are still inconsistencies in these amendments. A letter received by one of my colleagues on Friday from Mr. Howie states:

> The proposed amendments make no attempt to correct the highly unsatisfactory position regarding the present parking controls and appear to make it more certain for the Adelaide City Council to have successful prosecutions made.
>
> As I have stated previously I believe the Adelaide City Council has been the main cause of the unsatisfactory position before 1 July 1979 and it appears wrong that the A.C.C. has a representative on the working party with the virtual exclusion of other councils. In fact, it appears that councils who have officers who are known to have discussed many matters with me and agree with me generally are among those not being specially informed.
>
> The amendments will not correct many complications. At present courts will not accept complaints giving the address of the defendant as being a post office, box or mail bag number with a result it may be expensive to prosecute country owners of vehicles. It is necessary for the registered

owner to be interviewed and disclose his actual address, which for example may have to be specified as being on a particular pastoral lease. As a result most councils do not attempt to have country owners prosecuted.

Although section 794c allows action to be commenced within 12 months, service by post rightly remains with a three-month limitation, but is ineffective for the reason stated above and is not used to any extent. In any case, the 12 month limit is virtually no limit as far as it being for the purpose of the defendant having become aware of the allegation in a reasonable time, 12 months being far too long in relation to parking offences anyway. At present there is no need for a complaint to be in writing, nor is there any need for the summons to be issued at the taking of the complaint. This means a complaint may be made verbally within 12 months, but not committed to writing, and/or a summons may not be issued for say 10 years, if the parties are still alive.

Actions taken against me, although no stickers were issued, have not been commenced until about six months have passed, and action has been taken to make substitute complaints a day or two before the 12 months have expired.

A number of persons have spoken to me regarding complaints served about 12 months after the alleged offence. They have no knowledge of the incident. In one case a woman living at Black Forest asked my advice. Her husband had 12 complaints served on him. She had been leaving the vehicle in a street in Adelaide while she was working at night. The signs were certainly not correct and no parking offence notice was received. When she spoke to a council officer she was told no stickers were being issued. Her husband was not prepared to contest the matter, and fines and costs amounted to over $1 200, although even she had no idea she had committed any offences until the complaints were served about 10 months after the first offence.

As it is impossible at this stage to properly deal with the matter of the parking legislation, I would ask you to move an additional clause to the Bill in the terms of the attached draft so the very unsatisfactory situation regarding aspects referred to above could be brought to the attention of the House of Assembly. Clearly, an owner who is not the actual offender should have reasonable opportunity to clear himself of the charge.

The letter was signed by Mr. Gordon Howie. The proposed amendment that Mr. Howie would like the Opposition to move has not been considered yet, but we will consider it and perhaps bring it forward later. However, that letter highlights the present situation. These amendments do not in any way alleviate the problem that Mr. Howie highlights. If we consider the explanation of the clauses, I think we will realise that Mr. Howie deals with one aspect that makes it easier for councils to prosecute people like himself. We see that as a reflection on the civil liberties of people. I hope that the Minister in his reply will give some assurance that that in no way is intended. When one considers new paragraph *(d)* in section 475a, one sees that the word "specified" is taken out from various places, as it may be too restrictive in some situations. One could construe that to mean that it makes it easier for the council to carry out a prosecution under this section if it does not have to use the word "specified" literally.

Dealing with the question of ownership, I realise that there are many problems. I am sure that all members have had dealings with the Adelaide City Council or other councils in cases where a person has received a parking sticker for an offence in which he or she claims that he or she was in no way involved. In many cases, this has been proved correct; yet, under clause 7, again dealing with section 475i, we have the following definition of "owner":

"owner", in relation to a motor vehicle, means—

(a) the registered owner of the motor vehicle; and

(b) any person who takes the motor vehicle under a contract for hire, a consumer lease, a leasing agreement or a hire-purchase agreement;

I should like the Minister to explain how local government will be able to trace such a person. If one is so keen to protect hire-purchase firms or companies that lease or hire cars, what would one do to protect a member of the public who allows a member of his family to use the vehicle and, unbeknown to that person, a member of his family lends the car to someone else?

I do not believe that the owner should be prosecuted, and I am sure that the Minister would agree. He may say that that is unlikely to happen, but it has happened in cases where people have got a parking sticker. Provision should be made to deal with this problem, and the House needs to know whether that matter will be taken into account by local government.

The other matter to which I will refer is clause 8, which deals with section 794b of the Act. Clause 8 *(a)* provides:

by inserting after the passage "No person" the passage ", other than a member of the Police Force, or an officer or employee of a council who is authorised by the council generally to take such proceedings in relation to its area,";

I can see some problems there. I should like the Minister to spell out to the House exactly what he means by that provision, because the second reading explanation does not explain it. The Minister's second reading explanation states:

It is made clear that the regulations may, if necessary, not only provide defences to persons charged with parking offences, but may exclude defences, and may impose, modify or exclude evidentiary burdens, or provide any evidentiary aids that may be needed from time to time.

One would hope that, at all times, if a person believes that he has been unfairly treated, he is entitled to defend himself. Perhaps the Minister will explain that aspect of the Bill. Apart from believing that the Bill is purely and simply a patch-up job, I hope that, as soon as the Bill becomes law, Mr. Howie will be able to provide details showing that the Bill's provisions are completely unsatisfactory for councils to work under, and that we will have to deal with the Local Government Act in order to correct the situation.

We were promised that the Act would be examined. It seems to me that everything has been rushed. We have the Joint Committee on Subordinate Legislation sitting, in effect, on the sidelines, waiting to deal with this matter as soon as it passes through the Parliament so that local government can implement the new regulations. I hope that the Minister will be able to satisfy my doubts and reassure us on certain aspects, because it is necessary that we have these reassurances. If the Minister can explain these matters to the Opposition satisfactorily, we will support the passage of the Bill.

Mr. EVANS (Fisher): I support the Bill. Undoubtedly, the Bill is before the House because Mr. Howie was the person who kept pressuring those responsible stating that the change should be made, and that there was no hope of getting satisfactory regulations in relation to car parking unless the Act was amended. The Bill also has some bearing on the Road Traffic Act regulations that were introduced at the same time as were the parking regulations. There should be no criticism of the present Minister because the present regulations are the same as those that were disallowed on 4 June 1980, by Parliament, on the recommendation of the Joint Committee on

Subordinate Legislation. Those regulations disallowed on 4 June were introduced in May 1979, and the Joint Committee on Subordinate Legislation, from May 1979 until the change of Government in September 1979, was examining the regulations and knew of the difficulties that existed.

Mr. Howie should be given credit for his expertise as a private citizen who is able to research and assess regulations and by-laws, perhaps to the last degree, to ensure that they conform to the law, are not ambiguous, and that no wrong terminology is used. The committee, which was appointed after 15 September 1979, was concerned with the regulations and its inability to do the research, because of lack of time and expertise to do the proper research on the details supplied by Mr. Howie, and asked the Government to make available a person with legal background (such as a lawyer) to do some of the research and to work with Mr. Howie. That occurred. It meant that this amendment had to be brought before Parliament, in the hope that Parliament would support it, so that the regulations, both road traffic and local government parking laws, could be introduced and cleared up before the Christmas recess.

We know that there is some difficulty in drafting regulations of the type that we are trying to implement; it is not a simple process. Local government is now concerned about this and is doing its best to work through departmental offices, the Minister's offices and local government advisers and offices, and we are getting nearer to the goal. However, local government and politicians alike can learn a lesson from this: when a person like Mr. Howie is prepared to devote huge amounts of his private time to research, challenge, checking and offering advice about mistakes that occur, such as the mistakes that existed in the previous regulations, we should take notice of him and give him more time.

Mr. Millhouse: It is really his full-time hobby, isn't it?

Mr. EVANS: It is his full-time hobby. It is good that some people are prepared to do such things as a full-time hobby. In Western societies, it is argued that there should be fewer regulations, but, if we have regulations, we should ensure that they are effective and not over restrictive. At the same time, they should not be written in a form in which they can be challenged by those who are intelligent enough and who have the monetary resources to win the point. Those who do not, and pay the penalty, are the ones who can least afford it.

If local government had invited Mr. Howie to consult with its lawyers and had listened to his suggestions several years ago, this action would have been taken at that time, but we all chose to ignore him. That aside, as I said, Mr. Howie goes to the last degree in regard to the technical and theory aspects of the regulations in his submissions. However, he overlooks some practical problems, and that is the job of those associated with drafting the proposals through local government or other sources. It is their job to look at the practical side of the suggestions that Mr. Howie makes and to consider the effects that they will have if they are put into operation.

The Joint Committee on Subordinate Legislation is concerned at the amount of time available to research some of the matters that come before it. As a result of the conference of committees of delegated legislation from Commonwealth countries held in Canberra last month, the committee intends to put, through its Chairman, a submission to the Government about changes that we believe should take place. One of those changes relates to the availability of a legal adviser, preferably from the private sector, who could do research and background work, because, when the new regulations are introduced later this week or next week, the committee will have to assess the new regulations, which will be as complex as the old regulations. A considerable time will have to be spent in considering these regulations, and there is no doubt that either Mr. Howie or someone else with similar expertise will find technical errors in the regulations, and the committee will not be able to make a quick assessment.

Most other committees of delegated legislation throughout the world have a legal adviser readily available, but South Australia is one of the few places that does not follow this practice. I have sympathy for the previous members of the committee. This committee is the oldest in Australia, having been formed in 1935. We would be backward if we expected the committee to work properly in this area. Mr. Howie, the committee and local government have enabled the Government to introduce a proposal for new regulations, which, hopefully, will not contain the same errors, omissions and doubtful aspects of law as the old regulations contained.

As much as it may belittle local government to discuss matters with Mr. Howie in future, I believe that it would be wise to ask Mr. Howie for an opinion, whether or not it is accepted, before changes are made, because, on past records, it appears that Mr. Howie is more likely to be right than is local government. Perhaps local government will correct this situation in the future. At the same time, I point out that Mr. Howie must temper some of his enthusiasm shown in the letters that he writes, because some of his comments could reflect upon the ability of committee members or other individuals. I support the Bill and I take note that you, Mr. Speaker, allowed me to drift a little from the text of the Bill.

Mr. LANGLEY (Unley): I support the Bill. The Unley City Council, over many years, has experienced much trouble with Mr. Howie and its parking regulations. Some people in my district have no front or back vehicle entrances to their homes; the council has done its best to rectify this problem by supplying a ticket so that people can park in front of their houses. People are adamant that they should have protection and be able to park in front of their houses, and a further problem arises when a family has more than one car. In the Unley district, the council has prohibited people from parking between 8 a.m. and 10 a.m. in certain areas where house owners have not been able to park their own vehicles.

This aspect will most likely come into force. When it does, I am sure that people who live in the North Unley and Parkside areas, and perhaps the Goodwood area, will be very pleased that, at last, they will be able to park their cars legitimately. Although council parking inspectors may have to to a little more work, the public will benefit. I am pleased that, in this age of the car, something is being done about the situation. I hope that it will not be long before the Bill is passed. It will be a wonderful day for local government when everyone is happy about parking facilities, because this has not been the case in the past. I am pleased that this action will be taken.

The Hon. D. C. WOTTON (Minister of Environment): I will speak only briefly on this Bill and will answer some of the questions asked by the member for Napier, who referred to the composition of the working party and asked why the Adelaide City Council was the only council involved in the working party. There was consultation with the Local Government Association, the R.A.A., the Police Department, the Road Traffic Board, and other bodies.

Also, there was fairly substantial consultation with other councils in the metropolitan area and in the country. The

honourable member said that he understood that the L.G.A. dealt with the matter at executive level only. I am told that there was productive consultation with metropolitan councils on the first draft and that an opportunity was given for country councils to make submissions. In fact, members would appreciate that the regulations have been changed to reflect the input that came from such consultation.

I do not want to say very much about Mr. Howie other than that, as all members of the House would appreciate, he has been particularly persistent in this matter. As has been suggested, he has put an enormous amount of time into it; it certainly appears that it is a favourite hobby horse of his. I understand that Mr. Howie has been working off the first draft of the regulations which, of course, was subject to change. As the member who spoke earlier suggested, it is recognised that there were some errors, as is usual in first drafts, which were recognised and which have since been changed following the consultations to which I have referred earlier. So, it should be realised that Mr. Howie's representations and the comments that have come from his representations to the members opposite were as a result of his working from the first draft.

The only other thing that I want to say about Mr. Howie is that his has been a somewhat negative crusade that has unfortunately led to tighter and harsher regulations. True, Mr. Howie might have achieved something now; he has certainly achieved tighter regulations. It has been a pity, and in fact the Government regrets that the flexibility and, indeed, the goodwill between citizens and councils that we should be able to find has to a large extent gone out of the window following the campaign that Mr. Howie has undertaken in this matter.

It has been suggested that it is possible that Mr. Howie might find further loopholes in the legislation that is now before us. That is possible, and, if he does, the Government will have to have a look at the matter again. Every time that that happens we will see an increase in the rigidity of regulations, and it is a pity that that must happen. Mr. Howie has certainly spent an enormous amount of time and has involved himself in this matter to a large extent. I know that he has been involved with the Murray Bridge council, one of the councils in my own electorate, and that he has had quite a bit to say through the local media about the problems that he has seen. I would hope that Mr. Howie is now reasonably satisfied. While I take the point made by the member for Napier, namely, that he has made further representations expressing some concern about what we are debating at present, members should realise that he was probably referring to the first draft.

The member for Napier referred particularly to clauses 7 and 8. Regarding clause 8, the amendment is essentially an administrative one, in that the Commissioner of Police, or the Clerk, will no longer have personally to authorise every prosecution. I doubt whether anyone in this House would not see that as an improvement. It will enable other authorised persons on the staff to carry out that duty. So, essentially, that amendment is administrative.

Regarding clause 7, and the question that the member asked, I am informed that this amendment does not protect hire firms. If the renter cannot be found, I am told that the company can be prosecuted. With this clause in the Bill, the company is expected to place the onus on the hirer. I know that the member for Napier wanted to bring one other matter to my attention and to seek information on it. As I cannot recall exactly what the point was, the honourable member may request that information again during the Committee stage.

To summarise briefly, there has been consultation with councils, both metropolitan and country, on the first set of regulations that came out. The Government certainly recognised that there were errors, which were pointed out as a result of consultation. They have been corrected, and it is the Government's hope that after discussions now and the resultant passage of this legislation through the House, the situation will be clarified once and for all.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Governor may make regulations under this Part."

Mr. HEMMINGS: I refer to clause 3 *(e)* which states:

> . . . striking out from paragraph *(g)* of subsection (2) the passage "any specified".

The Minister will recall that this refers to one of the queries I had in the second reading stage. This is not clearly explained in the Minister's second reading explanation, which states:

> The word "specified" is taken out in various places as it may be too restrictive in some situations.

Can the Minister explain this matter?

The Hon. D. C. WOTTON: This amendment will generally make the regulation-making power less restrictive and, as I understand it, the provisions can be applied to various conditions and restrictions generally. The question that the member for Napier asks requires more detail than I am able to provide to him at present, but I am prepared to obtain that information for him in order to clarify the situation.

Mr. HEMMINGS: Does the Minister mean that he will get that information after we have completed the Committee stage, or will he take advice immediately?

The Hon. D. C. WOTTON: I have been informed that clause 3 will look after the country towns, especially where a council may want to have time—

The Hon. J. D. Wright: Do you want me to read it for you?

The ACTING CHAIRMAN (Mr. Russack): Order!

The Hon. D. C. WOTTON: I do not think the Deputy Leader would have much more success than I in reading the information I have just been given. It will look after the country towns, especially where a council may want to think generally about an area, and not in a specific area. I think the member for Napier suggested that there was no consultation with councils generally. This is one of the matters brought forward as a result of consultation with country councils.

Clause passed.

Remaining clauses (4 to 8) and title passed.

Bill read a third time and passed.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 2107.)

The Hon. J. D. WRIGHT (Adelaide): The Opposition supports this Bill, which merely extends the provision covering sportsmen which I introduced in 1977 and which was again extended in 1978. The Opposition has no objection to facilitating the legislation to allow it to extend beyond 31 December 1980, as provided in the current legislation. The Bill also changes the term "workmen" to "workers". This was not previously included in this legislation, although in the Workmen's Compensation Act the term "workmen" was deleted some time ago.

I notice from the second reading explanation of the Minister that Cabinet has extended the opportunity for people to comment on the report of the Rehabilitation and Compensation Committee, which was chaired by Mr. Des Byrne and which was instigated by me when my Party was in Government. The Government has extended the time for submissions on that report from December 1980 to 31 March 1981. I hope that interested people are cognisant of that report and that they have examined it in detail. I trust that the Minister will be in a position early next year to tell the Parliament exactly what attitude the Government will be taking in regard to that report. The Opposition supports the Bill.

Mr. EVANS (Fisher): I support the Bill, which in my view is a temporary measure only. I do not believe that the sporting groups who have people playing for them now as employees have put full effort into researching the avenues available to make adequate compensation provisions for those players who may be injured, and at the same time leave room for the amateur and semi-amateur players to be protected in some way.

I hope that the State associations of sporting groups will apply themselves in a most determined way to finding a solution better than the one we have at the moment. Otherwise, I believe they will face legislation that will impose upon them conditions more stringent than those they might wish to enjoy and the cost of the form of workers compensation that will apply will be so high that it will be a burden on the sporting public. It will be regrettable for sport overall, especially for those sports which now have professional players, but it will be more difficult for the sporting public, which will have to meet the increased commitment through admission fees.

That is really what we have to be concerned about in total: that the players and their incomes and families are protected in the case of, in particular, the more serious injuries and, at the same time, that we do not make the cost of watching this sport prohibitive to the individual in the community. I support the Bill because I believe it is a temporary measure that has to continue to be operative as it has in recent times.

The Hon. D. C. BROWN (Minister of Industrial Affairs): I thank honourable members for assisting the rapid passage of this Bill through Parliament and for their comments during the second reading debate. I take up only one point—the report on rehabilitation and workers compensation in this State. This Bill may be influenced by the outcome of that report.

As the Deputy Leader of the Opposition has indicated, Cabinet has decided that the time for public comment for that report should be extended from 15 December to 31 March. The reason for that is obvious. A large number of organisations wish to make submissions. It is fairly apparent that many of those organisations have been unable to have sufficient time to make an in-depth study, not only of the implications of the recommendations put forward by the committee, but also to understand the problems created in going from the existing system of workers compensation to the new system should it be adopted. Those transition problems were not dealt with by the tripartite committee. They put forward a proposal which could have been operated, or would have been easier to operate, if there was a completely clean slate and if we were imposing a system on a community for which there was no existing system. Unfortunately, there is an existing system which covers workers compensation. It involves insurance companies, lawyers, doctors, medical assistants and also the practice of a large number of individual employers and companies.

I am sure honourable members realise from some of the public comments passed in the last week that there is opposition to these proposals. The Government feels it is important that there be sufficient public time for adequate and researched comment to be made on that report before it sits down and considers the report and what recommendations should be adopted. That is the reason for the extension in passing this Bill, which in some way has some impact on the other Bill. It is simply an extension of the operation of the original Act, and it is an extension for a period to allow consideration of that tripartite report.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 29 November. Page 2111).

The Hon. R. G. PAYNE (Mitchell): At the outset, I indicate that the Opposition supports this Bill, but our support is given to a degree which is governed by the fact that, in our belief, it does not go far in one of the areas referred to by the Minister in his second reading speech. Perhaps if I approach the matter from that angle the intent of the Opposition will become clearer. In his second reading explanation, the Minister said:

> It amends the Planning and Development Act in order to require councils administering planning regulations to have regard to the provisions of authorised development plans when considering land use applications. . . .
>
> It is very desirable that all councils should be able, and indeed be required, to have regard to the relevant authorised development plan so that council and State policies therein enunciated can be supported.

My first comment on those remarks is that at least for, I think, 18 months or more that principle has already been established in planning matters by decisions of the board itself. In at least one case that I believe I can call to mind, involving land in the Riverland area which was designated on a flood plain map contained in a supplementary development plan, the court found that the principles contained in that supplementary development plan were intended by the Government, and, as a part of the Statute concerned, to be adhered to by any authority charged with consent in that matter. So, I suggest that at least, if not actually enshrined word by word in some regulation or other, that principle has been tested and rulings have been given which, to my knowledge, have not been contested since. The Minister went on to say:

> The amendment would give the Government a means of implementing, through local government, its policies in a number of important areas such as those relating to shopping centre development.

I suggest that perhaps a brief resume of the more recent history in that matter (that is, retail shopping development in South Australia) would be of some benefit in this debate. I can begin by pointing out that on 6 April 1978, in the time of the previous Government, an amendment to the Planning and Development Act was assented to prohibiting councils from considering shopping proposals within 100 metres of an allotment containing an existing shop and on an allotment of greater than 2 000 square metres, unless the Minister was satisfied that it would have no detrimental impact on designated shopping centre zones, would not generate significant traffic and result in significant cost for traffic and traffic management works,

and that the proposal would support the provisions of the Metropolitan Development Plan.

That indicates the effect and strength of development plans in relation to any challenge. That legislation was due to expire on 30 December 1979. As members will recall, another Government was in power at that time, and further action was necessary because of what was happening in retail shopping development. That is known to all members: there was a great fear among small businesses that had been established or were being established in retail shopping that they were likely to be swamped and their livelihood destroyed by the actions of the larger developers.

There was considerable public concern that reached its height in the early months of this year. The Government of the time then proposed legislation, which was assented to in April 1980, to restrict the development of shops over 450 metres square outside designated shopping and centre zones requiring development in those zones to be subject to council consent. The Minister also sought co-operation from councils concerning proposals for shopping areas over 2 000 square metres. In response to Opposition requests, the Minister went some small way to meeting some of the concern expressed inside and outside the House, and agreed to enlarge the retail consultative committee by adding a representative of the Mixed Business Association, thus allowing for some representation from small businesses, and an accountant in response to the Opposition proposal that there should be at least economic considerations in the minds of any members of a consultative committee.

After that, the draft paper was prepared and circulated, the Government, through the Minister, engaged a consultant. We have seen the preparation of a supplementary development plan, and, accompanying that plan, an explanatory document that states, in relation to the publication of the paper to which I have referred, that there were 89 submissions from all types of retailers, councils, residents groups, Government departments, developers, consultants, and professional institutes that all raised several issues.

The major points raised concerned a moratorium on shops while retail policies were being considered; the establishment of a comprehensive data base; economic impact assessment of new proposals on the viability of existing establishments; and, importantly, clarification of the intentions of the proposed hierarchy of centres, a criticism of the lack of rationale behind the hierarchy, and the challenging of the appropriateness of the hierarchy.

Another point was the recognition of the differences in conditions operating in established inner metropolitan areas and those in outer suburbs. The reasons for these submissions will be apparent. Other points were raised, but I will not refer to them now. Whilst they may not have been established in any order of merit, I believe that several of the more important points that need consideration have been enumerated.

What is strange, after reading the explanatory document to which I have referred, is the discussion put forward that those points were very important among the 89 submissions received from a wide cross-section of people likely to have the remotest connection with retail shopping development. If we refer to the supplementary development plan, we find under the heading "Regional Centres", despite those points I have mentioned and their obvious importance, the only real control in the wording in the supplementary development plan in relation to regional centres. The first of the hierarchy is that, when referring to what they should do, how they should do it, and how they should function, the document states that they should not be permitted to grow to a size at which they are likely to have a detrimental effect on the development or functioning of other designated centres. That is a nice handful to give to a consenting body in relation to a proposal for development.

Under the next heading in the hierarchical structure, described as "District Centres", there is more descriptive material setting out what they should be and how they should function, but in terms of what may be described as control principles or the guidance that may be contained in any supplementary development plan to those charged with interpreting Government or local government policy that the Minister says should be made available, once again we read that a district centre should not be permitted to grow to a size that is likely to have a detrimental effect, and so on.

Under the heading "Neighbourhood Centres", the third in the hierarchical structure, we find the same wording. In relation to the fourth and lowest of the tier, and I use the phrase dear to the heart of local government, that which is closest to the people, "Local Centres", we find at least some physical control, in that they should be limited to a maximum total shopping floor area of 450 square metres and may comprise one of several shops together with a local community facility. At least the consenting body has a chance of making a decision in relation to the consent, based on something that has a bit of substance in it.

In regard to the other three headings of the hierarchy to which I have referred, the only real restriction is that they should not be permitted to grow to a certain size. Reading further into the supplementary development plan, we find that the regional centres and the areas they are to serve are not outlined in terms of boundaries. I am not suggesting that that is necessary: I point out that it seems that we are being asked to approve of an amendment that will supposedly require better control in an area concerned with much controversy and little success to date in making the necessary judgment by the Government in the way that it should be made, that is, small business ventures are entitled to have a fair go, just as big business has had in the past, and it seems to be intent on continuing.

I said at the outset that the Opposition supports this Bill, in effect, as far as it goes. So, without canvassing too strongly an area that I am not permitted to canvass, at this stage, I indicate that the Opposition proposes to move an amendment at the appropriate time. Copies of the amendment will be available to members at that time.

In conclusion, I point out that the Minister said that clause 2 of the Bill in particular was necessary in relation to the heritage matters in this State. The Opposition has no quarrel with the effect of the Bill in that area. The Minister talked about the preferred means of control, and I suggest that he would have been thinking of the agreements that will be possible under the State Heritage Act, which only recently was passed by the House. I also throw back to the Minister that, during the discussion on that occasion, it was made clear that there was no need for the legislation because agreements could have been taking place in the past. In this aspect of the second reading explanation, there is no real need for the change, but I see that it can be beneficial. The Opposition accepts that point and is prepared at this stage to give its support to that effect of the amending Bill.

Mr. EVANS (Fisher): I will speak briefly about this Government's policy and the attitude of the previous Government on shopping areas and areas zoned shopping. Again, I express my concern that, when we set out to zone limited areas for shopping, or any other use, we take the serious risk that we could, in the long term, create a

shortage of land for that purpose. If we do that, and if, between the time when it appears to be sufficient and the time when it becomes insufficient or inadequate land to meet the demands of the community, all of the adjoining land is used for another purpose, such as housing, it then becomes difficult to extend the zoned shopping area.

If the demand is greater than the supply, we create an artificial value for the land; in other words, we inflate substantially the value of the land. In parts of Adelaide, that is already happening through certain provisions, particularly local government zoning regulations and the plans that have been approved by Parliament. Referring to the light industrial area and commercial areas, for example, in the Stirling council area, limited areas of this land were made available under the council's plans and regulations. Already, one group of business men has bought most of those parcels of land, and I see this happening in many parts of Adelaide on a larger scale. I see, in the long term, the very rich buying all of the major shopping centres, thus being able to exploit the community, not by selling goods themselves, but by setting the rents on the properties at prohibitive levels.

Dr. Billard: That's already occurring in some areas.

Mr. EVANS: If that continues (and I pick up the interjection), unfortunately, and against my own philosophy, Parliament will have to consider rent control on commercial premises. If we do that, we encourage black-market prices or other forms of skulduggery, so that the honest are even more disadvantaged; that is, those who wish to operate a business, rent a certain shop and be free from too much humbug will be unable to get it, because the unscrupulous will go to a shop owner and say, "For certain considerations that might be done behind the back, we will take that shop and pay the price fixed by the Government, or whomever, and operate the shop." I am opposed to rent control in that area in particular, but I ask the Parliament to remember, when we are talking about amending the Planning and Development Act, that, if we cannot do it today, at some time in the future we will have to look at how we can extend the areas zoned for shopping, or whatever it may be, to cover the needs of a community, which is not growing rapidly at present, but which will not always remain stagnant in population growth as at present, nor will it spread to the new areas to be developed on the outer fringes of the present metropolitan area, because fuel and transport costs will have an effect on the individual's ability to live in the outer fringe areas, whereas many of the job opportunities are in the city centre, and will always remain that way, or in industrialised areas.

What we will have, in all probability, is a greater density of people living in the suburbs than we have now, either through flat development or strata titling of existing premises (because we have amended the Act in this session to allow that to happen), a greater demand for shopping facilities within those areas, and, in all probability, a lack of capacity for those shops to serve the community, but no more land will be available for that purpose. The only alternative would be to say to house owners, "We wish to buy your houses and demolish them for shops, as we are rezoning the area." That causes hardship and conflict and, in most cases, it is unfair to residents in the area. Within this same concept (even though it is in another Act, it is related to this matter), local government has the power to acquire anyone's property in the metropolitan area. Take, for example, the Salisbury situation where a large retail organisation wished to build a shopping centre. Certain private individuals did not wish to sell their land because they lived in a residential area, and they wished to remain in that area, because that is where their friends, their local shops, their churches and their community connections are located. Local government can acquire their homes compulsorily and then sell them to private enterprise, perhaps to some major retailer.

I have nothing against retailers, but it is in this area of planning and development that we neglect the individual and become too restrictive in our operations. The Act should be amended to stop councils having power in this regard other than for council purposes. Councils will be given the opportunity to zone areas and will be obliged to take note of the policy laid down at the time the legislation passes, but this does not take away the overall argument that zoning is a wonderful thing—it sounds good, and it is great. However, the Parliament, Ministers, departments, and councils must be conscious that we should not create an artificial demand for goods or a shortage, and give someone in the community, who has the financial resources, the chance to exploit others. I support the Bill, but I raise doubts about the path we are treading in relation to some of our restrictive zoning measures.

The Hon. D. C. WOTTON (Minister of Planning): We have heard all sorts of interesting comments about this Bill, and wide comment about retail development. However, I remind the House that the legislation relates to development plans in general and not to shopping centres only, although it will obviate the need for shopping centres legislation. I want to clarify some of the points raised. The general effect of the Bill is to require councils which administer planning regulations to have regard to the provisions of the authorised development plan.

The Hon. J. D. Corcoran: When will that be available?

The Hon. D. C. WOTTON: The supplementary development plan relating to shopping centres will be available before the interim legislation runs out on 30 December. I can supply the exact date later.

The Hon. J. D. Corcoran: They will have nothing to refer to if you give effect to this legislation.

The Hon. D. C. WOTTON: I will refer to that later. The amendment is designed to give effect to the Government's policies in certain areas and that refers particularly to shopping centres development, where policies are stated in non-statutory documents, such as development plans, rather than in legislation. Honourable members would be aware that most non-urban councils determine land use applications under interim development control, and section 41 (7) *(a)* of the Act requires councils that administer the i.d.c. to have regard to the provisions of the relevant authorised development plans when arriving at a decision on any application.

A similar provision was inserted into the revised model zoning regulations in 1976 and was subsequently adopted by a number of metropolitan councils, I think, as regulation 8. However, 13 metropolitan councils and three country councils have not adopted this regulation and, as a result, they are neither required nor able to pay heed to the Government's policies as incorporated in development plans. It should also be noted that the Planning Appeal Board is directed by section 27 (6) of the Act to have regard, amongst other relevant matters, to a number of issues, the first of which relates to the provisions of an authorised development plan. A discrepancy exists between the matters on which the 16 councils to which I referred base their decisions and the matters on which the board bases its decisions.

Regarding the rationale of the Bill, I indicate that the development plan is the expression of the State Government's policies as well as, via supplementary plans, the local planning policies of councils. The Government

has made clear that it wants to share more responsibility in planning matters with local government and it has encouraged councils to speed up the process of bringing down supplementary development plans. We have been very heartened by the number of supplementary development plans that are being prepared by councils. It is essential that Government policies be effected in this way, and a means is required to direct councils to the relevant provisions of the development plan when making a decision. We must realise that nearly all metropolitan councils now possess zoning regulations that regulate the use of land in zones created by councils and give councils a clear indication of the permissibility or otherwise of a land use in a certain zone.

The SPEAKER: Order! The level of audible conversation is rather high.

The Hon. D. C. WOTTON: In a situation where a use is neither permitted by right nor prohibited (for example, where the council has to give its consent), the matter is not always clear cut. In these situations, councils tend to look at the primary purpose of the zone as established in the seventh schedule and then at a number of relevant factors listed in regulation 8, dealing with character or amenity, for example. Councils that have not revised their regulations do not have to pay heed to the State Government policies in regard to such important matters as transport, retailing, and so on, nor are they able to, as I said earlier, should they so wish.

The member for Mitchell, in referring to retail development, said that the only indication of policies to control retail development is in the definition within the supplementary development plan to which he referred. However, there are 12 criteria in the supplementary development plan under provision 23, which also set out what must be satisfied when creating a centre zone. The report states that, in designating existing or new sites as centre zones, or extensions of centre zones, the relevant planning authority proposing the designation should demonstrate, in the form of a report that accompanies the public exhibition of the zoning proposal or proposals and the recommendation, that the proposal or proposals support certain criteria for the establishment of the centres network. The report continues:

1. A sufficient number of centre zones of appropriate functions should be established to provide the full range of shopping and community facilities to cater for the needs of existing and future populations, and a degree of choice for the location of centres developments and for the community's use.

2. The network of centres should promote the extension and rehabilitation of existing centres according to their appropriate level in the hierarchy, as far as possible.

3. Centres should be located so as to provide a high degree of accessibility to the catchment to be served.

4. Adverse impacts on traffic movements on arterial roads should be minimised. In particular, centre zones should be located on one side of an arterial road or one quadrant of an arterial road intersection; or primarily on one side of an arterial road or quadrant of an arterial road intersection; and not be located opposite another existing or proposed centre zone on an arterial road.

5. Adverse impacts on the character of residential areas should be minimised.

6. Centres should be located so as to make better use of existing investment in public infrastructure, utilities, transport and facilities, and should provide the opportunity for regional and district centres to be capable of being served by public transport.

7. The need for large-scale transport and traffic works resulting from the proposed designation should be minimised.

8. The policies of adjoining councils should be considered.

9. Each centre zone should be of a size and shape that is capable of providing the appropriate range of shopping and associated community facilities to cater for the needs of the proposed catchment area; promoting the integration of shopping and associated community facilities within the centre; minimising linear extension of the centre, and promoting the redevelopment/rehabilitation of existing shops and community facilities and provision of off-street car parking.

10. Clear policies for the future development of each centre including the proposed uses, their anticipated sizes and the desired future character of the centre should be provided.

11. Centre designation proposals should facilitate the application of the development control principles contained in this plan.

Point No. 12, which relates to the assessments of effect of the development, states:

Centre designation proposals should not have a detrimental effect on the development or functioning of existing designated centre zones. To assess the effect, the following should be considered:

1. The location and content of designated centres within the proposed catchment area.

2. An assessment as to existing and potential consumer needs in the general area, taking account of existing attitudes and changes which may arise from changed population levels and structure. Arising from this, identification of existing and potential deficiencies in established centres in such matters as consumers' accessibility, availability, range and price of goods and services.

3. The merits of the proposal in contrast with alternative sites in the catchment area.

Those three matters relate particularly to the assessment of effect. The foregoing are the 12 criteria in the supplementary development plan under provision 23 that sets out what must be satisfied when creating a centre zone.

The only other point that I want to make concerns the member for Mitchell's reference to the need to look at the extension of section 39c. Further action under section 39c, for example, was needed after the lapse of section 36c, because the review of the metropolitan development plan on shopping centre development had not been completed.

The member for Mitchell referred to the excellent consultative committee that we have had working on this matter, and I give credit to the former Government, which first set up the committee. I have stated in this House before that it was an excellent committee with excellent representation. As the member for Mitchell has stated, that committee was augmented with the addition of a person representing small business interests and also a public accountant. Since that time we have also had a report commissioned to investigate what was happening in other States.

Through Planning Ministers' conferences, I have had the opportunity to discuss with my colleagues in other States what they were doing and to take on board the recommendations that have come out of reports from other States on matters relating to retail development. Indeed, it is a very complex matter, which has caused concern across Australia. As I have said in this place before, the matter does not relate to happenings in this State only. As I have said, that action was needed after the lapse of section 36c, because the review on shopping centre development that was being carried out was not completed. Now, the review has been completed and a report has been brought down. A supplementary

development plan is to be brought down before the end of the year, and some action is being taken in regard to those matters.

The member for Mitchell also referred to the submissions made in regard to the report that was brought down. I point out to the member for Mitchell that some 89 submissions on the discussion paper were received. All those submissions have been taken into account in the preparation of the draft supplementary development plan, which is now on public exhibition.

This has been a complex matter, which the Government has examined thoroughly. We are quite satisfied with the supplementary development plan that is now on public display. The Government is looking forward to submissions that will be made. They will be acted upon and the supplementary development plan will be introduced prior to the end of the year, when the interim legislation runs out.

I reiterate that the Bill is a general amendment concerning development plans. I hope that members opposite recognise that it is not just a plan that relates to shopping centres, as the member for Mitchell has said. A great deal is to be gained in regard to heritage matters, as well (as has been suggested) in regard to matters concerning retail development. I commend the legislation to the House.

Bill read a second time.

Mr. EVANS: Mr. Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. R. G. PAYNE: I move:

That Standing Orders be so far suspended as to enable me to move an instruction without notice.

Motion carried.

The Hon. R. G. PAYNE: I move:

That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider a new clause relating to shopping development.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—"Planning regulations."

The Hon. D. C. WOTTON: I move:

Page 1—

Lines 16 and 17—Leave out "are relevant to" and insert "may have some bearing upon";

Line 19—Leave out "regard to" and insert "regard both to"; and

Line 20—After "plan" insert "and to the matters to which the person or body is required, by the regulations, to have regard".

These amendments are required in order to clarify a contentious drafting point. We looked at the matter closely in the drafting stage, but since then we have been advised, as a result of an opinion that has been received, that the words "are relevant" could be so interpreted as to make the amendment ineffectual in relation to those councils whose regulations do not specifically refer to the development plan. This difficulty arises as a result of an interpretation of "relevant" by the Planning Appeal Board as meaning "matters which it is required to have regard to".

The opportunity has been taken to clarify the Government's intention in relation to the applicability of the provisions of the development plans, together with factors that are already mentioned in the regulations. Whilst there is any doubt at all on the matter, the Government has taken the attitude that it should make its intentions absolutely clear from the outset. I think it is vitally important that we do that. As will be apparent, the amendment is minor and it does not affect the form or intention of the Bill.

The Hon. R. G. PAYNE: The Opposition does not oppose the amendments in total, particularly in view of the assurances that have been given that this really involves a rewording to give more specific meaning to the amending clauses. However, I am not as sanguine as is the Minister that they will be more likely to be interpreted in the way in which the Minister obviously requires. For example, in relation to "may have some bearing upon", I am almost tempted to say, in the words of another member on many occasions, "Heaven only knows what that means." I think the Minister knows to whom I am referring. Nevertheless, I accept the assurances given. However, the Opposition recognises that there could be some difficulty with whatever choice of words was made, because they are always subject to test. I can only say that in one case we may have "some bearing on". We also have the words "have regard both to". One should have thought that "have regard" would be just as awkward in interpretation as "relevant". However, the advice given to the Minister has resulted in his including in the Bill the words as they are before us, and the Opposition does not have any objection to the choice of words on that basis.

Mr. MILLHOUSE: The Democrat part of the Opposition does not oppose the amendment either, but I must to a point support what the member for Mitchell has said. The honourable member said that it made it more specific, but in fact it makes it less specific as far as I can see.

The Hon. R. G. Payne: I said it attempts to make it specific.

Mr. MILLHOUSE: It is attempting to make it make sense, and I am not sure that it does make it make sense at all. To say "and the provisions of an authorised development plan may have some bearing upon the question of how the discretion is to be exercised" is, I would have thought, practically meaningless. I think the Minister means to say something like this, "and consideration of the provisions of an authorised development plan may influence the question of how a discretion is to be exercised", and he has to look at it. However, that is not the way he has put it. This is the sort of thing that could cause enormous controversy in the courts and people down here or in the public will say, "Why can't the courts? They are always making trouble?" However, it is Parliament's fault if Parliament does not say what it means, and if it uses such vague terms as to be unintelligible to some poor devil in the Supreme Court or the Planning Appeal Board who has to try to make some sense or meaning out of it.

I do not oppose it, but I hope that the Government will perhaps between here and Heaven on the other side of the building have second thoughts about it and see whether it cannot do a bit better. I think that, if one considers the development plan, it may influence one's decision. If that is what the Minister means, that is what he ought to say.

Amendments carried; clause as amended passed.

New clause 3—"Expiration of Part."

The Hon. R. G. PAYNE: I move:

Page 1, after clause 2—Insert new clause as follows:

3. Section 39d of the principal Act is amended by striking out the passage "31st day of December, 1980" and substituting the passage "30th day of June, 1981".

The Opposition believes that the retail shopping development scene has not been magically cured of all of its ills in the past six months, nor will it have been cured by 31 December, which is the date on which the proposal to which the amendment refers is to cease having effect. When replying earlier, the Minister took great pains to

show that the whole Bill refers to matters other than retail shopping development.

It seems fairly significant that the draft supplementary development plan, as it still is, is hand-in-hand with the Bill, and it certainly has a title which refers not to general provisions but to shopping centres. The Opposition accepts that this is a very important area in relation to the Bill, and it is really saying to the Minister that it does not go far enough. Fair enough: if the Government, through the Minister, wishes to make certain amendments to control development generally and to make more clear what the Minister saw as a deficiency in the existing situation with regard to those councils which may not have adopted regulations, there may be a need to correct that. I can recall one judgment delivered about 12 to 18 months ago which would seem to me to put beyond doubt that the principles of the authorised development plan should be adhered to. I can recall only that it referred to land on a flood plain in the river area.

I do not believe, despite what the Minister said in relation to the 12 points (I think it was) in 23.1 onwards in the development plan, that there is a clear set of principles which can be followed by councils or other authorities in being asked to consider retail shopping development. I do not think we should mince words: there are some very airy fairy words which have been given the dignity of being called 23.1 or 23.7.

The Hon. D. C. Wotton: You tell me which ones.

The Hon. R. G. PAYNE: I am glad the Minister said that. I invite his attention to 23.8, which states:

> The policies of adjoining councils should be considered.

What in the hell does that mean? What strength has it got? How will it function by way of control? Is the history of local government one of amicable co-existence side by side since time began? Of course it is not, and we all know that. I can refer the Minister to a very long and protracted wrangle which occurred out in the western part of the State in relation to Miltaburra and Karcultaby schools. I am sure there were many people in this State who know what happened. The school is sitting out in an area which is hard to get to from both district council areas. Who did that really help? It is the same sort of principle with which we are faced here. I am sorry, Mr. Chairman, that I mentioned a subject which is probably dear to your heart. I meant no disrespect. I think everybody knows it was not a very successful example of mutual council co-operation, yet 23.8 in these principles to control such an important area states:

> The policies of adjoining councils should be considered.

That could mean simply that a council sitting in judgment on a retail shopping development proposal could say, "We know what they think over there across the road. Right, next item on the agenda."

The Hon. D. C. Wotton: Has the honourable member made a submission in regard to the supplementary development plan?

The Hon. R. G. PAYNE: Would the Minister like me to deal with another point? He seems to be rather upset with that one. Let us look at 23, 9, which states:

> Each centre zone should be of a size and shape that is capable of providing an appropriate range of shopping—

how often that bobs up—

> and associated community facilities to cater for the needs of the proposed catchment area.

It goes on with wonderful phrases such as:

> Promoting the integration of shopping and associated community facilities within the centre, minimising linear extension of the centre.

Yet in another place in relation to the principles it says:

> . . . shall have regard to the existing ribbon or strip development that already exists on arterial roads.

I am not being critical to the nth degree. A lot of people have laboured and brought forward something they believe will be useful in the matter. I do not think it has been demonstrated yet that it will be useful in the matter. It certainly has not convinced me, and I suggest quite a few others. It has simply been on display for two months, there have been many submissions, and I have already shown the Minister that not all of the 89 matters raised by way of submission have found their way into the principles. Where is it stated that consideration will be given to the economic effect on those with a livelihood to consider in areas where shops may already exist? Consideration ought to be given to them. I am certain that the Minister can point to some airy phrase which will say that integrated shopping shall take care of existing locations, or something to that effect, but how on earth will that be interpreted at council level?

I have been a member for 10 years, and the Minister has been a member for some time, and we know that the real problem with planning at any time is how the thing is interpreted. Anyone can write something down in a reasonable way, but how is it interpreted between one council and another or between officers within the council? At this very moment a kerfuffle is going on in the Port Noarlunga council area over a proposal to rezone. I presume the Minister has heard of that. One would have thought that by now councils at least would know what is the proper procedure in that matter, yet I was told only yesterday that a document has been issued by that council right throughout the area concerned which does not state the correct procedure that applies in this matter in relation to a rezoning. In fact, that opinion has been given by the State Planning Authority, so it appears that I am on safe ground. Is that not interesting? Yet we are going to put before councils something that is capable of such a wide interpretation as I have demonstrated, at least in a couple of cases, without really giving any detail, because it is the principle we are concerned with anyway, not with whether the principles of this supplementary development plan are 100 per cent right in every way.

I could even find fault with the grammar in some of it. In one instance the word "designated" ought to be "designates", and there are small instances, but I am not concerned with that. What I am saying is that in no way does it demonstrate that it solves the problem which exists in retail shopping development, such as that of the biggies *versus* the small people, and in no way does the document given as an aid in that area bring any improvement in that scene. The Opposition is saying, "All right; reasons have been given for the rest of the Bill, and we are prepared to go along," but we are saying that we do not think it is sufficient at this stage to handle retail shopping development problems that exist in South Australia. We are saying that what the Government, through the Minister, did some months ago has at least acted as a brake, and the matter should not be allowed to get any further out of hand. More time is needed. We are not putting an exorbitant demand on the Government. We are not seeking a further 12 months (we are saying a further six months is warranted) to do more work to provide the control the Minister so glibly spoke about, and the principles under which that control can be exercised by whoever is charged with the responsibility. I urge the Minister to give consideration to the Opposition viewpoint on this matter.

The Hon. D. C. WOTTON: The Opposition's amendment is unacceptable. In March this year I told Parliament when introducing section 39c (and I have repeated it outside this place) that the legislation was a

temporary measure until detailed policies governing retail development in metropolitan Adelaide had been formulated and brought into effect. This will be done via a supplementary development plan which is on exhibition until 27 November; this provides an opportunity for any member to comment or make recommendations. It is part of a statutory requirement that the plan goes on exhibition for a minimum of two months. Concerning the member for Mitchell's reference to the 89 submissions, it is not likely that we will see all of those submissions included in the plan. However, all of those submissions have been considered very closely, and many of them have become a part of the plan.

Mr. Millhouse: What happens after 27 November?

The Hon. D. C. WOTTON: I will explain that. The plan is currently on exhibition, and the public exhibition period closes on Thursday, 27 November, having been exhibited for two months. A Minister in the previous Government gave a similar undertaking that he was not able to meet. However, the present Government is meeting its obligation, and the supplementary development plan will operate at the end of the year. I made clear in the House that the holding legislation was introduced to stop people taking advantage of the review period to suggest proposals that could conflict with the policies of the supplementary development plan.

Mr. Millhouse: Will the plan that's brought into effect look anything like the draft?

The Hon. D. C. WOTTON: Has the honourable member bothered to look at the plan? I hope that if the honourable member is concerned about it, he will put in a submission in order to help clarify the matter.

Mr. Millhouse: It may not be the same.

The CHAIRMAN: Order!

The Hon. D. C. WOTTON: It is no longer necessary to extend the review period, because with the supplementary development plan it is no longer necessary to provide protection during that period. The plan, if the Bill passes through both Houses, will be implemented at a level at which decisions are taken by councils. As a Government we have promoted the need and our desire to have more responsibility shared between the State Government and local government in planning matters, and I have been delighted with the consultation that has taken place between councils and my department.

This is neither the time nor the place to discuss the provisions of the plan in more detail, because it has not been considered yet by the State Planning Authority. Under present legislation it is the responsibility of that authority to ensure that the policies of adjoining councils are adequately considered in relation to the point made by the member for Mitchell. The State Planning Authority will consider the matter, as is the normal practice with all supplementary development plans. The Opposition, when in Government, had a big part to play in the legislation requiring the State Planning Authority to consider the submissions made on draft supplementary plans and then make recommendations to the Minister. That procedure will be followed. This is an interim measure only, and the Government does not intend to support the amendment.

Mr. MILLHOUSE: I do not know much about the Planning and Development Act, and may be way off the beam. It reminds me of what a former Chief Justice of the Supreme Court, now deceased, said in 1954 about the Local Government Act: that it was not so much a scheme of legislation but a junk heap. It is now 25 years worse than it was then, and the Planning and Development Act is no better. The previous Government was going to do something about it, and Stuart Hart was supposed to be working on it. However, we have not heard a thing.

The Hon. D. C. Wotton: You will in February.

Mr. MILLHOUSE: Perhaps we will. I will wait in hope. This plan is on display or open to submission until next Thursday, and then submissions will be considered. Perhaps the plan may be changed. We are asked to buy a pig in a poke, as we do not know what will eventually come out of the sausage machine. I do not like doing that. The member for Mitchell suggested that we are being asked to take this on faith, but I do not have much faith in these matters.

When I think of the Planning and Development Act, I think of two shopping development proposals, to both of which I am utterly opposed. One is at Blackwood and the other at Salisbury, but I understand that the present legislation has prevented these projects from going ahead.

The council's views changed with regard to Blackwood and I think it is subject to litigation. So, I had better be careful about the *sub judice* rule, because I might influence one of Their Honours up at the court. It is a most absurd ruling.

The CHAIRMAN: Order! The honourable member will not debate that matter.

Mr. MILLHOUSE: I am not going to debate it, because it would be dangerous.

The CHAIRMAN: Order! I assure the honourable member that he will not do so, and he will not argue with the Chair.

Mr. MILLHOUSE: I was not arguing with the Chair: I was agreeing with the Chair. Never let it be said that I would argue for no reason. Salisbury is an iniquitous matter. If, by supporting the Opposition amendment—

The Hon. D. C. WOTTON: On a point of order, Mr. Chairman. There is nothing in the amendment that we are discussing which refers specifically to the Salisbury shopping centre or to the rezoning that may or not be taking place there.

Mr. MILLHOUSE: The Planning and Development Act—

The CHAIRMAN: Order! The honourable member will resume his seat. I uphold the point of order, and I suggest to the honourable member for Mitcham that he relate his remarks to the amendment.

Mr. MILLHOUSE: If I cannot proceed with that matter, all I can say, in conclusion, is that the Minister's interjections and harrassing of me while I have been speaking have persuaded me to support the amendment. If I have any influence on my colleague in another place, he may support it, too.

The Hon. R. G. PAYNE: In view of the Minister's intransigence, I do not propose to try to use any further logic in asking him to consider the amendment. He has clearly shown that he is immune to logic. The Opposition has raised no argument on the full range of the Bill; we have simply pointed out that the Minister has failed to demonstrate sufficiently that the retail shopping scene is calm and well organised and that there are no problems. If he had done that, we would understand the reasoning behind the Bill. The Minister has been unable to say that. The member for Mitcham has had the same qualms that I have had, yet the Minister has not taken any notice of that, either. We are asked to take on trust the Minister and the State Planning Authority in relation to what will finally be the supplementary development plan.

The Hon. D. C. Wotton: Is this a vote of no confidence in the authority?

The Hon. R. G. PAYNE: No, it is simply a statement of the actual time scene that prevails in this matter. Before we are in possession of an authorised supplementary development plan, we are asked to assume that it will be all right because the Minister says so. We are in touch not

with the authority but with the Minister. The Minister is saying to us that all is well and it is all right to proceed. The Opposition is not making a great song and dance, but we are saying that we are not convinced, although the Minister may well be right. There are parts of this matter that we know about. We are still getting representation and messages from small business people about their fears and worries in the area of retail shopping development, and, in response, we are putting forward a perfectly reasonable proposition that the scene that has prevailed for the past six months should continue for a further six months.

There would be plenty of time to answer one of the main points raised by the member for Mitcham, because the supplementary development plan could have gone through with the rest of the required procedures, and been authorised. The House will be sitting in the new year. I could ask the Minister what would happen to litigation in progress on 1 January 1981 in relation to old matters. He has not mentioned one word of that.

The Hon. D. C. Wotton: What's that got to do with it?

The Hon. R. G. PAYNE: I believe that it has something to do with it. If the Minister can say that it may not have any bearing, perhaps we would be convinced, but the Opposition is far from convinced, and our only recourse is to urge the Minister to reconsider his decision and support the amendment.

The Hon. D. C. WOTTON: I find this incredible, when we are referring to the procedures laid down in regard to supplementary development plans. The committee, which was set up by the previous Government to look at matters relating to retail development and which worked with the State Planning Authority, recognised that one of the most efficient ways of solving the problem we have had in regard to retail development, and the need to control retail development, should be through a supplementary development plan. The member for Mitchell was a Minister, only for a short time, in a Government that did nothing during all the time it was in office to amend the statutory requirements in regard to bringing down a supplementary development plan. It seems incredible that we are finding out that people cannot have faith in that procedure that the previous Government stood by for that period.

In answer to the member for Mitcham, I am sorry that, obviously, he was not aware (and I have made the point in this House I do not know how many times, and outside publicly) that it is the Government's intention to amend the Planning and Development Act substantially. It could either be new legislation or be regarded as substantial amendments to the present Act. It is our intention to introduce the legislation during the present session of Parliament, and it will be introduced. I would have liked to introduce it before the Christmas recess, but that is not possible. However, we will be introducing it in this session, and it will be allowed to lay on the table so that we can have adequate time for consultation. As the member for Mitcham has said, this is a complex matter that requires adequate consultation, and that will take place before the proposed legislation passes through the House.

The Committee divided on the new clause:

Ayes (20)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Millhouse, O'Neill, Payne (teller), Plunkett, Slater, Trainer, and Wright.

Noes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Schmidt, Tonkin, Wilson, and Wotton (teller).

Pairs—Ayes—Messrs. Peterson and Whitten. Noes—Messrs. Chapman and Rodda.

Majority of 2 for the Noes.

New clause thus negatived.

Title passed.

The Hon. D. C. WOTTON (Minister of Planning): I move:

That this Bill be now read a third time.

The Hon. R. G. PAYNE (Mitchell): I regret that the Bill in its present form is at the third reading stage. The Minister experienced no problems in regard to the Bill as it now stands, because the Opposition did not oppose it in that form. We sought to make amendments to the Bill, and I believe that, because of the omission of those amendments and because the Bill is not longer in content, it will not be as efficient in respect of amendments to the Planning and Development Act. The administration and operation of the Act will suffer because of this deficiency.

The SPEAKER: Order! I ask that the level of audible comment be reduced.

The Hon. R. G. PAYNE: Thank you, Mr. Speaker. One could advance other arguments as to the failure by the Government to recognise the merits of the additions to the Bill that are no longer present in this third reading stage. The Opposition tried to co-operate in this matter, and it saw a need for some action. The Bill, as it now stands, will be useful in the further administration of the parent Act; however, if the Bill held more content, as we proposed, it would have been of greater efficacy in the administration of the parent Act.

Bill read a third time and passed.

KENSINGTON GARDENS RESERVE BILL

Received from the Legislative Council and read a first time.

MONARTO LEGISLATION REPEAL BILL

Returned from the Legislative Council without amendment.

WANBI TO YINKANIE RAILWAY (DISCONTINUANCE) BILL

Returned from the Legislative Council without amendment.

SECURITIES INDUSTRY ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2171.)

Mr. CRAFTER (Norwood): The Opposition supports this Bill, which overcomes some drafting errors, to which the Minister in his second reading explanation referred as minor, in the Act. If these errors were left unattended, they would have far-reaching consequences for the securities industry in this State, as they would grant certain powers to the Commissioner for Corporate Affairs when the intention of the original legislation was to grant those powers to the Corporate Affairs Commission.

Obviously that situation cannot remain as such, and this measure attempts to rectify the situation. The important

aspect for this State is that this is part of a package of Bills that have been enacted or are in the process of enactment. This Bill will bring uniformity which is important in these measures, and that is another reason why this Act must be amended.

The Securities Industry Act was enacted by the former Government because it saw the need for uniform legislation in this area. As experience has shown, it is pointless for one State to try to regulate and control trading in securities, the licensing of persons dealing in securities, the establishment and administration by Stock Exchanges of fidelity funds, and generally the activities that were regulated, albeit insufficiently, by the now repealed Sharebrokers Act.

This is an important area of Government regulation. It is an area that cried out for Government intervention. The Ray Report of the early 1970's pointed out some of the shortfalls in legislation in this area, and it is hoped that this uniform legislation will effectively bring about a fairer trading on Stock Exchanges and greater rights for those who are grieved in some way by unfair trading and other illegal activities of persons in that industry. The Opposition supports this measure, and we realise that the intention of the original Act will be achieved and that there will now be uniform legislation in this matter throughout Australia.

The Hon. PETER DUNCAN (Elizabeth): Thank you very much for the call, Mr. Speaker, which I appreciate very much.

The SPEAKER: Order! The honourable member will always get the call when it is his turn.

The Hon. PETER DUNCAN: Indeed, Sir, one often finds in this House that the first on his feet is the one who gets the call. Presumably in this case I have been rapid in the way I leapt to my feet to gain the call on this important measure before us. I speak to the House as the guilty party. There is no doubt that I must bear the responsibility for the fact that this Bill has come before members collected together in the House this afternoon by, of course, the democratic will of the people. I, Sir, was the one who brought the measure before the Parliament originally as the Attorney-General of this State.

Mr. Mathwin: Does it bear on the secret societies you were talking about the other day?

The Hon. PETER DUNCAN: I thank the honourable member for his interjection, because that has provided me with the opportunity to speak for at least five minutes more in this debate, therefore ensuring that Parliament will be able to rise at 6 p.m., as I understand has been pre-arranged. As I have said, this Bill is a very important measure, and I bear the full responsibility for the fact that it is before Parliament. Notwithstanding that the Minister in another place who is now the Attorney-General, and who has introduced this Bill quite properly, would no doubt claim that he is responsible for it, in the final analysis I bear the responsibility, because it was my mistake originally.

Members interjecting:

The Hon. H. Allison: Are you getting commission on this?

The Hon. PETER DUNCAN: No, Sir, I would not be prepared to accept anything but responsibility in this matter. I am aware of the fact that I was being advised by the Commissioner for Corporate Affairs, the Commissioner who is referred to in the Act, and the same Commissioner who is now substituted by "the commission". One might well care to reflect on whether or not he was going overboard, shall one say, in putting his own title into the Act, when, in fact, it should have been "the commission". Nevertheless, the Commissioner was the one advising me at that time. Notwithstanding that advice, I am well prepared to accept that I must bear responsibility for this.

Nonetheless, Sir (for the third time, since I have been speaking for the last three minutes), I do believe that this is an important piece of legislation which demonstrates only too well that this Parliament needs a mechanism whereby minor mistakes of this sort can be corrected without taking the time of the whole Parliament.

Mr. Becker: The Legislative Council?

The Hon. PETER DUNCAN: The member for Hanson suggests that the Legislative Council could be elevated, or was it relegated—I will opt for elevated, as I shall put a charitable interpretation on his interjection. The member for Hanson suggested that the Legislative Council should be elevated to the role of passing this type of procedural Bill, which has arisen as a result of a minor error in the original Bill. I think that has a considerable degree of merit and should be looked at.

Seriously, I believe that some mechanism is necessary to enable this type of mistake to be corrected. It is not the first time that it has occurred, and certainly it will not be the last, particularly given the calibre and quality of the Government front bench at the present time. I am one who believes that this sort of legislation should be corrected without having to be brought before Parliament. I have little doubt that most members (if they were able to give this matter sober consideration) would agree with me, because when one considers that this matter took two or three minutes in the other House and maybe 15 minutes in this place to pass the Parliament and when one considers the cost of the sitting of Parliament, one must recognise that, simply to correct an anomaly of this sort in a piece of legislation, an anomaly which was a completely and an utterly minor error—

Dr. Billard: It is better than talking for four hours about Alsatian dogs.

The Hon. PETER DUNCAN: I will not be talking for four hours about Alsatian dogs. I shall be talking for about another three minutes, in accordance, as I understand it, with the agreement between the Whip on the Government side and the Whip on this side; I certainly would not want to be seen to be taking up the time of the House for a matter of no consequence at all, Sir. Never would I do that, nor do I suggest that this matter is a matter of no consequence. In fact, as I understand it, it is a matter of considerable importance, otherwise very clearly the Government would not have brought it before Parliament, because, as we hear day in day out, week in week out, month in month out, and year in year out, this Government is concerned about the real issues that concern the State. Undoubtedly, this must be one of them, one of the 100 Bills that the Government is going to put before the Parliament. I am prepared to accept that in the interests of uniformity, nationally, in the interests of an agreement between all the States of this great nation of ours, and the Northern Territory, and the Commonwealth—

Mr. Mathwin: How about Tasmania?

The Hon. PETER DUNCAN: Well, contrary to the views of some mainlanders, Tasmania is a State of Australia, and Tasmanians are Australians. So, I believe that the uniformity that this legislation was originally intended to enact should be upheld by the passage of this Bill, which, as I understand it, is intended to ensure that uniformity is achieved to the last dot on the "i" and the last cross on the "t".

[Sitting suspended from 6 to 7.30 p.m.]

The Hon. PETER DUNCAN: Given the importance of this measure, I can well understand that members would be expecting me to take most of my time in this second reading debate. However, given the importance of other matters before the House, I do not wish to delay matters very much longer this evening. I believe that an agreement was reached between the Whips to ensure that the time allocated to this Bill went at least to 6 p.m. That time has now expired, so I will not spend much more time on the Bill, except to explain to the people who will read *Hansard* that I was merely taking part in an exercise earlier this evening to take up a little time of the House which had been agreed on between the Parties.

The SPEAKER: The honourable member would realise that Standing Orders do not allow repetition.

The Hon. PETER DUNCAN: Indeed they do not. I think that it is about time that, if the laws of the State are not changed to enable Bills of this sort to be dealt with more expeditiously and at far less cost to the State, at the very least the rules and requirements of the Parliament and of this House should be changed to ensure that, if Parliament desires to get up at 5.55 p.m., it ought to be able to do so without some poor mug such as myself having to speak for five minutes just to fill in that time.

Bill read a second time and taken through Committee without amendment.

The Hon. H. ALLISON (Minister of Education) I move:

That this Bill be now read a third time.

The Hon. PETER DUNCAN (Elizabeth): All I can say is that I am not particularly satisfied with the Bill.

Bill read a third time and passed.

PITJANTJATJARA LAND RIGHTS BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1391.)

Mr. BANNON (Leader of the Opposition): The Opposition supports this Bill, which results from an agreement signed by the Government with the Pitjantjatjara people at what the Premier described as a "memorable ceremony" on 2 October. In introducing this Bill to the House and giving its second reading on 23 October, the Premier said that, not only because of its importance to the Pitjantjatjara people but also because of the whole question of relationships with Aboriginals in this State, he urged that it be considered without delay. My first point is that the delay which has been occasioned so far (that is, the delay of over a month since 23 October) has not been the result of any delay on the part of the Opposition, which has been ready, willing and able to consider this Bill at the earliest stage that the Government wished to bring it on.

The Opposition supports the Bill, and our public statements made following the signing of the agreement indicated that we would be doing so. That is not to say that we are entirely happy with every aspect of the Bill, and later speakers on this side, particularly the member for Spence, will be indicating some of the areas in relation to which we feel improvements or clarification may well be needed. Basically, we support this Bill because, since the change of Government last year, we have maintained that we would support the wishes of the Pitjantjatjara people with respect to their land. That was our view when in Government, and it has been our view while we have been in Opposition. We have maintained that, if the Pitjantjatjara Council was satisfied that Pitjantjatjara rights to the land were adequately recognised by this Bill, we, as Parliamentary Opposition, would not hamper or impede its passage.

However, I would like to look at the historical antecedents and to put this Bill into its proper perspective. Also, I should like to present as succinctly as I can the Opposition's general position regarding land rights. Recently, it was reported in the press that the present Government had negotiated with the Pitjantjatjara people on the conditions of this Bill and that that negotiation was the first in South Australia's history to reach agreement with the Aboriginal people over land rights. That is just not true. I think that that should be restated quite clearly and definitely. Indeed, the issue of legally recognising the inalienable right of Aboriginal title to their tribal lands was first raised here by European powers as far back as 1835. In that year, Lord Glenelg, Secretary of State for the Colonies, stated that the land rights of Australia's indigenous people should be kept inviolate. He was referring particularly to South Australia in the context of the South Australian Act and the Letters Patent.

In fact, a clause was inserted in South Australia's Letters Patent; that clause was, in a sense, rediscovered and highlighted in recent years only, and bears repeating in this debate. That clause states:

> Nothing in these our Letters Patent shall affect or be construed to affect the rights of any Aboriginal natives of the said Province to the actual occupation or enjoyment in their own persons or in the persons of their descendants of any lands therein now occupied or enjoyed by such natives.

Unfortunately, that assurance proved to be not worth the paper on which it was written. The Letters Patent, at law, were inferior in power to an Act of the Imperial Parliament and were therefore completely overruled by the South Australian Colonisation Act of 1834, which, taking no account of that statement in the Letters Patent, reversed the situation; that is, it contended that South Australia was waste and unoccupied and available for sale in its entirety.

From that point, so far as South Australia was concerned, the chapter of the sorry treatment of the Aboriginal peoples by the white invaders began. "Waste and unoccupied" were the words that were used. This was said of a State, an area, or a Territory in which people not only lived but where, in fact, extremely sophisticated tribal systems and cultural traditions had existed for many years and developed. I am referring not just to culture and traditions but also to technology, in some cases, of quite amazing sophistication. Examples of that are to be seen but some of those skills, unfortunately, are dead. The fish nets and the various other complicated technological equipment used by some of the tribal people in those days are now only beginning to be rediscovered. Yet, contrary to what was said in the Letters Patent, the Act claimed that South Australia was waste and unoccupied. Those people, and their culture, traditions and society did not exist.

True, Governor Hindmarsh's proclamation, in 1836, stated that Aborigines were entitled to the privileges of British subjects. However, no attempt was ever made to acquaint those Aborigines with what Graham Jenkin, the author of the book *Conquest of the Ngarvindjeri* (a book that I heartily commend to any member who wishes to understand the nature and sophistication of Aboriginal society and what we did to it in this State), describes as two enormously significant facts that were not communicated properly or ever really understood: first, that the land that had been theirs and their forebears since time immemorial was no longer theirs, but belonged to the British Crown; and, secondly, that the ancient legal systems by which their lives had always been regulated and which depended

so much on their relationship with their land no longer applied.

Of the 130 years after proclamation, the history of South Australia's Aboriginal people became one of dispossession, disease and oppression, and the policy of assimilation was pursued until recent times with disastrous effect. In 1965, only 15 years ago, South Australia's new Minister of Aboriginal Affairs (Don Dunstan) showed that he was determined to make up as far as possible for decades of injustice, indifference and neglect.

In 1965, Labor in South Australia, set about to implement a policy of equality, equal opportunity, and of self-determination for its Aboriginal people. Our Prohibition of Discrimination Act and the Aboriginal Lands Trust have been models for the other States far in advance of their time. In addition to numerous unoccupied reserves, which had been transferred to the lands trust, it has also received freehold title to some of the large occupied reserves in southern areas. These have been leased back on a long-term basis to Aboriginal councils, which assume full control over them as soon as they are able and willing to do so.

The trust receives considerable goodwill from many Aboriginal communities. The trust was, essentially, a European concept, and the tribal people of the North-West of this State, the Pitjantjatjara, told the former Premier, Mr. Dunstan, that trusteeship was alien to their culture and their relationship to their land. They said that people in Adelaide who were members of an Aboriginal Lands Trust, or any other body, no matter how well intentioned, were not considered to be tribal elders under Pitjantjatjara law and, therefore, could not claim to represent them or to exercise a legitimate authority.

As a result of a series of meetings with the tribal people themselves, the Dunstan Government, in 1978, introduced legislation which, if it had been passed, would have conferred inalienable land rights on the Pitjantjatjara people. That legislation was prepared after exhaustive investigation and inquiry. Certain proposals were made to the people, and their reaction to them was not entirely welcoming or acceptable. So, the Government established a land rights working party, under the Chairmanship of Mr. Chris Cocks, which undertook a detailed investigation and made recommendations, which, in turn, formed the basis for the Pitjantjatjara Land Rights Bill that was presented to the Parliament.

That Bill, in turn, was referred to an all-Party Select Committee of this Parliament and so, at the time we went out of office, had returned for consideration in the House and for passing as a result of a report of the Select Committee. So, there had been much consultation and preparation, and we were in a position to pass an Act into law. That legislation, like this, enjoyed the full support of the Pitjantjatjara people, and it was agreed to by the Pitjantjatjara council. One significant difference was that our legislation was the result of detailed examination, which did not take nearly a year of the protracted time scale that these negotiations have taken.

Mr. Mathwin: It wouldn't have worked, would it?

Mr. BANNON: I pay a tribute to my colleague the member for Mitchell (the Hon. Ron Payne), who was then in charge of this legislation and who worked extremely hard to ensure that it was presented to the Parliament in an acceptable form. That Bill was in the House prior to the last election. It had been to a Select Committee, and the member for Glenelg interjects that it needed much improvement. In that case, he is suggesting that the Select Committee had not been able to do its work properly. It is significant that one of the members of that committee was the present Minister of Aboriginal Affairs. He was a signatory to it. He and another of his Government colleagues sat on that committee, listened to the evidence, helped prepare the report, and signed it as it came to the House. If it was deficient, it was deficient on an all-Party basis.

That legislation would have created a new land-owning entity, and membership of that entity would have been the right of all those Aborigines who have rights, duties and obligations, by Aboriginal tradition, to those particular lands. The Pitjantjatjara would have had full powers of management over their lands. What was clearly desired by them was that there would be no mining on their lands without their agreement. Those last three words are significant because, in the early stages of the Government's rather bungling attempt to force through legislation or an agreement earlier this year, it was suggested that those who extolled the cause of the Aborigines, those who supported land rights, were in some way preventing any sort of development in this State, any examination of mining rights or of mining exploration, the suggestion being that to confer those rights on the Pitjantjatjara meant that that was the end in relation to any development of any sort involved with those lands. That has never been the position of the Pitjantjatjara people.

It was made clear by the Pitjantjatjara people that they wanted control, the ability to negotiate the need for mining companies to reach agreement with them before they would allow any such mining to go ahead. I thought it was significant that, in introducing this Bill, the Premier referred to the course of those negotiations and said that two things became clear early in the discussion (and he is talking around the period of last February); first, that the Pitjantjatjara council was not totally opposed to exploration and mining but, rather, was concerned to ensure that any such activity was carried out on terms that were as acceptable as possible to them. That is right, and it always was right, and it was a total misrepresentation of the Government, when in Opposition, to suggest that anything other than that was the case. So, it is amazing that it took the Government six months in office to make that discovery (something which was clear to all those who had been involved with the issue and dealt with the Pitjantjatjara before that).

The Labor Party's view was simple. If the Pitjantjatjara were given title to their lands, but not given an effective say over what could be extensive mining development, the legislation would not have been worth introducing. We recognise, therefore, that the attachment that tribal people have for their land relates not only to the surface of the land but to the whole of the substance and essence of the land itself: the way in which it is used. Our Bill was, in a number of ways, different from the present legislation. Under our previous legislation, we recognised that to deny Aborigines the right to prevent mining on their sacred lands would be to deny them real land rights.

However, further negotiations have taken place and, to an extent, that position has altered. On achieving office, the present Government showed clearly that it did not share that view or, indeed, had little, if any, respect for Aboriginal land rights. In the early stages, the Premier was making statements such as that he would see the Aborigines claim and relationship to the land as being no different from any other citizens of South Australia. That sort of insensitive treatment of the issue, that total misunderstanding of the essence of the land rights issue, indicates why it was so hard for the Government to come to terms with the Pitjantjatjara in the early stages of office.

Incidentally, it seemed odd that the Government held and proclaimed that view when one considers that the Minister of Aboriginal Affairs, the member for Mount

Gambier when in Opposition, signed that report of the Select Committee which examined the previous Bill. It has been significant that the Minister of Aboriginal Affairs has taken a very low profile indeed, hardly being involved at all in this agreement with the Pitjantjatjara people. It has been very much carried by the Minister of Mines and Energy and the Premier.

The Hon. Peter Duncan: Significantly, the Minister of Mines and Energy is here now, not the Minister of Aboriginal Affairs.

Mr. BANNON: As my colleague points out, the Minister of Aboriginal Affairs is not present during the course of this debate, although we do have the Minister of Mines and Energy present. This gives an idea of the perspective from which the present Government approached the whole question of land rights. We are pleased that agreement has finally been reached with the Pitjantjatjara. It is certainly somewhat surprising that agreement was possible with the Pitjantjatjara. The early days of the present Government were marked by a very casual, if not callous, attitude towards the wishes of those people. Earlier it was announced that there were plans to allow mineral exploration on Aboriginal tribal lands, and the new Government was hamfisted in the way it chose to delineate which lands were or were not significant to the Pitjantjatjara people.

Members will recall that the Government appointed a committee, with no consultation and with no Pitjantjatjara representative on it, to designate and define essential sacred sites, and it gave that committee the impossible time constraint of three months. Considerable shock waves went through not just the Pitjantjatjara community but the larger community of South Australia when that inept decision was announced. The committee, which was hastily put together, comprised three members with no particular skill or expertise as far as the Pitjantjatjara territory was concerned. The committee was told to get out there and define those sacred sites, to do it quickly and come back with a report in three months.

A number of Government pronouncements and incidents directly affronted both the wishes and the dignity of the tribal Aborigines in this State. Confidences with the Pitjantjatjara negotiating team were broken, and details of the negotiation proceedings were both leaked to the press and revealed publicly by the Premier himself without the consent of the Pitjantjatjara, although that had been agreed upon previously.

The Hon. E. R. Goldsworthy: That is absolute balderdash.

Mr. BANNON: Then in April, the Deputy Premier, who now interjects and who was Acting Premier in the absence of the Premier, was caught out in his deception when it was revealed that mining exploration licences could be conditionally applied to tribal lands before official agreement with the Pitjantjatjara people had been reached. It is fortunate that there has been considerable public concern and interest, public opinion has in fact been mobilised behind the rights of the Pitjantjatjara people, one of the last cohesive living tribal groups left from the time of white occupation of this country.

The Pitjantjatjara people came south and made their protest vigorously and publicly at Victoria Park racecourse and in a moving open letter to the Premier in the newspapers. Their rightful claims were recognised, not just by South Australians but by prominent Australians in other States who wrote letters and got up petitions. They were representative of all political Parties. It was significant, for instance, that the then Federal Minister for Aboriginal Affairs (Senator Chaney) indicated his support for the previous Government's legislation on land rights.

Of course, that was a major embarrassment to this Government, but it indicated the degree of acceptability that the previous action had. The matter was even raised on an international basis. With this tide of opinion against it, the present Government was forced to change tack, and to get down to realistic negotiation with the Pitjantjatjara people. I must say that, in doing so, the Government is to be congratulated on recognising the realities of the situation and, whatever its insensitivity in the early stages, the Government was able by October to be in a position to reach agreement with the Pitjantjatjara people.

Again, I stress that this is not an historic agreement in that it is the first agreement. There is nothing special about that, because agreement had already been reached. That should be made quite clear and reiterated strongly.

The Hon. E. R. Goldsworthy: It was an agreement that wouldn't work.

Mr. BANNON: If it would not work, it would have been a result of the Select Committee's failing, apparently, in its job; it would have been the result of members in another place failing in their job of review of the legislation. That is the only reason why it would not have worked. Let me return to this point: the agreement may well be historic, but it is historic only because it is a conservative Government that has been able to reach agreement with the Aboriginal people, and for that I congratulate it. I congratulate the Premier in particular.

I am not sure that, had the Deputy Premier been left in charge, together with the member for Eyre, they would have got anywhere near it. Let me pay this tribute to the Government: where Sir Charles Court, Mr. Bjelke-Petersen and others have proved signally incapable of coming to terms or agreement with Aboriginal peoples or respecting their rights, this Government has shown a degree of sensitivity and ability to negotiate and respect the Aboriginal people, for which it is to be commended. I certainly say that, but it is not the first time that this has happened.

Members must recognise today that the only reason why agreement has been reached and both parties now support this legislation is that the public of South Australia has shown that capacity to respond to the issue involved, and to let its opinion be known loudly and clearly, using all the measures of public democracy in South Australia to support those initiatives that were taken by the Dunstan Government. Of course, the climate of opinion in this State is far better, far more progressive, far more favourable and sensitive than it is in other States and, as a result, we have the measure that is before us today.

The passing of this Bill will not just be an example of this Government's ability to reach agreement with the Pitjantjatjara people: I believe that it will prove a culmination of Don Dunstan's initiatives, going back as far as 1965. The Bill would not have been introduced had it not been for the work put in by previous Labor Administrations, together with the raising of public opinion and sensitivity which has been shown in this State.

Mr. Gunn interjecting:

The SPEAKER: Order! The Leader of the Opposition has the floor.

Mr. BANNON: Let me conclude by saying that, despite the ill-mannered interjections by the member for Eyre, who, one would have thought, could show more concern for his constituents who comprise these people, the Opposition supports the Bill and, with the reservations and comments that will be made by subsequent speakers, commends it to the House.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I will not answer the fairly petty little speech of the Leader

of the Opposition in his remarks about Government members. The Premier will be winding up this debate, as he is handling the passage of this Bill. However, I can perfectly understand the Leader's pique at the success of the Government in achieving a fully negotiated Bill.

The Labor Party, when in Government, introduced legislation which, by the way, it did not pursue (and I know perfectly well why it did not pursue it), that I am sure my predecessor knew was unworkable. My predecessor, who has now quit this place as a result of the State election—

Mr. Mathwin: Not voluntarily.

The Hon. E. R. GOLDSWORTHY: Not voluntarily. Nonetheless, he was one of those in the Labor Party who had something to contribute to this House: he was one of the members of the Labor Party who had some depth of experience and an ability to make some sounder judgments than are made from time to time by the current Opposition. He was well aware that the Bill was unworkable, because he sought legal opinion, which indicated this.

The Hon. Peter Duncan: Who from?

The Hon. E. R. GOLDSWORTHY: There was an opinion from the Crown Solicitor and also a judicial opinion, both of which indicated quite clearly that the Bill would not work.

The Hon. Peter Duncan: Table them in the House.

The SPEAKER: Order! The honourable member for Elizabeth will have his opportunity to speak in due course.

The Hon. E. R. GOLDSWORTHY: Thank you, Mr. Speaker. It is quite apparent to me, and it does not take a very shrewd judgment to conclude, that the previous Government and my predecessor did not pursue the original land rights legislation, because it was hopeless. This fully negotiated Bill is fair to all concerned.

The Leader also made some unkind references to my negotiating style: he does this from time to time when he gets a jab in the ribs that hurts him. I and the Attorney-General probably had more to do with negotiating in regard to this Bill than did any other Minister, although the Premier had quite a deal to do with the negotiations in the early stages, and the Cabinet has been kept informed on a weekly basis. The Minister of Aboriginal Affairs, the Attorney-General and I have been heavily involved in negotiations, and I do not believe that the Pitjantjatjara representatives were as sensitive as is the Leader in regard to my style. In fact, we got on famously during our negotiations.

Mr. Mathwin: They thought you were pretty good, did they?

The Hon. E. R. GOLDSWORTHY: I had respect for their ability and they had respect for mine: there was a degree of mutual respect. As to the Leader's accusation that the Government broke faith in giving information to the media when we had undertaken not to do so, I give the lie to that accusation. I was disturbed at the tenor of the reporting in the *Advertiser* (and I make no secret of that) and at the way in which the Aboriginal affairs writer for the *Advertiser* was reporting the negotiations. He was obviously being briefed. Most of the reporting was slanted in such a way as to put pressure on the Government, and there were errors in the reporting. Motives were ascribed to me that were untrue, and there was a complete twisting of the facts by the Leader of the Opposition in his suggesting that we were feeding that information to the *Advertiser*. That accusation is nonsense. Despite the reporting that was aimed to pressure the Government into a course of action, we pursued the matter with a great deal of restraint in these circumstances, and we reached this position.

I want to record some remarks about the exploration and mining provisions of the Bill, because members opposite showed scant interest, during their term of office, in the development of this State and in exploring and developing its mineral interests. In fact, their Bill would have made it completely impossible for people to explore these areas of the State, let alone mine them. We believe that the general populace in this State has a right to share in any of the benefits of the minerals that belong to the Crown, and, when this Bill is passed, the minerals will still reside in the Crown. We were not prepared to resile from that fundamental principle. Members opposite showed no interest in the needs of the State and the general population.

We have become acutely aware, since we have been in office, that this State desperately needs development, and the area in which we can bring to fruition significant developments is the resource area. We are also aware that the State, by any international standards, is largely unexplored. One of the facts that came home to me very forcibly was that the level of exploration for hydrocarbons, which is, in this day and age, almost liquid gold, in North America, Canada and other parts of the world makes the effort in that direction in this State infinitesimal. They talk in terms of drilling thousands of wells a year, whereas we are lucky to drill five wells a year. The Opposition was quite happy to turn its back on this kind of activity: it did not care tuppence for the resources of this State and their development.

The Hon. Peter Duncan: We didn't care to sell them out cheaply like you want to.

The Hon. E. R. GOLDSWORTHY: Members opposite were so concerned that they sold gas to New South Wales to the year 2006 and looked after South Australia until 1987. That is how interested they were in this State!

The Hon. R. G. Payne: There is a little more to it than that.

The Hon. E. R. GOLDSWORTHY: That was one of the major problems that I had to wrestle with as Minister of Mines and Energy. Our birthright was sold out by the Labor Government to another State.

Mr. Slater: You're selling it out to the multi-nationals.

The Hon. E. R. GOLDSWORTHY: Members opposite were trying to get in bed with Dow for about eight years. They announced *ad nauseam* the petro-chemical project: they kept on announcing it this year. They knew more about what Dow was doing than Dow knew, and certainly more than what Dow told us.

The Hon. R. G. Payne: Has it been put off for two years or not?

The Hon. E. R. GOLDSWORTHY: We brought the matter to a head by advising the Premier to talk to the Dow board to find out the position.

The Hon. R. G. Payne: You blew it.

The Hon. E. R. GOLDSWORTHY: That is absolute nonsense, and any conversation that the Opposition has with Dow, if Dow agrees to talk to members opposite, will confirm what I am saying.

Mr. Bannon: We were talking to them today.

The Hon. E. R. GOLDSWORTHY: That is very interesting. So were we. I emphasise that the provisions in relation to mining are based on consultation. Our experience in negotiating the Bill was that consultation, provided it is frank and honest, can solve almost all of the problems that are likely to arise in regard to exploration and mining of the land. Indeed, the experience of companies that have been negotiating with the Pitjantjatjara about exploration and mining in areas outside the lands, that is, Comalco, Afmeco, and Getty Oil, has been most satisfactory. The Government has first-hand

experience of these consultations in regard to the new alignment of the Stuart Highway, which is reflected in the agreement referred to in the Bill and signed at the same time as the Bill was formally endorsed.

In the unlikely event of consultation not working, there is provision for arbitration, which will ensure that any disagreements will be dealt with in an effective, objective and impartial manner regarding the interest of the community at large, as well as the specific interests of the Pitjantjatjara people. The Premier, in his second reading explanation, outlined the exploration and mining provisions. I will now deal with these in greater detail. Companies whose application for a tenement has been accepted for consideration by the Minister of Mines and Energy will negotiate with Anangu Pitjantjatjaraku as to the terms and conditions under which they may enter the lands for the purposes of mineral exploration and mining. In establishing such terms and conditions, Anangu Pitjantjatjaraku must consult traditional owners of particular pieces of land affected by exploration or mining proposals. These provisions ensure that only applicants whose applications for a tenement are likely to be granted by the State enter into discussions with Anangu Pitjantjatjaraku. Thus, there is no wastage of effort by either the applicant or the Pitjantjatjara, and the Government retains its responsibility for the granting of tenements in relation to the State's mineral resources.

The Hon. R. G. Payne: Why do you have to read it if you were so involved in the negotiations? Tell us all about them.

The Hon. E. R. GOLDSWORTHY: I was speaking without notes earlier on, and I am quite prepared to do that. It is not an uncommon practice on the other side to read from notes. The Leader, when he wants to get something on the record accurately, reads a speech. I make no apology for the fact that I wish this to be accurate.

The Hon. R. G. Payne: You really have the greatest—

The SPEAKER: Order! Is the member for Mitchell taking exception to the manner in which the Deputy Premier is debating the issue?

The Hon. R. G. PAYNE: I do not wish to do that, but I do believe—

The SPEAKER: Order! If the honourable member does not wish to take exception to the manner in which the Deputy Premier is debating, there is no point of order to be answered, and I ask him to desist from interjecting.

The Hon. R. G. PAYNE: Mr. Speaker, I seek your ruling. Members on this side of the House were informed within, at the most, the last five minutes that the Minister was the one who had the greatest involvement and was the most heavily involved in negotiating the whole matter—

The SPEAKER: Order! The member for Mitchell is neither taking a point of order nor answering the question put to him, but is seeking to debate the issue. He will have an opportunity to do that in due course. I gave the member for Mitchell the opportunity to indicate whether he was taking a point of order, because I was prepared to answer that point of order within the guidelines that I gave to this House on an earlier occasion, which included the fact that, when a matter of technical importance was being debated, copious notes would be acceptable. That has been the method of approach ever since that direction was given. No member is denied the opportunity of using notes when matters of technical detail are to be put on the record. As I understand the debate as it is developing from the Deputy Premier, he is now putting on the record a detailed explanation of decisions reached between two parties.

The Hon. E. R. GOLDSWORTHY: I am explaining the technical details of the mining provisions for the member for Mitchell's benefit. It would be to his benefit if he desisted from misquoting me. At no stage did I suggest that I had the greatest involvement during the negotiations. I said that I was heavily involved, along with the Attorney-General, who probably did more than any other Minister in terms of hours spent on the negotiations. I was heavily involved in this matter along with other Ministers. *Hansard* can be checked tomorrow: if I said that, it is not correct, but I do not believe I said it. I was heavily involved.

In particular, the practice will continue of tenements being granted to those companies whose skills, experience and resources most closely match the work to be undertaken, the minerals being sought and the environment in which the work is to be undertaken. In other words, the granting of tenements at the moment by the department, and by me as Minister, is on the basis of an assessment of the ability of a company to undertake the work and finance it to the best advantage of this State. That procedure will be followed.

Consultation with traditional owners of particular pieces of land will ensure that the interests of smaller local communities are considered first. In the event of agreement being reached within 120 days, the Minister may proceed to the granting of the tenement. This period was chosen having regard to the need for applicants to know with some certainty the outcome of their proposals to the Anangu Pitjantjatjaraku without unnecessarily pressing that organisation. It is interesting that the time period under similar legislation in North America is considerably less. For instance, in the United States, once tenure has been granted to a company it must submit plans for approval and a time constraint of 60 days is placed on Indians for objections to mine proposals on Indian reserves.

Nevertheless, the Government is aware of the concerns of the Pitjantjatjara Council as to the work load that it may face. I understand that the council has made application to the Federal Government for the granting of further funds so that the Pitjantjatjara Council can engage more staff. I understand that the result of that request should be known fairly soon. With regard to the conditions that the Pitjantjatjara may impose, it is expected that they will be related to the arbitrator's terms of reference. However, the Bill also requires the Minister of Mines and Energy to consider any conditions that the Pitjantjatjara may care to propose for inclusion in the granting of the lease.

In the event that agreement is not reached at the end of 120 days, or that there is disagreement, the matter may be referred by the applicant to an arbitrator. That arbitrator must be a judge of the High Court, the Federal Court, or the Supreme Court of a State or Territory of Australia. This provision enables such a judge with appropriate qualifications or experience to be considered. While the arbitrator is to be appointed by the Minister of Mines and Energy, he is required to inform the Anangu Pitjantjatjaraku of whom he proposes to appoint and to consider any representations that they may care to make. The arbitrator's terms of reference are set out in the Bill and seek to balance the interests of the South Australian community at large with those of the Aboriginal people.

One of the major appeals to both the Government and the Pitjantjatjara Council in relation to the arbitration procedure was that it removed sensitive decisions from the political arena and allowed them to be dealt with objectively, impartially and, in the words of the Bill, "as expeditiously as possible". In this regard the Bill is very different from the Northern Territory legislation, which

allows the Federal Government to override Aboriginal decisions on national interest grounds. The arbitrator's decision will be binding on the applicant, the Anangu Pitjantjatjaraku and the Government. It is the Government's hope that the provisions of the Bill regarding consultation will make the use of arbitration provisions rarely, if ever, necessary.

Once explorations or mining operations are commenced, they will be subject to the Mining and Petroleum Acts. That will ensure, for example, that proper safety and management standards can be enforced. As the Premier pointed out when introducing this Bill:

> Mining companies may agree to make payments to Anangu Pitjantjatjaraku, but only if those payments are reasonably proportioned to the disturbance of the lands, the Pitjantjatjara people and their way of life that has resulted or is likely to result from the granting of the tenement.

In the event of this provision being breached, the Minister is required to refuse to grant a tenement or to cancel a tenement that has already been granted. This provision recognises that royalties are payable to the Crown because of the Crown's ultimate ownership of the minerals from which they are derived. This provision and the prohibition on payments in relation to obtaining permission to carrying out mining operations contained in clause 23 also ensure that improper pressure is not brought to bear on Anangu Pitjantjatjaraku in relation to the granting of permission to conduct mining operations. At the same time, as honourable members are aware, Anangu Pitjantjatjaraku is entitled to one-third of royalties up to a limit to be determined, the other two-thirds going to the health, welfare and advancement of the Aboriginal people of the State and all the people of South Australia, respectively. This arrangement recognises the need for the Aboriginal people to obtain a direct benefit from mining operations and the value to them of their tribal lands.

The Bill contains special provisions regarding the Mintabie opal field. These reflect the concern of the Pitjantjatjara Council at the impact of the Mintabie community on their own community and at the same time the need for the Mintabie people to be able to continue legitimate mining and trading activities once the Bill is passed. These provisions were outlined in some detail in the Premier's speech, and I do not propose to describe them again. However, I emphasise once again the Government's belief that consultation will lead to the solution of most problems that are likely to arise. In that regard, the Mintabie Consultative Committee proposal in the Bill will be most important.

Indeed, consultations have already commenced between the Mintabie Progress Association and the Pitjantjatjara Council regarding the operation of the Bill once it is passed. So far two meetings have taken place. Of particular importance is one outcome so far of these discussions—the proposal by the Pitjantjatjara Council that miners be granted leases of residential allotments of up to five years under clause 6 of the Bill.

This should give the miners greater protection than they receive now: they currently are able to obtain licences of one year from the Crown. These can be terminated with one month's notice, and no compensation for improvements is payable in present circumstances; indeed, the licensee can be required to remove any improvements. That is not the case under the Bill.

Clause 28 of the Bill, which has caused some comment, is designed to protect these licensees, of whom there are 30 or so. However, the long-term tenure of residential premises on the lands will be by means of leases granted under section 6. I understand that the Pitjantjatjara Council will consider that all current licensees be granted leases under clause 6 of the Bill and that these leases would contain standard clauses as to rent, termination and so on, subject to the lessee's abiding by the requirements of the Bill. Details are currently being discussed by the legal advisers to the Pitjantjatjara Council and the Mintabie Progress Association.

It is also pointed out that proclamation of Mintabie as a precious stones field, an essential pre-condition of the Bill's coming into law, will be undertaken very shortly. The provision excluding the operation of the Outback Areas Development Trust Act to the lands was taken because it was felt that this Act would not be appropriate once the lands had passed to inalienable Aboriginal ownership. In particular, the power to apply the provisions of the Local Government Act contained in the Outback Areas Development Trust Act could have caused difficulties. However, the Government is aware of the role that the Outback Areas Development Trust has played at Mintabie and would expect that appropriate arrangements could be made to enable Government assistance for the construction of amenities at Mintabie to continue, although by means of some other mechanism. It may well be that the Mintabie Consultative Committee will be the means by which proposals for funding are directed to the Government.

I have described the mining provisions of the Bill in some detail. I emphasise the importance of consultation as the mechanism by means of which the Bill will work most effectively.

In conclusion, I might add that it was by dint of painstaking negotiations by Ministers and officers of the Government and the Pitjantjatjara and their representatives over a long period that this Bill has emerged. I pay a tribute to the officers for their untiring professional effort and to the Pitjantjatjara and their representatives, which efforts have led to success and achieved a Bill which I believe does justice to all concerned. I might add that while I was overseas recently the details of this Bill had spread that far, and it was described to me by one who should know that it is the best legislation of this type in the world.

The Hon. Peter Duncan: What nonsense!

The Hon. E. R. GOLDSWORTHY: I invite the member for Elizabeth, when he makes his contribution to this debate, to describe legislation anywhere else in the world that he believes is superior. He scoffs at the suggestion, but I repeat that that was what was put to me. It was put to me in Canada by people who have similar problems and who are familiar with the northern American scene.

The Hon. Peter Duncan: Similar problems to whom?

The Hon. E. R. GOLDSWORTHY: If the member for Elizabeth wishes to challenge that statement and has details of legislation which he thinks is superior and which would fit the South Australian scene more adequately and more fairly than this legislation does, we will be very pleased to hear from him in due course. I commend the Bill to the House.

Mr. ABBOTT (Spence): I support the second reading, and I also support the remarks made by the Leader of the Opposition. After listening to the speech by the Deputy Premier, one could be excused for wondering whether we are debating a mines and energy Bill or a land rights Bill. The Opposition is supporting land rights legislation for the Aboriginal community of South Australia.

When introducing this Bill, the Premier pointed out that, during a simple but memorable ceremony on 2 October this year, Mr. Pantju Thompson, on behalf of the Pitjantjatjara Council, and he on behalf of the South Australian Government, signed a document indicating

that a Bill had been agreed to between the parties and was to be introduced by the Government into this Parliament. He said that that ceremony had brought to an end many months of detailed negotiations on the contents of a land rights Bill between the Government, representing the people of South Australia, and the Pitjantjatjara Council, representing the tribal Aborigines who are the traditional owners of the land within the north-west of the State vested by this Bill.

Actually, it is the third Pitjantjatjara Land Rights Bill to be introduced into the South Australian Parliament. One was introduced by the Leader of the Opposition in another place, and now two have been introduced into this place. In addition, a motion was placed on the Notice Paper by my colleague the member for Mitchell recommending the adoption of the Pitjantjatjara Land Rights Bill. Unfortunately, the 1978 Bill, which was supported by certain Government members (and this has already been referred to by the Leader), including those who were members of the Select Committee at that time, lapsed on the prorogation of Parliament. Since then the Government has seen fit not to proceed with either the motion moved by the member for Mitchell or those Bills introduced by the former Labor Government and by the Leader of the Opposition in another place.

When the Liberal Party was in Opposition, it criticised the former Government at every opportunity for not proceeding more quickly with the passage of the original land rights Bill. Yet here we are today, more than 14 months after the Government came to office, debating a substantially different Bill from that introduced by the former Government in November 1978. I will refer to some of those differences later in my address. The Opposition has made it quite clear that, if the Pitjantjatjara Council is satisfied with the agreement signed between it and the Government, we would not delay its passage through Parliament. Of course, we are aware that it is the express wish of the Chairman of the Pitjantjatjara Council, Mr. Thompson, representing the Aborigines of the North-West (and they are fairly large in number so far as the Aboriginal community of this State is concerned), that the Opposition Parties ensure a quick passage of this legislation without any unnecessary delays. In a statement apparently made after that simple ceremony to which the Premier referred, I was pleased to read that Mr. Thompson praised the role played by the former Premier, Don Dunstan, in initiating the first Pitjantjatjara Land Rights Bill, the Bill which was not passed before the A.L.P. lost office last year. Mr. Thompson said:

> Don Dunstan was vital to us. He saw our concern and responded with sympathy and understanding.

It was most heartening to read that, and I place on record the Opposition's appreciation of Mr. Thompson's recognition of Don Dunstan's role in this important matter of Aboriginal land rights. There is no doubt in my mind that it was the reforming zeal of Don Dunstan which brought this issue to the fore in South Australia, and he will go down in history as the pioneer of Aboriginal land rights legislation in Australia. It will also be recognised by other countries throughout the world. The Premier said:

> The fact that agreement has been reached on such a potentially difficult question has been hailed in many quarters.

Well, one quarter where it was not hailed was in Western Australia, the Premier of which State, Sir Charles Court, issued a very stern and strong warning against what he called the land rights band waggon. I want to quote from an article containing his comments as reported in the *Age* of 6 October:

> Western Australia's Aborigines had nothing to envy in the land rights agreement between the South Australian Government and the Pitjantjatjara people, the Western Australian Premier, Sir Charles Court, said yesterday. He warned that if outside stirrers, who had done Western Australia's Aborigines such disservice in other fields, were considering the invention of a land rights band waggon they would be hindering rather than helping the Aboriginal cause.
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> "Aborigines in this State would be well advised to think very carefully before making any attempt to achieve so-called land rights based on the South Australian agreement" Sir Charles said. "I do not imply criticism of the South Australian Government. What they do in their own State is their own decision. But if Western Australian Aborigines examine various forms of land tenure closely they will find they are already well ahead."
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> Sir Charles said nearly 20 million hectares, or 8 per cent of Western Australia, was reserved for Aborigines, apart from other big areas of Aboriginal-held pastoral leases and freehold land. This was only slightly less than the area of Victoria.

That is quite an incredible statement, particularly coming from a Premier who is of the same political persuasion as the Premier of this State. The Federal Government has also steadfastly refused to use its powers on behalf of Aborigines, yet in the wake of Nukinbah the South Australian agreement on this Bill was being presented by the then Federal Minister for Aboriginal Affairs (Senator Chaney) as a great example of what can happen by negotiation. It was a model of patience and understanding; the approach by both parties was commendable, Senator Chaney said. Perhaps it was Senator Chaney who was jumping on the band waggon. It might well be that Sir Charles Court was referring to the Federal Minister.

No-one is more anxious than the Opposition members to see legislation on Aboriginal land rights come into operation and, whatever final legislation is passed, it will be a great leap over the physical and psychological fence for the Indulkana people, and it will be a great advance for the Pitjantjatjara of South Australia. This is an entirely new Bill, with numerous changes. Certainly, there are too many to refer to individually but I will summarise the major changes. First, there is the fact that non-nucleus lands have been entirely excluded from this Bill. Secondly, an executive board will operate under a written constitution, and that replaces the executive committee that was to operate under a set of rules as the executive body of the Anangu Pitjantjatjaraku.

The third major change is that the Anangu Pitjantjatjaraku no longer have the exclusive right to refuse entry into the land. This can be overruled by the Minister of Mines and Energy, if he so desires. Refusal by Anangu Pitjantjatjaraku to grant mining permits will result in the matter being heard by an arbitrator who can overrule the Anangu Pitjantjatjaraku, and I am pleased that the Government's previous attitude has been tempered to such an extent that an arbitrator, who must be a judge of the High Court, a Federal Court, or a State Supreme Court and who will have the powers of a Royal Commission, will, if he wishes, vary, affirm or reverse the decision made by Anangu Pitjantjatjaraku.

Other matters that will be taken into account are the effect of granting a licence or lease on the way of life of the Pitjantjatjara, the interests and wishes of the Pitjantjatjara regarding the management of their land, the growth and development of the Pitjantjatjara social structures, the freedom of access of the Pitjantjatjara to their land, and the suitability of applicants to carry out work with a minimum of disturbance to the Pitjantjatjara. Further points to be taken into account are the preservation of the

natural environment and the economic significance of the proposal to South Australia.

Another major change made in this Bill compared to previous legislation prepared by the former Government is that the Pitjantjatjara are to receive only one-third of the royalty payments instead of the 100 per cent provided for in the previous Bill. The present Bill provides that one-third will go to the Minister of Aboriginal Affairs, one-third to general revenue, and one-third to the Pitjantjatjara. I hope that the Minister of Aboriginal Affairs intends to spend that one-third on Aboriginal affairs in those very essential areas where the Aboriginal community requires expenditure. One could refer to many of those areas. For example, the Aboriginal Educational Foundation is struggling for funds, and I hope that this assistance will be given to such organisations.

Special conditions that generally restrict Anangu Pitjantjatjaraku control govern entry and access to the Mintabie opal fields. This provision is entirely new, and those allowed to enter the field without permission are persons who hold precious stones prospecting permits and persons carrying on a lawful business on the field or associated with such a person or wishing to transact business with such a person. Other persons must apply to an officer designated by the Minister of Mines and Energy for permission.

There are also special conditions that govern the repair and construction of roads that also generally restrict Anangu Pitjantjatjaraku control. Finally, the other major change is that a tribal assessor will hear disputes within the Pitjantjatjara community. As I have said, they are the major changes compared to the previous legislation. The Opposition, of course, is also concerned about certain technicalities in relation to the Bill we are debating. I do not intend to deal in detail with those, as I know that other speakers are to follow me, and no doubt they will be referring to those areas of concern in much more detail.

However, I want to state those concerns, and the Government may desire to do something about them later. The first area of concern relates to the inadequacies of the definition of "Pitjantjatjara". Our second concern is about the limiting of Anangu Pitjantjatjaraku, say, prior to exploration, and about the exclusion of any say by it in the exploitation of mining tenements. Then there is the failure to use the term "Anangu Pitjantjatjaraku" in instances where the term "Pitjantjatjara people" has been used instead. There is also an absence from the Bill of any mechanism for determining who is, in actual fact, an Anangu Pitjantjatjaraku prior to the operation of the Act after the Bill has been passed. Finally, there is an absence of the right of appeal concerning the exclusion of people by the court of summary jurisdiction from the Mintabie opal field.

In conclusion, I understand that, because of the Bill's nature and because of the people concerned and the private ownership of much of the land, it is necessary for the Bill to be referred to a Select Committee. I support its referral to a Select Committee, and I sincerely hope that those areas of concern which I have mentioned and which will be no doubt debated by other Opposition members will be considered by the Minister. It is unfortunate that he is not here to listen to the points being made. We consider that those points are very important, and we hope that he will take them into account when this matter goes before the Select Committee so that many of the technicalities may be rectified. I have pleasure in supporting the second reading.

The Hon. PETER DUNCAN (Elizabeth): I support the second reading and indicate, along with other Opposition members, that we will support the Bill proceeding to a Select Committee. For a Bill that has in the past two years exercised a great amount of time and effort of the politicians, the people and also the media of this State, the absence in the Parliament tonight of senior Government Ministers who are supposedly dealing with the Bill is quite lamentable. Their absence cannot go unnoted. I would have expected that, following the two contributions that the Government has heard from speakers on this side of the House tonight, it would be very clear (and I am saying this with due modesty) that the debate is of a reasonably high standard. I would have expected that the Government Ministers concerned (and I see that my prompting has brought into the House the Deputy Premier who is only to leave again to show his contempt of the proceedings of Parliament), who have boasted and claimed at great length that they have been involved in the negotiations and details of this matter, would be in Parliament tonight to hear this debate.

Knowing that the matter was going to a Select Committee and that the Opposition intended to support the measure at the second reading stage, Government Ministers, I would have expected, would show the courtesy and, more particularly, if they do have any real commitment to this Bill, the interest to be present in Parliament tonight to hear the debate and take account of the important matters that the Opposition is placing on record.

Mr. Randall: There are a few wellknown names missing from your side.

The Hon. PETER DUNCAN: Nonetheless, the point is that the people who can make decisions on these matters are the senior Ministers on the Government benches. They are the ones who basically will make the final decisions as to the form of this Bill. The Bill in its present stage (and I want to go on record as saying this) is in quite lamentable terms. I am not particularly referring to the detailed provisions of the Bill as they encompass the agreement: I am in fact, for the record and otherwise, attacking the drafting of the provisions. I will go into some

However, I wish, first, to say something about the agreement itself. Any reading of the literature—the now copious literature on this matter— will indicate clearly that the previous Bill (the so-called Dunstan Pitjantjatjara Land Rights Bill) had overwhelming support at the time from the Pitjantjatjara people. It seems that the only reason why the Pitjantjatjara have agreed to the present Bill, which is in many ways inferior to the original Dunstan Government legislation, is the fact that they were forced to make their agreement under duress.

Mr. Lewis: Rubbish.

The Hon. PETER DUNCAN: Nonetheless, I think it is fairly clear that the political climate at the time forced a degree of reality on to the Pitjantjatjara people which they did not appreciate. The negotiations were held under an effective form of duress by the Government in that the Aboriginal people knew full well that, if they did not agree to the best that was being offered by this Liberal Government, the only alternative would have been a Bill that the Government decided upon unilaterally. In those circumstances they had little alternative but to agree to what was being offered.

Whilst no doubt the Government will say that the Pitjantjatjara are entirely happy with the Bill, it is rather more a case of the Pitjantjatjara expressing profound relief that they are getting some land rights, little as it seems, nonetheless. The reality of the situation is that the more aware members of the Pitjantjatjara people greatly feared that in the final analysis they would be

dispossessed, and that view was particularly held in relation to the Granite Downs Station, which has been used to some extent as a bribe in relation to this Bill or this agreement, or at least as an inducement to encourage the Pitjantjatjara to accept the terms of the agreement and to accept the Bill.

The other important fact is the so-called compromise over mining. It did not come from the Pitjantjatjara themselves but, rather, was the idea or the brainchild of one of their legal advisers who comes from Victoria. The arbitration provisions allow for the appointment of an arbitrator whose decision will be final and binding on both the Government and the Pitjantjatjara and any mining applicant. In those circumstances, if the arbitrator reached a decision that was unacceptable to any of the parties or, alternatively, proved unacceptable only to the Government or to the Pitjantjatjara, the question would become a highly politicised issue. Inevitably, the only solution to such a problem would be to amend the Bill, or at least the Act (as it no doubt will be), in this Parliament. In those circumstances, provisions similar to those in the National Parks and Wildlife Act in relation to mining in national parks would have been far more satisfactory than the arbitration provisions included in this Bill.

For those who are not aware of the details of the National Parks and Wildlife Act, the relevant provision is that, if there is to be mining on a national park, such mining must be approved by a majority of the members of this House and of the Legislative Council. Any draftsman worth his salt in approaching a Bill tries to take account of the worst possible position and to temper the situation accordingly. In this legislation the worst possible situation from the Aboriginal viewpoint would be a large mining company that sought permission under clause 23 for an application to carry out mining operations.

Under Division III—"Mining Operations on the Lands"—the provision for arbitration entirely relates to the question of permitting the applicant to carry out mining operations. Those operations are defined in the Bill as being any operations authorised by or under the Mining Act or the Petroleum Act. Once the question of permitting an applicant entry to carry out mining has been determined, that applicant may then, on such conditions as have been set down, be granted a licence. This provision will enable large mining companies, after approval of the Pitjantjatjara or the arbitrator, to be granted an exploration licence and to enter the land on such conditions as were laid down.

The exploration licence will then allow the company to do virtually anything except extract minerals from the land for profit, so the whole proceedings for arbitration, etc., will not take place at the most appropriate time, namely, the time when some details of the mining operation are known but will, in fact, take place prior to the approval being granted for exploration licences. Any person with half an ounce of intelligence can see the problem involved in that. The Pitjantjatjara people will be required to approve of an application for mining works on their land at a time when nobody knows what minerals or petroleum may be below the surface. Nobody will be aware of the size of any mineral find that may take place. Nobody will be aware of any of the details of a mineral or ore body that lies below the surface.

The Pitjantjatjara will be required to make a decision as to whether they are going to allow a mining company on to their land for exploration purposes and for mining at that stage. Very clearly, what the Government is setting up is a situation where the Pitjantjatjara will be able to take only one step, and that step will be that they will be forced to make their decision on what, in effect, will be an ambit position. They will have to take the position of saying, "In the worst circumstances, from our point of view, this particular application might lead to a Mount Isa situation; and because of the possibility of that, we oppose the proposal that mining exploration should take place." That is a ridiculous situation for the Government to be creating. Surely the position is absurd where the Pitjantjatjara will be required to either agree to an application or, alternatively, be forced to arbitration at that early stage.

The time when they really need to be able to have some sort of say about this matter is when a mining proposal is being put up. This Bill simply does not allow them to have any significant say at that stage. I think that that is the fundamental problem with this piece of legislation. It is most certainly the area to which the Select Committee will have to pay its most careful attention. I believe that the experience in South Australia in the recent past has indicated that when dealing with these vast mining conglomerates ordinary people, and State Governments even, have very little power or influence over their activities. One would need to refer only to the Redcliff situation to see that these conglomerates hardly put their cards on the table. I am not making a partisan comment in that: I think the current Government has been taken for the same sort of ride by this corporation, or this conglomerate, as our Government was. They will no doubt establish for themselves a petro-chemical plant if they want to, and only if they want to, and they certainly will not be dictated to by anyone else, regardless of what the terms of the request and the demands of this Government are.

I think that this agreement is one that does not bear close scrutiny. I believe that any lawyer who takes close note of the terms cannot fail to be impressed by the fact that legally it does little at all for the Pitjantjatjara. There is not one Minister on the front bench at present. However, I must say to the Government that, if it is a credit to anybody, it is a credit to the disingenuousness of the Attorney-General, Mr. Griffin, himself a former adviser to the Presbyterian Church at the Ernabella Mission.

Mr. Russack: Your statement was not correct; there is a Minister in the House.

The Hon. PETER DUNCAN: I said "on the front bench". The Attorney-General supported, and indeed approved, the report of the Pitjantjatjara Land Rights Working Party before it was published even, as I understand the situation, and has been, in part, responsible for this sorry, sad agreement. I want to deal in some detail with some of the clauses of the Bill. In normal circumstances, one would not do so at this stage, but, because the Bill is going to a Select Committee quite clearly it is proper and in order to do so during the current debate. I want to deal initially with clause 20 (15), which sets out the matters to which the arbitrator must have regard. Clause 20 (15) (a) (ii) requires that the interests, proposals, opinions and wishes of the Pitjantjatjara people are to be taken into account. There is an assumption that those interests are universal and apply to all the Pitjantjatjara people. The plain fact of the matter is that there are more than three subtribes, known among the Aboriginal people as "bands".

Mr. Lewis: They're not subtribes, they're actual tribes.

The Hon. PETER DUNCAN: They are known as "bands", for the benefit of the honourable member, wherever that fellow comes from.

The DEPUTY SPEAKER: Order! The honourable member for Elizabeth will not answer members' interjections, but if he is referring to a member he must refer to that member by his district, and in this case it is the

honourable member for Mallee.

The Hon. PETER DUNCAN: I thank you for that information, Sir, because I am prepared to recognise the honourable member for Mallee, knowing full well that, unless he falls foul of the Liberal Party machine, he will be here in the next Parliament, unlike many of his newly arrived colleagues. There are more than three subtribes in this area. They are known among Aboriginal people as "bands", as in "let the band play on" for the benefit of the member for Mallee, if he is concerned about the spelling. These subtribes are part of the overall tribe known as the Malu or the Kangarou people.

The Hon. H. Allison: Malu.

The Hon. PETER DUNCAN: Malu, thank you. In fact, as I have said, there are more than three bands and, incredibly, this legislation refers to only three of these subgroups. The Minister ought to know that there are more subgroups in the area than simply the groups referred to in the Bill. The consequences of that will be appalling if this piece of legislation passes into law in the state it is in at present. I refer the Minister to page 217 of Tindale's *Aboriginal Tribes of Australia* where, even under "Pitjantjatjara," he points out that apart from the three subgroups referred to there is also a group referred to as the Partutu. There is also a group in this area known as Nakako and a further group called Matuntara. So there are, in fact, other groups not referred to in the legislation, and such groups will be grievously disadvantaged by the Bill.

I have little doubt that, after it comes from the Select Committee, this incredible mistake will no doubt have been corrected, but here we are with this rushed piece of legislation clearly indicating that—

Mr. Lewis: Toyne is ignorant; that's what it indicates.

The Hon. PETER DUNCAN: I am not sure who is ignorant. There is a serious omission from the Bill which will need to be corrected by the Select Committee. The sub-tribes extend outside South Australia. Certainly, that is the case, but many of the sub-tribes, or bands, have land which traverses the European borders. In such circumstances, those people must indeed have access to this legislation. If a person belongs to one of the bands or subtribes not included in the legislation, he will be excluded from the benefits, because of the definition. I believe that this definition is unsatisfactory, and I think that the Select Committee will end up going back to the definition contained in the Dunstan Bill.

A person who, for example, lives at Coober Pedy might simply claim initially to be a Pitjantjatjara, and there is no mechanism contained in the Bill for excluding such a person. I could go to the first meeting of the Anangu Pitjantjatjaraku and claim to be a member, and there is no way under this legislation by which a person such as I could be denied access to the meeting. I might be roughed up and turfed out, but there is no legal way of being excluded from the initial meeting. Once you go to the initial meeting, under this legislation you would be a member. That is the legal position. That is ridiculous. I do not even believe that this Government is cynical or deceitful enough to have produced this legislation, believing that all of the opal miners, for example, at Mintabie will turn up at the first meeting to claim their land rights under this legislation, but the Bill is wide enough to allow for that. This serious anomaly needs to be corrected. Thank goodness, the Bill is going to a Select Committee where such matters can be dealt with. It reflects badly—

Mr. Lewis: On their advocate.

The Hon. H. Allison interjecting:

The Hon. PETER DUNCAN: That may well be the case. They may not have had a Q.C., but the Government had the benefit of the Attorney-General. I believe that that is a serious omission in the Bill and one which will have to be taken into account by the Select Committee. Clearly, the definition in the original Bill (and I do not imagine that this is a matter between the parties in this Parliament) was clearly much more desirable than the incumbent provision. In the few minutes left to me, I will refer to some important matters. There is, in Part IV, clause 35, mention of a tribal assessor. However, before one can have a right of hearing before a tribal assessor, a person must be a Pitjantjatjara, by definition under the legislation, so that does not provide an out to the problem I have raised. Accordingly, the Bill merely sets up a catch-22 situation for such people and does nothing to resolve a dispute over a claim by a person that he or she is a Pitjantjatjara by rights of traditional ownership of the land or part of it. Apart from that, it appears from the legislation that, once a person has been admitted to membership of the Pitjantjatjara, that is the end of the matter. As I have said, possibly even the member for Mallee and I, in those circumstances, if we went to the first meeting, would be eligible for membership.

Mr. Lewis: As long as we were initiated.

The Hon. PETER DUNCAN: There is nothing in the Bill about initiation.

Mr. Lewis: It's traditional.

The Hon. PETER DUNCAN: That is the problem we have.

Mr. Lewis: It says "traditional owner"—the definition under clause 4.

The Hon. PETER DUNCAN: Where is traditional owner defined?

Mr. Lewis: About four lines down.

The Hon. PETER DUNCAN: I am sorry, it is. The word "and" appears in the definition of Pitjantjatjara. You have to prove both, and that is the point I am trying to make.

Mr. Lewis: We will have to add something that says "and their predecessors".

The Hon. PETER DUNCAN: I agree with that point. The honourable member illustrates that the Bill is deficient as regards the definition. I refer further to clause 20 (15), which refers briefly to one of the following: Pitjantjatjara ways of life; interests, opinions and wishes of the Pitjantjatjara; growth and development of Pitjantjatjara; social, cultural and economic structures; freedom of access by Pitjantjatjara to the lands; and Pitjantjatjara traditions. None of these terms is used elsewhere in the legislation, and none is defined in the legislation. They, in effect, treat Anangu Pitjantjatjaraku, the relevant corporate body, as if it does not exist. That, again, is a fault in the drafting of the legislation which will need to be corrected when the Bill goes to the Select Committee.

Clause 10 (2) provides that five members of the Executive Board, which is a majority, shall constitute a quorum of the Executive Board. Section 11 provides that the Executive Board shall carry out the resolutions of the Anangu Pitjantjatjaraku, and subsection (2) provides that no action of the Executive Board done otherwise than in accordance with a resolution of the Anangu Pitjantjatjaraku is binding on an Anangu Pitjantjatjaraku member. Section 12, however, provides that an apparently genuine document purporting to be under the common seal of the Anangu Pitjantjatjaraku and signed by four or more members of the Executive Board and certified to be an act of the Executive Board done in conformity with a resolution of the Anangu Pitjantjatjaraku, and the provisions of this Act, shall be conclusive proof that an act

is valid and binding on the Anangu Pitjantjatjaraku.

Therefore, a minority of the Executive Board can prove that a meeting took place which did not take place, that certain resolutions were passed which were not passed, and that they complied with the law, when they did not, and the wishes of the Anangu Pitjantjatjaraku, when they did not.

Mr. Lewis: Or at the request of their council.

The Hon. PETER DUNCAN: That may be the case. This is an example of tremendously sloppy drafting.

Mr. Lewis: What do you mean by "sloppy"?

The Hon. PETER DUNCAN: It would not have happened under my regime. The Bill is a complete mish mash, and poorly drafted. In relation to clause 27, being a civil libertarian, I point out, for the interest of members, that clause 27 (2) *(a)* provides, in relation to citizens' civil rights, a provision which is so wide that it would almost entirely depend on the view or attitude of the magistrates or the justices of the peace concerned. Any two Anangu Pitjantjatjaraku who were justices of the peace could, accordingly, exercise the provisions of that clause. There are numbers of Aboriginal justices of the peace in the North of the State. I think that matter needs to be taken into account. Apart from that, in relation to this matter, I point out the apparent conflict between clauses 27 and 28. If one looks at clause 27, one will see that a court of summary jurisdiction may, upon the application of the committee or Anangu Pitjantjatjaraku, make an order prohibiting a person from entering or remaining on the Mintabie precious stones field. Clause 28 (1) provides:

> A person who was, immediately before the commencement of this Act, lawfully in occupation of residential or business premises constructed, or in the course of construction, on the Mintabie precious stones field, or a person claiming through or under any such person, is, subject to this section, entitled to continue in occupation of those premises.

One might have a situation where a ban order may have been made under clause 27 against a person who was entitled to occupation under clause 28. The combined effect of that might well be that a person was placed in house arrest. That particular piece of conflict needs to be resolved at the earliest possible time, and before this legislation goes into effect.

I think this whole piece of legislation is a rather slipshod and slack piece of drafting. The Pitjantjatjara have been beguiled by promises of a legislative panacea which I am certain this Bill will not prove to be. It has been sold to the Pitjantjatjara, it seems, by this Government as a cure-all for Aboriginal problems, which it is clearly not. I see the day not too far in the future where decisions made by the arbitrator, for example, will prove to be unacceptable to the Pitjantjatjara or the Government of the day and, in a political exercise of this nature, inevitably it will mean that either the Government will use its powers to come back to this Parliament to amend the legislation, or the Pitjantjatjara and their supporters will resort to such political activity as is available to them. This Bill purports to overcome those scenarios: I believe it does not. I believe there is a very onerous task ahead of the Select Committee in trying to put this Bill into some sort of order so that the Bill can proceed.

The DEPUTY SPEAKER: Order! The honourable member's time has expired. The honourable member for Mitchell.

The Hon. R. G. PAYNE (Mitchell): In introducing this Bill to the House—and there has been some reference to it earlier, but I believe I have a different point to make—the Premier stated:

> Members will be aware that, at a simple, but memorable ceremony on 2 October this year, Mr. Pantju Thompson on behalf of the Pitjantjatjara Council and I on behalf of the South Australian Government signed a document indicating that a Pitjantjatjara Land Rights Bill had been agreed between the parties and was to be introduced by the Government into this Parliament. That ceremony brought to an end many months of detailed negotiations on the contents of a Land Rights Bill between the Government, representing the people of South Australia, and the Pitjantjatjara Council
> . . .

The first part of the statement I take issue with is the statement that many months of negotiation had been involved, because in no way does that indicate the true state of affairs that applied on 2 October this year. What actually happened, of course, was that in 1976, as the result of approaches from members of the Pitjantjatjara living in the North-West of the State, the Government of that day, the Labor Government under Premier Don Dunstan, set up a working party to investigate the provision of legislation for the very topic we are now considering, that is, the vesting of land in the Pitjantjatjara people. In 1977 the working party called for submissions from the public.

Mr. Randall: That was a long time ago.

The Hon. R. G. PAYNE: Certainly the member for Henley Beach, who was probably not even considering pre-selection at that time and had no idea what Pitjantjatjara land rights were all about, can certainly say it was a long time ago. That is the whole point of my remarks—that the Government has a right to claim some credit for having achieved agreement with the Pitjantjatjara Council on this matter, but not to the extent that the Government is proclaiming abroad, and is seeking to abrogate to itself in this matter.

The real groundwork in the whole affair was undertaken by the previous Government, working parties set up by that Government, and the whole matter began at the instigation and as a result of the awakening of public conscience on this matter in South Australia by the then Premier, Mr. Dunstan. Let no member attempt to gainsay that, despite the persiflage contained in the second reading explanation delivered by the Premier. That is the true situation in this matter. None of us would be here debating this issue today if it had not been for a person who was not an Aboriginal having the courage and the honesty of purpose to put this matter before the people of this State and give it sufficient status by his own standing in the community that it received the consideration that it should have received X number of years ago.

Mr. Randall interjecting:

The Hon. R. G. PAYNE: That is the first point, and the member for Henley Beach is so anxious to speak in this matter that he is sitting back without making any attempt to place his name on the register with you, Mr. Speaker, so that he can air his views on the matter.

Mr. Randall interjecting:

The Hon. R. G. PAYNE: Of course it is on the register, and the honourable member would do well to listen to what I am attempting to put to the House, because there are other members here, including the member sitting next to the member for Henley Beach, who knows that every word I have said so far is 100 per cent literal truth.

Mr. Randall interjecting:

The Hon. R. G. PAYNE: It does not detract from the effort of the Government of the day in reaching agreement. That is the difference between members on one side of the House and the members on this side: we are quite willing to give credit where it is due and in the amount that it is due.

Mr. Randall interjecting:

The Hon. R. G. PAYNE: The whole situation that we are concerned with now is that for the first time there has been agreement reached between Aboriginal people speaking on their own behalf and the Government of the State in respect of the transfer of land into their title. The previous Government had every intention of doing exactly the same thing, and the only difference that we are concerned with is the vehicle to carry out that transaction.

There are two Bills. We have the one which we are considering now and the one which previously existed. The most that can be put against the previous Bill, and which has been put in any of the remarks made so far from the Government side, have been matters of detail and petty criticism, because the guts of the matter was the recognition, the acceptance of the required action in the matter, the public conscience to agree that great wrongs had occurred in the past and that something should happen. That essence was contained in the previous Bill.

Mr. Randall: You tell me what was so good about that Bill.

The Hon. R. G. PAYNE: In relation to the previous Bill I might be ruled out of order by you, Mr. Deputy Speaker, if I were to venture too far into the detail, which is why I am reminding members of the House who were here before the member for Henley Beach and who have already a longer period of service in this House than he is likely to get in the three years he has in front of him all told before he leaves our ken forever I hope, and trust—

The Hon. H. Allison interjecting:

The Hon. R. G. PAYNE: There is no doubt about that prognosis—

The DEPUTY SPEAKER: Order! There is nothing in the Bill about the honourable member for Henley Beach.

The Hon. R. G. PAYNE: I agree. I believe that there are certain events that will occur in the future, and I have my opinion on them and I have stated—

The DEPUTY SPEAKER: Order! I suggest that the honourable member confine his remarks to the Bill before the House and not be sidetracked by interjections, which are out of order.

The Hon. R. G. PAYNE: I thank you for your assistance, Mr. Deputy Speaker, which was equal to that which you gave when you were a member of the Select Committee considering this earlier matter, that is, the Select Committee considering Pitjantjatjara land rights. Your knowledge, Mr. Deputy Speaker, would be far superior to that of the member who is persisting with his inane interjections. I accept your advice. Mr. Deputy Speaker.

There is no real difference between the two Bills except one of detail and one having reached ultimate fruition, something which, by force of circumstances, did not occur in the previous case. The Minister opposite, who has a little more perspicacity in these matters than the member who has been interjecting, would follow my drift, because he, too, had the honour to serve as a member of the Select Committee. There was no disagreement about main principles by members of the Select Committee, such as land transfer.

There were certainly times when different viewpoints were expressed in relation to matters ancillary to the Bill, such as the right of entry to the lands, the question of emergency bush fires, the necessity of aid for the injured, and the lawful right of people engaged in pastoral pursuits to stray over boundaries that might have resulted under the original Bill and that may occur under this Bill. This is the kind of thing that members of the original Select Committee sometimes talked about in their deliberations, which illustrates what I am trying to get home to the dense honourable member opposite—we are talking about matters of detail only, which are mostly matters of law. The majority of members in this House (and I am one of them) are not qualified in that area and are not competent to discuss the finer details in either Bill or the way in which they would take effect in law, but I am willing to take a punt and say that this much longer Bill with its far more wordy detail will run into just as many hurdles as the previous Bill with its shorter description of the actions that would occur as a result of the Bill.

The previous Bill had that history behind it. There was an attempt not only to present it to the Pitjantjatjara people in their own language and in terms which all persons who could be described as members of Anangu Pitjantjatjaraku could understand, but the intention was that, in the English version, it should also be of a relatively simple nature. Any member who took the trouble to read the report of the working party would have learned that long ago. I suggest that the honourable member have a look at that report, if he has not already read it. The important thing is that beyond doubt it can be demonstrated on a chronological scale that the Bill we are now considering is the end result of actions by both Parties in this House, whether they were in Government or in Opposition. When the previous Government was in power, the general principle involved was supported by the then Opposition, but now the position is reversed: the Government is saying, "Look at us. We have been very good and very clever. We have got this thing to a stage where both parties agree."

We are not detracting from that. The Opposition is saying that that was a good effort. Despite assurances that were given within five minutes of the election, we are also entitled to say that it has taken a considerable time, and we are entitled to postulate that perhaps there was a lot of hard bargaining between the parties around the table. However, I cannot say for sure that that is so because I was not there, but I would go so far as to take another punt and say that it was a very drawn out and hard fought battle over what would be contained in the Bill. There is no need for me to go into that any further, because more than two interests were involved. The Government in its role of representing the South Australian people and the Anangu Pitjantjatjaraku were not the only parties involved; other interested parties were already in various locations on the land about which we are talking in regard to pastoral pursuits. Some people were trying to find the elusive opal, or they were people who can easily obtain membership of the Australian Mining Industry Council.

One of the greatest furphies perpetrated in this affair on a political basis by the members of the Party opposite has been that mining was an issue that did not receive proper consideration in the interests of the South Australian people in relation to mining activity that may or may not take place on the field. How easy it is to give the lie to that allegation that has been peddled abroad by the Government of the day. If we refer to the report of the Select Committee at the time, which is a report from both sides of the House and endorsed by the members of the Committee as a group (there was no minority report put forward), we see that paragraph 7 states:

> Representatives of mining interests expressed fears that the limitations upon the powers of Anangu Pitjantjatjaraku to lease land would affect mining leases granted in respect of nucleus or non-nucleus land vested in Anangu Pitjantjatjaraku. It was suggested that no mining lease could, in view of the provisions of the Bill, be granted for a term in excess of five years.

This referred to the original Bill. The first point that must be noted is that there was no argument as to whether or

not a mining lease could be granted, despite what has been argued opposite. The only query put forward by mining interests was that it would not be for a long enough period. That paragraph further states:

> Your committee believes that this submission results from a misconception of the interaction between the terms of the Bill and the provisions of the Mining Act. It is true that Anangu Pitjantjatjaraku is prevented by the Bill from granting a lease for a term in excess of five years. However, it should be observed that a mining lease would not be granted under the present Bill: it would be granted by the Minister of Mines and Energy in pursuance of the Mining Act.

This was the recommendation of that Select Committee. There was never any problem in that regard. In a climate of hysteria, it was manufactured, and there was an attempt by the present Government to portray something other than the true situation in regard to what applied in respect to the earlier Bill. The paragraph continues:

> The terms of any such lease is a period determined by the Minister of Mines and Energy of up to twenty-one years and, of course, that term may be extended by renewal from time to time.

For the benefit of the honourable member who has been listening closely, for once, I indicate that, as Chairman of that Select Committee, I know that representatives of the Mining Industry Council stated, in answer to a question from me, which can be checked in the evidence, that 21 years was a suitable time for a mining company to consider an enterprise in an area, whether it was connected with the Pitjantjatjara or with any other place in Australia. So, there we give the lie to the furphy that has been peddled for quite some time: there never was that restriction.

It may be that the Government is arguing that there was a need to have some more fine print in the Bill and that is why it is present in this Bill. I am not querying that point, because I do not have the necessary legal knowledge to do so, but I indicate that the advice given to the Select Committee by people who are supposed to have that knowledge (and the Minister and other members of the Committee can support me in this) would indicate that what I have just told the House is essentially correct. If the Government sees a need to tie up the matter to a great degree and to put more fine print into the Bill, I would quarrel with that if Anangu Pitjantjatjaraku does not agree, but they do, and that is why the Opposition supports this Bill. There is no real quarrel in that respect.

I want to ensure that there is no misconception about this matter in the minds of members who were not privy to the negotiations, discussions and debates that occurred previously in the House. It has been publicly declared that there has been agreement to this Bill by the Government and by those who are most concerned with the matters contained in the Bill. My understanding is that that is the true situation.

The members of the Anangu Pitjantjatjaraku are prepared to accept this legislation as it stands. I just wonder whether they have been approached in relation to the Bill's being referred to a Select Committee. I can find no direct reference to that in the Minister's second reading speech.

The Hon. H. Allison interjecting:

The Hon. R. G. PAYNE: I am happy to receive the Minister's assurance, because it may be a point that I have overlooked.

The Hon. H. Allison: They have known all along.

The Hon. R. G. PAYNE: Can the Minister show me where the Premier said that in his speech?

The Hon. H. Allison: Did he have to? I mean it is a fact.

The Hon. R. G. PAYNE: I accept that it has now been stated by the Minister by way of interjection, but it was certainly not contained in the second reading speech up to that point. If that is the case, once again, I have no quarrel. However, I point out that it was amazing for the Deputy Premier and the Minister of Mines and Energy to stand in this House and say (the Minister changed his remarks after I chivvied him by way of interjection) that the two Ministers most heavily involved in this whole matter of negotiation with Anangu Pitjantjatjaraku, which everyone agree is an Aboriginal body, were the Attorney-General and the Minister of Mines and Energy.

The full title of the Bill is "An Act to provide for the vesting of title to certain lands in the people known as Anangu Pitjantjatjaraku; and for other purposes". So, whatever other purposes might apply after the vesting of land in the Anangu Pitjantjatjaraku, it is described as "for other purposes". However, in relation to those other purposes, the two Ministers most heavily involved did not include the Minister charged by the people of this State through this Parliament to be responsible for Aboriginal Affairs.

Mr. Abbott: It gives it a very wide ambit.

The Hon. R. G. PAYNE: I am not going to say that it gives it a very wide ambit, but it is very curious that, in a matter involving the welfare of a very large body of Aboriginal people in this State, in a proposition to transfer to them certain lands (which I have just read from the title of the Bill), the Deputy Premier stated in the House that he and the Attorney-General were the two Ministers most concerned in the matter. I listened in vain to hear him mention the Minister of Aboriginal Affairs. What goes on in the Cabinet of the Government of the day is a matter for the Government, which has to sort out its priorities as it governs. I can certainly say that, when I had some of those responsibilities, I would not have stood for that at all; otherwise, it would have been better if I had resigned.

Mr. Randall: You got nothing done, anyway.

The Hon. R. G. PAYNE: We have just been through that whole area. We got so little done that already a Bill was before the House. If the honourable member likes to sit down and carefully study that Bill in relation to the new Bill, he will find that almost all of the old Bill is contained in the new Bill. I defy the honourable member to gainsay what I have just said. There are additions, but almost all of the old Bill is contained in the new Bill.

Therefore, the worst criticism that can be levelled at the previous Bill is that it needed some tidying up and some additions. There is no absolute negation of what was contained in the previous Bill. Therefore, that type of interjecting from the member for Henley Beach is one of desperation from a member who knows that he is talking hot air with no backing at all, and he would do better to let it go.

To strengthen that point even further, I suggest to the honourable member and other Government members that one can search in vain throughout a document entitled "South Australian election, 1979. Summary of Liberal Policies", in an attempt to find something about transferring or vesting in land in the Aboriginal people, known as Anangu Pitjantjatjaraku in the North-West of South Australia. The only reference that I can find in all of those pages is a reference under the heading "Northern affairs" as follows:

> A Liberal Government will encourage the development of our mineral resources—

I can see the look on the member for Henley Beach's face, because so far the word "Aboriginal" has not had a hearing at all—

> and undertake that the rights of the opal miners will be respected.

That is the nearest approach that I have been able to find

in the official document put out by the Liberal Party in the summary of its election policies which applied at that time. So, if the member for Henley Beach is trying to claim that all along his Party was hand in hand with the previous Government and was only waiting to get into power to do this very thing, he has very scant evidence to support such a claim.

Certainly, I agree that "encourage the development of our mineral resources" appears to have a fair hearing in a matter that is supposed to concern, as I pointed out, the vesting of land. It does not say "the vesting of mineral resources" or anything else, to provide for the vesting of title to certain lands to the people known as Anangu Pitjantjatjaraku.

It appears that somewhere along the way provision was made for discussion, organisation and arrangement with respect to possible minerals and other resources that may be in the area, but the vesting of the land got only a secondary consideration. I suggest to the member for Henley Beach that, if he is lucky enough (which he will not be) to continue in the House after a certain date, in future he might think before he interjects in the way that he has done. Perhaps he means well, but he is not getting through in a way that will have any substance, even when it is read back in *Hansard*. I have not put forward any points in this matter that cannot be substantiated.

I began my remarks by saying that the Opposition supports the Bill to the second reading stage and that the Opposition gives the Government credit for having achieved agreement in this matter. However, the member for Henley Beach has overlooked one thing: I remind him that this kind of agreement was already in force because a similar Bill was before this House with the full support of the Anangu Pitjantjatjaraku at that time. So, where is the difference? The real credit to the present Government lies in the fact that it will actually carry the legislation. The Opposition also made attempts to carry the legislation. Fairly important events occurred which made that a little harder to achieve.

In fact, the Premier of the day had to resign in full flight. The member for Henley Beach was not present then, but the Premier had the carriage of that matter at the time, and on a certain day which is known to all members and which is recorded in *Hansard,* he had to resume his seat and inform the House that he could not continue—and he never functioned in this Parliament again. That was a little bit out of the ordinary. I suggest that it might be reasonable to assume that that caused some little delay in the matter.

Mr. Randall interjecting:

The Hon. R. G. PAYNE: Other problems also arose, and I refer to the subsequent election, and so on. If the member for Henley Beach looked carefully at the matter, he would see that there is no real difference, because it has taken 14 months for this matter to reach its present stage. I offer the member for Henley Beach the exact chronology of events, which he can obtain from the Library, if he wishes, and which shows that we are at about the same position that the matter reached before. Of course, one must not count the negotiating period between working parties, and so on. I am referring to legislative steps and getting the Bill on to the floor of the House and having it passed. There is no great difference in the two time spans involved.

Probably the only real difference here is that this Government is receiving the Opposition's goodwill in the matter without question. Questions were raised before, but in this instance virtually no questions have been raised, except by persons who should raise them, by persons skilled in law who have studied the wording of the Bill and who have some small concerns about whether the clauses are technically correct, and so on. If the Anangu Pitjantjatjaraku are in agreement on this matter, the Opposition gives its unequivocal support in ensuring that the Bill has as speedy a passage as we can give it.

The Hon. H. ALLISON (Minister of Aboriginal Affairs): The member for Mitchell asked whether the Pitjantjatjara people realised that the Bill had to go to a Select Committee. No secret has been made of that fact during the lengthy discussions that have been conducted. The Government has been dealing not simply with the Pitjantjatjara people themselves but with their solicitor, Mr. Toyne, and also a Q.C., a Victorian solicitor, Mr. Ron Castan, both of whom understood that it was mandatory under South Australian legislation for a hybrid Bill to go to a Select Committee.

The Hon. R. G. Payne: I accept that.

The Hon. H. ALLISON: The Premier referred to this on 23 October (at page 1390 of *Hansard*), as follows:

> That, in broad terms, outlines the contents of this Bill. I commend to honourable members the detail of it, which, as a hybrid measure, will be referred to a Select Committee.

So, the attention of the House was drawn to the fact that the Bill would go to a Select Committee. I am pleased to support the reference of this Bill to a Select Committee as a fine measure. Despite the criticism that has been addressed to it by various members in opposition, I express the hope that the Select Committee hearings will be brief, and that, in spite of the doubts of the member for Elizabeth, very little change will be effected, particularly as the legislation has been agreed to by the Government and by the Anangu Pitjantjatjaraku through their legal representation.

The Bill may be alleged to be faulty in some ways, but I do not think it is questioned at all that the Ministers of the Federal Government have been quite loud in their praise for this legislation in maintaining that it betters legislation already enacted at the Federal level, which legislation was considered to be very good. Also, international authorities are expressing a great deal of interest in the legislation and agreement that as a negotiated settlement it is exemplary. The Minister of Mines and Energy had similar points of view expressed to him when he was in North America recently.

The question by the member for Mitchell why a number of Ministers have been involved in this legislation is rather a strange one. The honourable member seems to be signalling to the House that it is far better for matters to be dealt with by one Minister in isolation than for a variety of Ministers to give their various expertise as required. The fact that the Premier chaired all full meetings (what were really sub-Cabinet meetings) in conjunction with the Aboriginal Pitjantjatjara people and their legal representatives is, I think, a significant point.

The Government did not deal with the Pitjantjatjara people at anything less than Leader level. So, the Premier was dealing with the Pitjantjatjara council. Representing the Government at those many meetings were the Attorney-General, the Deputy Premier and Minister of Mines and Energy, myself, and, at various times, the member for Eyre and others who were directly involved in the negotiations not only at a Parliamentary level but also at officer level. This was because this legislation, which has finally been presented to the House, has involved a wide range of people, all of whom have contributed significantly, whether it be in large measure or small. It has been very much a co-operative venture.

For the work done to be criticised on the grounds that one Minister, the Minister of Aboriginal Affairs in this

instance, was not solely responsible for the matter is rather an innocuous sort of criticism. The Pitjantjatjara were represented at all times (and by "at all times" I mean that they had evidence presented to the former Select Committee, which met 23 times) and had evidence presented by the council through a solicitor, again the same solicitor, Mr. Toyne. From that time, they have always had legal representation, which has been extended to the extent that they employed one of Australia's leading Queen's Counsel (by that I mean that he is amongst the most knowledgeable in the field of mining law, particularly as it applies to indigenous people in places such as Papua-New Guinea, the New Hebrides, the Northern Territory and elsewhere), and he was a person who brought a great deal to the bargaining table.

To suggest anyone with less expertise than that enjoyed by our present Attorney-General would be selling the Government short. When Governments are dealing at high level the expertise must be at that level. Therefore, the State Government used the Attorney-General extensively. Similarly, when matters of mining law, and mining matters generally, were being discussed the Minister of Mines and Energy was deemed to be the most appropriate person to conduct negotiations with the Queen's Counsel, Mr. Castan, representing the Pitjantjatjara, again, in the presence of the Attorney-General as the Government's legal representative.

At no time did I feel slighted to think that people with specific areas of expertise were representing the people of South Australia. In fact, it makes me feel quite proud to see this co-operative venture turn out so well. I hope that that answers effectively the specious criticisms levelled at the Government by the member for Mitchell. I was lightly interested in the comments of the member for Elizabeth, who, while professing some degree of erudition on matters Aboriginal, nevertheless succeeded almost invariably in mispronouncing even the simplest Aboriginal tribal titles, which gave me a strong indication that he was in fact reading (or misreading, I felt) a prepared address. The member for Elizabeth did not have anywhere near his usual fluent approach to debate, and I suspect that he was misreading a prepared piece of material from someone else with interests probably deeper than his own in matters Aboriginal.

The former Select Committee, which I believe went to 23 hearings (and here again I am addressing myself to another criticism), had the advantage of having two solicitors on the committee. One of them was the member for Playford and the other was the member for Mitcham, who attended regularly, but for relatively short periods. Despite the Select Committee's having the benefit of two solicitors, it failed to discover the many flaws that were inherent in the former Bill that was presented to the House. I say "many flaws", because subsequent advice that was revealed to have been given to the former Government during the time that the Select Committee was in session did in fact alert the former Government to the inherent weaknesses in the legislation before the Select Committee—weaknesses which their own legal representatives pointed out made the Bill, to some extent, unworkable.

So, I do not feel any qualms of conscience in supporting the referral of this Bill to a Select Committee for a second time when I realise that the Chairman of the previous Select Committee in fact suppressed evidence. I am assuming that, as a member of Cabinet, he would have been privy to the evidence presented to him by his own legal officers. He suppressed evidence. Never at any stage did that Minister indicate to members of the Select Committee that perhaps we should have members of the legal profession before us to examine the workability of that legislation.

In hindsight, we can say that subsequent investigations have pointed to a number of weaknesses in that legislation that would have made it very difficult to put it into effect. They were weaknesses that have now been corrected in the present legislation. The Opposition seems to be supporting the Bill begrudgingly, despite the fact that this measure is a substantial improvement on the legislation previously presented to us.

There was a lot of reference in the speech by the member for Elizabeth to the number of sub-tribes or bands that might now be deprived of their land rights should this legislation pass both Houses. I find it strange that he should raise these issues, because the report of the previous working party, which was brought down in June 1978, also ignored these small bands and simply dealt with the major groups that were generally classed as Pitjantjatjara—Pitjantjatjara referring to the language, the Pitjantjatjara-speaking peoples. If the member has any reservations about the rights of those people now, surely he should have expressed them some two years ago when the report commissioned by his own Government was brought down.

Of course, no such criticism was addressed to that Bill at that time. In fact, I believe that the current definition of "Pitjantjatjara", as contained in the current legislation, is much more effective and will give better control as to who is accepted as a Pitjantjatjara than the very broad ranging definition in the former legislation.

I should like to refer, although I do not intend to refer to it at great depth, out of deference to the Aboriginal people, to the Malu dreaming; in other words, the kangaroo dreaming. Originally, we were told, the Malu dreaming and the areas sacrosanct to that dreaming extended over a far wider area than the North-West Reserve, extending farther to the south towards the present east-west railway line.

In fact, it was determined subsequently by the Pitjantjatjara people themselves, by their legal counsel, and by the members of the working party that has been negotiating the present legislation, that the connections, of the Malu dreaming were rather tenuous to the south and that far and a way the greatest concentration of sacred sites was in an area that would have been subject to possible claims by the Pitjantjatjara people under the former legislation, but certainly by no means a positive claim. By "positive" I mean in the sense that the claim would have been met by either the tribunal or the Government of the day.

Under present legislation and as a result of the past 12 months of negotiations, we have committed the Granite Downs area, where this concentration of sacred sites is, to the present legislation, and I do not think the member for Elizabeth need go much further than the Yankunjatjara people, Mr. Yami Lester's people, to find out the great delight they have expressed at this change in plan, the fact that we now have land to the east included in the Bill instead of that large area to the south. That does not mean that the area to the south is being excluded from calculations. It is being considered separately for granting, under the Aboriginal Lands Trust Act, to the trust. These areas to the south are not lost to the Aboriginal people as the member for Elizabeth seemed to be implying.

An honourable member: He's not in the House now, is he?

The Hon. H. ALLISON: No; most of the speakers who have had so much to say have departed the scene, which is more than the member for Henley Beach will do in three years time, despite the assurances by the member for

Mitchell. The legislation before us balances the interests of all South Australian people and, as Minister of Aboriginal Affairs, I say that with a great deal of feeling, because, as members of Parliament, we represent not only one specific group of people but all people in South Australia, and this legislation does consider the benefits of all South Australia's people, not only the Pitjantjatjara, who would have been very privileged under the former legislation, but also the other 8 500 Aborigines in South Australia who obtain direct benefit from the current legislation because of the special consideration given to the allocation of royalties. There is a division of royalties under which all Aborigines, as well as the remainder of the people of South Australia of Caucasian and other origins, can benefit. I still have a considerable way to go, and I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

The Hon. H. ALLISON (Minister of Education): I move:

That the House do now adjourn.

Mr. LEWIS (Mallee): I rise to refer to a number of matters that have concerned me in recent times, and they relate particularly to the behaviour of members opposite and the people whom they consider to be their supporters, though I sometimes wonder. We know that for them this is the silly season and, naturally enough, that being the case, there is no-one on the front bench or hardly anyone on the back bench except the man whom I have noticed from *Hansard* in recent times selectively quoting disparate interest rates from around the world to try to reflect unfavourably on the Federal Government's present management of the economy. It is not only an insult: it is a gross inadequacy in their observance of a respect for the institution of Parliament and, naturally enough, I take it as such.

I understand, of course, that members opposite are out busily preparing their speeches for preselection. That being the case, it is understandable that they should have taken issue on so many points that are hardly sharp enough to be recognised as an aberration on a straight line, let alone having any pricking effect on any conscience, whether that of a member of this Parliament or of a member of the general public. How regrettable it is when it is necessary to resort to such underhand techniques as selectively quoting long-term and short-term interest rates which would indicate, had they been comparable, as was the case with the member for Salisbury, how Australia was unfavourably situated in relation to a number of its trading partners.

Of course, such selective quotations, or even quotations that were not selective, would nonetheless not indicate the true picture, because the economic mechanisms chosen by different Governments to control the supply of money and the velocity of the exchange of currency within the economy vary from country to country and, in Australia, where interest rates are used as the mechanism because of its large dependence upon primary industry exports for its balance of payments position, that makes it comparable to countries that use fiscal mechanisms to control the supply of money in their economies, and the interest rates vary accordingly.

To illustrate the points that I am making, I seek leave to have inserted in *Hansard* a table from the Commonwealth Parliamentary Library Statistical Service which indicates interest rates over the last 18 months, from January 1979 through to June 1980. They are the most recent figures available to me. I assure the House that the information is purely statistical.

Leave granted.

COMMONWEALTH PARLIAMENTARY LIBRARY
STATISTICAL SERVICE
INTEREST RATES
PRINCIPAL O.E.C.D. COUNTRIES
OFFICIAL DISCOUNT RATE PER CENT PER ANNUM

Country	1979												1980					
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
United States	9·5	9·5	9·5	9·5	9·5	10·0	10·0	10·5	11·0	12·0	12·0	12·0	12·0	13·0	13·0	13·0	13·0	12·0
Japan	3·5	3·5	3·5	4·25	4·25	4·25	5·25	5·25	5·25	5·25	6·25	6·25	6·25	7·25	9·0	9·0	9·0	9·0
Australia *(a)*	8·85	9·00	9·35	9·65	9·70	10·10	10·07	10·07	10·07	10·08	10·08	10·08	10·48	10·50	11·20	11·60	11·80	11·79
New Zealand *(b)*	10·10	10·05	10·02	12·64	12·95	12·64	12·08	12·35	—	13·00	12·96	12·98	13·44	13·45	—	—	—	—
Canada *(c)*	11·25	11·25	11·25	11·25	11·25	11·25	11·75	11·75	12·25	13·00	14·00	14·00	14·00	14·0	15·49	15·67	11·83	10·63
Belgium	6·0	6·0	6·0	9·0	9·0	9·0	9·0	9·0	9·0	10·5	10·5	10·5	12·0	14·0	14·0	14·0	14·0	14·0
France	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5	9·5
Germany F.R.	4·0	4·0	4·0	4·0	4·0	4·0	5·0	5·0	5·0	5·0	6·0	6·0	6·0	6·0	7·0	7·0	7·5	7·5
Italy	10·5	10·5	10·5	10·5	10·5	10·5	10·5	10·5	10·5	12·0	12·0	15·0	15·0	15·0	15·0	15·0	15·0	15·0
Netherlands	6·5	6·5	6·5	6·5	7·0	7·0	7·5	8·0	8·0	8·0	8·5	9·5	9·5	9·5	9·5	9·5	10·0	9·5
Norway	7·0	7·0	7·0	7·0	7·0	7·0	7·0	7·0	9·0	9·0	9·0	9·0	9·0	9·0	9·0	9·0	9·0	9·0
Sweden	6·5	6·5	6·5	6·5	6·5	6·5	7·0	7·0	8·0	8·0	9·0	9·0	10·0	10·0	10·0	10·0	10·0	10·0
United Kingdom	13·0	14·0	13·0	12·0	12·0	14·0	14·0	14·0	14·0	14·0	17·0	17·0	17·0	17·0	17·0	17·0	17·0	17·0

(a) The overdraft rate of 10·5 is a fixed maximum rate. The rates included in this table are for Commonwealth long-term bond rate.
(b) Yield on long-term bond rate.
(c) From March 1980 the bank rate is set at ¼ percentage point above the latest average rate established in the weekly tender for 91 day Treasury bills.

COMPILED AT REQUEST BY THE STATISTICS GROUP OF THE LEGISLATIVE RESEARCH SERVICE FROM INFORMATION SHOWN IN "MAIN ECONOMIC INDICATORS" AND THE MONTHLY SUPPLEMENT OF "FINANCIAL STATISTICS" PUBLISHED BY THE O.E.C.D.

Mr. LEWIS: The statistics point out that the Australian interest rate has varied of necessity, and wherever necessary, since January this year between 10·48 per cent on a monthly basis up to 11·79 per cent for June. It will continue to fluctuate at around that figure or lower, as it has during the preceding 12 months, when it was 8·85 per cent at its lowest point and about the same at its highest point. They are the short-term interest rates. They encompass the countries of the United States, Japan, New Zealand, Canada, Belgium, France, Germany (that is, the Federal Republic), Italy, the Netherlands, Norway, Sweden and the United Kingdom.

In Belgium, as the table shows, on the most recent figures available in June, the interest rate there on the short-term money market was 14 per cent, and in the United Kingdom 17 per cent. It is notable that the interest rate in the United Kingdom, although 17 per cent, is no indication of the relativity between the value of the currency of Australia and that of the United Kingdom, which three years ago was exchanging at about the rate of 1·61 to the Australian dollar and which is now exchanging at the rate of more than two Australian dollars to the pound. That is supported by the inflow of foreign capital into the English economy, and supported also by the prospects and development of the North Sea oilfields. It varies from country to country, according to the mechanism used by the Government in determining whether or not it will use the interest rate mechanism or some other mechanism to determine the supply of money in total.

Leaving that aside, let us return to the point that I made earlier and look at the stupidity of the situation that has arisen where the Labor Party has to be very careful to ensure that none of the support that it has carefully fostered during the last 12 months will be in any way threatened during the next month. In fact, it must be enhanced. It must be seen to be performing for more than one reason. Labor members have not only the opportunity of finding themselves a shadow banner, if one can have such an animal, but also securing their seat in a hierarchy, doing the deals that are necessary to ensure that they have the numbers when preselection comes up. Whilst they are doing that, they are doing no justice whatever to the real purpose of this institution—the Parliament—in their consideration of legislation before us. We have seen a number of instances in the last two weeks where time has been wasted in exercises of prolixity—in simple terms, that means filibustering. That has appalled me. They could have done better; in fact, they should have done better, and they know that.

Mr. O'Neill: You sanctimonious creep.

Mr. LEWIS: What a pity that it is necessary for them to come in here and attempt to attack me and my character with such unnecessary remarks as that made by the member for Florey. What a real pity. If only the public were able to hear and understand the dilemma that confronts them and the way that they seek to save themselves from the inevitable consequences of their inadequacy—man by man, electorate by electorate. It has not been effective representation—anything but. I think the tradition of the Labor Party has not been well served by the performance of members opposite in recent weeks in debates where they have merely sought to project their own personalities rather than the legitimate philosophies of the Party for the common good and benefit of all citizens in this State.

Mr. O'Neill: You should rejoice.

Mr. LEWIS: If I could rejoice, I would be accepting the legitimacy of denigrating the institution of Parliament and bringing it into further disrepute. I cannot accept that that is a legitimate premise.

Mr. O'Neill: Well you do a good job of it.

Mr. LEWIS: If the honourable member feels that way, let us hear his reasons for saying so. As the matter stands at present, there has not been any attempt on the part of the Opposition to justify the necessity for the kind of inanity that we have heard over the past two weeks.

Mr. O'Neill: That's only your prejudiced opinion.

Mr. LEWIS: That is an opinion I am entitled to, as much as you are entitled to your opinions. That is what democracy is all about. It is as important for me to express my view of the jaded capacity of Opposition members as they run into this preselection period as it is, on the other hand, to try to be more gainfully employed in doing things that might enhance the standing of this Parliament and ensure that both sides of the question are put and heard. In no instance has that happened in the past fortnight, other than in two or three instances. I think it is unfortunate that we have to suffer this kind of thing every time preselection comes around, because it occurs on the same day for all members, and they are all attempting to show themselves to be as competent as possible in that short period running down to preselection.

Mr. O'Neill interjecting:

Mr. LEWIS: Let us hope that they can find from amongst the people offering themselves for preselection better talent than those presently in this institution to represent the alternative philosophy and Government. Thank you for your attention. What a pity there have not been more Opposition members present to listen.

Mr. HAMILTON (Albert Park): Since coming into this House, I have been of the opinion that comments from either side should be based on fact. I have been sorely disappointed about this matter, particularly concerning the contribution made by the member for Henley Beach on 5 November. I hope that he is somewhere in the precincts of the building listening to my speech. His attack in this Parliament (in cowards' castle) on the trade union movement was one of the most disgraceful performances I have heard since I have been in this House. It demonstrated quite clearly his lack of understanding of the trade union movement. I was interested to see the Minister of Transport look this way, and I will come back to him later on. The remarks made by the member for Henley Beach were insufferable so far as I was concerned. I have been told that the Minister requested the member for Henley Beach to keep out of a certain industrial dispute on a particular occasion but he obviously chose not to do so. I was reliably informed of that by the State Secretary of the Australian Railways Union.

The member for Henley Beach said on 5 November that he had a bit of advice for me about a previous contribution I had made in this House, and that I would have done better to table the letter referred to and he could get on with what he wanted to say. I am glad to see that the honourable member is in the House. He has been in the House long enough to know that members on this side cannot table documents. He showed a gross ignorance, amongst other things, in his contribution on that occasion. He said:

> I say that the reason for that is that the Trades and Labor Council is telling the unions to strike and cause this Government embarrassment.

He said that in relation to industrial disputes. I was somewhat amazed to hear that, because on previous occasions, and leading up to the election of 15 September, we understood that the unions were telling the A.L.P. what to do, but on this particular occasion the member for Henley Beach was either plainly stupid or forgot what his

Party was saying in the period leading up to the election.

He obviously did not understand what his Party was on about, or he chose to ignore that. It has been put to me (and I understand that I can use this terminology, because I have heard it from the Government benches) that his remarks were loud-mouthed, to say the least. He continued:

> Members opposite, as part of that council, are manipulating those unions, and are part of the railway strike already.

It has been put to met that, for him to use those words (and I do not know whether what I am about to say is unparliamentary, but I will be guided by you, Mr. Speaker), shows that he has the "guts of a louse" and that, if he was prepared to utter those words outside Parliament, he would have that many writs slammed on him that he would wear out a pair of shoes walking backwards. I challenge the member for Henley Beach, if he has any semblance of decency, to make those remarks outside the Parliament. He has not one bit of proof. He makes assertions in Parliament, but he is not prepared to go outside the Parliament to give one illustration of where any Opposition member has directed any official what to do.

Mr. Randall: I didn't say you directed them.

Mr. HAMILTON: Yes you did. Obviously, you forget what you say.

Mr. Randall: You've got a disease.

Mr. HAMILTON: I know who the disease is. The honourable member continued by saying:

> They are being manipulated from the top by the Trades and Labor Council, by the shop stewards.

Once again, that shows gross ignorance. To me, some of his remarks are insufferable. One could say he was *non compos mentis,* but once again not one iota of proof has he put to the Parliament. He makes loud-mouthed assertions in this Chamber, but he is not prepared, or does not have the guts, to make them outside the Chamber. When talking about the rank-and-file employees, he said:

> They do not have an opportunity to tell the union what they want to do.

Once again, that is crass stupidity on his part because, if he had any idea of the provisions of the Industrial Conciliation and Arbitration Act, he would know (and I have told him repeatedly in the House) that any union member has the right, under that Act, to challenge an unlawful decision of any union. Yet, in the House, on 5 November, he could not give one illustration to the Parliament. It was a gutless display, once again, and typical of the scab-like remarks we have come to expect from him. Quite frankly, for him to say that he was a unionist appalls me. He continued:

> These strikes are being orchestrated to embarrass the Government in South Australia. Members of these unions are being manipulated by the A.L.P.

He has a very short memory, once again, because it was all right for him and other members of his Party, when the bus dispute was on, prior to 15 September 1979. He does not even know what he is talking about, because I was one of the union officials that led industrial disputes against the previous Labor Government, because I was there to protect the rights of my members. Irrespective of the political connotations, I had the guts to stand up and say to my members, irrespective of whether or not I am a member of the A.L.P., "This is what we are entitled to, and this is what we have done."

I led many demonstrations through the streets of Adelaide up to the Minister and put matters forward after, I might add for the edification of the member for Henley Beach, the membership, through properly constituted meetings, said what they wanted. That is exactly what took place.

Mr. Randall: That's the trouble—unions rule the A.L.P.

Mr. HAMILTON: That is utter rubbish. That is not the case at all, and the member for Henley Beach—

The SPEAKER: Order! The member for Henley Beach does not have the call by my record.

Mr. HAMILTON: Finally, Mr. Speaker, I want to say this (and I am not a vindictive sort of person) clearly to the member for Henley Beach, because I feel so strongly about his vitriolic remarks: I will not, inside or outside this Chamber, recognise him until such time as he is prepared to withdraw his remarks. That is how strongly I feel on this issue. I believe that he has degraded his position. There are many trade unionists in his district and he forgets that fact. Many of those members he referred to in his inane remarks in his contribution on 5 November. As I said to the Minister of Transport, the member for Henley Beach will be an albatross around the Minister's head for many years.

The SPEAKER: Order! The honourable member's time has expired. The honourable Premier.

The Hon. D. O. TONKIN (Premier and Treasurer): If the member for Henley Beach is to be an albatross around the neck of this Government, he will certainly be a part of this Government for many years. I rise to speak about an extraordinary performance by the Opposition spokesman on agriculture in another place. I understand that today he has been engaged in a repetition of his attacks on the Japanese company Marubeni, on the Government and, in particular, on the Minister of Agriculture, who is absent from the country at present, alleging that in some way the Minister of Agriculture misled Parliament by denying that we had, as a Government, in any way had negotiations with Marubeni.

What the Hon. Mr. Chatterton has been suggesting, as I understand it, is that, while the Minister of Agriculture has denied having any negotiations with Marubeni in relation to the wood chip project, Mr. Chatterton has irrefutable proof that this is so. The Hon. Mr. Chatterton has never enjoyed a very high reputation for keeping to the truth and finding out his facts. Once again, he has been totally and absolutely (to put it mildly) up a wattle.

Mr. Mathwin: Perhaps he dreams a lot.

The Hon. D. O. TONKIN: There is a great deal of wishful thinking in what Mr. Chatterton does. He issued a statement today. I noted that it was the lead item on some of the news services tonight. He says that he asked a question last Tuesday about the relationship between the South Australian Government and the giant Marubeni Corporation of Japan in connection with the sale of wood chips and l.p.g. He goes into the fact that he has pointed out that Marubeni, in his opinion, has a very low reputation, and he goes on to say that he has documents. I quote what he said, as follows:

> In my question I asked the Minister of Forests what discussions there had been with Marubeni regarding the sale of pulpwood from this State, whether Marubeni was responsible for the production of the forged documents which were used in an attempt to discredit the Indian company Punalur Paper Mills and whether he would, in the light of mounting evidence on Marubeni, conduct a police investigation of their executives in the same way that he conducted a police investigation of Mr. Dalmia. I have not received a reply to that question, but the Minister made a statement in the Assembly on the matter, in which he denied any connection between the South Australian Government and Marubeni.

> I now have photostated proof that the Minister misled the Parliament and that his denial is false. I have a copy of a report signed by a "Peter S." sent to the Minister of Forests (referred to as "Dear Ted") and written on Raffles Hotel notepaper in Singapore on 28 February 1980. That report firstly makes reference to a "mystery document" and the police investigations that were then being undertaken in regard to Mr. Dalmia to which I referred in my question . . . a Senior Managing Director of Marubeni Corporation is in Western Australia . . . and will be in Perth tomorrow . . . It would be our best chance of finding out who actually talked with Mr. D. in Tokyo on behalf of Marubeni.

What Mr. Chatterton is alleging is that, while the South Australian Government had a contract signed with Mr. Dalmia of Punalur Paper Mills, the South Australian Government was two-timing and was in some way negotiating with Marubeni in an attempt to get out of the contract with Mr. Dalmia. That is the clear implication that he makes. I do not think he actually spells it out, but, if he were to do so outside, I would say that he would be totally liable to action, and the Minister of Agriculture, and perhaps even the Government, should take action for defamation. It is absolutely disgusting.

The Hon. R. G. PAYNE: I rise on a point of order. It seems to me that the Premier, in his amazing role as an adjournment speaker, is reflecting on a member in another place, and I thought that was not in accordance with Standing Orders.

The SPEAKER: I do not uphold the point of order. The Standing Order clearly indicates that no person may impute motives to a person in another place that are not fact in essence. I indicate that I have listened very carefully to the contribution that has been made. The honourable Premier has been quoting verbatim from a statement made by a member in another place, which is fact and is not an imputation of an action taken by a person in another place of which the speaker has no direct knowledge. On that basis, I cannot accept the point of order.

The Hon. D. O. TONKIN: Thank you, Mr. Speaker. That is the clear implication that the Hon. Mr. Chatterton is making in the statement which he has released today and which he has been making publicly in the media. I suggest that he is liable for action; whether or not it is taken is another matter. The facts of the matter are these: after a preliminary contract had been signed with Mr. Dalmia of Punular Paper Mills, a contract which the Minister of Agriculture announced, which was public knowledge and which followed on various negotiations that had taken place between the Hon. Mr. Chatterton and Mr. Dalmia, and the Minister of Agriculture and Mr. Dalmia, it was brought to the attention of the Minister by a letter that was written (the source of which, as I recall, could not be traced) that Mr. Dalmia had been in Tokyo negotiating with a Japanese firm for the resale of wood chip from South Australia, the wood chip that he was contracting to buy from South Australia, I understand, with the help of some form of Indian government grant, for export to India and for processing there.

This, to put it mildly, was a great surprise to the Minister of Agriculture and to this Government, and, as that matter seemed to us to be most serious, we tried in the best way we could to find out whether there was any truth in the matter—in other words, whether Mr. Dalmia had been, unbeknown to us, discussing with a company (it might well be have been Marubeni; I have no knowledge of that) the whole matter of resale of South Australian wood chip to interests in Japan, he acting as an agent. I am still not fully apprised of the facts. It was not easy to find out about the situation.

Mr. Peter South, as honourable members would know, is obviously the "Peter S" referred to; he is a public servant in the Woods and Forests Department, and he was charged with the task of trying to find out the truth of the matter. Inquiries were made to try to establish whether or not Mr. Dalmia was in breach of the contract that he had signed and whether he might have been in breach of other matters in relation to the assistance that he was obtaining from the Indian Government. That is the long and short of the matter, which has been blown up, twisted, distorted and used for his own ends by the Hon. Mr. Chatterton.

The Hon. R. G. PAYNE: Mr. Speaker, I rise on a point of order. Clearly, in his last remarks the Premier has indicated imputations of improper motives in relation to a member in another place, and I ask that you rule that he withdraw those words.

The SPEAKER: Under what Standing Order does the honourable member rise?

The Hon. R. G. PAYNE: Standing Order 154.

Members interjecting:

The SPEAKER: Order! The honourable member has sought a ruling under Standing Order 154, which states:

> No member shall digress from the subject matter of any question under discussion; and all imputations of improper motives, and all personal reflections on members, shall be considered highly disorderly.

I uphold the point of order taken by the honourable member on this occasion, which is an entirely different set of circumstances from those on which he rose earlier. I ask the honourable Premier to withdraw the remarks relative to an honourable member in another place.

The Hon. D. O. TONKIN: I cannot remember the exact detail, but I withdraw those remarks in this Chamber. I am happy to have the matter investigated, as the Hon. Mr. Chatterton has suggested. Indeed, when it is investigated, I think that he will be made to look the absolute fool that he undoubtedly is.

Motion carried.

At 10.27 p.m. the House adjourned until Wednesday 26 November at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 25 November 1980

QUESTIONS ON NOTICE

URANIUM

605. **The Hon. PETER DUNCAN** (on notice) asked the Deputy Premier: Has uranium or any other radio-active substance ever been mined in the Myponga area and, if so, where, when, and by whom?

The Hon. E. R. GOLDSWORTHY: Yes; section 75, hundred of Myponga (Wild Dog Prospect); October 1953-May 1955; Department of Mines.

PRE-SCHOOL CHILDREN

613. **The Hon. D. J. HOPGOOD** (on notice) asked the Minister of Education: What proportion of the State's 3½ and 4-year olds, respectively, are now in pre-school or some form of organised child care and when, if ever, is it anticipated that the former proportion will be the same as the latter?

The Hon. H. ALLISON: There are approximately 10 100 3½-year olds and 20 300 4-year olds in South Australia. Of these, approximately 3 700 3½-year olds and 17 300 4-year olds are in pre-school or some form of organised child care, i.e. 36.6 per cent and 85.2 per cent respectively. The Government intends to increase services for 3½-year olds in selected areas of need during the current financial year. It is unlikely that the percentage of 3½-year olds in some form of pre-school or organised child care will, even in the long term, equate with that of 4-year olds as many parents are loath to enrol their younger children in these facilities.

SALISBURY C.A.E.

615. **Mr. GLAZBROOK** (on notice) asked the Minister of Education:

1. Did the Salisbury College of Advanced Education advertise for and appoint a new academic secretary after the Tertiary Education Authority of South Australia had sent its recommendations on the provision of teacher education in South Australia to the Minister and before the Government had announced any decision on those recommendations?
2. Has the appointment been made for a limited term or on tenure?
3. How many applications were received:
   (a) from Australian territories and States other than South Australia; and
   (b) from outside Australia?
4. What was the closing date for applications?
5. How many requests (and on what dates) were made in writing by the college for written references for applicants from:
   (a) Adelaide;
   (b) elsewhere in Australia; and
   (c) outside Australia?
6. How many applicants from:
   (a) Adelaide;
   (b) elsewhere in Australia; and
   (c) outside Australia,

were interviewed for the position?

7. How many days after the closing date for applications were the interviews held?
8. Why were interviews held so soon after the closing date for applications and did this preclude the selection of an applicant outside Australia?
9. By whom was the selection committee for the position appointed and what is the name and position of each member of the committee?
10. What is the policy of Salisbury College of Advanced Education on the composition of the selection committees for:
    (a) academic positions at senior lecturer position or above; and
    (b) the most senior non-academic positions in the college?

The Hon. H. ALLISON: The replies are as follows:

1. The position was advertised on 13 and 20 September after TEASA had sent its interim report and recommendations on the provision of teacher education in South Australia to the Minister. The appointment of the successful applicant was approved by the council of the college on 22 October 1980.
2. Tenure.
3. *(a)* 6.
   (b) 3.
4. 1 October 1980.
5. No written requests were made by the college for references from applicants' referees, but verbal requests were made for written references on 3 and 7 October.
6. *(a)* Six. *(b)* and *(c)*Nil.
7. Nine days.
8. Interviews were held only nine days after the closing date for applications because of the impending departure for overseas of the Director. This did not preclude the selection of an applicant from outside Australia because the position was not advertised outside Australia.
9. The selection committee was appointed by the Director pursuant to the usual practice in the college for all positions up to and including senior lecturers and comparable non-academic positions. The members of the Selection Committee were Mr. R. S. Coggins, Director; Dr. D. C. Paul, Assistant Director (Academic); Mr. N. Harris, Head of the Division of Social Sciences; Mr. K. Adey, elected academic staff member of the Appointments and Promotions Committee. Mr. K. Soman acted as Secretary to the panel. Usually the Assistant Director (Administration and Resources) is appointed to these panels, but in this case was overseas when the interviews were held.
10. *(a)* The selection committee for academic positions up to senior lecturer is appointed by the Director, and usually consists of the Director, the Assistant Director (Academic), a head of division and a head of department. For positions above senior lecturer, the committee is appointed by the college council, and normally consists of the Director, the Assistant Director (Academic), President of Council, and the Vice President of the Council.
    (b) The selection committees for the most senior non-academic positions are appointed by the Director, and normally consist of the Director; the Assistant Directors (Academic and Administration and Resources); the head of an academic division, and a member of the academic staff; and either the Academic Secretary or the Administrative Secretary (depending on which position is to be filled).

PRAWNS

619. **Mr. LYNN ARNOLD** (on notice) asked the Chief Secretary:

1. How many authorities have been issued for the Far West prawn fishery and when were they issued?
2. What were the criteria for selecting applicants for the prawn authorities for the Far West fishery?

3. How many applications were received?

4. Was the selection of applicants made by State or Commonwealth officers?

5. Was an application for an authority made by Mr. Milton and, if so, did Mr. Milton meet the criteria for entry to the fishery, and, if he did not meet the criteria in part, which part did he fail to meet?

6. Were there any other reasons for rejecting Mr. Milton's application, and, if so, what were they?

7. Was Mr. Milton's application rejected by State or Commonwealth officers?

8. Is the Minister aware that the Commonwealth Ombudsman is investigating Mr. Milton's application and the reason for its rejection?

9. Is the Minister prepared to allow Mr. Milton to continue his traditional practice of fishing for prawns on the West Coast until the Commonwealth Ombudsman's report is completed, and if not, why not?

10. Does the Minister consider that more authorities could now be issued for the Far West fishery?

The Hon. W. A. RODDA: The replies are as follows:

1. No authorities have been called for or granted for the prawn fishery off the West Coast. Three Special (Ministerial) Permits were issued under section 42 of the South Australian Fisheries Act.

2. See 1.

3. See 1.

4. See 1.

5. No.

6. See 5.

7. See 5.

8. Yes. I understand that the Commonwealth Ombudsman is investigating a complaint that Mr. Milton was unfairly denied access to the West Coast prawn fishery.

9. No. This matter will not be discussed further until the Commonwealth Ombudsman has completed his inquiry.

10. No.

SCHOOL BUSES

622. **Mr. PETERSON** (on notice) asked the Minister of Education: Have any committees of special schools requested that assistants be provided for drivers on special school buses and, if so, which school committees have made this request and will the Minister now consider these requests and, if not, why not?

The Hon. H. ALLISON: I have received requests for provision of adult supervision on buses transporting handicapped students to the Ashford, Woodville and Gepps Cross Special Schools. These requests are currently being considered.

H. C. MEYER

624. **Mr. MILLHOUSE** (on notice) asked the Chief Secretary: Did the bucket dredge No. 7, *H. C. Meyer*, which sank on 3 October 1979, have a certificate of survey at that time and, if so, who had been responsible for the survey, when was it last surveyed and what was the result?

The Hon. W. A. RODDA: No. Under section 69 of the Marine Act there is no legal requirement that the dredge be surveyed and issued with a Certificate of Survey. However, for reasons of safety, efficiency and seamanlike management, it is a long standing practice for the Department of Marine and Harbors to have its vessels surveyed annually.

The last annual survey of this vessel was carried out during the vessel's refitting in January 1979. The hull and fittings were surveyed by a Departmental Engineer Surveyor on 11 January 1979 and the equipment was surveyed by a Departmental Shipwright Surveyor on 14 February 1979. The vessel was in sound condition and properly equipped to carry out dredging operations within the port limits, the purpose for which the vessel was designed.

625. **Mr. MILLHOUSE** (on notice) asked the Chief Secretary:

1. What is it proposed to do with the dredge *H. C. Meyer* and if it is proposed to rebuild it, at what estimated cost and when?

2. Is it proposed to build a new bucket dredge to replace the *H. C. Meyer* and, if so, at what estimated cost?

3. Is it proposed to buy the hired dredge now being used as a replacement for the *H. C. Meyer* and what is the estimated cost of buying it?

4. How much has it cost so far to hire it and how is that cost made up?

The Hon. W. A. RODDA: The replies are as follows:

1. A decision has not yet been made in regard to the rebuilding or replacement of the dredge *H. C. Meyer.*

2. See 1.

3. See 1.

4. Up to 26 October 1980 the "bare boat" charter of the dredge *A. D. Victoria* has cost the Department of Marine and Harbors $494 613·29 made up as under:

	$
(a) Mobilisation charge (preparation and towing from Albany, W.A.)	138 000·00
(b) Hire during tow	5 342·86
(c) Hire during preparation for dredging	10 285·71
(d) Basic hire from 11/3/80 ($5 200 per week)	172 360·72
(e) Working hire from 11/3/80 ($63 per hour)	168 624·00
	$494 613·29

JOSEPH VERCO

626. **Mr. MILLHOUSE** (on notice) asked the Chief Secretary:

1. How long was the delay in raising the *Joseph Verco* after it capsized and sank on 25 September 1980?

2. What is the damage caused to the vessel by its capsize and sinking and how much, if any, of this damage is due to it not having been raised sooner?

3. Who was responsible for the survey of the *Joseph Verco* and when was it last surveyed?

4. Did it have a certificate of survey before it left the slipway and, if so, who gave such certificate and if not, why was it so moved?

The Hon. W. A. RODDA: The replies are as follows:

1. Following discussions with the insurance underwriters and communication with other parties involved in the refitting of the *Joseph Verco*, tenders for the salvage of the vessel were invited. The contract was awarded to Marine Industries Pty. Ltd., on 14 October 1980 and was completed on 29 October 1980.

2. The extent of the damage is being assessed.

3. The *Joseph Verco* was surveyed in March 1978 by a Department of Marine and Harbors surveyor and was eligible for a certificate valid until 31 March 1980.

4. The vessel was slipped for refit on 16 April 1980 and was under surveillance for quality control by Department of Marine and Harbors surveyors. There was no requirement for the vessel to be surveyed prior to leaving the slipway, but it would have undergone survey prior to proceeding to sea.

Under the terms of the refit contract, the contractors, North Arm Slipway Pty. Ltd., were required to establish

the vessel's stability by carrying out an inclining experiment in the presence of a Department of Marine and Harbors surveyor. This could only have been undertaken after the vesel was launched from the slipway following completion of the refit.

627. **Mr. MILLHOUSE** (on notice) asked the Chief Secretary:

1. Was the 60 ton Department of Marine and Harbors floating crane available to raise the *Joseph Verco* after it sank and, if so, why was it not used and if not, why not?

2. How much has it cost so far to raise the *Joseph Verco* and how is that cost made up?

The Hon. W. A. RODDA: The replies are as follows:

1. Yes, the Department of Marine and Harbors floating crane would have been available, but acting on advice from the insurers of the vessel, tenders were called for the salvage of the Fisheries Research Vessel *Joseph Verco*. A contract was subsequently awarded to Marine Industries Pty. Ltd. who supplied their own equipment.

2. The salvage contract price was $12 600.

CAPE ARID

628. **Mr. MILLHOUSE** (on notice) asked the Chief Secretary: Did the Fisheries inspection vessel *Cape Arid* which sank off Kangaroo Island on 13 December 1979 have a certificate of survey at that time and, if so, who had been responsible for the survey, when was it carried out and what was the result?

The Hon. W. A. RODDA: The inspection vesel *Cape Arid* did not hold a certificate of survey. The scantlings were checked, and the vessel was inspected during construction, by surveyors from the Department of Marine and Harbors. As the vessel was not being used for commercial purposes, there was no legal requirement to have a certificate.

PRIVATE HOSPITALS

630. **Mr. Hamilton** (on notice) asked the Minister of Health:

1. How many private hospitals were there in South Australia as at 30 June 1980?

2. What are the locations of these hospitals who are the proprietors, how many beds has each hospital, and how are they categorised, e.g. in medical, surgical or psychiatry classifications?

3. Is there an over supply of beds in these hospitals and if so, how many and at what hospitals?

4. How many more private hospitals are to be built in South Australia, and where?

The Hon. JENNIFER ADAMSON: The replies are as follows:

1. There were 37 hospitals in South Australia, registered with the Commonwealth Department of Health for payment of hospital benefits and not recognised for cost sharing under the Hospital Cost Sharing Agreement, as at 31 August, 1980. This information derives from the Commonwealth Department of Health list of such hospitals, which is prepared annually. These hospitals include non-profit community hospitals, non-profit religious or charitable hospitals and private profit making hospitals.

2. The attached list, which is made available by the Commonwealth Department of Health, shows the address of each hospital and the number of beds which are approved for payment of hospital benefits at each hospital. Hospitals are not required to advise the classification of beds between specialities. In the majority of cases, these hospitals are small and classification of beds between specialities would not be meaningful. There is no requirement upon such hospitals to register ownership with the S.A. Health Commission. The ownership of private hospitals incorporated as public or private companies is available to the public from the Office of the Registrar of Companies.

3. It is not possible to determine whether there are excess beds in private hospitals and, if so, at which hospitals.

4. There is no requirement on promoters of private hospitals to seek the consent of the S.A. Health Commission to their proposals or to advise the commission of their proposals.

B. PRIVATE HOSPITALS

***This symbol preceding the name of a hospital indicates that section 34 beds have been approved

Approval No.	Hospital	Address	Bed Capacity
065010T	Abergeldie Private Hospital	584 Portrush Road, Glen Osmond 5064	39
065390J	Ardrossan and District Hospital Inc.	Ardrossan 5571	17
065020L***	Ashford Community Hospital Inc.	55 Anzac Highway, Ashford 5035	201 (50)
065040J	Blackwood and District Community Hospital	Laffers Road, Belair 5052	66
065050H	Burnside War Memorial Hospital Inc.	Kensington Road, Toorak Gardens 5065	81
065060F	Calvary Hospital	Strangways Terrace, North Adelaide 5006	218
065810F	Central Districts Private Hospital	25-37 Jarvis Road, Elizabeth Vale 5112	68
065070B	College Park Private Hospital Ltd.	38 Marlborough Street, College Park 5069	25
065730F	East Terrace Private Hospital	252 East Terrace, Adelaide 5000	31
065090Y	Fullarton Private Hospital Pty. Ltd.	295 Fullarton Road, Parkside 5063	44
065110K***	Glenelg District Community Hospital Inc.	5 Farrell Street, Glenelg South 5045	40 (6)
065120J	The Griffith Private Hospital	13 Dunrobin Road, Hove 5048	34
065450L	Hamley Bridge Memorial Hospital Inc.	Hamley Bridge 5401	15
065710J	Hartley Private Hospital	17 Hartley Road, Brighton 5048	20
065130H***	Henley and Grange Community Hospital	367 Esplanade, Henley Beach 5022	26 (9)
065140F***	Hindmarsh Memorial Community Hospital Inc.	15 Holden Street, Hindmarsh 5007	41 (4)
065150B	Holdfast Private Hospital	18 Saltram Road, Glenelg 5045	27
065160A	Hutt Street Private Hospital Pty. Ltd.	121 Hutt Street, Adelaide 5000	25
065740B	Kadina Community Hospital Inc.	Kadina 5554	23
065680Y	Kahlyn Private Hospital Pty. Ltd.	40 Briant Road, Magill 5072	42

Approval No.	Hospital	Address	Bed Capacity
065800H	Keith and District Hospital Inc.	Keith 5267	61
065170Y	Kiandra Private Hospital	20 Alpha Road, Prospect 5082	44
065200J***	Le Fevre's and Port Adelaide Community Hospital Inc.	122 Esplanade, Semaphore 5019	41 (12)
065510W	Mallala District Hospital Inc.	Mallala 5502	18
065230B***	McBride Private Hospital	15 Briar Avenue, Medindie 5081	21 (7)
065240A	Memorial Hospital Inc.	Pennington Terrace, North Adelaide 5006	141
065250Y	Monreith Private Hospital	401 Portrush Road, Toorak Gardens 5065	22
065540K	Moonta Jubilee Hospital Inc.	Moonta 5558	21
065770X***	North Eastern Community Hospital Inc.	Cnr. Heading and Lower North East Road, Campbelltown 5074	45 (8)
065260X	Northern Community Hospital Inc.	156 Main North Road, Prospect 5082	63
065280T	Parkwynd Private Hospital Pty. Ltd.	137 East Terrace, Adelaide	41
065290L	Pier Private Hospital	15 Pier Street, Glenelg 5045	16
065310B	St. Andrew's Hospital Inc.	350 South Terrace, Adelaide 5000	174
065340X	Stirling District Hospital Inc.	Milan Terrace, Stirling 5152	42
065350W***	Thebarton Community Hospital Inc.	18 Lurline Street, Mile End 5031	30 (5)
065360T	Wakefield Memorial Hospital Inc.	300 Wakefield Street, Adelaide 5000	116
065780W***	Western Community Hospital Inc.	Cnr. Margaret Street and Cudmore Terrace, Grange 5022	104 (8)
		As at 31 August 1980	
Totals	37 Hospitals		2 083 Beds

BERYLLIUM OXIDE

637. **Mr. HAMILTON** (on notice) asked the Minister of Health: Did the Minister receive recommendations from the Federal Minister of Health regarding the labelling of products containing Beryllium Oxide and, if so, what action has been taken in South Australia in accordance with the N.H.R.M.C. recommendations on the labelling of Beryllium and its derivatives?

The Hon. JENNIFER ADAMSON: No. There has been no recent recommendation from the National Health and Medical Research Council on the labelling of Beryllium or its derivatives. However, advice has recently been given to the Department of Business and Consumer Affairs by the Commonwealth Department of Health relating to appropriate labelling of pressure lamp mantles.

Beryllium and its derivatives are included in the poisons schedules, schedule 6, and require labelling in accordance with the provisions of the Food and Drugs Act, poisons regulations.

BEVERAGE CONSUMPTION

640. **Mr. HAMILTON** (on notice) asked the Minister of Health: What was the—

(a) beer consumption;

(b) wine consumption;

(c) consumption of low alcohol beer; and

(d) consumption of non-alcoholic wines,

per head of population in each year since 1976?

The Hon. JENNIFER ADAMSON: The replies are as follows:

(a) and *(b)*

Financial Year	Per Head of Population on a National Basis	
	Beer Consumption litres	Wine Consumption litres
1976-1977	136·2	13·7
1977-1978	137·6	14·3
1978-1979	134·2	16·5
1979-1980	134·3	17·4

(c) and *(d)* There are no official statistics available regarding the consumption of low-alcohol beer and non-alcoholic wines.

BANKRUPTCIES

656. **Mr. HAMILTON** (on notice) asked the Minister of Industrial Affairs:

1. How many small businesses have gone bankrupt in South Australia and how many employees were dismissed as a result during 1978-79 and 1979-80?

2. What liabilities are outstanding following completed bankruptcy proceedings?

The Hon. D. C. Brown: The Bankruptcy Act is administered by the Commonwealth Government and statistics relating to the operation of the Act are readily available to the public.

EDUCATION DEPARTMENT

664. **The Hon. D. J. HOPGOOD** (on notice) asked the Minister of Education:

1. Did the Minister write to the Hon. A. Levy, M.L.C., on 22 August in reply to a question she asked in the Legislative Council on 20 February?

2. What was the reason for this delay?

3. When was clause 6 of Education Department regulation 123 (3) promulgated in the form quoted in the alleged letter?

The Hon. H. ALLISON: The replies are as follows:

1. Yes.

2. At the time the question was asked, the subject of corporal punishment was being considered by the Education Department and the South Australian Institute of Teachers. As Parliament rose before an answer could be given, a written reply was forwarded to Hon. Anne Levy.

3. The clause 6 referred to in the letter was one of a number of conditions determined in terms of regulation 123 (3). These conditions were promulgated on 3 October 1980 and later withdrawn.

TANDY ELECTRONICS

674. **Mr. TRAINER** (on notice) asked the Minister of Education: Is the Minister aware of a circular letter dated 23 October sent by Tandy Electronics to members of Parliament throughout Australia which makes certain allegations concerning the Tandy TRS 80 microcomputer and its acceptance for school purchase and, if so, what are the facts relating to the allegations?

The Hon. H. ALLISON: I have been made aware of the circular letter dated 23 October 1980 sent by Tandy Electronics. The facts relating to the allegations are:

1. We do not have a list of "acceptable" computers for departmental use.

2. Schools are able to purchase any equipment they wish. When acquisition of computing equipment is contemplated, schools are required to refer a detailed proposal to the Deputy Director-General of Education (Resources) for approval. Such approval will have regard to the requirements of the Data Processing Board and Supply and Tender Board. Information given to schools appears in Education Gazette No. 30, Vol. 8 1980 (copy attached).

3. It is recommended that schools seek advice from Angle Park Computing Centre.

4. Syllabus guidelines and all support material produced by the Education Department for use by schools are machine independent.

KANGAROO ISLAND LAND

679. **The Hon. R. G. PAYNE** (on notice) asked the Minister of Environment:

1. What is the status of the report prepared by the Department of Lands concerning alienation and subdivision for farming of the unalloted Crown land in the hundreds of Gosse, Ritchie and MacDonald on Kangaroo Island?

2. Does the report contain any recommendations?

3. Has the report been considered by Cabinet?

4. What other departments were involved in the preparation of the report or are now involved in its assessment?

5. Will the proposal be subject to an environmental impact statement?

6. When will a public announcement be made concerning the future of the land?

The Hon. D. C. WOTTON: The replies are as follows:

1. The report is a situation report on the unallotted Crown land in the hundreds of Gosse, Ritchie and MacDonald which was requested by the Minister of Lands soon after taking office so that he was fully acquainted with the current position of the land as the Minister responsible for Crown land.

2. No.

3. Yes. The report presented to Cabinet on 14 October 1980 by the Minister of Lands as an information report. Cabinet directed that the Minister of Lands, Minister of Environment and Minister of Agriculture further investigate the report.

4. The report was prepared by officers within the Central/South East Region—Land Resource Management Division of the Department of Lands. Following a meeting on 6 November 1980 between the Minister of Lands, Minister of Environment, Minister of Agriculture and relevant departmental officers from the three departments, an inter-departmental committee is to be established to further investigate the future of the land.

The terms of reference of the committee are currently being prepared. It is anticipated that before any final decision is made the subject will be referred to the Parliamentary Committee on Land Settlement.

5. In terms of the environmental assessment procedures usually practised by the Department for the Environment, an environmental impact statement relating to the future use of the land will not be prepared. However, in effect the requirements of a normal environmental impact statement will be fulfilled, in that the working group will consider in detail the environmental values of the area and the potential environmental impact of the various land use options for the area. These factors will be taken into account in the working party's final recommendations.

6. Not known at this stage, see reply to question 4.

PINBALL MACHINES

683. **Mr. TRAINER** (on notice) asked the Minister of Education: Has the Minister seen the report in the *News* of 16 October entitled "Pinball wizards playing truant" and, if so, does the Minister propose any particular action to remedy the problem outlined in that report and has he given any consideration to the suggestion given in the last paragraph of that report?

The Hon. H. ALLISON: I have seen the report in the *News* of 16 October entitled "Pinball wizards playing truant". Education Department Attendance Officers do visit amusement centres and other known haunts in the city and metropolitan area which attract children. Inspections of the Hindley Street amusement centres, in particular, have been undertaken in recent times, the three most recent of which resulted in 25 children being exposed as truants. Appropriate follow up action with respect to these children is proceeding.

FISHING LICENCES

686. **Mr. L. M. F. Arnold** (on notice) asked the Chief Secretary: What is the reason for not issuing 39 scale fishermen with licences following the completion of the "show cause" exercise outlined in answer to question No. 220?

The Hon. W. A. RODDA: The only applicants who have been refused licences from the "show cause" exercise so far are the 16 who did not respond to correspondence asking them to advise why they had not used their fishing licence. The remainder of the 39 have been invited to submit fresh applications which are being processed.

687. **Mr. LYNN ARNOLD** (on notice) asked the Chief Secretary:

1. What alterations (as advised in answer to question No. 220) have been made to the "show cause" notice sent to fishermen during this licensing season and what are the reasons for the alterations?

2. How many fishermen refused licences as a result of replies to "show cause" notices this season have had their licences refused on the grounds of the new provisions of the notice?

The Hon. W. A. RODDA: The replies are as follows:

1. The only difference between the "show cause" exercises in 1979–80 and 1980–81 was the reference in the 1980–81 exercise to the failure to submit statistical fish catch returns from which it was assumed that no fishing was undertaken at all.

The basis of the exercises was the same for both years and was the failure of fishermen to fish for profit regularly in accordance with section 30 of the Fisheries Act, 1971–1980.

2. None.

688. **Mr. LYNN ARNOLD** (on notice) asked the Chief Secretary: Of the 39 fishermen to whom licences have not been issued in the scale fishery for 1980–81, how many have been sent information on how to appeal against the decision and what procedures for appeal have been offered them?

The Hon. W. A. RODDA: Fishermen who held licences and did not satisfy the lack of effort in the previous year criterion were invited to show cause why they should be issued with a licence. Those who responded have been invited to reapply for a licence. If they are refused a licence following consideration of their application, they will be advised of their rights under section 34 of the Fisheries Act, 1971–1980 to have the Director's decision reviewed by a competent person.

689. **Mr. LYNN ARNOLD** (on notice) asked the Chief Secretary: How many fishing licences have had conditions imposed on them under the Fisheries Act Amendment Act, 1980 and how many of these conditions take away the existing rights of fishermen?

The Hon. W. A. RODDA: All fishing licences issued since the commencement of the Fisheries Act Amendment Act, 1980 which was assented to on 19 June 1980, carry conditions which did not appear on previous licences. In the marine scale fishery these conditions apply limits approved by Cabinet on 21 April 1980 for management of that fishery. Their collective overall effect will be to reduce effort in that fishery. There are no "existing rights" under the Fisheries Act. All licences are issued for a period of 12 months only and a completely new licence must be applied for after a licence has expired.

690. **Mr. LYNN ARNOLD** (on notice) asked the Chief Secretary: Have scale fishery licences now been issued for the 1980-81 season and, if so, when were they issued?

The Hon. W. A. RODDA: The issue of scale fishery licences commenced on 10 October 1980 and is proceeding.

FISHERIES MANAGEMENT

691. **Mr. LYN ARNOLD** (on notice) asked the Chief Secretary:

1. For what reasons does the Minister not intend to make details of fisheries management plans available for public scrutiny?

2. Is it the wish of the members of the fisheries management liaison committees that the plans remain out of public scrutiny?

The Hon. W. A . RODDA: The replies are as follows:

1. Fisheries management proposals are developed at meetings of liaison committees on which both commercial and recreational, as well as Government, interests are represented. Proposals are therefore closely scrutinised by those groups most directly affected, e.g., Australian Fishing Industry Council (S.A.) and South Australian Recreational Fishing Advisory Council.

2. See 1.

PULPWOOD

696. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Agriculture:

1. How many firm proposals have been received for the utilisation of surplus pulpwood from South Australian pine forest plantations?

2. Has the Minister set a date for the receiving of the proposals and, if so, when will all proposals have to be lodged?

The Hon. W. E. CHAPMAN: The replies are as follows:

1. Of the 37 parties who received the original "invitation", 18 indicated by 3 October that they would be making submissions. Four have indicated since that they are not proceeding. It is expected that some of the others will combine to meet the requirements of the Foreign Investment Review Board.

2. Final submissions are due to be lodged by 28 February 1981.

FISHING LICENCES

702. **Mr. LYNN ARNOLD** (on notice) asked the Chief Secretary:

1. What is the procedure for appeal presently available to fishermen who are refused licences?

2. What is the current procedure for appeal available to fishermen who have their pre-existing rights to fish taken away under the Fisheries Act Amendment Act, 1980?

The Hon. W. A. RODDA: The replies are as follows:

1. Applicants who are refused fishing licences have access to an appeal against the Director's decision. The procedure is laid down under section 34 of the Fisheries Act, 1971–1980.

2. Fishing licences have a tenure of 12 months and are newly issued each year; therefore, no pre-existing rights exist at the time of application.

MINISTER'S LETTERHEAD

710. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Agriculture: Have the invoices been destroyed for the letterhead paper issued from the Minister's office on which his correspondence is written and typed and which bears the heading: Hon. W. E. Chapman, M.P., Minister of Agriculture . . . etc, and, if not, what was the cost of that paper and what is the value, at cost, of the stock now on hand?

The Hon. W. E. CHAPMAN: If the honourable member is referring to letterhead paper bearing the words "the Hon. Ted Chapman, M.P., Minister of Agriculture, Minister of Forests" then the answer to his question is as follows:

> No. The combined cost of "original" and "copy" letterhead paper was $514.47 and the value, at cost, of the stock now on hand is approximately $260.

S.T.A. STAFF

711. **Mr. HAMILTON** (on notice) asked the Minister of Transport:

1. Is it a fact Mr. Colin Lindsay from the S.T.A. and/or other officers have been involved in discussions with the A.N.R. regarding separation or direct appointments of A.N.R. staff to the S.T.A. and, if so who are the staff involved in these discussions with the S.T.A. and when were the meetings held?

2. Is it the intention of the S.T.A. to have direct appointments to the S.T.A. rail-car drivers staff and, if so, how many staff will be involved and when is it anticipated that these direct appointments will occur?

3. What other A.N.R. staff will be involved in direct appointments to the S.T.A. and when is it anticipated that this will occur?

The Hon. M. M. WILSON: The replies are as follows:

1. Officers of the State Transport Authority and the Australian National Railways Commission have discussed the question of direct employment of personnel required to administer, maintain and operate Adelaide's metropolitan rail system. The Assistant General Manager-Administration of the commission has been involved in these discussions. Discussions both on a formal and informal basis are continuing, and it is not possible to provide precise information as to all dates when meetings have been held. The Joint Consultative Council, the body formed to facilitate communication between the authority and the union, has been advised of the authority's intentions in this matter.

2. and 3. The authority would prefer that all personnel required to administer maintain and operate the metropolitan railways (including approximately 135 railcar drivers) be directly employed by it. However, to date, there has been no variation of the present arrangements.

FISHING LICENCES

728. **Mr. LYNN ARNOLD** (on notice) asked the Chief Secretary:

1. On what criteria are previous employees in the scale fishery being judged when they apply for A class licences in their own right?

2. Who will make the decision on their eligibility?

3. Can they appeal against the decision and, if so, to whom?

4. How many fishermen are involved in this exercise?

5. What is the legal position of those employees until a decision is made on their right to fish?

The Hon. W. A. RODDA: The replies are as follows:

1. *(a)* Applicant is eligible to hold a class A licence in accordance with the Act.

(b) Applicant holds relevant Department of Marine and Harbors Certification.

(c) Applicant was regularly engaged in the marine scale fishery, prior to the announcement of the closure of the marine scale fishery on 27 June 1977, as his principal business (under a licence to employ of a class A marine scale fish licence) and as the operator of a separate fishing unit and has been similarly engaged since that date.

2. The Director of Fisheries.

3. Yes. To the competent person appointed under the provisions of the Fisheries Act.

4. 70.

5. Employees are legally permitted to fish if they are covered by a licence to employ, endorsed on a class A or class B fishing licence.

LOCAL GOVERNMENT

761. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Environment:

1. How many complaints have been received by the Office of the Minister or the Local Government Department for each of the past five years concerning the imposition of fines for late payment of rates?

2. Approximately what proportion in total of those complaints relate to fines being applied for rate moneys received the next day, or alleged to have been delayed by the post or delayed by an alleged legitimate and unavoidable hindrance preventing the ratepayer from meeting the deadline for payment?

3. What action does the Minister propose to take regarding this matter and in particular will he consider legislating for the non-application of fines in instances in the above categories where allegations have been proven correct?

The Hon. D. C. WOTTON: The replies are as follows:

1. Records of individual complaints of this nature are not kept, but complaints are received at times when rate notices are sent out.

2. Not known.

3. None. Section 259 (3a) and (4) already provide councils with power to reduce the amount of, or altogether remit a fine, if the council is of the opinion the addition of a fine would cause hardship. Additionally, where a council is of the opinion that there is a reasonable excuse for any rates having become in arrears, the council may remit the fine.

ANGAS HOME

765. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Environment: When is it proposed a decision will be announced as to the future use of the Angas Home, Parafield Gardens?

The Hon. D. C. WOTTON: The Angas Home was formerly used as accommodation for deaf persons. It consists of several main brick and stone buildings, one of which was used as a kitchen and small dining hall and the others were used as bedrooms and common rooms. Communal ablution facilities are provided in the bedroom wings. The Angas Home was purchased by the trust in 1979 as part of a larger parcel of land. It is intended to use this land for residential development. The trust is of the opinion that the Angas Home, suitably rehabilitated, has the potential to be utilised as a residential hostel or some other similar form of accommodation. Although the trust has actively sought organisations who may be interested in using the Home for this purpose, and preliminary discussions with several bodies have taken place, no permanent residential user has as yet been found. At present, as a interim use, the home is available as a meeting place for local groups and associations.

PREMIER'S EXPENSES

776. **Mr. BECKER** (on notice) asked the Premier:

1. What is the breakdown of all expenses of the Premier for the financial years ending 30 June 1978, 1979 and 1980?

2. What were the expenses for the three months 1 July to 30 September 1979 and the nine months 1 October 1979 to 30 June 1980?

3. What are the reasons for any increase or decrease in these expenses?

The Hon. D. O. TONKIN: The replies are as follows:

OFFICE OF THE PREMIER

1. Schedule I attached covers parts I and II of the question.

2. Schedule II attached sets our expenditure for the first twelve months of the current administration compared with expenditure of the immediate preceding twelve month period.

3. The figures illustrate the effect of the stringent financial policy of the present Government.

OFFICE OF THE PREMIER

SALARIES AND OPERATING EXPENSES

DETAILS	1977/78	1978/79	1979/80	1979/80 JULY, 1979 to SEPTEMBER, 1979 3 MONTHS	1979/80 OCTOBER, 1979 to JUNE, 1980 9 MONTHS
Salaries	308 981	328 016	243 753	82 426	161 327
Contingencies					
Travelling Expenses					
Premier	12 162	5 825	8 223	1 148	7 075
Staff	21 369	9 511	8 590	1 861	6 729
Entertainment					
Premier	8 123	16 000	11 981	6 077	5 904
Staff	3 281	2 947	2 058	1 343	715
Other Expenses	30 122	34 151	35 686	9 625	26 061
Total Contingencies	75 057	68 434	66 538	20 054	46 484
	$384 038	$396 450	$310 291	$102 480	$207 811

OFFICE OF THE PREMIER

SALARIES AND OPERATING COSTS

	October, 1978 to September, 1978	October, 1979 to September, 1979
Salaries	328 792	213 880
Travelling Expenses		
Premier	5 443	7 796
Staff	8 805	7 420
Entertainment		
Premier	19 204	7 715
Staff	3 338	1 106
Other Expenses	33 520	*46 087
	$399 102	$284 004

* Other expenses for 1979/80 include cost of the advertising campaign for small business "Let's Cut the Red Tape", and increased telex costs following introduction of the policy of telexing news releases to local, interstate and overseas media.

HILLCREST ACCOMMODATION

783. **Mr. SLATER** (on notice) asked the Minister of Environment: Has the working party of the South Australian Housing Trust and the Enfield council formed in November 1979 to investigate future housing possibilities and redevelopment of the Hillcrest area to provide elderly persons accommodation reported on its investigations and if so, what is the content of the report?

The Hon. D. C. WOTTON: The North East Working Party was formed in November 1979 consisting of six members, three nominated by the Enfield council and three by the trust. Since that date regular monthly meetings have been held and following each meeting a progress report is submitted to the council and to the Trust. To date, negotiations are under way in three specific sites. They are:

(a) Millbank Avenue, Gilles Plains;
(b) Swanson Avenue, Gilles Plains;
(c) Flinders Road, Hillcrest.

Regarding the Millbank Avenue project, agreement has been reached with the council concerning the utilisation of trust and council owned land plus the use of part of a public road to be closed. This site will allow for 25 aged accommodation units and the plan is to be submitted shortly to the trust board. It is expected that these units will be completed by December 1981. Negotiations are still proceeding on the other two sites.

HOSPITAL FOOD

793. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Health: When does the Minister propose to reply to the Member for Salisbury's letter of 14 October 1980, acknowledged by her on 17 October (M.H. M 461/80), concerning food quality at the Lyell McEwin Hospital and why has she not replied before now?

The Hon. JENNIFER ADAMSON: A reply was forwarded on 21 November 1980.

MEMBER'S LETTER

794. **Mr. LYNN ARNOLD** (on notice) asked the Minster of Health:

1. When does the Minister of Community Welfare propose to reply to the Member for Salisbury's letter of 14 October requesting permission for him to visit the Brighton and Glenelg branch offices of the Department for Community Welfare?

2. Why was no acknowledgement of pending consideration sent as an immediate response to the letter and why has the Minister not replied before now?

The Hon. JENNIFER ADAMSON: The replies are as follows:

1. A reply has now been sent.
2. The letter was inadvertantly misplaced.

FINE REMISSIONS

799. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Environment: Does the Minister of Local Government propose to either himself or by direction to councils arrange for the publicising of the provisions of section 267b of the Local Government Act that provide for the remission of rates and fines in whole or in part for those ratepayers in "necessitous circumstances" and, if so, what action is being planned and, if not, in the light of present economic conditions, why not?

The Hon. D. C. WOTTON: The Minister of Local Government has not power to direct councils to publicise the provisions of the Local Government Act and as the ability of persons to seek remissions from the whole or any part of a fine has been in the Act since 1963 the Minister has no plans to advertise the present provisions of Section 267b.

MUSEUM

800. **Mr. LYNN ARNOLD** (on notice) asked the Minister of Environment: When will the final report on the South Australian Museum Study be released?

The Hon. D. C. WOTTON: The Minister of Arts understands that the summary of the final report will be available to the Government later this week (that is 27 or 28 November 1980). After receipt of the final report and consideration of it the Government will then decide when to release it.