HOUSE OF ASSEMBLY

Tuesday 27 March 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

PETITION: SHELTERED WORKSHOPS

A petition signed by 25 residents of South Australia praying that the House urge the Government to establish a Royal Commission into the conditions of employees in sheltered workshops was presented by Mr Ashenden.

Petition received.

PETITION: VOLUNTARY ORGANISATIONS

A petition signed by 25 residents of South Australia praying that the House urge the Government to establish a Royal Commission into the accountability of voluntary organisations for money raised on their behalf was presented by Mr Ashenden.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 295 to 305, 311 to 329, 348 to 350, 353, 356 to 360, 363 to 365, 367, 370 to 372, 377, 380 to 382, 387, 389, 390, 392, 396, 422 and 426; and I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

PINNAROO AREA SCHOOL REDEVELOPMENT

In reply to **Mr LEWIS** (13 September).

The Hon. LYNN ARNOLD: The honourable member would be aware of the current status of the Pinnaroo Area School redevelopment but as he raised the matter during the address in reply on 13 September, it is appropriate to provide an update to this House. The honourable member inferred that the project has been cut from the capital works programme. It is true that the project has been deferred. The School Council Chairman was, however, advised of this in a letter forwarded on 7 July 1983. A further letter, drafted on 22 July 1983 advised the Chairman that the needs of the school have not been overlooked and noted that every effort will be made to ensure the earliest practicable completion of the work.

The inference that funding for the work has been cut, and that Pinnaroo no longer has a specific plan on the forward building programme, is not accurate. In respect of funding, it can be stated that the current nominal budget of $600 000 for stage 1 of the proposed work represents an increase to provide for the additional effects of inflation and not a cut, as may be implied by Mr Lewis's statement. A nominal budget for the subsequent stage of the project has not been fixed but can be assumed to require a similar increase as determined at a time appropriate to the anticipated construction in the 1986-87 financial year.

Stage 1 of the project has a place on the programme. Now that details of the budget and the consequent forward building programme have been announced I can advise that the anticipated tender call for stage 1 is March 1984 and completion is therefore anticipated in December 1984, ready for the opening of the school year in 1985. The honourable member also took up the issue of the probability of the Public Buildings Department's operational services section being involved in construction at Pinnaroo and the associated additional costs incurred with travel and accommodation and loss of work to the local labour force. I can now advise that is not the case at Pinnaroo and public tenders have been called for the project. Mr F.W. Black, mentioned by the honourable member, having gained the high respect of this Department and the Public Buildings Department through his construction of the new gymnasium at the school, would be in a position to receive consideration in this circumstance by submitting a tender.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Labour (Hon. J.D. Wright)—

Pursuant to Statute—

I. Boilers and Pressure Vessels Act, 1968—Regulations—Multiple Testing Fee.

By the Minister for Environment and Planning (Hon. D.J. Hopgood)—

Pursuant to Statute—

I. North Haven Trust—Report, 1982-83.

By the Minister of Local Government (Hon. G.F. Keneally)—

Pursuant to Statute—

I. Coober Pedy Progress and Miners' Association Incorporated By-Law No. 1—Motor Vehicles for Hire.

II. District Council of Kadina—By-law No. 32—One Way Streets.

III. District Council of Kimba—By-law No. 21—Flammable Undergrowth.

By the Minister of Community Welfare (Hon. G.J. Crafter)—

Pursuant to Statute—

I. Bills of Sale Act, 1886—Regulations—Paper for Instruments.

By the Minister of Recreation and Sport (Hon. J.W. Slater)—

Pursuant to Statute—

I. Racing Act, 1976-1983—Rules of Trotting—Scratching Time.

QUESTION TIME

RADIO STATION 5AA

Mr OLSEN: If the proposed take-over of radio station 5AA by the Totalizator Agency Board succeeds, will the Premier introduce an amendment to the Racing Act to ensure that his Government and future Governments cannot influence or interfere with the broadcasting content of the station, and thus eliminate any doubt that the licence can be transferred by the Broadcasting Tribunal? Under the existing provisions of the Racing Act the TAB is subject to the general control and direction of the Minister of Recreation and Sport. This will allow the Government to control and direct the radio station if the TAB's bid for 5AA succeeds.

The Hon. J.C. BANNON: I rise on a point of order. I do not wish to interrupt the Leader but, before he embarks too far into his explanation, will you, Mr Speaker, rule whether this matter can be dealt with? I am happy to deal with it, but Question 429 on the Notice Paper refers to this matter, and I also understand that there may be appeal proceedings lying against a decision in respect of Conpress

and its challenge to the attempt by the TAB to take over radio station 5AA.

The SPEAKER: I find nothing that would make the question *sub judice*. The honourable Leader of the Opposition.

Mr OLSEN: Under the existing provisions of the Racing Act, the TAB is under direct control of and subject to the direction of the Minister of Recreation and Sport, thereby placing this radio station under Government control through the Minister of the day. Therefore, a Government could ensure that its supporters were appointed to the board that will run the station and could even interfere directly with the broadcasting content of the station. I therefore seek a commitment from the Premier that the Government will put this matter beyond doubt by introducing amendments to the Racing Act, which governs the powers and functions of the TAB, so that the licence can be transferred.

The Hon. J.C. BANNON: This matter has not been considered by the Government in the sense of amendments to legislation, but we will look at it if the take-over attempt by TAB succeeds. The Government has not considered this matter, because it is not an issue to the Government. The Government has no intention of controlling the policy of radio station 5AA. However, I accept the point that there may be the potential for this to happen, although that would depend in turn on whatever appropriate amendments to articles are made if the take-over should go ahead. I do not think that we should at this stage speculate on that, although we should certainly consider it. The whole purpose of the bid by the TAB for radio station 5AA is to safeguard the TAB's right to have access to racing broadcasts, without which the TAB cannot operate effectively. So, it is not attempting to take over the radio station for anything other than that purpose: not to direct its general policy and performance. Indeed, it is in the interests of the TAB that, aside from a basic function that if, after 1985, racing broadcasts are directed through 5AA, 5AA should retain a format and programme that can maintain the profitability of the station generally. I am sure that that would be the intention. I will consider the matter at the appropriate time after the various provisions have been examined.

STUART SHELF

Mr GREGORY: Will the Minister of Mines and Energy clarify the reasons for this morning's announcement by Western Mining Corporation that BP Australia has advised its intention to withdraw from the Stuart Shelf exploration joint venture?

The Hon. R.G. PAYNE: I thank the member for his question, because it will give me the opportunity to clarify the circumstances surrounding that announcement. The Roxby Downs indenture contains special provisions for continued exploration on the Stuart Shelf. The original area held by the joint venturers was extended until 31 December 1985, or until such earlier time as the joint venturers take up their right to choose a maximum of 10 selected areas, each of up to 65 square kilometres, under special licences with terms until 31 December 2005, and 20 per cent relinquishments every five years in their respective areas.

I think that honourable members would agree that, whilst we are probably all very familiar with the direct indenture requirements in relation to Roxby Downs, some of the facts I have outlined have been less prominent to this date. The exploration commitments for these licences are very substantial. In respect of the original licence area, $5 million had to be expended between 29 May 1979 and 29 May 1982, with a further $125 000 per month until 21 December 1985, or such earlier time as the joint venturers take up their special exploration licences. The work commitments on these special exploration licences are at the rate of $5 000 per square kilometre per annum, escalated in accordance with the CPI. Last week Mr Hugh Morgan, of Western Mining Corporation, and Mr Ian Gray, of BP Australia, advised me that BP Australia had decided to withdraw from the Stuart Shelf exploration. They gave as their reason BP's view that the exploration would be unlikely to discover any new deposit which could be brought into production faster than Roxby Downs—I am tempted to add—any new deposit which would rival Roxby Downs', in view of its tremendous potential.

The possibility of finding such a deposit apparently has been a major objective of its participation in the programme. BP will continue funding exploration work until 9 September 1984, after which Western Mining will pick up all of those work commitments (and I emphasise 'work commitments') and continue exploration on the Stuart Shelf 100 per cent on its own account. No diminution of exploration effort will therefore result as a consequence of the BP announcement. The Western Mining/BP joint venture work at Roxby Downs—or perhaps, to use the current term, Olympic Dam—is unaffected and is proceeding on schedule.

RADIO STATION 5AA

The Hon. E.R. GOLDSWORTHY: Will the Minister of Recreation and Sport say what is the source of the funds which the State Government Financing Authority proposes to advance to the TAB for its take-over of radio station 5AA, what rate of interest will be charged on those funds and what other arrangements does the Government intend to make to facilitate this take-over? As well as seeking this important information about commitments the TAB will enter into for loan repayments should this take-over proceed, I also ask the Minister to explain how the TAB will get around current provisions in the Federal Broadcasting Act, which state, in part:

> . . . a licence for a commercial broadcasting station or for a commercial television station shall not be granted except to a company formed within the limits of the Commonwealth or a Territory and having a share capital.

Obviously, the TAB will have to form a company to hold this radio station licence, and I ask the Minister to explain the arrangements involved.

The SPEAKER: The honourable Minister of Recreation and Sport.

The Hon. J.C. BANNON: I will take this question.

An honourable member: They've reshuffled the Ministry.

The SPEAKER: The honourable Premier.

The Hon. J.C. BANNON: I am answering this question not because the Minister of Recreation and Sport is not aware of the information but because, as I am Treasurer, the South Australian Government Financing Authority, in fact, reports to me. As Treasurer, therefore, I should respond to questions directed to this matter. Quite simply, the TAB has a capital expenditure fund of its own which is maintained for capital purposes.

In the case of the acquisition of a radio station it is unlikely that that will be sufficient. As a statutory authority, the TAB has recourse to the services of the South Australian Government Financing Authority. That Authority was specifically formed, of course, for the purpose of handling the loan raisings and on-lending to statutory authorities. SAGFA borrows at a semi-governmental rate which is a margin below the rate that will be applicable to a private borrower, and then on-lends to the Authority at what it terms a common public sector rate, which is calculated to ensure

that SAGFA breaks even at least on such a transaction as an intermediary in the market place.

That is the way in which Governmental loans are handled. Of course, the exact rate of interest will vary depending on the time at which this is done. As to any other mechanics required before the Broadcasting Tribunal in relation to the holding of a licence, that is obviously a matter for the TAB to give due consideration and comply with the law.

DIAMOND MINING

Mrs APPLEBY: Will the Minister of Mines and Energy provide any further information on the search for diamonds in South Australia? According to articles in the press earlier this year, millions of dollars are being expended in exploration of diamond mining in South Australia. As diamonds were first discovered in South Australia before the turn of the century, the present situation would be of interest, as there is little public awareness in this matter.

The Hon. R.G. PAYNE: The honourable member was kind enough to inform me in advance of what I would describe as her continuing interest in the matter of diamonds, and I am sure that all honourable members would understand that. Accordingly, I am able to provide some information to the House. The current bout of diamond exploration has been under way for more than a decade, and money spent on exploration, or proposed to be spent in the next few years, amounts to almost $13 million. But the history of diamonds in South Australia is much older (as the honourable member suggested, it goes back quite a long way), with the first discoveries being made during alluvial gold mining operations at Echunga and Algebuckina before the turn of the century. Currently South Australian mineral explorers hold 45 exploration licences, covering more than 68 000 square kilometres in which diamonds are the principal commodity of interest, or a significant exploration target.

Interest has intensified since 1979 with the discovery of the Argyle diamond deposits in Western Australia. A number of major companies is involved in diamond exploration in this State, and for intending hopefuls or those who are interested the search is currently concentrated in the Murray Basin, the Mount Lofty, Flinders, Peake and Denison Ranges, and on the Gawler Block and the Stuart Shelf.

Mr Becker: Have they found any yet?

The Hon. R.G. PAYNE: If the honourable member will be patient I will give him a further clue as to where to start looking. The most significant discoveries at this stage have been reported from the County Kimberley area (and I believe this is what the honourable member is looking for), north-east of Burra, where more than 20 separate Kimberlite occurrences have been located. Several of these occurrences have produced micro-diamonds, but none at this stage appears to have economic potential. Kimberlites and other diamond indicator minerals have also been located in other areas of the State, but follow up sampling to this date (and I stress that) has revealed little of further significance.

EARLY CHILDHOOD SERVICES

The Hon. MICHAEL WILSON: Will the Premier (it may well be that this question should go to the Minister of Education, but I think that it is the Premier) extend the time limit by which submissions on the Coleman Report into Early Childhood Services must be lodged? The Coleman Report, the release of which I understand has been co-ordinated by the Premier's office, has very significant recommendations on the question of Early Childhood Services, one of which, of course, is the suggestion that a new Department of State be set up to co-ordinate early childhood services under one Minister.

I have had many approaches from people in the education community expressing alarm that they have not had enough time to consider the recommendations, one of the reasons being that they have only just been able to get copies of the report. I understand that copies were issued by the Premier's office, and indeed I had to ask to get a copy, and many of my colleagues have said that they have been unable to get copies. This has been mirrored in the education community, where people have told me that they have received a copy only in the last few days. As I understand that submissions have to be in by the end of this month, I ask the Premier (or the Minister) whether he will grant an extension of time so that these people can consider the report properly before they put in their submissions to the Government.

The Hon. LYNN ARNOLD: I appreciate the honourable member's question in asking about the Coleman Report, and I certainly will have investigated the suggestion that some people have had difficulties getting hold of a copy of the report. I might say that a great many other people do not seem to have had any difficulties, attested to by the number of responses received over some weeks to the Coleman Report. Indeed, many people have been able to get access. I appreciate that there may be some difficulties on this issue which need some examination.

The date at the end of March was set bearing in mind difficulties people would have getting responses back to a report released late last year. We acknowledge that one of the major areas of interest in the findings of the Coleman Committee relates to the pre-school sector and that in fact it was closed down over much of December and January; therefore, it was not possible for pre-school committees of management to get together to make the sort of responses we knew that they would want to make. That is why in December we set a date which seemed to be quite a long time away, namely the end of March, as being the closing time for submissions on this report, so that we could encourage responses to it.

A couple of organisations within the education sector have contacted me and have indicated that they are having difficulties getting their responses finalised by the due date. This was mentioned to me more than a few days ago. Comments were made to me in February and earlier this month by organisations, including the Primary Principals Association, which has indicated that it has had difficulties formulating a response, not because it did not get a copy of the report, but because it wants to be certain that in its response it canvasses all the issues of concern to its members.

I am aware of a great number of submissions that have come in. The committee considering them wants to give serious consideration to all of them, but quite frankly it will have some difficulties finishing that task by the end of March. The committee is under the chairmanship of Bruce Guerin, from the Department of Premier and Cabinet. In fact, we have indicated to people who have made an inquiry about this matter that there will be some slippage involved in submissions coming in. If people are having trouble in getting their submissions in, we would rather they got them in than be unable to consider their viewpoints. Clearly, 31 March was the date set as an indicator of when we wanted the submissions in, because we cannot allow the matter to drift on for many months after. If we are to be in a position to take up and consider, favourably or unfavourably, the recommendations of the Coleman Committee, it will have an impact in the 1984-85 financial year. As the honourable member would well know, we are in the stages of Budget preparation for that financial year, and one cannot expect decisions to be made late in the calendar year and suddenly expect them to have an impact on the 1984-85 Budget. We

are expressing an attitude of flexibility. Whilst we are hoping that possibly submissions will be in by 31 March, if people have trouble getting their responses in by that time we will not ignore them if they come in after that date. If submissions come in way after that date, clearly, the Government will have hoped to have made some decisions before then.

The second matter concerned the difficulties that members have had getting a copy of the report. That is not mirrored by other people in the community, but if there is a problem I will investigate it and find out what the problem has been; if other people are still having problems getting a copy of the report, I will certainly try to help people to get a copy.

The Hon. Michael Wilson interjecting:

The Hon. LYNN ARNOLD: Mention was made of members of Parliament obtaining copies of the report. If there is any suggestion there that the Government has tried to preclude copies of the report from going to the members of the Opposition, that is an outrageous suggestion. In fact, as Minister of Education on many occasions I have issued reports publicly and have tried to make sure that they are available from the Government Information Centre, from local schools in the community, or from any other area where members of Parliament have access to them. On a number of other issues I have endeavoured to make sure that members of this House have access to information. A request made by us when in Opposition to the then Government that the *Education Gazette* be made available to the Opposition was refused; of course, now the reverse situation is taking place. Copies of reports are made available to the shadow Minister of Education and to other shadow spokespersons in this House. That is the sort of concern we have to make sure that information is available to Opposition members. I suggest that they look at their own track record and blush a little before making too many implications about our willingness to share information.

CHEMICAL SUBSTANCES

Mr FERGUSON: Will the Minister of Labour inform the House whether the Department of Labour has taken any positive steps to make sure that all chemical substances used in industry are adequately labelled? Many chemicals are inadequately labelled and improperly used in industry, and very little information is given to workers about the hazards of the chemicals they work with. Workers in the printing industry are often asked to use thinners, deglazers, film developers, copying fluids and cleaning chemicals of various kinds without being informed about the hazards of the chemicals that they are using. Labelling quite often contains only brand names, and full reference to the chemical contents is unobtainable, as manufacturers are reluctant to print chemical contents because they are not prepared to give away trade secrets. At least one State Government has introduced regulations to prohibit the supply, purchase or use of any substance in a prescribed list without the written authority of the Health Commission.

The Hon. J.D. WRIGHT: The honourable member was good enough last week to further indicate to me his interest in this. As a consequence, I have obtained a report from my Department, and I am pleased to respond to this question on a matter which is of great concern to this Government. The Department of Labour, through its inspectorate, makes known to employers their responsibility to inform employees of the hazards and dangers of chemicals stored, handled, or used in the work place, although there are still significant shortcomings with the labelling of chemical substances. The Australian Code for transport of dangerous substances by road and rail recommends, amongst other things, the marking of all dangerous substances being transported and details how such labelling shall be carried out. Although all States support the introduction of the Code, I understand that New South Wales is the only State other than South Australia to have adopted that Code at present. The Code has been fully adopted here and is called up in the regulations under the Dangerous Substances Act, and its implementation is being policed by the Department of Labour. This labelling, however, is limited in its information and does not provide all that is required to ensure the safety of the work force.

The Federal Government's Environmental Contaminants Authority has recommended the adoption of the OECD provisions for the labelling of all dangerous substances. Such labelling would provide the details of contents required to protect the work force. The State Government has established an Environmental Hazards Committee which, amongst other things, is required to recommend the changes to State legislation that will enable the OECD provisions to be adopted. When this has been effected all dangerous substances used in industry will require adequate labelling. The effects of the New South Wales legislation requires the written authority of the New South Wales Health Commission before the purchase or use of any substance in a prescribed list which at present contains mainly carcinogenic substances, and which is being monitored regularly.

FRIENDLY TRANSPORT COMPANY

The Hon. D.C. BROWN: Will the Premier say why he has breached the promise made before the last election, and subsequently, to ensure that Friendly Transport is relocated as a matter of the highest priority? Why has the Premier decided not to proceed with the compulsory acquisition of that property? On 18 February 1982, the Premier (then the Leader of the Opposition) wrote to Mr David Webb, Secretary of the Residents Association, of Black Forest, as follows:

Dear Mr Webb,

I am writing on behalf of our shadow Minister of Transport, Howard O'Neill, who is currently on sick leave, to confirm that it is our view that the current location of Friendly Transport Limited poses a major safety problem to vehicular traffic on South Road and surrounding streets. We are amazed that the present Government has not taken action to ensure that the problem is solved. I confirm that in Government, subject to the provisions contained within the Land Acquisition Act and an assessment from the Valuer-General's Department, we would make funds available to compulsorily acquire the property.

Yours sincerely,
John Bannon, Leader of the Opposition

On 9 August 1982, Mr Bannon, who was by then Premier, wrote another letter, the last sentence of which says:

The undertaking given by the Labor Party, whilst in Opposition, is being honoured as every endeavour is being made to assist Friendly Transport.

Last Wednesday evening, Mr David Webb, together with a number of residents, visited the Premier and the Minister of Transport to ask what had occurred now that the Premier had been in Government for 18 months, and to ascertain what action had been taken to acquire that property. Mr Webb indicated to me immediately after that meeting that he was totally dissatisfied with what had happened and said that no action whatsoever had been taken by the Government. Immediately after that meeting Mr Webb said:

Our meeting with the Premier and the Minister of Transport proved simply to be a repeat of past performances—no commitment, no firm undertakings; just as much confusion and uncertainty.

He made a much longer statement but I will not read all of it. It clearly highlights that previous undertakings given by the Premier have not been—

The SPEAKER: Order! The honourable member is now commenting. The honourable Premier.

The Hon. J.C. BANNON: The short answer is that I have not gone back, nor do I have any intention of going back, on that promise. Indeed, my colleague the member for Unley has frequently and consistently made the case and representations very effectively. It was he, in fact, who introduced the deputation that the honourable member said he thought was last Wednesday evening (in fact, after seeing me the deputation trotted straight around to speak to him, so I would have thought that he had a better memory of precisely when it was)—but it was indeed last Wednesday evening, when we had a full discussion. Councillor Webb has a great commitment in this matter and a great zeal in pursuing it, and I commend him thoroughly for it. I, together with my colleague the Minister of Transport, put the case before the people concerned quite clearly.

The answer in simple terms is that compulsory acquisition really is a stage which we reach only if no other means of solving the particular problem can be found. I would hope, in fact, that the member for Davenport is not advocating that we just simply send people in and march the man off his premises. The fact is that there is a very strong belief on our part that the matter can be settled fairly soon. If that can be done without resort to the fairly Draconian provisions of compulsory acquisition, well and good.

If, in fact, the proprietor chooses to dig in his heels and fight every inch of the way through the compulsory acquisition process, we are talking about a period much longer than 18 months (in fact, it is less than that). It is in the interests of the residents of Black Forest and the resolution of this situation that some agreement can be reached. Failing that we may have to embark on tortuous and lengthy legal processes but we have not reached that stage. At least one alternative site had been located; indeed arrangements were in train for that relocation, and Friendly Transport could well have moved. The catch came through a local government objection (it includes the local government area of West Torrens), under the planning provisions, to Friendly Transport operating from that site. That matter has to be dealt with in the course of the law. My colleague advises me that the appeal against the refusal of the West Torrens Council has been set down for hearing in the week commencing 16 April. That may well resolve the matter but in the meantime we have undertaken a fairly vigorous inspection of other possible alternatives.

For instance, as the member for Davenport would know, because he is obviously retailing information given him by the deputation, certain information was placed before us about a possible alternative site. However, the Minister had no direct knowledge of that and it is somewhat blurred about how negotiations, if any, have taken place about the site. Rather than take what Councillor Webb said as gospel and retail it in this House, the honourable member should question the Councillor about the detail and status of his information. Be that as it may, I assure the House, as I assured Councillor Webb and as I can assure the residents of Black Forest through the member for Unley, the most appropriate action is being taken to resolve the situation. That is the undertaking we have given. If we have to resort to some form of compulsion, which I hope we will not, then we will do so, but we have not yet reached that stage.

AIR FARES

Ms LENEHAN: Will the Minister of Tourism initiate discussions with Australian domestic airlines in respect of several aspects of the proposed Airpass concession fares? Specifically, will he ascertain whether children will enjoy proportional concessions under the Airpass fare structure? Further, will he urge Ansett Airlines to include non-capital stopovers at centres in South Australia that are presently serviced by the Ansett subsidiary, Airlines of South Australia? In all the press reports that I have read concerning the new Airpass proposed concession fare system, I have found no reference to children and what will happen to concession fares in respect of children. Regarding the second part of my question, it has become obvious that neither TAA nor Ansett Airlines proposes at present that its non-capital stopovers will include South Australian provincial towns. In a recent report in the *Sydney Morning Herald*, the reason given for this was that the selected airports were so selected because they were served by both Ansett and TAA, and this explains why non-provincial towns in South Australia will not be included in the plan. It is important that the Minister initiate these discussions with Ansett because—

The SPEAKER: Order! The honourable member is beginning to comment.

Ms LENEHAN: I have concluded my question.

The Hon. G.F. KENEALLY: The honourable member has highlighted two areas of concern in respect of the new Airpass concessions in so far as they apply to South Australia. I assure her that both these matters have already been taken up with the Australian Tourism Commission specifically by officers of the South Australian Tourism Department. The purpose of the new Airpass concessions was to help Australians holiday in their own country. The concessions are a result of the new domestic air travel launch that took place in Sydney last week. Although we all congratulate the Commonwealth Government and the Minister (Mr Brown) on their initiative, we should also appreciate the contribution made by TAA and Ansett in providing these holiday packages. Many potential holiday makers with children would, I believe, be inclined to take advantage of the Airpass concessions if such concessions were available to children. That is a very large holiday market indeed, and if children are excluded, the width, if you like, of the potential market is reduced considerably. So, we have taken up this matter with the Australian Tourism Commission, and we will talk to both Ansett and TAA.

The second part of the honourable member's question related to whether or not major country airports in South Australia ought to be included in the concession fare. I understand that they have not been included because we do not have TAA and Ansett servicing our major country terminals such as Whyalla, Mount Gambier and Port Lincoln. We have already initiated contact with Ansett with a view to having at least some of the major country airports included in the concession fare, because otherwise it means that South Australia and, I understand, Western Australia also (other than Port Hedland) largely miss out in the country areas.

The whole concept of encouraging Australians to holiday in their own country first is admirable. The policy could be more effective if all citizens in Australia had access to those holiday packages and all States had access to the full range of those packages. The Government intends, within the next couple of weeks, to clarify exactly how those concessions will apply to South Australia. Frankly, I have not yet had a good look at the complete package. My department should have it very soon, if it does not have it already, because we are anxious to examine it in order to ensure that our interests are protected. As soon as I know exactly what is involved, I will give the honourable member and this House a report on the matter.

RAILWAY STATION REDEVELOPMENT

The Hon. B.C. EASTICK: Is the Premier satisfied that all applicants to operate the proposed casino are being given

fair and reasonable access to the casino premises and plans of those premises so that they can prepare their submissions? I ask this question in view of the Premier's answer in this House last Tuesday which reads, in part:

No group currently interested has any specific advantage.

The Hon. J.C. BANNON: That question is wrongly directed to me. It really will concern the Casino Supervisory Authority, which is an independent and separately established body and which has the overview of these whole proceedings. I think we shall find that it will ensure that the terms and conditions laid down will provide for a fair and equitable decision being made.

PACEMAKERS

Mr TRAINER: Will the Minister of Tourism, representing the Minister of Health in another place, ask his colleague to prepare a report on any dangers that may result during cremation from heart pacemakers left in bodies? I refer to an article appearing in the *News* on 8 December last year, headed 'Pacemaker "danger in cremation" ', which reads in part:

Heart pacemakers left in the bodies of people being cremated were potentially 'very dangerous', it was claimed today. Under intense heat, they could explode, causing injury to mourners.

The article quotes a Mr P. Dunkley, a former Centennial Park Cemetery General Manager, as saying:

During my 14 years at the cemetery I can remember three explosions occurring . . . Explosions have also occurred at other crematoriums around Adelaide . . . Nuclear powered pacemakers pose the most serious threat. If the capsule broke due to the heat it could be very dangerous. The power source of nuclear powered pacemakers is plutonium 238, a highly toxic and radioactive metal.

He went on to point out:

However, most pacemakers in Australia are powered by lithium based batteries . . . Usually, a doctor removes the pacemaker, but sometimes one or two slip through.

He claimed that under form 8, regulation 13 of the Cremation Act, a doctor must certify that a body does not have a pacemaker. He said:

However, even though it is a regulation, there is no penalty if a pacemaker is left in.

The Hon. G.F. KENEALLY: I believe that the only way I can sensibly answer this question is to pass it on to my colleague in the Legislative Council and bring back a reply.

LEGALISATION OF PROSTITUTION

Mr BECKER: Does the Premier support the legalisation of prostitution in massage parlours in South Australia?

The Hon. J.C. BANNON: I think that my position can be revealed by checking the *Hansard* record containing my vote on this matter when it was before this place under the previous Government. The real thrust of the question should be directed, surely, to press reports that the Government has imminent changes in mind in this area. That is completely untrue. All that the Attorney-General said, on being questioned by the media in relation to proposed changes in Victoria (changes which, incidentally, even though reported as certain to be put into effect, are by no means certain to be put into effect), was that naturally we will look at what is happening over the border. I think that that was a quite sensible thing to say. There are absolutely no proposals before the Government in relation to this matter and no intention at this time of the Government doing anything in this area.

FORESHORE DEVELOPMENT

Mr PETERSON: Will the Minister for Environment and Planning give an explanation of policy relating to residential development in metropolitan foreshore areas? Recently a shack policy statement was released, but residential development seems to be an area about which there is no clear cut policy. Since the release of publicity stating that the North Haven project is about to move into a significant residential phase I have received many queries about the possibility of housing being built on the foreshore between the Police Academy and the North Haven indenture area further north along the coast. Is there any firm policy on residential development in this area or in similar foreshore areas in the State?

The Hon. D.J. HOPGOOD: In terms of the Act, the various zoning regulations brought down by Local Government are policy and, as such, indicate what is possible and what is not possible in terms of development application and approval. Of course, the Government would want to discourage any residential development which had a significant impact on dune areas or which could be subject to damage as a result of storm or abnormally high tide. So far as I am aware from the brief description the honourable member has given, part of the area to which he refers would have some remnant dune areas and I, personally, would discourage any large scale building activities occurring there.

However, I make the point that probably, in terms of the present Act, that is outside my hands. If the area is appropriately zoned then any person wishing to take on board or put in an application for a development which was in that zoning would be able to get the appropriate authority from the Corporation of the City of Port Adelaide to do so. If there is some nuance or sophistication that has escaped me in the honourable member's question, perhaps he might like to take it up with me privately and I will ascertain what additional information I can give him.

TEMPORARY SCHOOL ACCOMMODATION

Mr BAKER: Will the Minister of Education inquire urgently into the whole planning process associated with the provision of temporary accommodation in schools? I use the Mitcham Primary School in my area as an example. In August 1983 the Headmaster of the Mitcham Primary School indicated that additional accommodation was required. This was based on the number of students going through the junior primary school and on the development of associated areas. Of course, at that stage there was overcrowding, and places such as the music room were being used for accommodation. In late December a representative of the school contacted me and said, 'We have been promised some classrooms, but we do not know when they will arrive. Can you find out when they will be on the premises?'

Over a period of time I attempted to ascertain the exact date of arrival so that parents and teachers could plan for the school children concerned. After a number of communications with the Department we finally ascertained that it was not possible to provide these buildings before school started (when they were needed). After a number of other communications we were told that the buildings would certainly be at the school by 18 March. At this time those school buildings have still not arrived and all available space at the school is filled. The school did get one junior primary classroom from Thebarton High School, but it was in a state of total disrepair. It is a disgrace that it was even moved. Throughout this saga it has been impossible to plan for the teaching of the children involved. I have received a number of phone calls from irate parents as well as letters

on this subject. If the Minister delves back into the history of this matter I think he will find that this process is *ad hoc* and does not work particularly well.

The SPEAKER: Order! The honourable gentleman is now debating the matter. The honourable Minister of Education.

The Hon. LYNN ARNOLD: First, I must take exception to the final remark that was made by the honourable member, namely, that the process is *ad hoc* and does not take account of the concerns and needs of the students in schools. That is totally incorrect. I may say that officers of the Education Department whose responsibility it is to handle the matter of the relocation of temporary classrooms from one school to another are very concerned about the wellbeing of students in schools throughout South Australia; they work as actively and as fast as they can to ensure that accommodation is provided to students where it is needed. So, first, let me dispense with what I regard as a gratuitous insult. The important issue involved is that there are difficulties with the movement of temporary classrooms from one site to another. I appreciate that, for a long time, we have had difficulties like that: it is not something new, it has happened for years and years. I had contact with the Education Department as a teacher before I entered Parliament and can recall the difficulties that we very often had in getting classrooms at the time they were needed to match the enrolment patterns of certain schools.

Certainly, we should be ensuring that at all times our systems are as efficient as they might be. In fact, a few weeks ago, when another issue not dissimilar to the one referred to at Mitcham was raised I indicated that we should re-examine the process that we are working under. I indicated that we should not dishonour the motives of the officers involved but that we should see whether each part of the system is working as rapidly as it may do. May I say that certain problems attach themselves to the movement of classrooms which perhaps are very difficult to resolve. Certainly, in my capacity as Minister of Education, I have found that they do become very difficult to resolve. It is not simply a matter of my saying, or of officers of my department saying, 'Yes, let us move a classroom from school A to school B', because we have to go through a number of other processes in the meantime. I certainly believe that the member for Mitcham is not attempting to suggest that we should ignore those processes.

Local government is vitally involved in this process. The Deputy Leader of the Opposition was involved in a deputation to me concerning the movement of a classroom where part of the problem was local government delay. It was not a case of bloody-mindedness on the part of the local government concerned but the timing of its council meetings that was creating the delay. The next question concerns the fact that once a classroom is being moved along a road (as the Minister of Transport and Minister of Emergency Services would agree) one has to be concerned about the logistics of that exercise. The police have to be informed, and a time has to be found that is convenient for both police and road users so that the least possible number of road users is inconvenienced; in other words, that it is not taken down a road during peak hour traffic.

All of these matters have to be taken into account, as well as other considerations. One has to identify where there is a spare classroom that can be moved. It is not simply a matter of one or two classrooms being moved from one school to another in each calendar year. The actual movement of classrooms is a very large exercise involving a large number of classrooms in any one year. Well in excess of 200 classrooms are moved every year for one reason or another, or to meet changed enrolment patterns at various schools. It is a very large exercise to, first, identify where a classroom is to come from and where it is to go, and then to attend to the administration and to make sure that it, in fact, gets there.

The honourable member referred to a classroom being received at Mitcham in a disgraceful state of total disrepair. I imagine that the honourable member is not suggesting that we have a classroom all nicely repainted, attend to all of the maintenance problems, move it, and then have to repeat the whole exercise again: that would be a ludicrous way of handling our resources. I visited a school in the electorate of Price before Christmas and looked at a building which had just arrived. Initial reaction was that it was a building in total disrepair and that it was a disgrace. It was then attended to, as is the normal process with such buildings, and repairs were done. It is now a very handsome building on that campus. It has been repainted and refurbished and repairs that needed to be done have been done. I visited a school recently in the electorate of Mawson where a building had just arrived. The concern of parents there was that certain aspects of that building be attended to; that is, in fact, what took place. We do repairs and maintenance after a building has been resited at a new school.

The other point that needs to be mentioned is the matter of how one determines whether or not buildings need to be replaced or resited on another school campus. It was suggested to me that we should look at enrolment ceilings for primary schools as well as high schools, that, in fact, we should be saying to a primary school 'You will have an enrolment ceiling of X hundred and if you reach that ceiling you will not be able to accept any more enrolments.' That does, in fact, happen at two primary schools at the moment. There are 560 primary schools in this State and two of those have enrolment ceilings. The suggestion was put that perhaps we could consider that in the case of Mitcham Primary School. I rejected that suggestion, but it is a matter that needs to be considered whenever one is managing the aspect of financial resources involved with providing school buildings for students in South Australia.

We are attempting to manage school buildings whose value exceeds $1 billion. To make sure that that investment matches enrolment patterns we have to ensure that we are providing buildings in the right place at the right time. If that situation is being exacerbated by voluntary trends from one school to another, that question needs to be addressed as well and, indeed, a reference did cross my desk with regard to the situation at the Mitcham Primary School. If ever we can improve the process of obtaining new buildings we will look at doing so. My officers work very hard and genuinely to try and resolve this problem. They get buildings as fast as they can, and they work with local government and the police to ensure that the process happens as quickly as it can. They also try to identify available buildings as early as possible. However, the magnitude of the work involved here is not to be sneezed at. The movement of school buildings is a large scale operation. I am sorry, as are members of the Education Department, for the dislocation involved for students who have to be temporarily located in a school while awaiting a building. However, it is not a matter of clicking one's fingers and knowing that a building will appear the next day. I ask the honourable member to appreciate that situation when he shows his concern for the students of the Mitcham Primary School.

Members interjecting:

The SPEAKER: Order!

RAINBOW SWEETS

The Hon. PETER DUNCAN: Will the Minister of Consumer Affairs investigate the sale of a product called 'Rainbow sweets', which I understand is sold in many delicatessens

and other places around South Australia? This product, which is sold to children, is packaged in a fashion similar to the way in which many medicinal pills and tablets are packaged. It is quite a serious matter that sweets looking like pills are packaged and sold as sweets in South Australia. I notice that the packet indicates that these items are in fact made by a company called Matsuyama, and that they are made in Japan. The list of ingredients, which is printed on the back of the packet and which is certainly a good feature, includes dextrose, corn starch, organic acid, stearic acid, artificial flavour, gelatin and certified colour. The net weight is 6 grammes. I think that it is a most undesirable thing—

The SPEAKER: Order! The honourable member is now attempting to debate the matter.

The Hon. PETER DUNCAN: It has been reported to me that it would be highly undesirable for children to get into the habit of eating tablets of this sort. I would ask the Minister to investigate the sale of these sweets.

The Hon. G.J. CRAFTER: I thank the honourable member for raising this matter. I will refer his question to my colleagues the Minister for Consumer Affairs and the Minister of Health to ascertain whether any action needs to be taken in this matter.

MILLIPEDES

Mr EVANS: Will the Premier state what further action his Government will take to reduce the millions of millipedes that are invading large areas of South Australia? I suppose the simplest explanation would be to ask the Premier to read the article in today's *Advertiser* written by Mr Atkinson. His view is that which has been put to me for several weeks by many residents whose properties have been invaded by this pest in its millions. People who have made representations to me about this problem have said that they cannot understand why the Government places such a low priority on its resolution. These people know that $4 000 has been made available to send Dr Baker to Portugal. However, they realise that this is a long-term problem that will take much research to solve and they are concerned about the effect this pest is having on their quality of life in the meantime.

When this species of Portuguese pest first came to this country local councils provided spray at no cost to the community. I am told that the spray is now available only from stores and that councils (except, I believe, Mitcham and Tea Tree Gully councils) will not provide it for ratepayers. The cost of the spray granules is now $3.70 for a 100 gramme packet. Residents have told me that they believe that councils can buy this product in bulk for about 30 per cent of that cost. They also make the point that although some residents are able to afford that cost many pensioners, who also need to protect their quality of life, are unable to afford the spray to protect their homes from the invasion of this pest.

Will the Premier say what further action his Government intends to take in relation to this matter? I have been asked whether some form of inquiry could be set up by the Government to find out whether there is some better method of making spray available. The point has been made that if a locust plague were affecting agricultural crops—

The SPEAKER: Order! The honourable member is entering into the realms of debate, albeit in a pleasant way.

Mr EVANS: I am saying that the community has put to me—

The SPEAKER: Order! I ask the honourable member to desist.

Mr EVANS: If it was a pest affecting—

The SPEAKER: Order! Leave withdrawn. The honourable Premier.

The Hon. J.C. BANNON: I would not seek to minimise the annoying problem of this invader of homes in many parts of Adelaide and some country areas at all. The Government is concerned about it and has been taking action on it. However, it does not provide an economic threat or a threat, in immediate terms, to public health, but it is certainly an appalling thing for people to have to put up with. We believe that somehow we have to find an answer to this dreadful pest. I believe that the article referred to by the honourable member was quite unfair, one-sided and inaccurate. For instance, it purports to provide a transcript in quotations of a conversation between Mr Satchell on the ABC, the Minister of Agriculture in another place, and Dr Baker, who has been doing the biological control studies into this pest. As I understand it, that is not an accurate transcript of any conversation that took place. It is, indeed, quite misleading, both as to its tone and the actual words used. I do not think that that helps the position at all. I understand that the reporter involved was writing a personal point of view about it, and he is entitled to do that, but he is not entitled, as he has done, to simply dismiss Government activity in this area. Bear in mind that this problem has been with us for some years, is an increasing problem and that, in fact, contrary to what this article implied, about $100 000 has already been spent in attempting to find a solution to it.

Members interjecting:

The Hon. J.C. BANNON: I would recommend that members look at another article, which appeared on page 6 of today's *News* and which deals with the millipede problem by proposing some defence mechanisms people are using in an attempt to solve this problem, which is very hard to solve. The biological control method is the method which, after exhaustive studies, seems to be the only one that will solve this problem. It is how this problem has been stabilised overseas and how it will have to be stabilised here. The very virulence of the pest is indicated (as many residents of affected areas know) by the fact that sprays, strips and things like that are proving inadequate and expensive. The Government has said that Dr Baker should continue his research work. He is going to Portugal, and will be funded to do what is necessary in order to establish biological control. The Government is concerned about this terrible problem. I have not personally been subjected to this invasion but I know how terrible it must be. Indeed, the march of the pest is getting closer every day to the suburb in which I live in the northern part of town. I assure honourable members, and the member for Fisher in particular, that it is not a case of dismissing this problem at all; it is a case of trying to find the most effective method of dealing with this pest, and we intend to do that.

MARALINGA TJARUTJA LAND RIGHTS BILL

Returned from the Legislative Council with amendments.

CLEAN AIR BILL

Adjourned debate on second reading.

(Continued from 22 March. Page 2804.)

Mr LEWIS (Mallee): I guess that you, Mr Speaker, would be surprised if an explosion in this place resulted in some of the bricks or stones of which it is built being thrown across the other side of the Torrens into Brougham Place or, on the other hand, if they were thrown as far as Victoria

Square. Yet the circumstances to which I was referring when this debate was adjourned last Thursday could indeed arise (if we allow this Bill to pass in its present form) requiring the grain handling industry to do here what it is required to do in the United States (that is, pump back into the silos the dust which arises when grain is handled). If that dust is not vented to the atmosphere, or otherwise removed from the grain, an explosion the equivalent of many thousands of tonnes of TNT, capable of thrusting the masonry of this building over two kilometres, would occur, as has been the case in the United States.

In my earlier remarks I described the important parts of the legislation with which I am concerned, not the least of which include the definitions of air pollution, impurity, prescribed activity, prescribed matters and vessel. I also referred to the composition of the Clean Air Advisory Committee, which shall include a chemical engineer, a fuel technologist, a meteorologist, an air pollution control expert, persons nominated by the Minister of Health, the Local Government Association, the Chamber of Commerce and Industry, and the United Trades and Labor Council and a conservationist. There is no mention of a primary producer representative, even though this legislation will have considerable cost implications as to what all primary producers, not only grain growers, can do.

I also spoke about the effect of the provisions of clause 14 of the Bill, under which the Minister may refuse to give an approval only if he is satisfied that the air pollution likely to be caused as a result of carrying on the prescribed activity would be likely to be injurious to public health, to cause discomfort or inconvenience to members of the public or to cause undue injury or damage to animals, plants or property. In this regard, I sympathise with those people suffering from asthma, as do some members of the Government. Indeed, the Minister of Education, in reply to a question from the member for Albert Park last Wednesday about wheat asthma and what the Government would do about it, suggested that it might be possible to breed cereal varieties that would not cause wheat asthma, but perhaps he spoke tongue in cheek. If he did not, that is an astonishing suggestion, because I cannot imagine how the dust of any grain can be bred out of it, as it is a feature of the vegetation and the environment in which the grain grows and from which it comes. If in order to solve the problems we adopt the legislation presently operating in the United States of America, we will have enormous disasters.

I have already referred to the terrible disaster at Corpus Christi and, in this respect, the Corpus Christi Port Authority's annual report for 1980 points out that the public elevator (known as a grain silo in this country), which had been completed only a few weeks previously, which handled more than 42 million bushels (about 1 million tonnes) and which had a slightly larger capacity than the silos at Port Adelaide, blew up on 7 April and was inoperative for the rest of 1981 and for part of 1982. Seven people were killed in that explosion, one man being thrown from the top of the silo into Corpus Christi Bay, which is about 2.5 kilometres from the elevator. Imagine something going off with that sort of force! I have photographs of the damage and devastation, and I will make them available to any member who might have misgivings about the veracity of my statements.

Other information on this enormous problem must be put on record. If we pump gas and dust back into the storage silo cells from the grain trucks or containers, terrible damage will be done. About 20 explosions occur each year in silos throughout the United States, although there is not always loss of life. The value of damage done by the explosion at Corpus Christi was about $20 million in one bang. In September 1978, an explosion in West Weigall, Louisiana, killed 36 people and resulted in damage to the extent of $30 million to property including grain silos and other buildings in the fall-out area. That figure does not include the compensation sought for the families of the deceased and the enormous number of people injured.

At Galveston, during the same 14-day period in September 1978, a similar explosion killed 16 people. In Mississippi, another explosion killed four people. These matters concern me so much that I intend to move an amendment to exempt grain handling of any kind from the provisions of this legislation, because it will be too dangerous for Parliament to contemplate dealing with the dust problem arising from grain handling, under the terms of this legislation, even though that problem causes discomfort to thousands.

Other matters not canvassed by me in the context of my remarks on the grain-growing industries are relevant also to horticultural industries and to the Government itself. For the Government to have treated the people of Port MacDonnell in the way that it has as a result of its decision not to proceed with the establishment of an appropriate sewage treatment plant for the effluent from Mount Gambier means that they must be subjected to the stench from the rotting sewage that comes floating back to shore. To introduce a Bill requiring a private citizen to comply with the provisions contained in this Bill is the height of hypocrisy, and I would say that regardless of who introduced the legislation. The terrible problem at Finger Point is a blot on the record of this Government. It stinks, and I have smelt not only the Government performance but the sewage on Port MacDonnell beach.

The same could be said about the gas that escapes from the Bolivar sewage treatment works. This Bill addresses the subject of odours, but thousands of people living several kilometres downwind from Bolivar suffer frequently the discomfort of the absolutely obnoxious odour arising from the fermentation processes undertaken at the plant before the effluent is released out to sea or used for irrigation. It is not good enough to require the private citizen to do one thing and to exempt the Government from doing the same thing. So, I believe that the Act must bind the Crown, and I will move accordingly.

Finally, the remarks which I wish to make relative specifically to this Bill may or may not be supported by my colleagues, but remarks which I have undertaken to make in this House relate to the consequences of this Act for other primary producers. Remember that not one primary producer has even been given consideration as a member of that committee. That deficiency must be acknowledged. It will have enormous implications for people engaged in intensive horticulture who need to fumigate the soil in which they grow their crops if they happen to be in the vicinity of some urbanised or built-up area, whether in Lockleys or not. I do not suggest that that is the limit of the problem. It will still arise whether it is at Murray Bridge, Salisbury, or anywhere else.

Under this Act it will be possible to ban or otherwise make production of these crops so expensive in those circumstances as to force the owners of the land and the growers to get out, even though they were there first, and even though the people who came to live beside them knew they were there at the time. It is not just a matter of fumigation. It is also a matter of fertilisers and certain insecticides.

People complained to me when I was a horticulturist using pyrethrum extract in spray for thrip control in strawberries. Now that is an innocuous substance, the ground up dried petals of the pyrethrum daisy. I had people complaining about the insecticide I was using, saying it caused them discomfort and that I should be banned from using it. That was nearly 15 years ago. I do not imagine that their attitudes have changed much. Yet, my market garden had been there

in the Torrens Valley, at Athelstone, for more than 100 years; of course, it was not always mine.

So, there will be an effect on primary producers. I see that the Minister understands the point I am making, and I thank him for that. It will affect not only the most obvious people—the intensive horticulturists who tend to be close to the more densely settled areas of any town or city—but others in country towns, and the like. It will also affect other primary producers such as owners and operators of piggeries, fowl houses, and any intensive animal industry that fits this category, including catteries, boarding kennels, and so on.

The Bill has implications in its provisions about which I think the Minister has not been entirely honest in his second reading explanation. No further amendment of the provisions within this legislation would be necessary for regulations to be promulgated which would adversely affect a very large number of these kind of activities, none of which were referred to by the Minister. I do not accuse him of dishonesty. I just accuse him, I think quite legitimately, of omission—not errors and sins of commission but of omission. I believe that the matters to which I have referred are so serious that public consideration and debate of this measure needs to be undertaken with further consultation on it before the Bill passes this place—much more than has been undertaken so far. I will be doing my bit in that cause.

Mr HAMILTON (Albert Park): I welcome the opportunity to speak to this Bill. I can recall that when in Opposition I repeatedly asked the previous Minister for Environment and Planning when he intended to introduce this Bill. Time and time again it was almost sickening to hear the response I got. I welcome the Bill's introduction because until now local government authorities have had little or no control over backyard burning, particularly. I think that all members in this place would attest that they have had numerous complaints from neighbours about backyard burning, either immediately next door or in the vicinity.

I applaud those councils that have made it their policy to encourage their ratepayers to put out all types of material, rather than burn them. I believe that an education process is an important adjunct to this Bill. I see people unnecessarily burning lawn cuttings, tree branches, newspapers, cardboard, and plastic materials (which are very offensive and dangerous) in their backyard incinerators. I always try to live by the standard, 'Do unto others as they should do unto you,' so to speak.

Mr Ferguson: That is the golden rule.

Mr HAMILTON: The golden rule, yes, indeed. It is on a rare occasion that I or any member of my family will burn material in our backyard incinerator. That is partly because I or my children have not cleaned the incinerator, which is probably a very good thing; but, seriously, it is because we have obtained from a local garbage collector a bag in which all our rubbish is placed. That costs something like $5 a month to be carted away. These large bales take a considerable amount of household refuse, particularly cardboard, grass cuttings, clippings, and so on. Using these receptacles provides considerable relief to neighbours who have complained I suppose over the years about others who have burnt material, particularly on washing days.

I have had a complaint in my office (not for the first time) from a very angry housewife about actions of the neighbour deciding to burn some rubber-type material or grass cuttings causing heavy smoke to pour over the fence on to this person's almost dry washing. Justifiably, this angry housewife rang me and said, 'What the hell is the Government doing to try to arrest this sort of problem?' As I said, I welcome the Bill and hope that with proper education many backyard burning problems will be overcome and that more materials will be collected by councils from ratepayers' residences.

Another aspect is the effect upon community health. As a parent with an asthmatic child, I am well aware of the problems experienced in relation to the burning of various types of material in backyard incinerators. Other health areas affected relate to lung function in children, increased lower respiratory disease and chronic bronchitis. Although this Bill is long overdue and should have been introduced by the previous Government, I welcome it now.

Of course, the other question is the encouragement by councils to ratepayers to put out all material. In my view this necessitates the placing of large black bins which some councils do put out and, whilst it is not within my area, I hope that very shortly this would occur. Returning to the point concerning the burning of materials, it is not only backyard incinerators but also by various industrial enterprises which seemingly have no concern for residents who live nearby. Only yesterday I received correspondence from two constituents who live in Tunbridge Street, Woodville South, complaining about the actions of a firm there. The letter, dated 25 March, states:

> Mr Hamilton,
> I wish to lodge a complaint to your office with regard to an incident which happened on the evening of 21 March. A terrific strong smoke came from the factory—

and it names the factory—

> at approximately 7.30 p.m. and lasted all night. The smell was very obnoxious and I consider it would constitute air pollution at its worst. Almost every person I have spoken with suffered with headache or nausea. I sincerely hope you can help stop this type of pollution happening again.

This was signed by a constituent and the address is given. Similarly, I received a photostat copy (which is somewhat hard to decipher, but I will try to read the contents) of correspondence; I understand that the original was sent to the Woodville council. It points up a situation similar to that to which I just alluded and confirms that the smell was putrid and the smoke was thick—in fact, so thick that one could still see the smoke seeping through the air vents of the house (I take it to be). The letter continues:

> It was impossible to open up the windows and doors again until the early hours of the morning because . . .

I cannot decipher the rest regrettably, but it points up that this factory seemingly is burning material without any consideration for the local residents. It is a matter that I will take up with the Minister at the earliest opportunity. We have all received correspondence from members of the community, and indeed I have correspondence from a Mr G. Johnson, of Aurelia Drive, North Haven.

Mr Peterson: A great area, and well represented.

Mr HAMILTON: No doubt; it may well be a good area and may well be represented well, but this constituent believes that the hours should be extended. The letter states:

> The Act proposes to limit the backyard burning and the use of domestic incinerators to between 10 a.m. and 3 p.m., it also proposes to restrict the burnable materials to paper, cardboard and light cellulose. Policing of the Act with respect to domestic burning is to be the responsibility of local government authorities. We earnestly implore you to amend the relevant section of the Clean Air Act to totally prohibit backyard open burning and domestic incineration within the metropolitan area.

Whilst I do not personally disagree with that, I understand that there are some problems in that area, and I think that this correspondence answers some of the remedies necessary, particularly in relation to the provisions of bins to take away paper, cardboard, and so on, on which I have previously elaborated. As I have said, I believe that, with proper education of the ratepayers in the community, this would be one way of overcoming these problems.

Of course, other areas need attention in terms of the various types of industry in this country, and I refer in particular to the Australian Environmental Council Report No. 12 which lists (and I do not want to delay the House) the sorts of problem with which we are confronted in relation to this Bill. Briefly, the headlines on page 54 of that report refer to problems which have been alluded to before, some of which are: the basic petro-chemicals, soap and detergent, cement, iron and steel industries, red meat processing, and the electroplating industry. I believe that members who have not read this report should read it to appreciate the problems with which we are confronted in relation to this Bill and within the industry itself. I fully support the Bill, and I look forward to its speedy passage through both Houses of this Parliament so that respite will eventually be given to not only my constituents but all those in South Australia.

Mr MEIER (Goyder): I, too, understand that many aspects in this Bill are positive. First, I think that it is a positive step that there seems to be one comprehensive Act now rather than a group of smaller bodies which are responsible for various aspects, the smaller bodies coming under the Health Act provisions, the local government by-laws, and so on. In this sense it seems to be cleaning things up a little bit from the viewpoint of not knowing who is responsible for what. However, it surprises me a little, considering we have a Clean Air Bill referring so much to pollution of the atmosphere, that there is not some incorporation here dealing with noise pollution.

I am not quite aware of how much we have on the Statute Book with regard to noise pollution and the full controls, but it would seem an opportune time, when some expense is being incurred to set up this new council or board to administer air pollution, to consider noise pollution as well. In considering other advantages, I think that a very positive one is that industries hopefully will be prevented from setting up in certain areas if it is considered that they would be producing polluting smells or odours into that environment, and local government authorities have gone a long way over the past few decades to try to bring in regulated areas where industries can or cannot locate. This is certainly another step in that direction.

However, I hope that it will not be misused at all and that we will not have environmental groups endeavouring to stop industries that are needed and making a big song and dance just because they think that the industry is in the wrong area. I believe that some zones specifically set aside are attractive to industrial development, and if houses happen to be developed in that area and perhaps come after the industry, one has to consider whether perhaps preference should not be given to industries and continuing industries, particularly as they relate to possible pollution in the atmosphere. A point of concern is in relation to major sources. In his second reading explanation the Minister said:

> The Bill follows the existing regulations in making a distinction between industries which are a major source of air pollution and which are a minor source. Major sources, to be known as 'prescribed activities' will be subject to licence procedures and conditions similar to those which apply to 'scheduled premises' under the existing regulations.

Unfortunately this is another area where people will be faced with more licence fees, and it is a clear example of Government regulations being imposed on development in this State, at a time when many sections of the community are appealing to the Government to stop the imposition of extra licences and to decrease that type of activity. It would seem to me that the concept of dividing these groups into licensed versus the non-licensed may well have to be done away with. In my opinion we have sufficient controls through the Local Government Act and through the Planning Commission to prevent industries setting up in certain areas. If the air pollution requirements were clearly enunciated to local government and to the Planning Commission, any industry that might seek to transgress would not be allowed to set up in the first place. The proposition to bring in licences seems to me to be simply another avenue for creating revenue for the Government, and in that sense it is another tax, which I guess we can add to the taxes and charges that have already been increased over the past 12 months or so. Interestingly, the explanation to the Bill states:

> The Bill provides that an odour is to be regarded as offensive if, following receipt of a complaint from the public, the smell is detected by an authorised officer solely using his sense of smell and is in his opinion offensive, likely to cause discomfort beyond reasonable tolerance and is excessive.

I will be interested to know just how many officers the Minister is thinking of appointing in this respect and what criteria there will be for appointment to that office, because some people in the community are perhaps able to detect smells better than others. I would like to know whether such officers will have to go on sick leave if they have a cold or some other impediment to carrying out their duties. Of course, technical equipment to detect smells is not available and I fully appreciate that people have to use their sense of smell; however, this could result in matters ending up in court if there is a challenge in regard to the possibility of sick leave or perhaps an impairment whereby an officer could not perform his duties satisfactorily owing to some accident involving his nose. How many officers will be involved? I assume that the Bill will relate primarily to the metropolitan area. If it extends outside that area, the number of officers needed could become overwhelming and could be a serious financial drain on the Treasury coffers.

The cost factor involved worries me in regard to the number of people who will comprise the committee. Clause 6 of the Bill provides that the committee shall consist of 10 members. I will be interested to find out from the Minister how much the people sitting on the committee will be paid. The response from a colleague to an informal question I put to him about this matter was that it was felt that the cost per person might range from $1 500 to as much as $7 000 per annum per committee member. That could amount to a total cost of between $15 000 and $70 000.

Although we have had no future Budget projections, the finances of this State have been a point of contention since the present Government came into power, with the Treasurer blaming various things for the current economic situation. However, one would assume that the Treasurer has everything under control after some 16 or 17 months in office and that a balanced Budget will be brought forward very shortly, having regard to this Clean Air Bill now coming before us and particularly in the light of the number of people to be on the committee.

I appreciate that certain people have to be on the committee to provide expert advice. The Bill provides that one is to be an officer of the Department nominated by the Minister. Another is to be a person who has qualifications or experience in chemical engineering nominated by the Minister. As the basis of this Bill applies to industry such a person would offer necessary expertise. The third member is to be a person with qualifications or experience in the field technology nominated by the Minister. Again, that is relevant because so many industries use fuel. It is interesting to note that the Bill does not provide for air pollution from motor vehicles, even though the Minister stated that:

> The measures to control air pollution will be contained in one comprehensive enactment.

I am a little disappointed that motor vehicle regulations that already apply were not included in the Bill so that those

involved looking at the total situation could also ascertain the extent to which air is polluted by motor vehicles. It looks as though the measure may not be as comprehensive as originally intended. Another member of the advisory committee is to be a person with qualifications or experience in meteorology nominated by the Minister. The necessity to have such a person on the committee is recognised, having regard to the air pollution potential warnings that are issued in line with meteorological conditions. Another member is to be a person with qualifications or experience in the field of air pollution control nominated by the Minister, although it does not specify the credentials needed.

Although the worth of the other five proposed members could easily be argued, I feel that they will be an unnecessary drain on taxpayers' money at this time. They include a person nominated by the Minister of Health, someone from local government, a person from the Chamber of Commerce and Industry, a person from the United Trades and Labor Council, and someone from a conservation group. They seem to have been picked fairly arbitrarily and, as the member for Mallee pointed out in his speech, there is no representative of the rural community.

If there are to be five, I would certainly go for six and include on the committee a representative from the United Farmers and Stockowners, a body which represents a huge section of producers in South Australia. We could probably go further than that and consider a person from the E & WS Department, as sewage works around the metropolitan area particularly, but also in country areas, cause a very unpleasant odour. People have complained to me about the location of sewage dams. In the towns where there is only the liquid waste going into a specific area that dam is on occasions quite near the actual town. I know of some houses that would be within only 100 metres of a dam. An E & WS officer would probably be an ideal representative on this committee.

It could be taken even further and perhaps a representative from Samcor could be considered, as abattoirs produce smells that can be very undesirable, and certainly not to everyone's liking, although I suppose that the Minister might argue that that undertaking would come under the Chamber of Commerce as an industry. We could go even further: a stock and station firm representative (someone representing people involved with the storage of livestock, particularly as live sheep exports are gaining momentum) could encounter problems also, and a person from that section would not go amiss on this committee. That would take the committee up to 14 people, and I come back to the point that if one starts appointing people from various areas it becomes very hard to stop. At a time when I believe that the State has to look at ways of saving money, we should seriously be looking at the first five persons mentioned as comprising the Clean Air Advisory Committee. If it is found that there is a balanced budget later on in the year, I would be happy to have others included on that committee.

Clause 21 provides for the annual renewal of licences. It seems that a progressive step has been taken regarding licences for motor vehicle drivers, namely, that such licences are now renewed only once every three years. I am aware that that applies in quite a few other areas: certain builders and plumbers only have to apply on a three-year basis, as is the case for teacher registration. Here we find that there is to be an annual renewal of licences. I will be interested to find out what the suggested cost of the licences will be, because the administrative work in reissuing licences annually will be considerable, and I guess that the Government will want to recoup some of the money that it will spend in the administration of these licences. I noticed in the Minister's explanation of clause 26 the following:

> A licence holder may not, without the Minister's approval, alter or change certain things that are specified in the licence, nor alter the premises or any plant or equipment (particularly fuel-burning equipment) where to do so would be likely to cause air pollution, or a change in the composition of impurities emitted from the premises.

Despite that, it is obvious that companies will want to change aspects of what they are doing, and some changes may involve more substances being emitted into the air which still may be allowable. I wonder how they will go about it. It seems that they can apply for approval to alter the composition of the gases being emitted, and one asssumes that it will be written into the licence or be a sub-condition of the licence. Perhaps the Minister believes that an annual licence is best because it gives the factory the least possible inconvenience time if the licence operates only until the next year, but surely if a factory has just had the licence renewed and one month later decides to make changes, applies to do so and receives approval, that variation would be inserted on the licence perhaps six months after the renewal. In other words, it may be just as easy to record such a variation on a three-year licence as it would be on a one-year licence.

I am interested to note that the Minister has the power to exempt an occupier from any provision of this section subject to appropriate conditions, and that seems to give the Minister flexibility. I am not against that. I think that there should be much more flexibility in a lot of the legislation that we have enacted for the State. I would be interested to hear the Minister's comments on the sort of conditions or situations that he envisages might arise which would enable him to exempt certain industries.

Clauses 41 to 46 establish the Air Pollution Appeal Tribunal, which is a three-man body chaired by a judge of the Local and District Criminal Courts, and which again gives rise to further expense in this area. I have already mentioned the 10-man committee, the authorised officers (we do not know how many officers) and the appeal tribunal, a further Government instrumentality. Clause 47 gives any person dissatisfied with a decision of the Minister made in relation to him a right of appeal to the tribunal: that is self-evident. Then the Minister, in his second reading explanation, states:

> There is no right of appeal against a decision of the Minister under section 14.

It seems that there can be an appeal against the tribunal's decision but not against the Minister's decision. I wonder whether that is a little too restrictive. Then clause 53 provides that any premises, including licensed premises, may be entered or broken into at any time where the officer suspects on reasonable grounds that an offence under the Act has been committed. I question whether the Police Force has a similar power. I doubt whether a police officer is allowed to break into any premises at any time if he suspects that something is not quite right. I feel that in many circumstances a police officer would first have to obtain a warrant and, if it is as portrayed in television series, often those warrants can take some time. Under the Bill, however, an officer, who has to work with the Clean Air Advisory Committee, can apparently break into any premises where he believes that offences have been committed under the Act. Again, I would be interested to hear the Minister explain whether there are any limitations on what an officer can do.

The conditions as they apply to incinerators (I believe to three households or less) concern me particularly as they apply also to the rural areas. I realise that under similar conditions in the metropolitan area excessive burning from incinerators can cause unpleasantness to neighbours, and I think much of that is covered in the Bill, but I do not believe that that problem necessarily occurs in the rural areas. However, I have had at least one complaint from a resident in a country town about a neighbour who burnt

rubbish too regularly for that person's liking. So there is a need for some regulation in country areas.

This Bill states that local councils are to be responsible for the administration of these provisions and for regulations relating to fires in domestic incinerators and open fires. The Bill also gives a power to councils to appoint authorised officers for those purposes. It seems to me as if this Bill is directing that councils will comply with this Bill's provisions no matter where the council is located, whether it is in the never-never or close to the metropolitan area. I believe that councils should be given a right to elect whether they wish to come under the provisions of this Bill or not, because I believe some councils would need to make special dispensations to persons in country towns and it would not prove anything to try and enforce a regulation about burning in an incinerator when there might be an air pollution alert, because no-one surrounding that particular house would be affected. Why bring in regulations that will affect everyone, when in fact it might not be necessary? It is similar to the regulations brought in in relation to anti-pollution requirements on motor vehicles. Unfortunately, country people have to pay the extra price for cars to be fitted with anti-pollution devices. Country people use a lot more petrol than do people living in the metropolitan area, even though they do not pollute the air anywhere near as much as do motorists in the metropolitan area.

I hope the Minister will address the effect on councils being able to elect whether they come within the requirements of this Bill or not. I believe the Bill has many positive features, and it is unfortunate that a stage has been reached in the metropolitan area of Adelaide where specific rules and regulations are needed. Nevertheless, I believe that considerable cost cutting could be achieved in the way the committee is set up. I wonder to what extent costs will run away with the number of officers who may be appointed to help police the provisions of the Bill. I look forward to the Minister's comments in response, and the committee debate.

Mr BECKER (Hanson): I welcome this legislation, and the opportunity not only to speak to it this afternoon but more importantly I look forward to discussions in the Committee stage, because I believe that it is in Committee that we will find the greatest interest and the opportunity to follow through complaints that we have all received from our constituents about pollution. My files go back many years, and show that I have approached various Governments concerning air pollution whether it is caused by backyard incinerators or other sources. I believe my district is a peculiar one in relation to the provisions of this Bill.

In the western section is Henley Beach South where the Torrens River runs out to the sea (Breakout Creek as it is known). Down the Torrens River comes a huge amount of rubbish which settles on the beach and causes problems as it dries out on the sand. That problem will not be covered by this legislation and there is very little that can be done about it, but the smell emanating from that area is atrocious. Anyone who visits the beach after a storm, when tonnes of seaweed is left on the sand, knows what I am talking about.

The Glenelg sewage treatment works, which is in the southern part of my district, causes many problems, one of which is the smell along the beach as a result of the ponding basins. Under certain weather conditions the smell is hard to describe, but it is obnoxious and the people object strongly to it. Much money has been spent on modern technology at the treatment works to alleviate the problem, but regrettably it still occurs on occasions, although not as frequently as it did in the past. To the east of the treatment works is the backwater of the Patawalonga which is absolutely foul because of the rubbish that comes down from Sturt Creek and Brownhill Creek and is deposited in that particular area. It lies in the backwater and after four or five very hot days algae grows, and one can imagine what the smell is like. This legislation will not cover that situation, and it should.

Another problem occurs at the Adelaide Airport, which is exempt, I believe, from this legislation. At least once a week a huge bundle of tyres is set alight which is doused within seconds by the Fire Brigade, but a huge pall of black smoke hangs over the south-western suburbs for some time afterwards. That Fire Brigade practice takes place regularly, irrespective of weather conditions, whether it is an air pollution alert day or not. That situation has concerned my constituents for many years, and it now concerns some of the constituents of the member for Morphett. This burning of tyres to provide Fire Brigade training at the Adelaide Airport is essential and most necessary to ensure that crews are kept alert at all times and physically prepared for emergencies, but it creates an environmental problem that we have been trying to solve without success for many years.

A short distance away from the airport is the West Torrens council rubbish dump which is on the eastern boundary of the Adelaide Airport. On Sunday morning all ratepayers of West Torrens may take loads of rubbish to their dump. This legislation can prohibit the burning of open fires on land used as a tip. Unfortunately, just about every Monday morning a fire breaks out at the West Torrens rubbish dump. I have been told that the fires start because someone had deposited during the weekend a trailer load of rubbish from an incinerator that contained smouldering coals, and the rubbish dump then starts to burn. I accept that as being a reasonable excuse: it can happen, and I have seen it happen.

Sometimes a resident will empty the contents of his incinerator on to a trailer, put rubbish on top and take the load to a dump. The officer in charge of the dump cannot police everything coming off that trailer, so the burning coals from the incinerator are unwittingly shovelled off, continue to smoulder and eventually start a fire. Consistently, in years gone by, the West Torrens rubbish dump has had a good burn every Monday morning, although that has not happened so frequently lately. Nobody seemed to know how those fires started.

The nearby industrial complex at Plympton North and Camden Park has created some of the biggest problems in this regard. I am happy that the Minister has prepared amendments to the Planning Act, because this is a classic example of how councils in days gone by did all they could to attract industry and to establish industrial complexes adjacent to good residential areas. It may be considered sound planning to establish both light and heavy industry in certain locations and to have workers living close by, but this can cause problems. For instance, Bitumax has a plant at North Plympton where it has spent between $80 000 and $100 000 over the past four years on trying to improve the chimney stack so that it will remove pollution from the plant. I do not know how many complaints I have received from constituents about the oil and waste fallout and terrible smells occasionally emanating from that plant. Although that problem has almost been eliminated, that elimination programme has cost the company nearly $100 000. After all, money spent in that way had to be taken out of profits and it was money that the company did not expect to have to spend for such a purpose. However, the plant should never have been built there and no-one today would allow such a huge industrial plant to be built alongside a first-class residential area.

Other smaller industrial establishments in the area include the Collie ink company. Occasionally, the smell of the ink is obnoxious to some of my constituents, but it seems that

nothing much can be done about it. Castalloy, by far the largest employer of labour in the area, has done everything possible to eliminate noise and air pollution and, if the firm continues to be harassed in any way in respect of that pollution, it will just close up, because it has had to battle as an organisation to survive and to diversify in order to solve the problems created by the uncertainty of the South Australian motor vehicle manufacturing industry.

We have, on the one hand, constituents seeking and accepting help to which they are entitled in respect of air pollution and, on the other hand, employers facing problems which, if they are pushed too hard, will cause them to fold with a consequent huge loss of jobs. Fortunately, that situation is not facing manufacturers in my area at present. I do not see this legislation as a threat to them, but we must retain a balance. As the Minister said, the problem is the result of lack of planning by authorities in bygone years for which we are paying the price today. I trust that the same thing will not occur in new areas that are being developed. We must have industrial complexes for heavy and light industry and we must have residential areas, but we must ensure that a balance is achieved between the two.

The other problem in the North Plympton and Camden Park area concerns the presence of stables, both for horse and harness racing. The complaints I have received because of their operation have been wide and varied. Generally, they are 'neighbour' conflicts rather than anything else, and those problems seem to be well under control today. In the Fulham-Lockleys area, in the north of my district, only a few glasshouses remain because, unfortunately, market gardeners have been forced out of the area by high water, sewerage and local government rates. However, those remaining are responsible gardeners and I am not aware of any of them using chloropicrin in recent years. If any of them do use it, they are extremely careful and aware of accidents that can occur when using it. Indeed, such accidents have occurred, not so much in my district as in the District of Henley Beach. It is now some years since the use of chloropicrin has created a major problem in the Fulham Gardens area. Accidents do occur in the use of this product under certain freak weather conditions so as to cause tremendous discomfort to residents. I was in the area one evening when such an accident occurred and I was glad to get away from there. Such problems are also canvassed in this legislation.

For years, I have approached Ministers of various Governments pleading for relief in this area. The West Torrens council acted a few years ago to make it illegal to have backyard incinerators burning under certain conditions. Where there have been continual complaints and a record of problems the West Torrens council has, under its regulations, the means to take action. The Minister of Local Government does not like to become too involved in this area. The Town Clerk of the Henley and Grange council, which is in my district, told me yesterday afternoon that if his council is required to police this legislation as it stands rates will have to be increased by about 6 per cent so that qualified people can be employed to be on call day and night to police its provisions. Therefore, local councils consider that they are being used by the Government to enforce legislation that must occasionally prove unpopular.

Although legislation such as this may benefit one party, my files are full of complaints about people who light their incinerator every day. It appears to be physically impossible for some people to accumulate so much rubbish that they must light their incinerator every day, so in many cases their burning off is as much for nuisance purposes as anything else. Only last Friday I interviewed a constituent who was almost beside himself because his neighbour has told him that, irrespective of the provisions of this Bill, he will continue to light his incinerator every day. He said that he will find something to burn just to be a nuisance to this neighbour he does not like. I hope that this legislation resolves such conflicts. However, the local council does not want to be the authority used to resolve disagreements between two neighbours apart from any legal and civil action that can be undertaken.

There are very vindictive people in the metropolitan area who would do anything to annoy their neighbours. Many a housewife would say that as soon as she has her washing on the line on a Monday many incinerators seem to suddenly come alight. I fully understand why housewives get annoyed when this happens. I am often reminded of the times when I travelled interstate before I entered Parliament. I used to catch an early morning plane on Sundays from which I could see the pall of smoke right around the metropolitan area. When I first built my house it was the practice of people who worked in the garden of a weekend to light their incinerators Sunday evenings. On Monday mornings there would be a huge haze and pall of smoke right around the foothills and down to the sea. Thank goodness it does not happen so much now. Today the community is better informed and educated.

I honestly believe that in 99 per cent of cases the average resident takes other action to remove rubbish from his property. Very few people light incinerators indiscriminately. The rare few do so continually to annoy their neighbours. I am concerned about the impact this legislation will have on local government in the metropolitan area. My colleagues, the members for Mallee and Goyder, have covered the rural situation regarding this matter. I know and understand that whilst we in the metropolitan area welcome parts of this legislation it will cause great problems for those in rural areas. Although I have only touched lightly on this problem so far as industry is concerned we do have some very large and vital industries in the country. I sincerely hope that their future prospects for development and growth will not be inhibited by this legislation, because they have been allowed to establish themselves over the years and it could cost many tens of thousands of dollars for them to take corrective action. As I said at the outset, this is a Committee Bill and I look forward to discussions with the Minister at that stage.

Mr BLACKER (Flinders): It is with some reservation that I speak to this Bill, mainly because I can see that if an over-zealous officer got carried away with his job he could get out of hand and create difficulties for constituents in my area and in other areas. This sort of situation is demonstrated in a number of departmental committees and the like where liberties of individuals are somewhat hampered, to some degree. However, I appreciate why this Bill was introduced originally. I refer here to the member for Hanson's explanation about quarrelling neighbours because it is people's fickle nature that has brought about this type of legislation, and more's the pity that this sort of thing should occur. One would like to think that neighbours can be neighbours and respect one another's living conditions without having to deliberately provoke and annoy others in the way that the two constituents to whom the member for Hanson referred have done.

This Bill sets up another bureaucratic empire which, whilst it might seem relatively small, certainly has the potential to become carried away with its size and its so-called self-importance to the extent of having little or no regard for industries or individuals that it affects. Whilst that might appear to be a sweeping statement, I again use as an example the number of committees that have been set up recently that have unnecessarily placed considerable restraints upon individuals. We have a band of people running around who,

because they have some authority, are exercising authority in less than a practical and reasonable way.

I do not intend elaborating on the points raised by the member for Goyder about cost and terms of licences, but what he said was valid. Why should we have only a 12-month licence? Why should we not have a three or five-year licence, or one for a period similar to that of a driver's licence? One would have thought that that would have been a far more demanding licence than a permit of this kind. I hope that the Minister can explain that in his summing up. I have three major industries within my electorate in the main city, Port Lincoln, one of which is Adelaide-Wallaroo Fertilizer Works which was recently accused of discharging yellow smoke and odour from its works. I understand that it was an industrial accident which created a chemical reaction which, in turn, created the smell. That aggravated a number of citizens in the area. Immediate action was taken and I believe that the company acknowledged that a minor accident that occurred created the offensive odour. However, under most normal starting up cycles of the acid plant that should not occur. There is no guarantee that it will not happen again, but I do not think anyone could say that that little accident necessitates legislation of this kind to combat it.

The other main works which create smells in my area are, no doubt, Samcor, the abattoir and the fish factories. This is caused by the nature of the commodities being processed. However, the processing companies are well out of town, although with a southerly breeze blowing many people in Port Lincoln can smell these works quite easily. To some people the smell is nauseating, but I have never yet heard it said that we should have clean air regulations that make it necessary to stop processing at these companies because the wind happens to be blowing from the south. I draw these implications to the Minister's attention. We could have major industries shutting down because of wind changes. It concerns me that, under the provisions of this Bill, inspectors could go as far as doing that. The member for Mallee mentioned silos, which are the major industry on Eyre Peninsula. All the grain in my electorate and some from the electorate of Eyre comes down through the terminal in Port Lincoln, which handled 50 per cent of the State's grain last year. That, in itself, indicates the importance of that industry.

I know that Co-operative Bulk Handling Company has worked most diligently and with all reasonable haste to minimise the dust problem associated with handling grain. Some of the equipment that the company now has is equal to, if not as good as, that being used anywhere in the world. It is continually upgrading with new designs and pieces of equipment available because it is anxious about the dust problem. Of course, that is the nature of the commodity. Whilst it is being handled there is no way that dust can be completely eliminated. There is a hazard to employees who work for the company. Obviously, a person who has an asthmatic condition cannot work in a grain silo. Equally, that person cannot effectively be a farmer, because of farmers having to work in dusty conditions. So, if an inspector got carried away he could say, 'There shall be no dust because one of the employees may be an asthmatic.' Obviously, if a person has a bad asthmatic problem he does not become a farmer—he looks for a profession elsewhere.

I was interested in the way in which clause 33 can be interpreted in relation to what is an odour. I smirked to myself when this Bill was first tabled in this House. One cartoonist had great delight in drawing a cartoon of two persons running around and not being able to work out whether the smell was between a poo and a Pom. That cartoon ridiculed the importance of this section. I appreciate that there is no mechanical or electronic device with which to measure an odour. It is probably that clause in the Bill relating to inspectors that worries me, because different people have different sensitivities in relation to odours. As such, what may be offensive to one person is not necessarily offensive to another, and I for one can tolerate with some ease most of the smells normally found around a farmyard. There are many people in the city area who could not tolerate that sort of smell in any way, so there is a difference. I think that that applies equally with regard to people in the city area who are brought up in an industrial area and who become quite used to industrial smells. For my part, if I had to live in an industrial area I would be only too happy to get out of it because of what I find in some cases to be nauseating smells. Therefore, it is different people for different courses and their tolerance to handle different odours. I wonder where we stand in terms of piggeries.

The Hon. H. Allison: A long way away, preferably.

Mr BLACKER: The honourable member says, 'A long way away,' but the smell of the money associated with them is quite acceptable and I think that, again, we have a situation where different people have different interpretations of particular smells. We have a rubbish dump problem. I know for a fact that in the City of Port Lincoln if there is a southerly wind everyone is complaining about the smell from the rubbish dump. If there is wind from any other quarter of the town, they accept that rubbish dump—and so it goes on and on. In many cases a farmer can only burn his stubble, depending on the location of that paddock to neighbouring farms, grassland paddocks or stubble paddocks, when there is a north wind, thereby clouding his neighbour on the southern side with smoke.

If his neighbour said, 'You are not allowed to cover me with smoke as a result of your burning off when burning your stubble' (or scrub or whatever), then the farming practices of that individual are affected by this piece of legislation. Therefore, the implications can be quite tremendous. Chemical spraying is a common practice in rural areas. Often one can be driving down a road with all the windows up in the car and still smell chemicals. Someone within a kilometre radius is using an agricultural spray. I do not have any problem handling the smell of agricultural sprays, but some people do. Again we have this dilemma: will the farming practices of people be affected because an individual driving down a main road cannot tolerate the smell associated with agricultural chemicals? It goes on and on. It has been suggested that local government should be responsible for certain aspects of burning off and the policing of it. I know that the member for Hanson said that in one situation quoted to him that would result in a 6 per cent increase in rates in a certain area. I do not have figures from councils in my electorate as to what expenses they may or may not incur—I guess that it all depends on how seriously councils take this matter.

The point I make (and I hope that the Minister can put my mind at ease) is that, hopefully, common sense will prevail. We do not want inspectors to become a little collar proud (if I can say that) because they have a note of authority allowing them to move about the countryside, and in towns and cities, seriously hampering and affecting the general farming operations of a town which, under normal circumstances, accepts and tolerates certain smells as being a normal part of the farming industrial operations. Of course, I am using the broad spectrum here from chemical spraying right through to the grain silos where that commodity is shipped from the port side.

That is the particular concern I have. I appreciate that the Minister will probably stand up and say that he hopes common sense will prevail. I certainly do. I accept the various reasons for the introduction of this Bill. I accept that there have been people who have been irrational with

their neighbours and who have prompted this legislation. However, I do not believe that it should be necessary that we should go as far as this legislation could ultimately allow people to go. I note that in the final clause (clause 64 I think) there is provision for a vast range of regulations and I have a fear of those regulations. Too much of our legislation contains a regulation clause and I think that all Governments can be guilty of this to some degree or another. Under the regulations there are immense powers which could be implemented without further reference to this House other than by notice of the regulation and which could have far more restricting effects on people within my electorate.

As I mentioned before, this is a Committee Bill and one which will obviously attract more attention clause by clause. I would like the Minister to comment, if he can, on the agricultural component as he perceives it affecting this area. I hope that the Minister does not say this Bill does not affect country areas because I believe that that was the intent of the planning legislation when passed, but agricultural areas were brought into it by regulation. Therefore, if the Minister can appreciate that I have a fear that, whilst it may not be set out as such, ultimately this could become a very restrictive piece of legislation upon primary producers and their associated service industries, and could seriously affect the viability of many of these farming operations. I support the Bill.

Mr PETERSON (Semaphore): It is interesting to hear the different contributions to debates such as this from the rural members and city members. I must admit that I always learn a bit from a debate on a subject that affects all parts of our community. One of the strong points made by most contributors has been the effect within, basically, the metropolitan area of residential development impinging upon what used to be isolated industrial plants. For instance, in my electorate particularly (and I am sure that there is a heap of letters from me over which the Minister for Environment and Planning cannot climb about the effects of industry upon residents) over the years the residential development has moved closer and closer to industry and now they live side by side, which causes problems. I think that that is one of the great things about the planning legislation, that we will now, hopefully, move. On hearing the problems about odours and the Clean Air Bill, I cast my mind back to the straight odour problems in Semaphore. For instance, I refer to odours produced by the live sheep at Outer Harbor. It is a wonderful trade.

The Hon. D.C. Wotton interjecting:

Mr PETERSON: That is next on the list. Someone also referred to the smell of gold. The member for Flinders said that it is the smell of money when one smells the pigs in the country, and that is true. Some of the odours from seaweed have been fixed with the help of both Governments. There is also the problem with petroleum gas when petrol tankers are filled at Birkenhead. I refer to smells associated with water bores. I do not know whether anyone has struck that. I make these points because it shows that a Bill like this is not simply a matter of someone going out and saying, 'That smells.'

There are water bores, and someone mentioned horse stables. Industrially there is the ICI plant at Osborne, which is an old plant of nineteenth century design and which has not been replaced because it would cost too much, although a lot of money has been spent on catches and screens on the stacks to prevent the problem; but there is a problem there. Also, there is a cement works in the area and a sulphuric acid works. As a matter of fact the sulphuric acid works at Port Adelaide has paid compensation claims arising from pumping pure acid out into the atmosphere some years ago, damaging paint work on cars. Further, there is a fertiliser plant and a bulk loading plant at Osborne which carts sulphur and sulphate of ammonia. All those things add up to creating a community problem which will be difficult to police by means of this legislation or any other. Even now I think the monitor is still in the middle of the Peninsula to set a datum in case a petro-chemical plant is set up at Gillman. Even though a Bill such as that which we are considering is a step in the right direction by bringing all the facts together in one decision making process under one body, I am concerned that it will be very hard to police these provisions.

I do not intend to spend too much time debating this matter but I want to make one strong point in regard to industrial pollution and the fact that it is an under-rated source of health problems in the community. The Report on Survey of Health Services in the Western Urban Sector of Adelaide: Volume 2, Epidemiology and Health Services Profiles has come to my attention. In the Port Adelaide and Semaphore areas there is a very high incidence of industry and a high incidence of pollutants from them. The report to which I referred was compiled by the Department of Primary Care and Community Medicine of the Flinders University of South Australia. As well as Port Adelaide and Semaphore, the report also refers to the industries in the Thebarton area. At page 5 the report states:

> General mortality.
>
> Between 1969 and 1978 Hindmarsh, Port Adelaide and Thebarton experienced substantially higher age-sex-standardised death rates than those applying for the State as a whole. In particular, lung cancer incidence was higher.

In relation to Port Adelaide, deaths from ischaemic heart disease, cancer, bronchitis, emphysema and asthma are referred to. That means that there is some factor in the area causing a higher incidence of heart and lung problems than in other areas of Adelaide.

I am not qualified to say that it is due to pollution, the dust in the air or anything else to do with the environment, but it is a distinct possibility that the higher incidence of these things has occurred because of the industries in the area. I know that the industries try to minimise the pollution caused by airborne pollutants, but because people are now living in close association with industry they are affected by them, whatever they might be, whether it is cement, ICI dust, soda ash, dust from roads, or pollutants from motor cars, or even from the railways, although that is not so bad since the introduction of diesel trains; but there is a railway line right down the middle of the Peninsula. Any move at all to try to lessen the incidence of the pollution in our community must be supported and policed correctly.

Some country members have expressed a concern that an over zealous officer may stop a man from having a pig farm or a poultry farm, but although that is possible it is not probable because such a person living in a country community would know the values of that community and would know that he must account to that community and the council, so I do not think that will happen in that regard. However, it is a different thing in the city. The problem will be to assess the situation properly, to police it and make sure pollution is kept to a minimum. I am concerned that over years the many airborne pollutants have caused problems with health.

In this regard household incinerators cannot be discounted. People now burn everything that they cannot get into a rubbish bin. I am aware of the letter that was sent in by the LeFevre Peninsula Action Group urging a complete waste removal service for domestic homes. I agree with that. No such service is provided at present, although the point made in the letter is that it is possible. One of the enclosures with the letter refers to the fact that the City of Caulfield, in Melbourne, has a system which provides for

removal of waste, covering household waste, glass, bottles and paper, which is recycled. That is a start, and an example that we could consider in this State. I know that the Waste Management Commission is considering a report on waste disposal, and I think that we must consider a system of complete waste disposal.

My concern in regard to domestic burning is that no matter what is done in regard to regulations it is very difficult to police. People burn a lot of chemicals in their incinerators, plastics, and that sort of thing, the effects of which are unknown. Even though it is known that some gases cause problems, people still burn such materials. Under the system proposed I hope that, when the board is set up, it will consider providing an information service to the general public in regard to the dangers of burning certain types of waste. However, until a complete waste removal service is provided the policing of burning of materials can be only limited, whether it involves inspectors going around sniffing things or poking their heads over the fence. A council inspector will be able to do no better than have council dog inspectors, who have not been very successful.

Mr Meier interjecting:

Mr PETERSON: To compare a dog inspector with a building inspector is totally ludicrous. One of the problems associated with council inspectors concerns burning things at midnight, or when it is known that the inspector is on holidays, and so on. This happens with the Dog Act.

The DEPUTY SPEAKER: Order! We are dealing with the Clean Air Bill.

Mr PETERSON: Part of the Bill concerns a council inspector, a certificated inspector who will go around and smell things and police burning in incinerators. I do not believe that that part of the Bill will be successful, because I do not think one man can do any better than has been demonstrated in regard to other Bills.

Members interjecting:

Mr PETERSON: Obviously, the crowd is getting restless, so I will conclude my remarks.

Mr EVANS (Fisher): This is mainly a regulation Bill and it will be the regulations that we will be able to debate in the future. However, unfortunately it is seldom that they are changed. In regard to the Joint Committee on Subordinate Legislation Committee's attempting to change regulations, Parliament does not have the power to amend; it really only has the power to reject or accept. When considering a regulation Bill we, as Parliamentarians, should always be conscious of changing that practice that has been established in order to provide the opportunity for amendment to be made.

I trust that the officers will not be over-zealous in their approach to the masses, with the powers that they will have. I have been asked whether I had any examples of inspectors being over zealous; I know of one who put a man out of business. Every political Party in this State had representations from the person concerned, and I use it only as an example of what can happen. I trust that it will never happen with this legislation. It was the case of the oil reclamation plant on South Road, which was put out of operation by the South Australian Fire Brigade Board. The person concerned was a constituent of mine, but is now a constituent of the member for Davenport. He is now on the dole and has been for a number of years. He was past 50 when he was put out of business by over-zealous officers. So, I give that as an example of how an attitude of fear can develop in an individual.

With regard to air pollution in my own constituency, the only complaints that I have received over the years have mainly concerned dumps. I have had very little complaint from individual households about a neighbour burning. There is no doubt that the Department and local council would have received some complaints direct. However, when I have had one or two complaints, I have seen the people concerned, and to my knowledge the problems have always been resolved by some general agreement between the two parties. This concerns burning more than actual smoke, not so much with regard to odour. I am presently building a house, and I visualise that, with the trend towards the use of more wood, wood will become very scarce. I would not be surprised to see it become so expensive that coal will again be burnt. If one goes back to 1896, when Leigh Creek coal was first sold and burnt in Adelaide, there were complaints even then because of the smoke from it. There may be more complaints in that area, but generally in the electorate in which I live there are no major complaints. I would prefer to give local government some control over the situation, as it is a local matter. However, I realise that, if regulations between councils differ, there could be a conflict between citizens who live in neighbouring councils.

There is no doubt that odour is a problem. I have received a complaint concerning a property near the Blackwood railway station, and I have also received complaints about aerial crop dusting or spraying near a residential area. That arises where there is a conflict of zoning use. There have also been complaints concerning small industries further out in the electorate although, in the main, industry is not prevalent within my district—at least industries likely to create a nuisance to neighbours. With the exception of our local dog catcher, I cannot say that I have received complaints about over-zealous inspectors. I am prepared to accept the Bill as it is at this stage, except for one or two amendments which the shadow Minister will attempt to have accepted by Parliament. However, I make the point that we as a State do not want to become over-regulated to the point that we create doubts in the minds of other people who might want to start an industry here. In supporting the Bill, I make the point for my own electorate at the moment that, other than smoke, I do not believe that there is any great benefit or loss in whether the Bill passes or whether the laws stay as they are. I support the Bill through the second reading.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I thank honourable members for the attention they have shown to this measure, which I believe is a significant one. I remind the House that it brings together two things: first, air pollution, as understood in the chemical sense of the term—emissions into the atmosphere which have a deleterious effect on health and, if widespread enough, could have a disadvantageous environmental effect; and, secondly, the question of odour. Noxious odour, as it is understood, unpleasant odour, may or may not have adverse effects on health. Some emissions are quite odourless and yet can be deleterious to health. Other emissions have quite a foul odour but have little or no impact on the human organism or most other organisms. Nonetheless, it is accepted that odour is a matter of real concern, particularly to people in the urban scene, with the higher density of living there, and that there is a demand that it be addressed.

I will return to the matter of odour before I sit down and we proceed into Committee, because honourable members have spent some time on it in their own remarks. Honourable members opposite have been concerned about the impact of this legislation and regulations which might be brought down under it in the rural areas of the State. Under the existing regulations, burning for agricultural purposes is specifically exempt, and it is our intention that this exemption should apply in future, irrespective of the fact that regulations are moving under new head powers. But, in any event, of course, controls in this area are by no means novel

so far as the rural scene is concerned. The member for Fisher would, of course, know that in the general Hills area it is not possible to burn between December and April, and that has always been accepted and supported by the rural community. I imagine that there is a greater sensitivity to these matters on the part of the rural community than there is in the metropolitan community. I think that there are often lessons that metropolitan dwellers have to learn when they move into the rural scene. So, controls under other Acts are by no means unknown in this sort of area. The matter of odour is something about which I will speak in some detail before I sit down.

The member for Goyder suggested that this legislation should be tied up with the noise control legislation, and I certainly do not disagree with him on that. However, we already have noise control legislation and we are seeking here to get head powers under a Clean Air Act to replace the very limited head powers which we presently have recourse to in the regulations which currently exist. So, to that extent we are seeking to elevate our provision in relation to air pollution to the same level as those that already exist in relation to noise pollution. Further, and I do not know how much latitude I will be given in relation to a cognate Bill which we will be turning our attention to shortly, but honourable members will know that it is the Government's intention that locational decisions in relation to industries with air pollution potential should be handled under the Planning Act, and it is my intention to invite the House to consider at some later stage similar amendments to the Planning Act in relation to noise control as well. While I do not think it is realistic that these two areas of control should be under the one Act of Parliament, it would be my concern that, as closely as possible, they should run parallel in relation to their head powers and their means of administration.

To that extent I thank the honourable member for his suggestion and assure him that I intend, following what I hope will be the successful passage of this measure, at some time in the future to introduce, similar amendments to the Planning Act which would enable noise control to be handled in much the same way.

Honourable members, particularly the member for Goyder, referred to the cost necessary to administer this legislation. Setting aside for the moment the area which is committed to local government, I point out that I have presently, in the Pollution Management Division of the Department of Environment and Planning, two inspectors and two engineers. There is no immediate intention, despite the passage of this Bill, to increase that number because of course many of the procedures envisaged in the Bill are already in train, and some of them have been in train for some time. As I will go on to explain, this is often not widely known, so some of the fears expressed in relation to the passage of this legislation I believe are baseless because they are references to administrative procedures or control measures which in fact have been in operation in this State for a long time, and those control measures have not brought the adverse effects that honourable members have suggested.

In relation to the issuing of licences, it seemed to the Government that probably it would be better to look at a one-year licence which would enable some adjustment for costs to occur on that basis rather than industry having to cop a greater quantum leap at the end of a three-year period. So far as the ease of administration of the Act is concerned, I guess there is not a great deal in it.

There has been reference, and in particular there was reference by the member for Mallee, to grain handling and air pollution. I think the honourable member deserves consideration from me in this matter, because he painted a fairly lurid picture of parts of grain silos landing somewhere on the beaches of Yorke Peninsula, or wherever else it might be. I think it is important, and this exactly arises out of the more general comments I have just been making, to realise that South Australian Co-operative Bulk Handling is a registered industry, as is the milling industry, and these organisations have been required to control dust for the past 10 years.

Several days ago a symposium was given by a Mr A.B. Acaroglu on explosion protection for bag fillers in grain handling, storage and milling industries. His lecture notes contained a list of silos and grain terminals mentioned by the member for Mallee. In response to a question Mr Acaroglu said that he believed that none of the seven explosions listed had occurred because of air pollution controls. In any event, I make the point that the industry and South Australian Co-operative Bulk Handling are registered industries under the existing regulations. Those organisations have been required to control dust for the past 10 years. I do not envisage that the methods of control which have operated in the past shall be such as to drastically change that scene. The honourable member has been to see me during the debate to point out that he had overlooked clause 5 of the Bill, which does bind the Crown, so I will not comment further on that aspect of what he had to say.

The member for Murray (the shadow Minister) and various other people on both sides of the Chamber have referred to the vexed question of odour, and I think I should spend a bit of time in explaining how I see this matter. First, all other States which have clean air legislation include odour somewhere in that legislation. Indeed, the 1982 Bill which the member for Murray introduced to this House also contained a reference to odour. It would appear that there has been some change of attitude on the part of the honourable member (and I assume the Liberal Party) in relation to this matter. Odour is a problem in its own right. In the financial year June 1981 to June 1982, when the honourable member was Minister, the Department received 439 justified complaints about offal rendering plants, crematoria, and oil refineries, and in each case the concern was about odour rather than the specific chemical effect of the emission which was occurring. Odour is specified because gases or substances which smell and which largely have an organic origin usually are extremely complex mixtures of many chemical compounds. The honourable member would know as well as I know that there are simple chemical compounds which have an unfortunate odour: ammonia is probably one and sulphuric hydrogen I guess is another, but for the most part when we are dealing with odour we are dealing with emissions which have an organic origin and which are therefore a mixture of many and complex chemical compounds.

Despite years of research, all that scientists can tell us about odour from offal rendering is that it contains about 4 000 different organic compounds, and some 300 have been identified with little or no hope of naming the others. The prospect of a schedule to this Bill, or indeed a schedule to the regulations under the Bill, which would enable us to specify all of the chemicals of which people complain just is non-existent. If odours were excluded from the provisions of the Bill, no doubt control of these emissions would require identification of each of the compounds in the materials being emitted. Also, there would have to be some sort of indication of the danger to individual health or to the environment generally in relation to each of those compounds, and clearly this is technically beyond our capacities, as it would be an administrative nightmare. Identification of all the compounds is impossible, and I really think I need not proceed any further there.

I wonder whether the Opposition is over-reacting to clause 32, which states that excessive odours must not to be emitted.

This clause has several built-in safeguards for industry, and I think the Opposition will be interested in this. First, a member of the public must complain. It is not possible for me or my officers to proceed in relation to odour unless there has been a complaint from a member of the public.

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: I am glad to hear that, except as I understood what honourable members opposite have been saying, I will have a team of inspectors racing around the countryside with their noses atwitch, looking for every possible case of smell they can find.

The Hon. D.C. Wotton interjecting:

The Hon. D.J. HOPGOOD: Well, if it is understood that we are responding to a complaint, well and good. Secondly, an air quality inspector must agree with the complaint. Thirdly, the smell must be evident outside the works which are the source of the complaint. The smell must significantly exceed the odour normally emitted—and that is important. Finally, it is a defence to show that by normal diligence the odour could not have been prevented. I think that that is going a long way to meeting the concerns of industry. If members opposite think that it is not reasonable, they obviously do not want any control of odours. Maybe that is their present position, but it was not their position in 1982. The vast majority of complaints to my officers arise from odour rather than from air pollution as it is understood in the chemical sense, and I have been trying to make this distinction for the benefit of members.

In recent days there has been correspondence asking why we need backyard burning. It is interesting to note that this legislation should have brought forth that suggestion, because one major way in which this legislation differs from that introduced by the Liberal Party is that it seeks to control backyard burning. The Liberal Party considered this matter and decided it was too difficult and that there was too much electoral embarrassment in bringing down legislation to control backyard burning. Before the 1982 election, I gave a specific commitment on behalf of the Labor Party that we would introduce legislation to control backyard burning and we have done that, but some people now say that we are not going far enough, that it is not enough to control it, but that backyard burning should be banned altogether.

I would see that as a desirable mid to long-term goal. The problem we have concerns waste disposal and the approaches by local government to waste disposal. I would like to give a pat on the back to my local council, the City of Noarlunga, which carts away anything that two men can carry. The council has said that it will cart away a refrigerator from the front lawn so long as the householder removes the door for safety purposes before putting it out. Since the opening of the new dump at Pedlar Creek, I have had no occasion to go there, although I was a regular client of the Lonsdale dump and previously of the dump at the Port Noarlunga estuary. Anything I want taken to the dump the council takes for me. There is also a private firm that collects garbage in drums once a month at a fairly low cost.

However, I must concede that not all councils are prepared to give the same service as that given by my council: first, some inner-city councils have limited access to dumps; and, secondly, some are not as enlightened as are the Noarlunga council and one or two others as to their responsibility for removing waste from domestic premises. But I would see that we could eventually get to a situation where backyard burning was totally unnecessary. However, at this stage in the development of waste management it will clearly be necessary for backyard burning to continue for some time. Some waste materials can burn with very little air pollution of any sort whatsoever: a clean burn can occur. The Opposition spokesman on this matter attacked me about an alleged lack of consultation in relation to this legislation and, in my disorderly fashion, I reminded him by way of interjection that indeed I entertained the representatives of the Chamber and that we discussed this matter. Indeed, some of their suggestions are incorporated in Government amendments.

The Hon. D.C. Wotton: Two of them.

The Hon. D.J. HOPGOOD: Not all of them, but I do not think that they expected that all their suggestions would be incorporated. They went away reasonably satisfied with my suggestions on some of these matters. In relation to consultation, my eye lit on a certain document only late last week, and I thought that in view of the fact that the Opposition decided to play it this way I should bring it into the Chamber for the interest and perhaps even amusement of honourable members. I read from page 22 of the annual report of the Local Government Association (and I imagine that the honourable member already knows what I am on about). Under the heading 'Clean Air', it states:

> A Bill to minimise and control air pollution was introduced into the Parliament by the previous Government. The Association was not consulted on it prior to its introduction despite assurances that this would occur.

The Hon. D.C. Wotton: That is not true. All right, you read it—

The Hon. D.J. HOPGOOD: I am merely quoting the Local Government Association annual report. The report continues:

> While the Bill was an improvement on previous drafts which had relegated local government involvement merely to delegated authority for health inspectors to police backyard burning, the Bill had some major defects as far as local government was concerned. These defects were discussed with officers of the Department of Environment and Planning, and it has now been agreed that the controls over location of polluting activities should be located in the Planning Act, which will give a proper emphasis to the role of local government.

Other matters were raised, and I apologise to the House for the fact that I did not write down everything. I think that it is perhaps of greater importance, since I understand that there is support for the Bill to act into Committee, that at this stage I sit down to allow that to proceed and we can deal with other matters as the specific clause arises.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. D.J. HOPGOOD: I move:

> Page 2, line 10—Leave out ', liquid or gaseous particles of any kind' and insert 'or liquid particles of any kind and any gas'.

This is one of the matters brought to my attention by honourable members. I think that the draftsman, in deciding upon this verbiage, was concerned with the legalities of the situation. From time to time I try to assist my son who is a Matriculation student to do his chemistry, and I would readily accede that, unless we get down to the molecular level, we cannot talk about particles of a gas. Therefore, I believe that, although this wording does not in any way weaken the legal impact of the Bill, certainly it is chemically more realistic.

The CHAIRMAN: I point out to the honourable member for Murray that the first part of his amendment is similar to but not the same as the Minister's amendment.

The Hon. D.C. WOTTON: I am supporting it.

The CHAIRMAN: I am pointing out to the honourable member that, because it is similar to the Minister's amendment, I would not ask him to move it. However, the honourable member for Murray wants to speak.

The Hon. D.C. WOTTON: I support the Minister. I am pleased that this is one of the two areas of all those that the Chamber of Commerce—

The Hon. D.J. Hopgood: Three.

The Hon. D.C. WOTTON: Three of the large number: there is some contradiction from members behind the Minister, but I will say three at this stage. I know that when we introduced legislation in 1982 we had the same discussions. Whilst I do not have a copy of that particular legislation with me today, I think that the amended form is in the same form as the Bill that was introduced in 1982. Therefore, we support that amendment.

Amendment carried.

The CHAIRMAN: There are two further amendments to be moved by the honourable member for Murray. Does the honourable member wish to move them both together or separately?

The Hon. D.C. WOTTON: We have only one.

The CHAIRMAN: They are quite separate.

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

Page 2, lines 10 and 11—Leave out 'and include' and insert 'but does not include'.

This is tied to the previous amendment, and there is very little that I need to say further other than to seek the Government's support in this matter.

The Hon. D.J. HOPGOOD: It in fact goes further. The honourable member seeks to excise the words 'and includes' and substitute 'does not include'. This brings us to the whole nub of the question of odour and whether or not such a provision should be in this Bill. The honourable member and his colleagues have argued in the second reading debate that for the reasons they have outlined odour should not be addressed in the legislation. I assume that it is consistent with that approach that the definition should be amended accordingly. Obviously, the Government does not see it that way for the reasons that I have already outlined. The vast majority of the complaints that we receive relate to odour in the amenity sense rather than air pollution in the narrow sense, and we believe that the mechanism which is set down here and which I explained to the House in some detail in the second reading explanation should be sufficient to give some reassurance to industry about the way in which we will operate here. So, I urge the Committee to reject the honourable member's amendment.

Mr LEWIS: I bring the Minister's attention to at least the implications of allowing this clause, including this definition, to pass in its present form. I mentioned in my second reading speech that odours emanate from institutions that the Crown operates: Bolivar and Finger Point. How does the Minister plan to eliminate those odours or, alternatively, is there some semantic means and some sophistry that he could present to this Committee that would enable the Crown to get around that problem of stench, because the armpits of Government are really on the nose?

The Hon. D.J. HOPGOOD: It is quite consistent with my approach as Minister in bringing in legislation in this form—and I refer the honourable member again to clause 5—that Government should be involved.

Mr BAKER: Following up that question, in terms of odour does the Minister perceive—because he has included odour—that Government and semi-government establishments such as Samcor, Bolivar and Finger Point should be brought under the auspices of this Act? I would appreciate a direct answer to that question.

The Hon. D.J. HOPGOOD: Members want to know whether it is possible under this legislation for there to be a right of action against the Crown. The answer, of course, is that it is, because clause 5, which we have not even got to yet (I hope that I am not transgressing too much; I am only trying to answer the question), clearly binds the Crown. So, it will be for the Crown to ensure that it is not in breach of its legislation in the way that it administers its various instrumentalities. That in part is an administrative problem and in part a technical problem that will have to be addressed, assuming that the legislation is carried.

The Hon. D.C. WOTTON: I presume that if the Government does not support the amendment we will still have the opportunity to debate the odour provision under clause 33 and the amendment that is in my name in relation to that clause when the time comes. If the Government decides to oppose the amendment I do not want to lose the opportunity of speaking on this matter.

The CHAIRMAN: Clause 33 involves the matter of excessive odour, and the honourable member will be quite at liberty to raise the matter at that time.

The Hon. D.J. HOPGOOD: I certainly have no quarrel with that, but in the event that the Opposition is able to get the numbers and get its amendment through on that clause, I assume that it would then be necessary to recommit clause 3, because assuming that this amendment is passed a definition of 'odour' will be included.

The CHAIRMAN: The Minister is asking me to answer a question that may not need to be answered: the Opposition would have to be successful in amending clause 33.

The Hon. D.J. HOPGOOD: The point that I was making is that it is usual in Committee that on the first opportunity when a principle arises there is a test vote on that which usually resolves the issue. I am not suggesting that the Opposition needs to follow that course of action, as it can follow whatever course of action it likes. However, a slight anomaly arises from the fact that obviously the Opposition does not really regard this as the test vote and that it regards the vote on a later clause as being the test vote.

The CHAIRMAN: I would hope that, after debating this amendment, when we get to clause 33 we will not repeat the same debate, because the Chair will not accept that.

The Hon. D.C. WOTTON: If you would prefer that the matter of odour be dealt with under this amendment, Mr Chairman, the Opposition will be happy to do that. I do not want to lose the opportunity of speaking on this important matter.

The CHAIRMAN: The member for Murray has moved an amendment under the definitions clause, and we are debating the merits or otherwise of that amendment. The honourable member chose to amend the clause dealing with definitions: the Committee has debated that matter, and I would hope that it is not repeated in regard to clause 33.

The Hon. D.C. WOTTON: Rather than find that we cannot debate these matters when considering clause 33, I will now say a little more about the Opposition's desire to have the odour provisions thrown out of this Bill. I had quite a bit to say about this during the second reading debate. I make the point that, despite what the Minister has said, most industries (and certainly those which have made representations to me since this legislation was introduced) fear the inclusion of the odour requirement provisions because they are so broad and because industry is unable to define or measure an excessive odour.

That is my major concern. Companies are concerned that they will be held responsible for an emission which cannot be measured by the occupier himself or by the inspector who could bring a prosecution. I do not know how we can get around that. The court would have no way of determining whether the odour was excessive, other than on the advice of one inspector, who in turn has had no way of measuring the extent of the odour other than through his nose. The subjective nature of the decisions required of the authorised officers regarding what odour is offensive, as indicated under the Bill, which causes discomfort or which exceeds the normal level to a significant extent (and these are all quotes taken from the legislation) leaves the whole provision up to an enormous variation in interpretation, and there is no way around that.

One would expect variation in the amount of odour because of temperature changes, wind strength, wind direction, and so on. These factors alone may well cause an authorised officer to be of an opinion that the strength exceeds that which is normally emitted whilst in fact the odour strength might be constant at its source. It is also feared by some that technical means of odour prevention are either unknown or uneconomic. It is all very well for the Minister to say that all the other States have provisions relating to odour. I have taken the opportunity to speak to Ministers in other States, and they have indicated to me the concern that they have in regard to the proper administration of their own legislation. That is what concerns me. It concerns me that we will introduce legislation that will be very difficult indeed to administer properly.

The other point made by the Minister related to the administration of the legislation. He, as Minister, and the officers of his Department, have obviously talked to representatives of other State Governments, and are of the opinion that the situation is being handled quite well in those areas. However, my information is certainly that other States are having problems in administering that legislation.

I referred to a number of points in my second reading speech and I do not have the opportunity to go through all of that again. However, the Chamber of Commerce has made its position clear in its submissions to the Minister, and it has certainly discussed this matter with me. The Minister has indicated that, in the Bill that the Liberal Government introduced in 1982, the provisions were there. As Minister responsible, I certainly had concerns at that time, but I am not ashamed to say that, as a result of discussions that I have had since then, we have changed our attitude on this matter, particularly because of the concerns that we have in relation to administering the legislation. If this amendment is to determine whether or not the odour provision should be in this legislation, I would ask the Committee strongly to support the amendment, so that odours are not included in the provisions of this legislation.

Mr LEWIS: It is not my wish to detain the Committee unduly but to ensure that it understands the concern which I and other Opposition members presumably have (I do not know that any Government members are concerned about this at all) regarding the subjective way in which one would have to interpret the meaning of the word 'odour'. I have employed on an annual basis more than 500 people picking, packing and processing strawberries. Amongst those employees was a small but nonetheless real group (seven people) who were allergic to the smell of; and after a short exposure to strawberries. Under these definitions and the rest of the Act, which I cannot canvass now, it could result in that becoming a prescribed activity.

I ask the Committee to look at that aspect, because it is not so facetious. This example illustrates what I am saying. Many people who are not allergic to the smell nonetheless find it very offensive when a livestock carrier drives past with his semitrailer filled with vealers that have come off fairly lush autumn pasture and may be pretty loose. If a corner is taken (and this is quite beyond his control), so prescribed matters (using the most genteel term) could be deposited and left to the elements to take care of. In addition, I refer to jam and fruit preservers. I worked in Glen Ewin myself and found the stench of boiling sugar and fruit overpowering in humid weather. Yet, everyone who was there accepted that it was an essential part of what had to be done in life.

There are food factories, like cheese manufacturers' whose effluent, whey, which has to be disposed of, because it is so offensive to people. True, such factories are outside the metropolitan area and this does not matter; but, it could matter. Why does the law have to apply disproportionately in regard to locality? If we are able to give clear-cut applicable Statutes that are as relevant to a human being in one location as they are to any human being in another location, we must address the way in which we set about doing that.

I refer to another example, apart from food factories, and that is the cut flower industry. Although most of us enjoy the smell of the natural odour (the perfume) of a carnation, if one works in a controlled environment greenhouse growing carnations, one finds sometimes that the smell can, in a matter of hours, become so overpowering that one cannot stay in the environment. Breeders in the cut flower industry have deliberately bred varieties of carnation that have no scent.

I ask the Committee to also consider the implications of shipping wool and hides. Are we going to find that the stevedoring authority and other Transport Workers Union representatives will demand, where their members are required to handle wool and hides or any other matter with an unusual smell, the provision of gas masks for union members? That will be an enormous expense. If that is contained in this legislation, you can bet your bottom dollar that it will not be long before it is part of a log of claims or part of a grievance in which settlement is obtained by some means or other in those industries and that it will increase costs.

Another example can be found in restaurants and the area at the rear of kitchens, where the smell coming from that area can be offensive to some people, although it does not offend me much. That could become a prescribed activity. Make no bones about it, that fits under the definition of 'Prescribed matters'. Another example is Torrens Lake, when it is emptied for a clean-out on occasions during winter. It has been known to smell even as far away as this building (although not in this Chamber) but on occasions I have smelt the stench from Torrens Lake, on North Terrace. In yet another instance I am concerned about the implications for dairy and poultry farmers. Once again, a significant proportion of the population cannot bear the smell associated with those pursuits, even though it is not an unpleasant smell to most noses. In fact, it is a very characteristic smell, but it can cause the emergence of a rash, an allergy, watering of the eyes, and the swelling of nasal passages, especially as a result of the deep litter based on wood shavings and sawdust placed on the floors of poultry sheds. When that material is being shifted it is not only the local residents around poultry farms who are affected by the smell but also people in the area. The material is cleaned out of the sheds every 12 weeks or so with each successive brood of meat birds. I can see in the future that on the day the material is shifted the person who undertakes to carry it will be required to fit an enormous sealed container on to the back of his truck to prevent any of the odour from escaping, or be subject to a substantial fine.

I worry about the inclusion of odours in this legislation. I make the point also that, as is well known (not by me as an expert, but on the authority of other experts who speak to other people), one can be desensitised to these things. Twenty years ago, 100 years and even 300 years ago people accepted these odours. The further back in history we go, the more common they were. In fact, some people used to sleep with their farm animals (and still do in some parts of the world) and in that way became desensitised to those smells. People suffer, and that is illustrated by the people who suffer from allergies such as hay fever; they can be desensitised to the substance that provokes them. I put that point before the Committee because the further we go with this kind of approach the less exposed we are to the variety of smells and whatever with which we come into contact.

Because we are less exposed to them, the more sensitive we will be towards them. The more sensitive we are to them, the more likely it is that we will require additional measures to control them and keep them out of our nostrils, out of our minds and away from our senses.

An honourable member: How do you do that?

Mr LEWIS: It will cost us as a State an enormous amount of money if we go down the track of banning odours because, as I said, the less we smell of them in variety and intensity, the less of them we will want to smell and the more of them we will proscribe and the greater will be the expense in controlling them. I think that it is a step in the wrong direction.

Mr Becker interjecting:

Mr LEWIS: All right, the member for Hanson has his hang-ups, and so do I.

The Hon. D.J. HOPGOOD: So have I. If the honourable member really thinks that any Minister for Environment and Planning, even if the powers were contained in this legislation (which they are not), would prescribe a strawberry field because one or two people working there were allergic to strawberries, that is quite ludicrous. The cut flower industry similarly will not be threatened by legislation which seeks to control noxious or obnoxious smells, unless the honourable member's sense of aesthetics is quite different from mine. I remind the honourable member that we are not here trying to ban odours. He has used that phrase on a couple of occasions. We are trying to control odorous emissions in the circumstances spelt out in clause 33 of the Bill. I mentioned the circumstances in my summary of the second reading speech. Let the honourable member listen carefully while I repeat those sections.

First, a member of the public must complain. Secondly, an air quality inspector must agree with the complaint. Thirdly, the smell must be evident outside the works. We are not talking here about the health impact on people inside: we are talking about the amenity impact on people outside. Fourthly, the smell must significantly exceed the odour normally emitted. Does the honourable member get the point? It is not a matter of banning—it is a matter of significantly exceeding the odour normally emitted. Finally, it is a defence to show that, by normal diligence, the odour could not have been prevented. If a freak mishap occurs in an establishment and there is some increase in the amount of smell that can be detected, it is a defence to be able to say, 'We did all we possibly could in order to control our machinery or processes, but nonetheless it did occur.' That is a well-known principle which the courts have recognised for a long time. As far as I can see, all of the cases which the honourable member suggested to the House are not cases where a problem would arise under this legislation.

The Hon. D.C. WOTTON: I do not want to talk about cut flowers or strawberries but rather about something which is currently causing me concern and which, I am sure, will continue to cause me concern. I refer to the practicalities regarding chicken sheds. The Minister would be aware of the number of complaints he receives (as certainly I was aware when I was Minister) about odours associated with chicken sheds created through normal duties carried out in that occupation. The Minister has just referred to a clause which provides for a complaint to be made to the Department by a member of the public. Does that mean that every time somebody wants to make a complaint about the smell from a chicken shed an officer from the Department has to check out that smell and make a determination on it? The chicken shed may have been there for years and suddenly permission is provided for someone to build a house next door to it. Those people may get their friends to support them by ringing the Department of the Minister and lodging a complaint.

The Department may get between five and 10 complaints about the smell coming from a particular chicken shed and officers will be running backwards and forwards sniffing it out to determine whether the odour is greater than at some previous time when a complaint was registered. That is the concern I have. I know the problems with the noise legislation in this regard and, as a previous Minister, I was very concerned about that problem. There was always the opportunity for four or five people to get together and determine that they did not want the chicken shed or any other industry there, so they would complain about it and involve the Department. One had departmental officers who, under the legislation, were required to take certain action and who tried to do the right thing. It is simply a no win situation. That concerns me.

I understand what the Minister says and, as I said in my second reading speech, I appreciate that until now the regulations relating to clean air have been handled very sensibly. However, there is always the possibility, when legislation is passed and officers recognise their responsibility to carry it out, that one will have problems. Because of the problems that we see in regard to cost to the taxpayer (through increasing, on an on-going basis, the size of the Public Service), I would like the Minister to give a commitment that this legislation will not mean more staff. I cannot see how it will not mean that more staff will have to be employed. Also, I cannot see how it will be administered. I do not know how the Minister can stand up in this place and say that it will be administered in the way that the legislation would have it.

The Committee divided on the amendment:

Ayes (18)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Blacker, D.C. Brown, Chapman, Eastick, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Wilson, and Wotton (teller).

Noes (20)—Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), Keneally, and Klunder, Ms Lenehan, Messrs McRae, Payne, Peterson, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs L.M.F. Arnold, Mayes, Plunkett, and Whitten. Noes—Messrs Evans, Mathwin, Oswald, and Rodda.

Majority of 2 for the Noes.

Amendment thus negatived.

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

Page 2, after line 31—Insert new paragraph as follows:
(da) the economic implications of requiring any person in question to install or use those technological processes;

I spent some time during the second reading debate referring to this matter. The word 'economic' has been removed from the definition of 'prescribed matters'. I cannot see it appearing anywhere else in the legislation, so we must therefore conclude that neither inspectors nor the Minister need have any regard to economic factors when requiring the occupier of premises to carry out the particular work. This was seen previously as being a most important provision in the legislation that I, as Minister, brought down in 1982 and I believe very strongly (and the Opposition believes very strongly) that it should be included in this Bill as well.

When dealing with prescribed matters, it is imperative that we take into account economic factors. If an industry or a development is forced to upgrade the premises, to put in new equipment, or whatever the case may be, it is very important indeed that the economics of the matter are considered at the same time. There has been much representation to me on this matter from people in industry particularly, as there was prior to the introduction of the 1982 legislation. I feel very strongly, as does the Opposition,

about this matter and I would urge the Committee to support this amendment.

The Hon. D.J. HOPGOOD: I ask the Committee to reject the amendment. It is one thing for a Minister and a Government to use the powers of exemption which are set down in this legislation to ensure that, in the light of adverse economic consequences for a particular industry, they will not proceed to use those powers laid down in the legislation: it is another thing to actually have it in the Statute.

It seems to me that there are circumstances where the pollution potential of a particular industry or plant is such that that should override all other considerations. They will be very limited circumstances, and something that one would hope would not happen once in more than about 25 years, but I believe that the reserve power must be there for that to happen.

Progress reported; Committee to sit again.

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

POWERS OF ATTORNEY AND AGENCY BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

This Bill is part of a package of legislation which results from recommendations of the South Australian Law Reform Committee's 47th Report dealing with powers of attorney. A power of attorney is a formal instrument by which one person empowers another to represent him, or act in his stead, for certain purposes. This Bill deals with powers of attorney generally and makes provision for the creation of enduring powers of attorney. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

The new provisions relating to enduring powers of attorney warrant particular mention. As the law stands at present, upon the donor of a power becoming incapable by reason of mental illness, the power of attorney lapses. There is often uncertainty as to when a person's mental incapacity is such that the power of attorney is automatically revoked. If an attorney continues to act pursuant to a power which has been revoked by the operation of law he may find himself personally liable to third parties for actions performed in an attempt to serve the welfare of the donor of the power.

Often a person executes a power of attorney with the wish and intention that the person whom he has chosen will step in and safeguard his assets should he become unwell or infirm. However, that wish or intention is defeated as a power of attorney is in law revoked by the subsequent mental incapacity of the donor.

The English Law Commission in its Report of 1970 recognised this dilemma. It said:

> It is clear that in a great many cases attorneys continue to act notwithstanding that their donors have become incapable and that, indeed, in so doing they perform a valuable service.

The report went on to say:

> Nevertheless, in so acting, the attorneys run a considerable risk, since technically they have no legal authority or effective protection if their acts are subsequently challenged. In any event, it cannot be desirable that common practice is so much at variance with the requirements of the law.

The creation of an enduring power of attorney covers these problems. An enduring power of attorney is a power by which a donor designates another as his attorney in fact and the writing contains words to the effect that the power is not to be affected by the subsequent disability or incapacity of the donor, or that the power shall become effective upon the disability or incapacity of the donor. The words used in the power show the intent of the donor that the authority conferred shall remain exercisable notwithstanding the donor's subsequent incapacity. Other States have also recognised the need to provide for enduring powers of attorney, and Victoria, New South Wales and the Northern Territory now have powers of attorney legislation.

The Bill enables the creation of a general power of attorney using a statutory form or any other form of general power. The Bill provides that a general power of attorney which is in or to the effect of the form set out in the schedule can give authority for an attorney, subject to any conditions, limitations or exclusions, to do on behalf of the donor anything that he can lawfully do by an attorney. The attorney would, for example, generally have the ability to employ agents and do other things through agents, but the attorney could not authorise or perform anything illegal. The attorney could not, of course, make the will of the donor. Also, as is specifically provided for in clause 5 (4), the attorney cannot exercise any of the donor's powers as trustee or personal representative.

Nothing in the Bill prevents the creation of a power of attorney for a specific purpose. The Bill also provides specific protection for an agent and third party for acts done after the principal's death or incapacity. At present any agency relationship, whether created by power of attorney or not, terminates on the death or incapacity of the principal or, in the case of a power of attorney, the donor of the power. The Bill adopts the changes recommended by the Law Reform Committee to ameliorate the harsh consequences of the common law rules.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 provides a definition of 'enduring power of attorney'. Clause 4 provides that the measure is to apply to a power of attorney, or other power to act as an agent, of which the law of the State is the proper law, or which arises by virtue of a transaction of which the law of the State is the proper law.

Clause 5 provides for the creation of a general power of attorney by deed in the form set out in the schedule or in a form to the same effect but expressed to be made in pursuance of this provision. The general power operates to confer on the donee authority to do on behalf of the donor all that the donor can lawfully do by an attorney. This is subject, however, to any conditions, limitations or exclusions set out in the deed creating the power. The general power does not operate to confer authority to perform functions that the donor has as a trustee or personal representative.

Clause 6 provides for the creation and effect of an enduring power of attorney. Under the clause, an enduring power of attorney may be created by deed expressed to be made in pursuance of this provision or containing words indicating an intention that the authority conferred is to be exercisable notwithstanding any subsequent legal incapacity of the donor, or in the event of the donor's subsequent legal incapacity such a power of attorney will by virtue of the provision not be subject to the existing rule at common law under which a power or any authority to act as an agent terminates upon the donor ceasing to have the mental capacity to look after his own affairs. Under the clause, a deed is not effective to create an enduring power of attorney unless the attesting witness, or one of them, is a person authorised by law to take affidavits (that is, a member of the Judiciary or a legal

practitioner or a person specially appointed by the Governor). The deed must, in addition, have endorsed on it, or annexed to it, an acceptance in the form or to the effect of the second schedule executed by the person appointed to be donee of the power. This requirement for an acceptance by the donee is designed to bring to the attention of the donee the duties that he will be assuming as donee of an enduring power by virtue of clauses 7, 8 and 9 of the measure.

Clause 7 provides that the donee of an enduring power of attorney must, during any period of legal incapacity of the donor, exercise his powers as attorney with reasonable diligence to protect the interests of the donor and shall, if he fails to do so, be liable to compensate the donor for loss occasioned by the failure. This provision is designed to place the donee during any period for which the donor is unable to look after his own affairs under a similar duty to that which would apply if he were a trustee of the donor.

Clause 8 provides that the donee of an enduring power of attorney shall, if he fails to keep and preserve accurate records and accounts of all dealings and transactions made in pursuance of the power, be guilty of an offence and liable to a penalty (recoverable summarily) of an amount not exceeding $1 000. This provision also assimilates the position of the donee to that of a trustee under Part VA of the Trustee Act.

Clause 9 provides that the donee of an enduring power of attorney may not renounce the power during any period of legal incapacity of the donor without the leave of the Supreme Court. This provision is a necessary corollary of the imposition by clause 7 of a positive duty on the donee to properly manage the donor's affairs during any period for which the donor is mentally incapacitated.

Clause 10 provides that where the administration of the estate or a part of the estate of the donor of an enduring power of attorney is vested in another person as committee, administrator under the Mental Health Act, 1976, or manager under the Aged and Infirm Persons' Property Act, 1940, the donee is to be accountable to the other person as if the other person were the donor and the other person shall have the same power to vary or revoke the power as the donor would have if he were competent and not incapacitated.

Clause 11 empowers the Supreme Court, on the application of a person who in the opinion of the Court has a proper interest in the matter, during a period of legal incapacity of the donor of an enduring power of attorney, to require the production and auditing of accounts and records kept by the donee of dealings and transactions made in pursuance of the power or to revoke or vary the terms of the power or appoint a substitute donee of the power. The Court may, upon the application of the donee of an enduring power, give advice and directions as to the exercise of the power or the construction of its terms. Any such order may be made subject to such terms and conditions as the Court thinks fit.

Clause 12 provides protection for an agent or a third party in respect of certain acts done after the death or legal incapacity of the principal. At common law, where a person who has authorised an agent to act on his behalf dies or becomes legally incapacitated the agency terminates, any transaction entered into by the agent is void as against the principal or his estate and the agent may be personally liable to the other party to the transaction. Under the clause, a person who acts in good faith in the purported exercise of authority as an agent after termination of the authority by the death or legal incapacity of the principal does not, by reason of the termination, incur any liability in respect of the act if it was done without knowledge of the principal's death or incapacity. The clause provides that where a person enters into a transaction in the purported exercise of authority as an agent after termination of the authority by the death or legal incapacity of the principal and the other party to the transaction enters into it in good faith and without knowledge of the principal's death or incapacity, the transaction is, as between the principal and the other party, as effective as if the authority had not been terminated by the principal's death or incapacity.

The clause provides that where probate or letters of administration have been granted to a person as attorney for some other person, the provisions of the clause apply in relation to transactions entered into by the attorney as if the authority conferred by the grant had been conferred by the power of attorney. The clause applies to acts done or transactions entered into after the commencement of the measure, whether the agent's authority was conferred before or after that commencement. The provisions of the clause are not to affect the operation of section 160 of the Real Property Act or section 35 of the Registration of Deeds Act, these being sections which ensure the validity of instruments executed under a registered power of attorney before registration of revocation of the power or registration of the death of the donor.

Clause 13 is a provision designed to overcome a rule applying in relation to the construction of deeds under which an agent who signs a deed in his own name is taken to be personally bound by the deed even though it is apparent that he was acting on behalf of his principal. The clause provides that where an agent executes a deed in his own name, but it is apparent from the deed as executed that the agent was acting on behalf of his principal, the agent is not by reason only of the manner in which he executed the deed personally liable upon the deed, and the deed has effect as if the agent had executed it in the name of his principal. The clause is to apply to deeds executed after the commencement of the measure, whether the agent's authority was conferred before or after that commencement.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

LAW OF PROPERTY ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

This amendment to the Law of Property Act is part of the package of four Bills designed to implement the recommendations of the South Australian Law Reform Committee concerning powers of attorney. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

The Committee recommended that section 1 of the English Powers of Attorney Act should not be adopted. However, there is one aspect of that section which has been further considered. This is set out by the English Law Commission in paragraph 28 of its report of 7 August 1970:

28. There is, however, one matter, mentioned in paragraphs 26 and 27 of The Law Society's Memorandum, which it is appropriate to deal with here. It relates to the person who is of perfectly sound mind but physically incapable of executing any document because of paralysis or other serious bodily injury. Section 9 of the Wills Act 1837 has long enabled a person to execute a will by having it signed for him in his presence and by his direction in the presence of attesting witnesses. But at present there is no

power enabling a power of attorney to be executed in this way, with the result that a patient who, for example, is in an iron lung, cannot give a power of attorney just when he needs to. We accordingly recommend that it should be provided that a power of attorney may be effectively executed by some other person in the presence of the donor and by his direction and in the presence of two or more attesting witnesses. In effect this will apply the same rule as that in the Wills Act and enable the patient to take steps to administer his affairs during his life and not merely after his death.

In view of the fact that execution by amanuensis appears to be of doubtful legal effect, it would seem to be advisable to follow the recommendation of the English Law Commission in order to avoid the situation referred to by the English Law Commission. There does, however, seem to be little point in limiting the application of such a provision just to powers of attorney since the circumstances of a particular case may be such that it is only necessary to execute a single deed by amanuensis. Accordingly, the amendment to the Law of Property Act provides for execution of a deed by amanuensis and that such execution must be witnessed by a person authorised to take affidavits. Section 8 of the Wills Act presently provides for execution of a will by amanuensis.

Clause 1 is formal. Clause 2 amends section 41 of the principal Act which sets out the manner in which deeds are to be executed and witnessed. The clause inserts a new provision under which a deed may be executed by a person on behalf of another either where the person has been authorised to do so by another deed, such as a power of attorney, or where the person is acting by direction and in the presence of the other person. Under the clause, where a deed is executed after the commencement of the measure by direction and in the presence of a party to the deed, the attesting witness, or at least one of them, must be a person authorised by law to take affidavits.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL (No. 3)

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

This Bill to amend the Evidence Act is one of the package of four prepared to implement the recommendations of the South Australian Law Reform Committee's Report on Powers of Attorney. The Law Reform Committee recommended the adoption of section 3 (1) to (4) of the English Powers of Attorney Act which deals with the proof of original documents by copies. The Law Reform Committee stated in its report:

> We draw your attention to the utility of such a section in the wide context of the law of evidence but to consider this further here would be outside the terms of our remit.

As the committee points out, if such a provision is appropriate in relation to powers of attorney it should apply also to other instruments and documents. This amendment to the Evidence Act follows the English provision, but applies to all documents. The proposed subsection (5) ensures that an original document can still be called for if necessary. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts in the principal Act a new section 45c providing that a certified facsimile copy of an original document is admissible as evidence of the contents of the original document. The copy must, under the proposed new section, bear upon it a certificate signed by a person authorised by law to take affidavits to the effect that the original consists of a specified number of pages and that the copy is a true and complete copy of the original and, where the original consists of more than one page, a certificate signed by that person on each page of the copy to the effect that it is a true and complete copy of the corresponding page of the original. Such a certified facsimile copy of a former copy of an original document is also to be admissible as evidence of the original if the former copy would have been admissible in evidence. No proof is to be required of the identity or status of a person certifying as to the accuracy of such a copy unless the court considers that, in the circumstances, there are special reasons why such proof should be required. The proposed new section is not to affect any other method of proof authorised by law and is not to prevent a court from requiring the original of a document if it thinks that it is necessary or desirable to do so. The proposed new section provides that if a person signs a certificate under the provision knowing it to be false, the person is to be guilty of an indictable offence and liable to be imprisoned for a term not exceeding two years.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

LAW OF PROPERTY ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

The Law Society has recently highlighted an anomalous situation which continues to apply in South Australia concerning joint tenancies of real property. At common law it is not possible for bodies corporate to be joint tenants of real property with individuals. This rule has a long history and was received into South Australia at its settlement. The rule was abrogated by Statute in England in 1899. The English legislation was followed in New South Wales, Victoria, Queensland and Tasmania. As there is no reason for the rule to continue to have application in South Australia, this amendment to the Law of Property Act has been prepared. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts in the principal Act a new section 24c. The proposed new section provides that a body corporate is capable of acquiring and holding real or personal property in joint tenancy. This is to be subject to any limitations on the capacity of the corporation to hold property in joint tenancy imposed by a statute or other instrument defining or affecting the capacities of the corporation and any limitations on the capacity of the corporation to hold property that apply whether the property is to be held in joint tenancy or not. The proposed new section goes on to provide that where a body corporate is a joint

tenant of property, the property devolves, on dissolution of the body corporate, on the other joint tenant.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 November. Page 2054.)

The Hon. D.C. BROWN (Davenport): I think it is fair to say that a Bill such as this must be one of the least inspiring Bills that any Minister can bring before the House. That is no reflection on the Minister, but, where a Bill deals with just a series of technical matters as they affect the Road Traffic Act, I am afraid that it therefore tends to become a rather technical debate. Unfortunately, I need to deal with it on that basis. Basically, the Bill has about eight different sections to it. The only appropriate way to debate such a Bill is to go through those eight different powers and talk about them separately.

The first power that the Bill provides is that where road maintenance equipment is forced to operate against the flow of traffic the driver of such equipment is excused from complying with the Act. In more technical terms, that means that roadmaking equipment is able to pass up the wrong side of the road, is able to disobey various road signs, and things such as that. Of course, there is no dispute about that. However, I understand that certain difficulties have been caused in the past in regard to legal liability for using that roadmaking equipment being on the operator, and we would certainly want to remove that liability from him where he is required to use such equipment as part of his normal work. I stress that there are no difficulties whatsoever with that first power. Incidentally, that power already exists in regard to a number of vehicles on the road, namely, as it applies to vehicles owned by both the Country Fire Service and the Metropolitan Fire Service, and also ambulances and police cars.

In the Bill the Minister is including a fourth provision to allow roadmaking equipment to be included. I do not know whether the Minister is aware that the State Emergency Service, an excellent service which now operates in many country towns and in a number of suburban areas, supplying an extremely important service to the community, is excluded from this part of the Act, which means that the State Emergency Service has no power to break any rules in regard to the roads or exceeding the speed limit, or in fact have a siren sounding, even though its vehicles are permitted to have a flashing light.

I bring this to the Minister's attention, because it became obvious to me as I read through the Act. It is certainly not my intention to move to amend the Act accordingly, because it would be a complex amendment which would need to be looked at in detail by the draftsman. However, I highlight it, because only yesterday the State Emergency Service supplied a tremendous emergency service to people throughout the State. I know that in my own area it supplied help to a lot of people. I have spoken to the Director on a couple of occasions and he has highlighted this deficiency in the Act as it currently stand.

The Bill also confers upon members of the Police Force and officers of local councils the power to remove vehicles that are parked in such a manner as to obstruct entrances to properties adjacent to roads and footpaths. It is fair to say that this provision is to overcome the enormous difficulties being caused around very popular night spots or places of entertainment such as the Adelaide Oval; unfortunately, people come along, cannot find a parking spot and decide to leave their vehicle parked right in the driveway of a private property, which means that the owners of that property are unable to get their vehicle in or out. Under those circumstances, the police or local council would have the power to remove that vehicle. I suppose that those who are concerned about our civil liberties (and that should be all of us) would immediately raise the question whether that power should be given. I certainly gave some thought to that matter, and on balance I believe that the police or local government should have that power. After all, they are not towing the vehicle a great distance but simply clearing the driveway. It may mean that the vehicle is simply towed on to a portion of the footpath to allow someone into or out of his driveway.

I support that provision. I have seen the problems created around the Edinburgh Hotel at Mitcham and I know that the member for Eyre, who lives in that area when he is not charging around his district, is also aware of those problems. There are problems in the vicinity of the Old Lion and many other hotels like it. Certainly, on behalf of the Liberal Party, I indicate that we support that provision, although I issue a warning, particularly to local government (I think that the police generally exercise their power with due discretion): it is important that the local government authorities do not abuse that provision and, of course, they will need to be extremely careful not to damage the vehicles they are removing from the driveway.

The Bill provides a specific penalty of $1 000 for a breach of the provisions dealing with inspection and maintenance of buses and tow trucks. This is an important aspect. What it boils down to is that there is now a requirement in the Act for any person who operates a bus or tow turck to have that vehicle inspected on an annual basis. Failure to do so currently incurs a penalty of $300. This is the first area, I might add, where enormous difficulties arise in regard to the preparation and consideration of this Bill. I would like to bring to the Minister's attention the fact that many parts of the Act that we are now amending were, in fact, deleted by this Parliament by amendments passed in 1982. However, the present Government has not seen fit to proclaim those 1982 amendments, which came before the Parliament shortly before the change of Government. So, it is incredibly difficult for this Parliament to sit down and consider the legislation rationally, and to go through the Statute Book when we find in our Statute Book certain provisions of the old Act that were actually deleted (and I will refer shortly to sections 140, 141 and 142, because this Bill in fact tries to further amend those three sections).

Yet, the Statutes show that they have been deleted by a previous amendment passed by this Parliament two years ago. I could not quite work out how Parliament could further amend a section that was deleted two years ago until I sorted through the matter with the Parliamentary Draftsman. It became clear that the 1982 amendments were never proclaimed.

I am disappointed that the Minister in his second reading explanation did not even attempt to explain that to the House, because it is incredibly confusing for members, in trying to make a rational judgment on legislation, if the Government has not seen fit to proclaim earlier amendments. I raise this matter now because also in 1982 Parliament saw fit to increase general penalties under the Road Traffic Act from $300 to $1 000. If the Government had proclaimed even that portion of the 1982 amendments it would not be necessary for us to pass a further amendment to increase the penalty from $300 to $1 000 for failure to have a tow truck or bus inspected annually. I hope that in his reply to the second reading debate this evening the Minister will explain why the amendments that were passed by Parliament

in 1982 have not been proclaimed. Certainly, we deserve some explanation from the Minister: the ball is in his court.

However, I indicate clearly that I have no argument whatever with the increase in penalties from $300 to $1 000. Where lives are at risk it is imperative that people obey the laws and have their vehicles inspected. In fact, it was a Liberal Government which increased penalties from $300 to $1 000 in 1982, even though that legislation has not yet been proclaimed.

The fourth provision of the Bill deals with the penalty for failure to comply with the direction of an inspector or member of the Police Force not to drive a vehicle on a road in circumstances where the mass carried on the vehicle exceeds the permitted maximum. As I would like to deal with this and other provisions jointly, I will now refer to the other amendments as well. The Minister stated:

> The opportunity has been taken to revise the penalties applicable to offences relating to requirements as to stopping vehicles and weighing vehicles.

That is, if an inspector tells a driver that he must stop the vehicle so that he can weigh it, and if the driver fails to stop, a fine is imposed, and that fine is being increased from $600 to $2 000: there is more than a three-fold increase in the penalty. A further provision relates to powers being given to an inspector or to the Police Force in regard to a vehicle that is overweight or over the required dimensions, and the Minister stated:

> The Bill also empowers inspectors and members of the Police Force to direct drivers not to operate vehicles in circumstances in which the vehicles do not comply with the provisions relating to the length, height and width of vehicles. The provisions of the Bill are more fully explained in a detailed explanation . . .

Those three provisions substantially increase the powers of the police or Highways Department inspectors and the penalty that people would have to pay if they breached the instruction of members of the Police Force or a Highways Department inspector. Frankly, this is the most important part of the entire Bill and is the area with which I would like to deal in detail. It comes back to the very point of what powers Highways Department inspectors should have and what powers the police should have and to what extent the present regulations—

Mr Gunn: Highways Department inspectors are not using theirs very well at all.

The Hon. D.C. BROWN: I will certainly be taking up those points, because I agree entirely with the honourable member. There is also the question of to what extent are those limits reasonable limits. The first point I make is that the transport industry of this State has been waiting for almost two years for the implementation of the so-called NAASRA recommendation on mass, length and height of a vehicle. I recall that one of the last things that the Liberal Government Cabinet did was give formal approval to the recommendations for the 1982 amendments so that the NAASRA recommendations could be introduced. For those who do not understand, the NAASRA recommendations are an Australian national standard for the maximum gross mass of a vehicle and for the length and height that a vehicle can be. Those recommendations have already been adopted in Victoria, New South Wales, Western Australia and, I think, Queensland. However, I do not think they have been adopted in Tasmania and, after all, Tasmania does not really affect other States because it is not possible to drive from Tasmania directly into any other State.

In this State our transport operators are severely disadvantaged by the existing regulations, because they mean that a truck is restricted by about 3 to 4 tonnes compared with what a semi-trailer with a tri-axle can carry interstate. I ask the Minister to clearly explain to the House tonight why the 1982 amendments have not been passed, and why he has not adopted the NAASRA recommendations already passed by the former Liberal Government which were ready to be gazetted but could not be gazetted during the election campaign because that would have been wrong. The Minister has been fiddling with this problem for 18 months.

I understand that, although the Minister has a heavy vehicle advisory committee, in the 18 months that he has been Minister that committee has not yet met. I think that that is a disgrace. We have heard the Deputy Premier accuse me and other former Ministers in the previous Government of not having regular meetings of other committees, and I think at one stage the Minister accused me of not having a meeting of a particular committee for a period of 11 months. The present Minister of Transport has been in Government for 18 months and he has not yet had a meeting of the heavy vehicle advisory committee, even though the regulations have been drafted and there is an urgency throughout the whole industry for them to be adopted. I think that that is a disgrace. I ask the Minister to explain to the House why he has not called the committee together and why he has not taken any action to implement the new regulations.

That comes back to granting powers to Highways Department inspectors. Mr Speaker, you may recall the speech that I made in this House during a grievance debate last year in which I highlighted some of the problems that have been encountered by the transport industry, referring to the way in which Highways Department inspectors carry out their duties (or in some cases fail to carry out their duties) and the manner in which they grant permits for over-weight or over-length vehicles. Frankly, I am unwilling to give additional powers to those Highways Department inspectors until the Minister comes back with satisfactory answers to the criticisms that I have highlighted in this House. I am disappointed that, having put those criticisms before him in this House last year, the Minister has not responded to a single criticism or point that I raised. Certainly this evening the Liberal Party is not going to be a party to giving those inspectors additional powers when criticism is rife throughout this State from the transport industry in relation to the manner in which some of the existing powers are already operating.

I highlight the lack of adequate identification for Highways Department inspectors. This is not a personal criticism of the inspectors: it is a criticism of the documentation they receive from the Minister. I understand that many transport operators must work on the basis that a Government or plain vehicle may drive past and a table tennis bat is held up stating that the holder is a Highways Department inspector. I think that one would agree that any transport operator, in the middle of the night out on some highway, might be reluctant to pull over and be cross-examined by a couple of men in a vehicle when the only sign of identification was a table tennis bat saying 'Highways Department inspector'. It could be a group of thugs who want to do over the driver for any money he is holding or take off with the load his truck is carrying. It is time far better identification was given to those inspectors so that the transport operators clearly understand who is flagging them down.

This Bill was introduced last year, and it was due to be debated in the last weeks of the sitting last year. When I went to the industry and asked it for comments, I found that the Minister had not bothered to discuss the Bill with members of that industry. That is a disgrace. The Minister, who is given certain responsibilities and who proposes to implement changes to the Act which specifically affect the heavy transport industry, does not even bother to consult with that industry.

The Hon. Michael Wilson: But this Government believes in consultation.

The Hon. D.C. BROWN: Yes, a consensus Government! I suspect that the consensus is within Cabinet, and to hell with the rest of the world. Through actions I took then, I successfully forced the Minister to at least go and talk to the Road Transport Association. I took it upon myself to talk to a far wider group and get their views as well, because I think more than one association represents the heavy transport industry in South Australia. I talked to the country carriers and the livestock carriers as well as other transport operators.

Mr Lewis: The Minister did not even talk to them.

The Hon. D.C. BROWN: The Minister does not like talking to groups—that is the general feeling throughout the industry. If he did he would suddenly realise the criticism within the industry at the way in which the existing inspectors exercise their powers. I know that some of my colleagues, including the members for Eyre and Mallee, will speak tonight and relate a couple of stories that they have heard. I have heard story after story of Highways Department inspectors instructing people to drive up to 100 kilometres to have their vehicles weighed when the Act only gives them the power to instruct someone to drive up to eight kilometres. I am trying to check out some of those stories. When I get the evidence I shall present it to the appropriate authority and seek a full investigation because, if that is going on, it is time these people stopped using the powers they have, let alone be granted further powers by this Parliament. I will support the granting of additional powers only when these other complaints I have had have been fully investigated and cleared or action taken.

One problem that has been raised with me (and I ask the Minister to look into this matter) involves some of the existing height recommendations for vehicles, particularly in relation to any further changes made in connection with the NAASRA recommendations, and I refer also to weight specifications. The problem exists in the livestock transport industry where no transport operator can be exactly sure of the weight of a truck of steers. The problem is twofold: first, the existing height recommendations are such that one cannot have a two-tier truck for carrying stock which has sufficient space for the stock to stand without suffering damage and which comes within the legal limits.

We all know that most of these steers have been taken to the abattoirs and that bruising is one of the single major causes of loss of value of livestock during their transport. It is extremely important (and I ask the Minister to give an undertaking in this respect tonight) that he further investigate whether it is possible to allow livestock carriers to be permitted to have a vehicle which is 12 inches higher so that on the top of a normal tray of a tri-axle truck one could put a double-decker livestock carrier.

Mr Gunn: A cattle truck.

The Hon. D.C. BROWN: Yes, but it has a normal tray, and one puts stock crates on top of that. It needs to be 12 inches higher than the currently permitted height. The other alternative, if the law is not broken in that regard, is to have a one-tier truck, which is totally uneconomical because one could carry only half the number of stock or lower the height of each tier by six inches and thereby bruise the animals' backs. I ask the Minister to look at that in some detail, to come back with some form of suitable amendment to the existing regulations and to make sure that the NAASRA regulations, when introduced, take account of that so that one can have two-tier livestock carriers.

The other problem for livestock carriers is weight. When cattle are loaded one has absolutely no idea what their weight will be. Generally, it is thought that the bottom can be filled and the second layer or tier can be about three-quarters full. One can imagine how, the cattle having been given a big drink of water before going out on the road, the weight can be under-estimated. In that case, carriers can be penalised on a very unfair basis. Although the maximum legal limit for a truck in South Australia is 38.8 tonnes, many carriers have been granted a permit to carry more than that—up to 41.9 tonnes on a normal tri-axle. If they are found to be over the 41.9 tonnes limit by, say, half a tonne, those involved are not penalised for that extra half tonne: they are penalised for that half tonne plus the other three tonnes that they had as part of their special permit.

An honourable member: It is unreal, but it is taking place.

The Hon. D.C. BROWN: I know it is unreal and that it is taking place. The Minister is saying this evening, in trying to put forward these regulations, not only that when they are penalised, not for the half tonne but for the half tonne plus the three tonnes, he will fine them $1 000, but also that, if they take that vehicle back on to the road, they will be fined exactly the same penalty as they would have received or, in addition, that they will be penalised for being overweight for every 50 kg that they are over. I refer specifically to the penalty. It is not less than $1.75 and not more than $10 for every 50 kg for the first tonne of mass carried in excess of the permitted maximum and not less than $10 nor more than $20 for every 50 kg carried thereafter. In an other words, if these people happen to overload that 41.9 tonnes by even 50 kg, they are fined at least $1.75 or up to $10 for the first 50 kg of 3.5 tonnes. Then they can be fined from $10 to $20 for every 50 kg for that other three tonnes.

The Hon. P.B. Arnold: It's not on.

The Hon. D.C. BROWN: It is totally unrealistic. The Minister himself should realise that and withdraw that amendment because it is totally unfair. I hope that the Minister will give a clear undertaking that he will have his officers look at some other basis on which to judge the weight of trucks. That should apply particularly to when cattle are being carried because there is probably no real problem with sheep.

Mr Gunn: If you have a load of full wool sheep and you get a quick storm—

The Hon. D.C. BROWN: The Minister should also take into account what happens when they take on water, and ask his inspectors to do so, too. But, with cattle it should perhaps be on the basis that the bottom layer can be filled completely, that the top layer can be only three-quarters full and that, if one is half a tonne overweight, it is still a legal load. If those concerned find that, by filling three-quarters of the top layer they are still consistently overweight, perhaps the Minister could further amend it to be, say, only half the top deck. However, it needs some other basis so that those who are driving stock trucks and who load cattle can have far greater certainty than they currently have. I think that the interjection by the member for Eyre is perfectly valid: the truck operator might have been quite legal when he set out with a full load of sheep. If it happened to rain very heavily the sheep's wool would absorb the water and suddenly that person would be overweight. He can be penalised, and I think that everyone would class that as an unfair situation in relation to which to impose a penalty.

The next point I raise in regard to these penalties is the present proposed amendments altering sections 140, 141 and 142 so that, if a vehicle is pulled over and found to be too long or over dimension, the driver can be penalised. The current Act is silent about whether that vehicle can be driven further. The Minister is proposing to allow the police or a Highways Department inspector to give specific directions to the driver or a person in charge of the vehicle to drive that vehicle to a specified place and direct the driver or person in charge of the vehicle to ensure that it is not driven on a road except for the purpose of complying with the direction given under paragraph *(a)* until those requirements have been complied with. First, I should add that

that power is already in the legislation for a vehicle that is overweight. However, I have grave reservations in giving that sort of power, particularly to a Highways Department inspector.

The Hon. P.B. Arnold: With livestock.

The Hon. D.C. BROWN: When one has livestock on board. Does the Highways Department inspector perhaps understand the sort of problems that can be created by the driver of a livestock carrier full of stock being told to travel to a particular spot and not being allowed to move from that spot? What does that person do if there are no stockyards or unloading facilities there?

The Hon. P.B. Arnold: Fruit and vegetables: the same thing.

The Hon. D.C. BROWN: Or a perishable load. What happens in the case where a vehicle leaves Brisbane and is sealed by a health inspector because the load is full of frozen foodstuffs and must be opened by an inspector here? A seal is put on that vehicle to ensure that it has not been opened in between. It is pulled over out in the middle of the Mallee, say, for being over length. The inspector says to the operator, 'You can drive two kilometres down the road to a parking bay. You cannot go beyond that, and you have to unload part of the load.' However, the operator is not allowed to unload the load because it has been sealed by a health inspector. That is the sort of ludicrous situation in which the operator could find himself in a situation where, under one Act (the Health Act), he is required not to open that load, yet under another Act he could be told to drive to a particular spot and unload part of the load. One cannot have members of our community put in the situation where there is conflicting evidence and advice under different pieces of legislation. I ask the Minister to consider that and, in the meantime while he is considering it, to make sure that the existing Act is withdrawn.

Finally, we come to the last provision in the Bill, the part that did not even rate a mention in the second reading debate, which I think is ironic because it is the one part of the Bill which will increase the fees payable for the inspection of motor vehicles. At present, the Act imposes a $20 maximum inspection fee for any vehicle at the Government inspection station at Regency Park. I might add that it was the former Minister (the Hon. Mr Wilson—member for Torrens) who imposed that maximum fee of $20.

He put a protection factor in the legislation by setting a maximum fee of $20. The Minister is proposing here to remove that maximum completely so that the inspection fee for a truck might be $20 today, $1 000 tomorrow and $2 000 the day after. It would be the Minister's whim as to what the inspection fee would be. There would be absolutely no protection whatsoever. This Parliament could do nothing to stop the Minister from increasing fees on that sort of basis. That is a dangerous power to give to any Minister. Based on its history over the past 18 months, I certainly would never want to give that sort of power to a Minister of the Bannon Government. No Government in South Australia has been more vicious in its fee and tax increases than the Bannon Government, even though it was elected on the basis of no new Government charges. The Minister was so conscious of this aspect when drafting his second reading explanation that he completely ignored that provision. He completely ignored any reference to the fact that he was lifting—

The SPEAKER: I ask the member for Davenport to address the Speaker.

The Hon. D.C. BROWN: Certainly, Sir. I am sorry. I thought that I was. Do you know, Mr Speaker, that the Minister had the hide to not even mention in the second reading explanation that he was removing that absolute maximum on fees for vehicle inspections? That borders on deceit of this Parliament. I found this out only because I could not quite understand what the provision here was all about, and I had to make further investigations. That is when the omission was found. We even found a mistake in the drafting of that clause. I will not be party to that sort of amendment. The most that I am prepared to do is allow the maximum amount set to remain, but to have it increased according to the rise in the consumer price index since that part of the Act was first introduced and that $20 limit was set. In fact, I will go a little beyond that in the amendment that I am proposing, which I cannot talk about in detail here but in which I propose an increase of that maximum from $20 to $30. I point out, before the Minister comes back and says that it is imperative to pay for the costs of the motor vehicle inspection station, that that is the other area about which I have received a considerable number of complaints. In fact, the Ombudsman is already investigating for me one or two matters in relation to the inspection station at Regency Park.

Mr Mathwin: And he will speak the truth, won't he?

Mr Hamilton: You ought to know very well; you tried to influence the Ombudsman yourself when you were in Government.

The SPEAKER: Order! The member for Davenport has the floor.

The Hon. D.C. BROWN: I reiterate that I will not be party to the Minister's having unlimited powers when setting fees for the inspection of motor vehicles. I understand that the Minister would like to raise additional funds because the cost of running the Regency Park inspection station has been greater than originally planned. I will come back and highlight to this House some of the complaints that I have received about that inspection station. Again, I draw the Minister's attention to a grievance debate on this in the House in which I spoke and in which I highlighted a number of complaints. Again, the Minister has not shown me the courtesy of either answering those complaints or having them investigated, as far as I know. Trevor Ford asked me to go on his talk-back programme one Thursday night last year specifically to take up some of the complaints that he had received about the station. He read to his listeners a list of these sorts of complaints about that inspection station. I summarise them briefly.

He cited specific cases where people had had their motor vehicles defected, where they had been asked to go to the station to have, for instance, the headlights modified, where they had had them modified, paid their $20 fee, but immediately been told that before they could even drive the vehicle on the road they would now have to modify the suspension which did not come up to standard. They had gone away and had the suspension modified or brought up to standard, but upon going back with the vehicle had then been told that there was too much rust in it. I have heard of someone who went back three times and who spent considerable funds on having his vehicle brought up to the appropriate standard but who, on the final occasion, was told that the whole vehicle was far too rusty and that he would not be able to get a certificate to have the vehicle registered.

Mr Hamilton: When was this?

The Hon. D.C. BROWN: Last year. These are the sorts of complaints that Trevor Ford highlighted on air but about which the Minister has not yet taken any action whatsoever. There is another case of a young lad whose father happened to be a policeman—

The SPEAKER: Order! The honourable gentleman must not address the gallery; he must address the Speaker.

The Hon. D.C. BROWN: I profusely apologise, Sir. There was another case where a lad, whose father was a policeman, bought a secondhand, but standard production model

Torana. When the vehicle was defected for some reason he took it out to the inspection station, paid his $20, and they looked at the vehicle. However, they said, 'I am sorry, but this vehicle has an unspecified muffler on it.' It was a standard production model vehicle with a standard production muffler on it and yet it was defected. I have highlighted just one or two of these sorts of complaints, but Trevor Ford has said that he has received dozens of these complaints. Since this matter was raised on air I have received a lot of other complaints as well.

Mr Mathwin: I have had a few, too.

The Hon. D.C. BROWN: I am glad that the Ombudsman is investigating this area. I just hope that the Minister starts to take account of some of these criticisms because it is time some action was taken. The next point is that some of the country carriers have pointed out to me that they have been asked to come to Adelaide to have their vehicles inspected following a defect notice being placed on their vehicles. For some of those country carriers that might mean a very long trip: it could involve a trip from Victor Harbor, or in the case of one operator who complained to me, a trip from the South-East.

Mr Hamilton: Have you raised these matters with the Minister?

The Hon. D.C. BROWN: These are complaints that I have raised with the Minister, but the Minister has said that when a vehicle is defected in the country there is no need for a person to come to Adelaide, although carriers have complained that they have been required to come to Adelaide to get their vehicles inspected. When I made a specific complaint on this matter the Minister wrote back to me and said that they are not required to come to Adelaide, that an inspector would go and see them. A member of this House recently cited to me an example of a constituent who had had a vehicle defected in the South-East. The person concerned had telephoned Adelaide and said that he had now had the vehicle fixed and that he would like to have it checked, and asked what would be done. He was told that on the following Monday a public servant inspector would be sent to Mount Gambier in a plane or a car to inspect the vehicle.

The carrier said that that would mean that the vehicle would be held up for three days while waiting for that inspector to come down. How can a private operator operate on that sort of basis? How can a bureaucracy incur such an expenditure involved with sending an inspector from Adelaide to Mount Gambier to look at a routine fundamental repair of a truck that has been defected. Surely it would be feasible for local police to call in a mechanic who could inspect the vehicle and certify that it was now up to an appropriate and approved standard. It is possible to get a vehicle inspected by a policeman if one happens to have a blown globe, but an inspector from the station is required to inspect repairs involving more than just a minor detail like a blown globe or a tyre.

I would ask the Minister to consider revamping the whole of the system. No wonder their fees are not meeting their costs if they are paying for people to get on to planes and into vehicles to go to Mount Gambier to look at one truck: it is the most inefficient system there could be. It is far more important for this Parliament to block the Minister from increasing the fees, at least beyond a reasonable level, and require him to look at the administration and operation of his own bureaucracy to improve its efficiency. The transport industry of this State cannot be expected to indefinitely pay more and more to cover for the inefficiencies that might exist in the administration of the Acts of this State by the Department of Transport.

So, I will oppose that measure. I think that that highlights the various points that I wanted to raise. One can see that there are a number of provisions in the Bill which I certainly support and with which I will not argue. However, there are some very important provisions relating to the powers of highway inspectors and fees for vehicle inspection which I will oppose violently. I ask the Minister whether he will, in answering the second reading debate, give certain undertakings this time to investigate the matters that I have raised. If the Minister needs more specific details I will take them up. If he does not take them up, I will have no alternative but to take the matter to the Ombudsman and make sure that he takes them up.

Mr GUNN (Eyre): I appreciate the opportunity of taking part in this debate because it allows me the opportunity to raise a number of issues brought to my attention by my constituents who have serious complaints in relation to the manner in which the Highways Department inspectors are carrying out their duties, and the way in which the Motor Vehicle Inspection Unit is currently operating.

First, dealing with the inspection authority at Regency Park, a constituent of mine informed me that his son had a standard vehicle which was defected because it had a faulty turning indicator. A general inspection of the vehicle was done, and it was found that one of the dual reservoirs on the brakes was low. There was no problem: they accepted that. The vehicle was put right and this gentleman's son brought it to Adelaide to be cleared. It was taken to the inspection authority where they made a detailed examination of the vehicle, put it on a hoist, and informed him that they believed that the chassis had to be replaced or that it was seriously deficient. They then got him to take it to a firm in Adelaide which specialises in that field, and they said that there might be things wrong with it. After some time and some discussion the lad's father was brought into the argument and he had the vehicle taken to the RAA for an inspection to be carried out. The RAA inspected the vehicle and it was said that there was nothing particularly wrong with it. It was pointed out that the gussets were not correctly welded but that they had never been, and that there was nothing really wrong with the vehicle. This person was put to a great deal of inconvenience.

The people at the inspection unit obviously do not know what they are doing, and action ought to be taken to give them some training or to allow them to use some commonsense. My constituent strongly objected to the tone of the suggestions made by these people to his son. I am advised that at the very same time there was a young lady there who was most upset at the manner in which she had been dealt with and she complained. The inspection authority then found other complaints and they referred to the chassis on her vehicle. Unfortunately, she did not have her parents there to come to her aid. If these people are carrying on in the manner to which the member for Davenport has referred, and in the manner outlined by my constituents, how many other people have been affected by this sort of activity?

Last week I was told by a very large carrier in the northern part of the State that he had a very large truck inspected and the inspector had said that the differential was faulty. He then contacted the manufacturer and they gave him a certificate to say that there was nothing wrong whatsoever with it. Obviously, these people do not know what they are about. From now on, in the case of any complaints which I receive in regard to these people and which I believe to be genuine, I will have no alternative but to name the inspectors involved in this House. If people carry on as they did in relation to the chassis example as they did with my constituent, then I believe they are not fit and proper people to exercise the authority vested in them, and I will have no hesitation in naming them in this House and moving a motion setting out what should happen to them.

I make no apology for saying that. Certainly, when people have to travel hundreds of kilometres to have their vehicles inspected, there should be no such nonsense.

I now refer to Highways Department inspectors operating from Port Augusta. I understand that there are three or four inspectors operating from that base and it is fairly obvious that these people do not have enough to do with their time. It has been made clear that, as soon as one gets into a truck and attempts to make a living, one is harassed by a group of petty officials who try to make life as difficult as they can. Recently, I have had numerous complaints about how these inspectors have operated. The member for Davenport covered a number of points and I want to re-emphasise them. I refer especially to the carting of cattle in double-decker cattle trucks. It is impossible to fit large steers or bullocks into crates of standard height. I have been advised by a constituent that, if he complies with the law, the cattle he carts to the abattoirs will be bruised on the back and their backs will be skun from rubbing and he will be in trouble with the RSPCA, which watches these matters carefully.

It is impossible to carry large bullocks from the North unless one has a crate slightly higher than the standard height. I understand that carriers can get a general exemption but not a specific exemption for cattle crates. It is a ludicrous situation because it is not economical to run vehicles that are not fully laden in view of the substantial costs involved. The graziers concerned want to get their stock carried back to their properties in the North without being harassed by inspectors, or they want to get cattle down to the abattoirs also without being harassed.

A few weeks ago a constituent loaded cattle on a property in the Mid North. He left his property and was going to stop at a weighbridge to check the vehicle weight because it was impossible (the member for Davenport correctly advised the House how difficult this is) to judge accurately the weight of the cattle. My constituent was going to check the weight but had hardly got down the road before he was pulled over by inspectors who had been lurking. Obviously, the inspectors were listening to the two-way radio conversations. My constituent had been speaking on the radio to the Far North and was of the view that the inspectors had been listening. I have a Question On Notice about this, because I want to know the facts.

If the inspectors were listening, I want to know whether that action breaches Commonwealth legislation. That situation will be interesting because a number of my constituents have that view and, if I find out, I will name the officers responsible in this Parliament if they are doing that. These inspectors are harassing my constituents, who are decent people trying to make a reasonable living. They are employing people and, every time they set out on the road, there are armies of these fellows, dressed up in khaki uniforms, chasing after them in F100 vehicles.

I have been advised that inspectors are carrying out a blitz on the transport industry to try and justify getting more inspectors, equipment and vehicles. If that is the case, and if the Government agrees with such an increase, in my view it is a waste of resources. The Government can spend its money in a far more responsible way than to have more of these people lurking on roads and harassing such people. I have taken up several cases with the Minister. One point raised by the member for Davenport concerned people who go slightly over the permit level. I have knowledge of a number of such cases and have brought them to the Minister's attention. If this Parliament is willing to sit idly by and allow inspectors to interpret legislation in that fashion, where a person is half a tonne over when he has a permit to exceed the maximum weight by 1.5 tonnes, it is a poor state of affairs.

I do not believe that the average person wants Parliament to continue to support that type of activity. One of the problems is that as soon as such powers are granted to people, it goes to their heads and common sense goes out the window. In administering any of these laws common sense must apply. At the present time it is not applying. I repeat that some of us (and I know the member for Mallee has had similar problems) will be forced to take very stern action in this House in relation to naming these people if common sense does not apply. I have previously raised this matter before Parliament. I have made myself fairly unpopular with inspectors; in fact, I well recall going into the Coober Pedy Hotel where I was abused by an inspector because I had the audacity—

Mr Hamilton: Oh!

Mr GUNN: It is all right for the member for Albert Park, because these people are not his constituents. We have had to put up with the member for Albert Park, day after day, raising matters in the House that some of us do not think are very important. As far as my constituents and I are concerned, this is an important matter. One of these characters abused me because I had the audacity to raise this matter in the Parliament. I make clear that I will continue to raise matters and name inspectors when I think it is appropriate. I do not set out to do that in an irresponsible fashion, but the way that some of my constituents have been treated over the past few months I believe gives me good grounds to complain, and I make no apology for that whatsoever.

I have given fair warning of the course of action that I intend to take in relation to these matters. The Minister is aware of this, because I have brought these matters to his attention, and I have advised the people concerned that they should also contact the member for Davenport so that the inquiry that he is attempting to organise can be fully briefed. If all that fails, and if the inspectors continue in their present vein, we will have no alternative but to use the privileges of this place. That is not a course of action that I relish, but I will have no alternative but to protect my constituents.

The northern parts of this State rely on the transport industry for their survival. People in those areas are transporting goods that are necessary for the development of this State, and they are employing people. When people are fined up to $10 000 for breaches of the Act, and when people are brought before a court for the most trifling breach of the Act, on permit breaches mentioned by the member for Davenport, and on other matters, it is not surprising that people wonder what is taking place in this State. The honourable member referred to inspection charges. This Government has already increased more than 80 charges, after promising that there would be no new taxes and no new charges in this State. This measure today is another example.

The northern parts of this State have been affected by drought for years and people in those areas are attempting to cart their cattle back to the North, but as soon as they leave their properties they have inspectors chasing after them. I hope that the Minister will have discussions with his officers so that common sense applies and inspectors are given something more constructive to do instead of harassing people who are trying to make a reasonable living for their wives and families and employ a few people. As far as the inspection authority is concerned, a bit of common sense should apply. I hope that people who know what they are about are employed. The sort of nonsense that has already been demonstrated to the House should be brought to an end once and for all.

I could say much more in relation to the provisions of this Bill: some of them are good and I support them, but there are a number of other matters that I will leave until

the Committee stage in order to make further comments in relation to the amendments. I intend to join with the member for Davenport in vigorously opposing the provisions that affect my constituents in such a discriminatory manner. For some time I have been concerned about the difficulties under which people in the transport industry have to operate. As soon as they get into a truck and attempt to drive somewhere, they are harassed. During the recent harvest people were getting into trouble with brand new trucks when police began checking them. Not a lot of judgment was shown in relation to that matter. In my view the Highways Department inspectors take the crown for being the most difficult and the most unreasonable that I have come across in my time in Parliament. I reserve my judgment on this matter and hope that the measure is greatly improved during the Committee stage.

Mr LEWIS (Mallee): To the substance of the remarks made by the member for Eyre I will save the House a lot of time by simply saying 'Ditto'. I know that it is not possible to canvass the contents of any clauses of the Bill at this stage, but I nonetheless commend the Minister for the things that have been done in the first part, to the end of clause 3. Another clause refers particularly to the fact that, whenever a siren, bell or warning device is fitted to a motor vehicle of a prescribed class that is designed or adapted to operate in the event that that vehicle is interfered with, that shall be lawful. It is an excellent amendment and I commend the Minister for it. It is a good piece of legislation in that warning devices now can be fitted quite lawfully and, to the certain knowledge of the customer procuring such a device to protect his vehicle from vandalism or theft, he can do so notwithstanding that it is now made necessary because of the way in which the use of these devices is otherwise prescribed and prevented.

However, I am appalled by the part of the legislation which gives untrammelled powers to some of the ill mannered, badly trained, poorly selected and probably underpaid (if one pays peanuts one gets monkeys) Highways traffic inspectors responsible for the policing of this Act.

The Hon. P.B. Arnold interjecting:

Mr LEWIS: Yes, I am reminded by the member for Chaffey that there are equally appropriate ways of describing people in fewer words. That is pretty rough. The member for Eyre put it in terms which none of us could mistake, least of all you, Mr Speaker. He made it plain that it is not fair to require the driver of a truck—or whoever else happens to be in charge of the vehicle at the time that that person is accosted—to drive it to a specified place and not otherwise drive it on a road except for that purpose until the requirements directed to the driver are complied with. Hell, Sir, if you knew the way that that law had been abused and the way that the people subject to that provision have been abused, you would be as concerned as I am about the effect it has on those drivers or people left in charge of a vehicle in their attitude to the law. They sincerely, honestly and justifiably believe that we have established another batch of the storm troopers in khaki uniforms.

The SPEAKER: Order! I hope the honourable member might give consideration to moderating his language. The honourable member for Mallee.

Mr LEWIS: What, may I ask, with due respect, was it that you found offensive, Sir?

The SPEAKER: The words 'storm troopers'.

Mr LEWIS: Then, may I simply use the abbreviation, 'SS'?

The SPEAKER: Order! I ask the honourable member to resume his seat. Not only is that foolish and immoderate, but it is in complete defiance of the Chair, and I warn the honourable member. The honourable member for Mallee.

Mr LEWIS: Thank you, Mr Speaker. I will try to comply with your request. It was not I, Sir, who used those terms to describe the inspectorial staff: it was my constituents, and I was saying to you, Sir, and to other members of the House that I felt that they could be forgiven for thinking that that is what they were. I merely wanted to ensure that the House and the Minister understood the strength of feeling that these practices, and particularly this proposal, have evoked and will evoke in the people who will be affected. They have been asked to drive not just a few kilometres but, in one instance, 120 kms to comply with the direction to be weighed.

The Hon. D.C. Brown interjecting:

Mr LEWIS: Yes, I take note of the interjection by the member for Davenport, but the poor chap left in charge of the vehicle while the driver was sleeping did not realise that. When he asked where he should go, given that he was very much in awe of the direction he had received from this khaki clad gentleman, he was told he could go to the weighbridge at Tailem Bend if he liked. Knowing of no other place nor of any way to get to another place, he believed that that was the direction given to him and he promptly started his truck, out past Paruna, and drove to the Tailem Bend weighbridge.

The Hon. D.C. Brown: Are you saying he was directed to drive and therefore drove 120 kms? Is the Minister going to investigate that matter?

Mr LEWIS: I have no idea.

The SPEAKER: I hope that this conversation will not continue but that the honourable member will continue his address to the Chair.

Mr LEWIS: Far be it for me to ever direct attention away from you, Sir: I would wish all my remarks to be, by statement and by implication, directed to your attention. With the greatest respect, I continue. I think, therefore, that the provision in the legislation which enables that to happen (of the kind that we now see before us) will not be given to inspectors to exercise unduly. I believe that they should be required to tell the driver and/or the person attending the vehicle at that time not only what they require them to do but also what their rights are in law, and not simply say, 'Wiggle in behind the wheel and waddle off down the track.' That is the most polite terminology that I can think of to describe what happens. It is no fun when one finds one has to make such a journey, not knowing the reason why or the consequences when one get to the other end.

The Hon. D.C. Brown interjecting:

The SPEAKER: Order! I would ask the honourable member for Davenport to come to order.

Mr LEWIS: I am advising all my constituents who make inquiries of me to carry with them the phone numbers of the Minister, the Ombudsman, and the major police stations and a copy of the Act, since I cannot, for the life of me, see how they can otherwise ensure that they know whether or not they are being asked to do something which they can be lawfully directed to do. In any case, I want to now draw attention to some specific anomalies that arise as a consequence of the kind of law which we have now and which this Bill envisages. Mr Speaker, did you know that one of my constituents carries perishable foods? There are a large number of people who own either chillers or freezers which carry perishables.

Mr Speaker, did you also know that, once those rigs have been loaded under the supervision of a health or food inspector and sealed, the driver may not open or break that seal until he arrives at his defined destination and that there are very serious consequences for the driver and the owner of the rig if that happens? Not only does that person run the risk of losing his licence to carry foodstuffs of that kind but also he could lose the entire cargo because the rig has

been opened. Yet, those same people (most of them being men—I have yet to meet a woman truckie) know that there is a possibility that the weight of the contents of the chiller or freezer will be in excess of what is permitted in law. However, they do not know that: there is no weighbridge at the point of loading to check those weights. They can only take the word of the consignor.

These people get out on the road with the sealed container on the truck, they are hauled over to the side of the road, the rig is taken to a weighbridge and weighed, and, if it is found to be overweight, they are required to stay in a place as directed by the inspector until such time as they have reduced the weight. Some people call that a catch 22 situation: I call it a statutorial mess, because if the weight of each object of the contents is more than any one man could be reasonably expected to lift (and I am referring to palletised cargo in the chiller or freezer), how on earth would you, Mr Speaker, respond in that situation?

One cannot open the seal. If that happens, the driver runs the risk of losing his licence to carry that foodstuff at the other end, in the State to which he is travelling. Furthermore, he may also lose the whole value of that cargo, and, if he is not insured, he has to cop it himself: if he is insured, his premiums go through the roof. Assume that someone decides to take both those risks: he breaks the seal only to find that the weight of each unit within the chiller or freezer is so great that he cannot move it anyway, and he has no ruddy equipment to move it from where he has been picked up and booked for overloading. What do you do about that, Mr Speaker? I am sure that your wisdom would be appreciated by my constituents who have complained of being treated in this way under the Act and who will certainly be treated in this way more so under these proposed amendments.

I guess that it is not really the law: it is those khaki clad gentlemen who are enforcing it without compassion, sense or reason and, without ever using those terms again, small wonder that they feel that way about the said gentlemen. I want to draw attention also to situations that arise in somewhat similar circumstances where the carrier may be going to a property to load livestock or, say, potatoes, onions or pumpkins. There is no weighbridge nearby and the grower or forwarding agent tells the carrier, 'This is the load. All the bags have been weighed individually. They contain onions, 50 to the tonne and, therefore, if your limit is 20 tonnes you can put on 1 000 bags. I have 50 bags on a pallet and I will load them for you: here goes.' So he loads the tri-axle trailer bogie-drive prime mover with 20 pallets, 10 down each side.

The jolly driver, who may or may not be an owner-operator, gets out on the road only to find that the gross weight of his vehicle when he has been hauled over, directed to a weighbridge and weighed is several tonnes over the limit because of an omission on the part of the forwarding agent—that is, the grower, the packer or whoever—who forgot to take into account that he overfilled each bag by a kilo to make sure that there were no lightweight bags (he set his scales on his packing machine to do that) and that the pallets had been out in the rain. Hardwood pallets absorb a lot of water and, 20 pallets weighing 90 kilos or so, the limit is well and truly exceeded.

The driver is busted and has to pay the fine. He would have had no way of knowing. He is directed to unload his excess. However, the problem is that it is raining. What does one do with a bag of onions if one takes them out in the rain? I will tell you, Mr Speaker, in case you do not know. One makes them go rotten very quickly, but the poor chap has no choice but to unload right there on the spot. So he will have to pay the person who consigned the goods the value of the bags lost, as well as the fine, and explain when he gets to the destination—which may be in Sydney, Brisbane, Melbourne, or anywhere—why he has arrived late for the market. If the market has been closed to trucks and has commenced trading, and if the market price that morning is, say, $10 a bag and then two days later at the subsequent market the price has fallen to $8 a bag, he is also up for the $2 000-odd lost through the variation on market price.

Quite a lot of the regulations that we put together under the kinds of Acts that we pass relating to the transport industry are designed to harass the transport operator, and certainly the way in which they are enforced bears that out. I mentioned earlier that the carrier can roll up at the farmer's property, having been requested to do so a few days previously, on the day of sale and load a number of yearlings, but if the yearlings have been in from the paddock for only 20 minutes and have had a good skinful overnight they go on to the truck at the estimated weight of what most reasonable people expect the yearling to be. They fit comfortably within the confines of the truck, presuming that they are not leggy beasts—otherwise they will be chafed by the rails that go over their backs on the upper deck and by the flooring of the upper deck if they are loaded on the bottom deck.

Nonetheless, the carrier believes that the cattle are an expected average weight and puts them on board, sets out from the property, is accosted by one of these khaki-clad gentlemen and directed away from the sale to a weighbridge or to such other place at the pleasure of the gentleman in question. In fear and trembling the driver heads off in that direction. On arrival at the weighbridge, wherever it may be, his vehicle weight is checked. He finds that the beasts' stomachs are somewhat bloated now because they had a drink in the yard where they were put only 20 minutes before he arrived, and their total weight is considerably higher than the maximum permitted, for no other reason than that they have not disgorged the contents of their stomachs in the normal way: they have not relieved either bowel or bladder.

The truck driver and the owner operator would be guilty of an offence and I think that that is grossly unfair. There would be no intention to commit the offence in the first place and it would not be as though they had acted irresponsibly in allowing that to happen. There are ways by which that kind of problem can be addressed, although it is not up to me to define them. I have attempted to draw this Parliament's attention to those problems, and in some measure they have been addressed. However, I now believe that we as a Parliament should recognise the necessity of introducing Statutes and regulations which will enable a volume weight loading option alternative: a certain number of cattle, so long as they are not crammed in too tight, or a certain amount of weight, whichever is the greater according to that assessment. Also, the space into which they have to be loaded ought to be more carefully defined in consideration of the comfort of the beasts and the condition of the bodies after they have been hung up following slaughter.

As the member for Davenport pointed out, we know that bruising is one of the biggest problems in the meat industry in causing losses. Bruising is quite unnecessary if it is the direct result of stupid Government laws and regulations, which in a good many instances is the case. They are the kinds of problems which, if they are not overlooked, are created and exacerbated by khaki clad gentlemen having more of an eye for the implementation of the letter of the law than they have for the sensible management and control of the transport industry. By their attitude these gentlemen do not help small businessmen who are being serviced by the freight carriers in this country or the freight carriers themselves as small businessmen. They need to be reminded that the law is not perfect, and I trust that members of this

place, particularly the Minister, will do that. If we do not do so in the course of giving attention to the subject on this occasion, we will be doing a disservice to all of them through our indifference to the need.

Mr MEIER (Goyder): I compliment the speakers from this side of the House who have contributed to the debate. I will not go over much of the subject matter canvassed so far. People wishing to know what the facts are should in the first instance refer to the speech made by the shadow Minister (the member for Davenport) this evening, and then to the speeches made by the members for Eyre and Mallee. In his second reading explanation, the Minister said that:

The penalty for failing to comply with a direction of an inspector or member of the Police Force not to drive a vehicle on a road in circumstances where the mass carried on the vehicle exceeds the permitted maximum has been amended to reflect the penalty applicable to the actual offence of driving a vehicle on a road in such circumstances. The opportunity has been taken to revise penalties applicable to offences relating to requirements as to stopping vehicles and weighing vehicles. The Bill also empowers inspectors and members of the Police Force to direct drivers not to operate vehicles in circumstances in which the vehicles do not comply with the provisions relating to length, height and width of vehicles.

The other speakers have referred to this and brought forward various points. However, what annoys me most of all is these harsher conditions applying when I believe that there is still great uncertainty and even confusion particularly amongst the rural community (and by that I mean primarily farmers and even market gardeners) regarding what the current regulations are. I, too, have had constituents approach me seeking specific details about what is or is not required. I remember on one occasion that a farmer carrying a vehicle on his truck apparently had even taken the trouble to check in at his local police station to see whether anything was required and was told 'No, everything should be quite all right,' but, in transporting a tractor for servicing I believe, (if my memory serves me correctly), he was apprehended and reported for the offence. On returning to the police station, he was told they were very sorry but they were not aware that such a condition applied. I took the matter up with the Minister at the time, and he was very helpful; I thank him for what occurred.

However, more recently, I had a specific request from a constituent seeking further information on various questions relating to the transportation of goods, etc, and any percentage allowances over the gross combination weight. I wrote to the Minister about this matter on 23 February this year, and I compliment him for his prompt reply. The contents of the letter bring out certain factors that are relevant to the legislation that we are now discussing. In my letter to the Minister, there were six specific questions, the first of which stated:

1. Is there any percentage allowance over and above the gross combination weight for trucks transporting goods etc?

In the Minister's answer, dated 8 March 1984, he stated:

Under the current provisions of the Road Traffic Act vehicles may be loaded to 20 per cent in excess of the gross vehicle mass limit or in the case of truck/trailer combinations and semi trailers, the gross combination mass limit shown on the vehicle's certificate of registration. This allowance may not be utilised if it results in the statutory limits relating to axle mass or maximum mass behind the foremost axle limit being exceeded.

My second question was:

2. If so, what is the present Government's policy on the percentage allowed?

The Minister's reply to the second question was as follows:

The Government is presently considering proposed amendments to the Road Traffic Act and Regulations to introduce mass and dimension limits based on the NAASRA Economics of Road Vehicle Limits study; similar legislation is already in force in all of the other States. The proposed amendments would phase out provisions for exceeding a vehicle's maximum safe carrying capacity.

Here is a classic example of where the Minister openly acknowledges that this whole matter is being considered further. Yet, we find that in the amendments that we are discussing tonight the penalty provisions are being increased. It is unfortunate that the penalty provisions are being increased when it is quite possible that there could in the very near future be some other changes that, from the information given to me, could result in the truck carriers carrying up to 3 tonnes more. I want to comment a little further on those penalties later. My next question was:

3. Does this percentage apply to all trucks, or are there restrictions and exemptions?

This is the Minister's reply:

The 20 per cent allowance, subject to the conditions detailed in (1), applies to all commercial vehicles.

That is straightforward enough. This was my next question:

4. Are speed limits applied?

The Minister's reply was as follows:

No special speed limit is applicable to vehicles utilising the 20 per cent allowance. Under the provisions of the Road Traffic Act, all commercial motor vehicles having an unladen mass of 4 tonnes or greater are subject to a speed limit of 80 km/h.

We are all well aware of that. My next question was:

5. During harvest, is a primary producer eligible for any special concession in respect to any percentage allowance?

The answer was as follows:

The Road Traffic Board approved the issue of a 'Policy for Vehicles Carrying Grain, Grapes, Fresh Fruit or Vegetables' to enable vehicles carrying these products to be laden to 40 per cent in excess of their gross vehicle mass limit/gross combination mass limit as shown on the vehicles' certificate of registration, subject to the same conditions as in (1). There is a special speed limit of 50 km/h for such vehicles, with a maximum distance of travel being 80 km. Vehicles are not allowed to utilise this tolerance within the Adelaide metropolitan area, the City of Port Lincoln, or the Aldgate-Langhornes Creek Road, between Strathalbyn and Aldgate. Vehicles carrying this type of load are presently able to operate under the above conditions.

Certainly, a farmer needs to know what he is on about if he is not to get caught out in this area. My final question was:

6. Are any alterations foreseen to such percentage allowance (if applicable) in the future, especially with regards to primary producers carting perishables or grain to their nearest silo?

The Minister in his reply stated:

The general 20 per cent allowance is proposed to be phased out (refer (2)); however, the allowance for the carriage of grain, grapes, fresh fruit or vegetables has been the subject of discussion with the United Farmers and Stockowners of S.A. Inc. who have proposed that the 40 per cent allowance apply for a further five years and then be phased out over an additional five years. Consideration is now being given to this proposal.

I believe that the Minister's answers were most comprehensive, and I was thankful for that information. I have passed it on to other farmers, who have been particularly thankful for it and who believe that the information explained the situation more clearly to them because they, too, have been uncertain. In at least one case, a farmer delayed purchasing a new vehicle because he believes he can still cope within the current legislation. However, it is quite clear, particularly from the answer to question No. 2, that the amendments to the Road Traffic Act and its regulations to introduce mass and dimension limits are in the melting pot and will be forthcoming.

Therefore, when one sees these rather stringent conditions applying under which a member of the Police Force or an inspector can direct a vehicle to be driven to a specified place, for that vehicle not to be driven until the requirements of these sections are complied with and with a penalty of about $1 000, applying, one realises that these conditions will be very harsh on rural producers. It is important for

the House to know what the original conditions were, and I refer to old section 143 of the Act, which provides as follows:

(1) If the Board is satisfied that reasonable cause exists for doing so, it may grant a permit permitting a vehicle to be driven on roads without compliance with any specified requirements of sections 140, 141 and 142 of this Act.

(2) Any such permit may be general, conditional or restricted as to time, place or circumstances, and shall render lawful anything done in accordance therewith.

As I read it, that means that rural producers and drivers of vehicles generally in this category have had a reasonable amount of consideration shown to them. However, the new harsh conditions mean that they will not know where they stand. I feel that it is an unecessary impost on the rural community, especially at a time when other amendments are being considered. Clause 14 provides:

Section 176 of the principal Act is amended by striking out from paragraph *(p)* of subsection (1) the passage '(not exceeding twenty dollars)'.

Again, I believe it is interesting to look at the original Act where paragraph *(p)* provided:

prescribing and providing for the payment of fees (not exceeding twenty dollars) in respect of specified matters;

As the shadow Minister of Transport, the member for Davenport clearly pointed out earlier that virtually allows for unlimited fines in this respect.

I think it is a very dangerous situation made all the more dangerous by the fact that so many rural producers are not aware of what the conditions entail. The possibility of such a huge increase in fines is completely unwarranted at a time when I believe we are trying to achieve greater commonsense in relation to aspects of the Road Traffic Act and greater co-operation from members of the public, so we should not be bulldozing our way through with this type of legislation. I again compliment previous speakers on this side for the points they have made. I do not intend to repeat what they have said. I emphasise that any change in this respect will not be acceptable to general rural producers, because I believe that they are having enough trouble at present in ensuring that they comply with the law.

Mr ASHENDEN (Todd): I speak tonight in support of the points put forward by the shadow Minister of Transport earlier and also in support of points made by my colleagues who, at this stage, have mentioned difficulties that have occurred in rural areas. I point out to the House that the problems that have occurred in the areas that are being discussed tonight are certainly not confined to rural areas. I have had two constituents within my district contact me because of the way in which their problems have been handled by the Department. I place on record my extreme concern at the inflexibility of this Department in the way that it has handled the two matters to which I refer. I think that the best thing I can do is go through the files that I have compiled in relation to these two matters to show quite clearly that inspectors within the Department are completely without concern for what are quite legitimate problems that they have caused innocent members of the public.

The first matter I wish to raise is best explained by a letter which I forwarded to the Minister of Transport on 2 August 1983. Throughout the letter I will delete the name of my constituent and the names of public servants to avoid identifying them. The letter states:

I am writing on behalf of a constituent of mine.

I named the constituent and gave his address. The letter continues:

I am most concerned at information he has provided, as it appears to me that he is the innocent victim of a conflict between two Government departments. [My constituent] is the owner of a one ton Holden utility which he purchased for the specific purpose of attaching a caravan unit. To make the vehicle more sturdy and reliable a lazy axle was attached. The vehicle was purchased on 4 February 1983, and the modifications were inspected by the Vehicle Inspection Unit on 7 February 1983. Following that inspection further work was required. This was undertaken, the vehicle was again inspected, and was passed as roadworthy on 11 February 1983. A transfer of registration was granted by the Motor Vehicles Department on 3 March 1983.

[My constituent] was then extremely concerned to have received a letter from the Motor Vehicles Department on 25 March 1983 advising that the registration of the vehicle would not be further approved. [My constituent] immediately telephoned [a public servant] in the Motor Vehicles Department who denied that any dispensation had been approved for the registration of the vehicle referred to. Knowing that this advice was incorrect, [my constituent] made contact with Yorke Motors from whom he had purchased the vehicle, and that company furnished a Certificate of Dispensation which showed quite clearly that the roadworthiness of the vehicle had been approved.

Furnished with this information, [my constituent] again telephoned [the public servant] and advised that he had the documentation referred to in his possession which showed quite clearly that, in fact, the vehicle should have registration allowed. I am advised that [the public servant] was quite angry when given this information. [The public servant] then requested that [my constituent] have the vehicle weighed and again present it to the Vehicle Structures Branch for a further inspection. The vehicle was presented for this inspection on 6 April 1983. On 13 April 1983 [the public servant] telephoned [my constituent] and advised that as a certificate had previously been issued—

note the change—

it would not be rescinded, but he would make it impossible for the vehicle to be used in the manner for which it had been purchased. To do this, [the public servant] imposed a load capacity of 350 kg.

Neither [my constituent] nor I can appreciate any reason for this as the vehicle load capacity imposed by [the public servant] is far less than that allowed for the vehicle in its original condition with only one axle. With an additional axle, if the load carrying capacity is to be varied, one can only imagine that additional weight should be allowed rather than have the load carrying capacity reduced. The only reason given by [the public servant] to [my constituent] for this action was that he did not consider the vehicle to be safe with any more than 350 kg. This advice is, of course, quite contrary to the advice of the Vehicle Inspection Report which indicated on 11 February 1983 that the vehicle was quite roadworthy.

[My constituent] also made contact with [another public servant] of the Vehicle Structures Branch, who advises that he disagrees with [the public servant's] opinion as an almost identical vehicle has previously been sanctioned to be fitted with a lazy axle. [My constituent] has informed me that other officers at the Vehicle Structures Branch at Regency Park are only too happy to state quite categorically that the present restrictions imposed by [the public servant] are quite unwarranted. I have also been advised by [my constituent] that there are at least four other one ton Holden utilities fitted with lazy axles and registered in South Australia.

In the letter I then name the owners of those four vehicles. The next statement really takes the cake as it states that one of the vehicles was owned by the Engineering and Water Supply Department. The letter continues:

[My constituent] is also firmly of the opinion that the additional axle in fact improves the safety of the vehicle, particularly as the additional axle provides additional safety in case of a blowout, and also by providing additional braking capacity.

As you would be aware from the information given above, this matter has now been in conflict for many months. [My constituent] has recently completed a 14 000 km journey through the Northern Territory and Western Australia in the vehicle, and he is in absolutely no doubt that, because of the way in which the vehicle performed, it is quite roadworthy.

I am therefore writing to request that, in view of the very strong supportive evidence, the vehicle referred to have its registration confirmed and the unreasonable load limit applied by [the original public servant] be revoked. I have enclosed for your information copies of: (1) receipt for transfer fee and stamp duty; (2) certificate of registration; (3) vehicle inspection report conducted by the Division of Road Safety and Motor Transport; (4) certificate of dispensation issued by the Division of Road Safety and Motor Transport; (5) a letter from the Motor Registration Division of 25 March 1983; and (6) an application to modify the vehicle. Could I please ask that this matter be given your urgent attention?

As I said, I forwarded that letter to the Minister. In this instance I will give the Minister his due credit because upon investigation he overturned the arbitrary decision that had been taken by that original public servant.

I stress that, in this instance, had that person taken the trouble to go to the records, he would have found that the decision he had originally taken to refuse registration was totally contrary to that of his colleagues. The way in which he reacted to my constituent, upon being told that other colleagues of this public servant, in fact, endorsed the application, was to say to my constituent, 'Okay, I will give you registration but I am going to impose conditions so tight that the vehicle just will not be able to be used for the reason you bought it.'

Now, that is the sort of situation that constituents are having foisted upon them through the totally unreasonable and arbitrary actions taken within this Department. The action which the Minister now wants to take in this Bill before the House will only give such people even greater powers to inflict their whim on totally innocent people out there who are doing the right thing. I now turn to a second situation which is even more serious than the first. I refer to a letter which I received from another of my constituents. The letter states:

I am writing this letter to bring to your attention a serious abuse of executive power within the departments administered by the Minister of Transport. I am a self-employed contractor working in the landscaping and light earthmoving area. I own a Bedford-Isuzu Elf 350 4-ton tip truck and a small front-end loader. Over the years I have had a few mechanical problems with my equipment. However, I am a qualified tradesman and I usually manage to modify, strengthen or redesign as required to suit my own requirements.

In December 1982 I had an engine problem with the truck which resulted in a total engine failure in February 1983. The repair costs were estimated at $4 000. My reaction was, 'Is there a better and cheaper way out?' After considerable thought and discussion on the matter with the repairers, I purchased a secondhand Holden 4.2 litre V8 engine for $750. This engine was fitted by the repairers and the truck was correctly registered and all notifications complied with.

Shortly after this in April 1983 a Highways Department inspector came to my home, inspected the vehicle and passed it; that is, the repair, workmanship, etc., were okay, and the structure of the truck, chassis, wheels, springs and brakes had not been modified or tampered with.

In early June 1983 I received in the mail an amended registration certificate stating: 'unladen mass, 2 650 kg; gross vehicle mass, 2 650 kg; gross combined mass, 2 650 kg; (in place of the previous rating of: unladen mass, 2 650 kg; gross vehicle mass, 5 791 kg; gross combined mass, 7 099 kg). Even with the 20 per cent overload permitted in law, 2 650 plus 530 kg on the g.v. I was then permitted to tow or carry only 530 kg.

As my loader on its trailer weighs 1 800 kg, I had been given a clear choice: bankruptcy, or to dispute the bureaucratic decision which would destroy my livelihood. I chose to continue my business, to operate as usual and work for the reversal of this rather soul-less example of abuse of executive power. As a result of my many approaches to the public servants concerned, i.e.: The Minister of Transport (through my local member, Scott Ashenden), the Ombudsman and the Load Ratings Branch, I have been subjected to an ever increasing tide of harassment, intimidation and threats of retribution if I continue with my attempts for justice. In law, there is no control over the selection of alternative powerplants in vehicles of 4 500 kgs GVM and over. It is the free choice of the owner.

In my case the bureaucrats have said, 'We do not like your choice, and we will force you to spend your money again. In the meantime you cannot use the truck to earn money.' I refuse to be starved into submission by a bureaucracy with more power than compassion. In British law, I am innocent until proven guilty. I have committed no crime. This censure upon my business has cost me a penalty in real terms of between $40 000 and $50 000, and I have been forced to endure a personal hell which I would not wish on any man.

In the file which I have here and which contains correspondence between that constituent and me, there is also correspondence with the Minister of Transport, and I believe that this should be included on the record. The letter that I wrote to the Minister on 8 August 1983 states:

I am writing on behalf of a constituent of mine—

and I named that person and gave his address—

who operates a light earthmoving business, trading as—

and I gave the name of the company—

[My constituent]—

and again in the letter I used the name, but now I will just use the term 'my constituent'—

is the owner of a truck which he uses to carry equipment and to tow a front-end loader to the site of his work. The truck was originally fitted with a four-cylinder Diesel powered motor. Following a complete breakdown of this motor and receiving a quote for $4 000 to repair the motor, [my constituent] had a Holden V8 engine fitted to the truck, which was considerably cheaper than the prohibitive cost of repairs to the original motor. I am sure that you can appreciate that any expenses incurred in running a small business must be kept at a reasonable level in order that the business can remain viable.

I then went on to point out to the Minister all the information that was contained in the letter which I had just read out, and I asked that the Minister review the situation and allow the registration of the vehicle in a manner that would enable my constituent to continue to undertake his business. Unfortunately, the Minister replied to me in a letter dated 2 September 1983, advising that he would refuse my request and that he supported the decision of his officers. However, the point is that the Minister made his decision on totally incorrect information forwarded by those officers. I refer to the information upon which the Minister based his decision by quoting from the Minister's reply to me (and, as I said, this is the Minister's reason for refusing my request), as follows:

The problems encountered by [your constituent] are the result of his fitting an unsuitable replacement engine to his vehicle. The V8 Holden petrol engine which has been fitted in place of a four cylinder Isuzu diesel engine develops approximately 87 per cent more horsepower than the standard engine. If [your constituent] had approached the Commercial Motor Vehicle Modification Group, Road Traffic Board, before commencing the modification, he would have been advised that the engine selected was not suitable and that the load rating of the vehicle would probably be reduced . . .

The Minister then goes on to state further reasons for this decision, but these were entirely based on this alleged statement of fact by one of his officers that the engine had 87 per cent more horse-power than the standard engine. So I went back to my constituent and advised him that my request on his behalf had been refused, and I outlined to him the reasons that the Minister had given, because when I received that letter from the Minister I thought, 'Okay, it would appear in this instance that the branch was correct.' But the information that the Minister had been given was quite incorrect, because when I advised my constituent of the Minister's reply he informed me that the statement about the 87 per cent extra power was quite false. My constituent advised me that the new engine had only 16 per cent more horse-power than the standard engine, which, of course, is within the standard allowance of 20 per cent that is granted. Therefore, it was nothing like the overstatement of 87 per cent that the officers had forwarded to the Minister.

I therefore wrote to the Minister informing him that the information that had been given by his officers was incorrect, and asking him whether he would be prepared to meet me and my constituent so that this matter could be discussed in a round table conference with the officers, the Minister, my constituent and me. The Minister of Transport here acted quite out of character because—I will give him his due—he is one of the most approachable Ministers in the present Government. This is the first instance that I have found that the Minister has acted in the way that he did; he advised me that he was not prepared to meet with my

constituent so that we could thrash out this matter where his officers were saying one thing and my constituent was saying another. I firmly believe that if we could have got together this matter could have been resolved.

Unfortunately, the Minister went back to his officers. They perpetuated the myth that they had previously forwarded to him, and the Minister advised me that he could see no value in a meeting between himself, his officers, my constituent and me. So here, unlike the first example, where the Minister stepped in when he could see that the situation was quite contrary to the way in which his officers had acted, unfortunately, in this second instance, for reasons that I certainly cannot comprehend, the Minister was not only not prepared to overrule the bad advice of his officers but he was not prepared to meet in a situation that could have resolved the whole matter.

Naturally, my constituent is angry and upset. He has lost tens of thousands of dollars. He is being harassed. He has rung me on several occasions because, even when the vehicle is in his driveway at home, officers of the Highways Department call at his home and, from information that I have been given by my constituent, the harassment to which he has been subjected is something that should not be allowed to continue. Officers have called at his home, and attempted to question him. When my constituent refused because of the manner in which these officers abused him, they returned with police officers. In other words, they went to get the law as well to try to force my constituent to knuckle under, but my constituent still refused to answer the questions. It is interesting to note that the police took no action against my constituent and have taken no action against his vehicle when it has been on the road. It is only these officers about whom we have been talking tonight who have been so unbending in their victimisation of a person who is trying to earn an honest dollar.

We have heard examples tonight of how these people in the rural areas persecute drivers. Here is another example, because these people did not give up: they not only bother my constituent at home; whenever the vehicle is on the road he is continually being stopped by these officers. The point is that my constituent genuinely believes that he is right and that he has a lot of argument on his side. However, the Minister and his officers are refusing to meet with him. The officers have unilaterally taken a decision which, upon advice I have been given by my constituent, is based on completely false information. I am unhappy not only about the way they have completely and unreasonably acted in this manner but about the way that they have persecuted my constituent. Officers of the Department are not prepared to sit down and discuss this matter. Surely, as our own Prime Minister states, consensus is the important thing these days. Would it not be the best way to resolve the matter for the two parties with totally divergent opinions to sit down with a mediator, namely, the Minister of Transport, where his officers could defend the allegations they are making against my constituent, and where my constituent could put forward his arguments as to why he should be allowed to have his vehicle registered and continue in his line of business?

But, no, the officers will not do that. My constituent cannot continue his business. He is being harassed and, as I have already said, he is losing tens of thousands of dollars, all because of what I believe to be a totally unreasonable attitude and approach by those officers who, if this Bill goes through tonight, will be given even greater powers. I believe that this situation is untenable. Even if my constituent is not correct, surely the Minister should agree to a round table discussion, where both sides can put their arguments, where either his officers would realise that they had made a mistake or my constituent would realise that he had made a mistake. But that has not occurred. The officers involved have stuck to their guns and my constituent virtually is being forced out of business, all because of bureaucratic red tape.

The rights and wrongs of this matter have now got to a stage where there is an impasse. My constituent has approached the Ombudsman: what else can he do? This matter should have been handled in a much better fashion; it should have been resolved with all parties at a common conference. That has not happened. Since I have been a member of Parliament I have heard from plenty of angry constituents, but the constituent involved in this matter would be the most angry. The rights and wrongs of the case have not been resolved; they should have been resolved. Had the Minister acceded to my request, this situation would never have reached the stage it has done. It is totally unsatisfactory.

The two matters I have raised tonight relate very closely to the Bill that the Minister is trying to force through this House. These examples support only too well the concerns that have been expressed by the shadow Minister of Transport (the member for Davenport) and other members on this side of the House. I have aired them to show just what these officers can do. In one case, quite incorrectly, they tried to stop a man who had fitted a lazy axle to his utility from utilising that vehicle by imposing totally capricious and unreasonable load limits on the operation of that vehicle. In the second instance, there was the case of a man who fitted an alternative engine when again, in another capricious action, those officers jumped on him. In regard to this latter matter I first wrote to the Minister on 8 August, and so some eight months has now elapsed.

Mr Whitten interjecting:

Mr ASHENDEN: Here we have the member for Price thinking that this is a great joke.

Mr Whitten: No, I don't think that; you're the joke.

Mr ASHENDEN: My constituent certainly does not think that this is a joke. This matter is extremely serious.

Mr Whitten interjecting:

The ACTING SPEAKER (Mr Ferguson): Order!

Mr ASHENDEN: The Minister has had eight months to resolve this matter, but it is still continuing. I urge the Minister to accede to my request to allow my constituent to meet with him and his officers so that finally the matter can be resolved. In the meantime, I point out that the two examples I have cited show only too clearly that the power that these officers have can be and is being abused. I would ask the Minister to take that into consideration, to accept the points put forward by the member for Davenport, and to accept the amendments put forward from this side of the House. I would also ask the Minister to reconsider his decision and to meet with my constituent, his officers and me, so that the second matter I raised can be resolved satisfactorily.

The Hon. R.K. ABBOTT (Minister of Transport): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr BLACKER (Flinders): Before dealing with the issues of concern to many of my constituents I, too, support the provision of the Bill that grants exemption to persons involved in road construction from the normal provisions of the Road Traffic Act: that is really a commonsense provision. My only suggestion (and I think it is already covered) is that there be adequate signposting: if a water truck, a tractor or a roller is operating on the wrong side of the road during a construction period, there should be signs at each end of the construction work so that oncoming

drivers know they are likely to encounter vehicles on the wrong side of the road. There is a fairly major road reconstruction programme under way between Port Lincoln and the airport at present, and either a stabiliser or water truck is often encountered on the wrong side of the road. However, there are flagmen and there is adequate signposting so, generally speaking, there are no hassles at all. If this amendment alleviates even the technicality of that problem, it should have the full support of the House.

Issues raised by other members cause me some concern. I refer in particular to vehicles that are over length, weight and height. There are a series of anomalies in the system, but I am not quite sure where the fault lies. Many of the States fall into line with the NAASRA recommendations, but there are still anomalies and there has been reference to the double-decker cattle crates. Many of these crates operating in the Northern Territory come under a permit of 4.6 metres and therefore those trucks are able to carry animals of a reasonable size between various destinations and to market in such a way that they are not bruised on the back and therefore not suitable for human consumption. It is important that adequate space be available on the bottom deck of a semi-trailer so that the stock is not bruised. I appreciate that there must be limits somewhere along the line. If there was say, a six-foot clearance under the lower deck, obviously the stability of the vehicle would be severely impaired.

However, here we have a situation where in other parts of Australia semi-trailers and road trains operate at the 4.6 metre limit, quite adequately and safely, and are able to transport cattle in all possible ways. However, it appears that some of those vehicles have now been purchased by people in South Australia who are finding that, in some cases, depending on the prime mover under the trailer, the vehicle is over the prescribed height of 4.3 metres.

We are talking of about 11 inches or 12 inches under the old imperial system. I believe that there are about eight such vehicles in my district that could be affected and, if there are eight vehicles in my district, there are probably 10 or 12 in other districts, particularly country districts. The problem is widespread and it depends on the prime mover used under the trailer in question. The anomoly of the situation is such that, if these trailers and prime movers were in a road train configuration, they would comply with the law (assuming, of course, that they had a road train permit) because, under the road train configuration regulations, 4.6 metres is permissible.

The other anomoly in the situation is that many stock transport operators are also general carriers who have a 12-month permit for an indefinitive load of 4.88 metres. In that case, the stock crate is well within the permitted dimension of 4.88 metres, but that permit requires activity during daylight hours only. All members would appreciate that if if cattle are loaded it become impractical to unload when it becomes dusk and then paddock, yard and reload them in the morning just to comply with that permit.

A series of anomolous situations has developed. Truck owners often purchase equipment in the North: that equipment was totally legal but, because it is used with a different prime mover in a different State, it is illegal when operated in South Asutralia unless it is in a road train configuration or unless it is operated under a general permit of indefinitive load during daylight hours. This seems to be an involved and complex problem, and I do not know the immediate answer. Certainly, I appreciate the reluctance of the Road Traffic Board and departmental officers to allow the dimensions to continue to get higher. A stability problem arises if we go higher.

I understand that in European countries the trend is wider trucks, from 2.4 metres to 2.5 metres. There would be implications for the South Australian and Australian vehicle industry if that were to occur here. Certainly, I am not promoting that as being a logical extension of the dilemma with which we are now faced: I am merely saying that for the sake of the stock transport industry there is a real need for the use of double-decker cattle crates to allow effective and economic transhipment of cattle.

Similar situations arise in regard to sheep. Many double decker cattle crates can be used as triple-decker sheep crates. Whilst that in itself is not a problem (the height of the create remains at 4.6 metres—the determining factor) the real dilemma in the carrying of sheep relates to the weight. Recently the Port Lincoln Samcor abattoir was temporarily closed and agents were purchasing stock in the Port Lincoln area and ordering carriers to take a load of, say 100 sheep, 25 head of cattle and so many pigs to their destination. However, what generally made up a load of stock which in normal circumstances was a perfectly legitimate load to carry with the right weight axle loadings could change. Sometimes that exact same number of stock, if they happened to be heavy wethers, baconers instead of porkers or bullocks instead of yearlings, would overload the axle loadings of the same vehicle. The carrier who was commissioned to pick up 100 sheep, 25 cattle and 30 pigs did so in the belief that the weight would be the same as that of an earlier load which was within the law. He had every expectation that his next load would meet the demands of the law.

If the buyer had purchased larger animals, he would have infringed against the law. He cannot travel 50 miles into the country and pick up 25 sheep at one place and 25 at the next so as to collectively pick up his load to take them to Port Augusta. By the time he is fully loaded he does not know whether or not he is overloaded. The real dilemma for the stock transport operator then comes about. I do not have an immediate answer to the problem. However, I believe that in some States there is a licensing of stock crates to carry a certain number of stock. In other words, a stock crate could be licensed to carry 200 wethers, 250 lambs or 40 head of cattle, and so on. The equivalent of what is fair and reasonable applies. Therefore, if a driver happens to overload because the stock that he is carrying is heavier than the average stock carried, he is not deemed to have infringed against the law.

There are a number of carriers in my district in that situation who, through no fault of their own, find themselves overloading because they cannot judge the number of livestock that can be carried, and they are not the buyers of the animals. Reference has been made to full wool sheep, and that matter in itself involves a difficult problem. A truck driver can load his stock crate with woolly sheep, weigh his vehicle at a weighbridge and find that his load is perfectly legal. He can then head off to Port Augusta or Adelaide and drive through a rainstorm. A truck can take on at least 2 tonnes of water in heavy rain. That is another dilemma faced by a truck driver. A truck driver cannot predict whether it will rain between Port Lincoln and Adelaide. They may have suspicions, I do not know, but is it fair and reasonable that they should make allowances in case they run into rain? Full wool sheep can absorb a lot of water and, in fact, it can mean the difference between a prosecution and a perfectly legal load. The licensing of a stock crate to carry a certain number of sheep could overcome that dilemma. I believe that that matter should be looked at more carefully.

Another dilemma arises in relation to the permit system, and it has arisen in relation to road trains. Brief mention of the problem was made by the member for Davenport. I refer to situations where the normal permissible load to carry, which is 38.8 tonnes, is exceeded by virtue of a permit being issued for an overweight or over-length vehicle, and

I refer specifically to road trains. If a road train is ultimately permitted to have the ability to carry 41 tonnes net, giving it an all-up weight of about 60 or 65 tonnes, and it exceeds its permit by as much as a few kilogrammes, thereby involving an offence, the permit is waived and the offence relates right back to the amount of overloading over and above the 38.8 tonnes. In effect, a road train operator, should he infringe against the law by as much as a few kilogrammes, could be penalised to the extent of overloading by 20 or 25 tonnes as a result of the offence relating back to the original legal operation of a normal semitrailer or a normal combination vehicle of 38.8 tonnes. Therefore, that in itself is a problem.

I personally have not found a road train operator faced with that situation because I believe that most of them operate with a fair degree of tolerance so that they do not infringe the law. Generally speaking, road train operators are properly set up, their operations, by law, being regularly inspected, and they are very responsible people. A large number of them operate in my district with double rig units and have done a tremendous service to my area. They have acted in a very responsible way and I would shudder to think what would happen if they were forced off the road because of technicalities, as all we would do is double up on the number of semitrailers on a given section of road. I cannot say how many road trains are licensed to operate within my area: they are all licensed to operate on specific roads for a specific purpose but, during a recent flag-raising ceremony at the first landing site at Port Lincoln, in less than an hour 13 road trains passed that site. One must assume that a considerable number of road trains must be operating on the West Coast and it is important that they be allowed to continue. There have been disputes and arguments over the length of such road trains, but I do not think it is necessarily appropriate that I should go into them at this time.

Another anomaly involves the transport of over-width loads, and specifically the transport of over-width tractors. If a large four-wheel drive tractor on a semi-trailer were being transported between here and Eyre Peninsula and that tractor was in fact ordered by an agent, it is technically not a primary production implement and therefore requires a permit. If, on the other hand, that tractor was owned by a farmer, it is a primary production implement and a permit is not required. So, we have a situation which I believe occurred recently where a tractor was ordered by an agent during the transport between here and Eyre Peninsula. The transport operator was stopped by an inspector. The driver was told that he had to have a permit whereas previously he was told he did not have to have one. The delay was such that he had to stay overnight. He rang the agent to whom the tractor was to be delivered and the agent told him that, as the tractor had now been sold, it belonged to so and so.

The very moment that the tractor was sold, a permit was not required. However, during the telephone calls backwards and forwards, along with a trip to Adelaide by a representative of the agent, there was much confusion and somebody said that the best way to overcome the problem was to write out a permit. Somebody did that to allow that person to get home, even though it was eventually discovered that a permit was not required because the ownership of the tractor had changed between when that tractor left Adelaide and it reached the West Coast. Had that same semi-trailer been carrying a tractor and a cultivator, the cultivator could still have been carried, even though it was in the ownership of the agent, as a primary production implement but the tractor could not have been so carried. So, the dilemmas go on and on.

I, too, have had a number of complaints about the way in which inspectors have handled matters, not so much in terms of road safety matters but in trivialities. As an example, a truck operator had a stone chip in his windscreen: he was put off the road immediately, and it cost him over $500 to replace the windscreen. He then got another stone chip the next day. Does he keep on knocking out the windscreens? In many parts of Eyre Peninsula, larger trucks have to travel on dirt roads. Somewhere along the line common sense should prevail. Another transport operator's vehicle had a loose hose clamp.

I am not sure on which hose the clamp was. Obviously, if it was on an air hose it would be of some importance. But, the driver was not allowed to take out a screwdriver and tighten it up there on the spot. He was in effect defected and it was only with considerable hassle that the Highways inspectors allowed the local policeman to lift the defect notice. That is taking it to a ridiculous extent. Everything else was apparently right but the driver was not allowed to take out a screwdriver and tighten the loose hose clamp to allow him to continue on his way. He was, in effect, defected. It took several days of wrangling for the policeman ultimately to be given the appropriate authority to have that defect lifted.

Other examples include a farmer's truck on which an inspector believed one tyre was a little low. He demanded that it be changed. The driver did not have any objection to that. His spare was quite all right and the inspector agreed, but he was not allowed to change it on the spot. That truck was, in effect, defected. They are the ridiculous kinds of situations which create the ire and animosity between the general trucking industry and the inspectors who, let us face it, have a job to do. But, we must also appreciate that, with the defect system requiring someone from Adelaide to go to Eyre Peninsula and inspect the vehicle and lift that defect after the appropriate period has expired it causes wrangles. I will leave it at that, except to say that I support the member for Davenport, particularly his reference to the last clause of the Bill, which virtually allows an unlimited fee to be charged. I believe that this House should be responsible and that a fee should be set in such instances.

I have raised these issues that have caused concern. I could go on and on recounting experiences of many operators with respect to Highways Department inspectors and, in some cases, the police task force inspectors who have defected vehicles around my area. However, I want to say one thing quite categorically: if a vehicle is defected in the interests of road safety, that has my full support. It is the little ridiculous things that seem to create the problem. I have not had a farmer or transport operator complain if their vehicles have not been up to normal safety standards, so I am not arguing the case to the detriment of road safety. I am saying that common sense must prevail and if vehicles are defected for ridiculous things like a loose hose clamp, that should not require the defect to be lifted by someone from Adelaide.

The Hon. R.K. ABBOTT (Minister of Transport): Opposition members have made a number of points, most of which I will try to respond to. I do not know that I can offer a detailed reply to all of them, but I think that Opposition members should realise that if we have laws, whether they relate to height, width, length, dimension of vehicles, weight, and so on, either the law is implemented or one does not have a law at all. I realise that many problems occur in some areas. However, we are looking at those problems and working towards trying to get a better system in operation.

One reads an article in the paper, and in this respect I refer to a comment made by the member for Hanson, who was complaining that serious accidents would occur unless urgent roadworks were undertaken in certain places. He said that heavy road transport vehicles and buses could be contributing to the problem. So, one cannot have it both ways: if one has a law, one has to try to implement that law, and that is all we are trying to do with these provisions. Everyone gets used to the way in which the member for Davenport grandstands in this House, raises all the issues that he can think of, and criticises, condemns, complains and grizzles about everything.

The Hon. Michael Wilson: Don't you think he, as shadow Minister, ought to raise the issues?

The Hon. R.K. ABBOTT: He is entitled to do what he likes: that is his right. I will not even refer to a lot of the comments that the honourable member made, because he criticised me for being in Government for 18 months; that proves that he cannot even add up, because we have not been in Government for 18 months. I have been a Minister for 16 months, as one would see if one liked to work it out a little more accurately. However, the member for Davenport likes to add a couple of months. That does not bother me, but he gets a lot of joy and thrill out of that sort of thing. I suppose that, if it makes him happy, then we will not say anything about it. However, I agree with some of the comments made by the member for Davenport, one of which was that these amendments are somewhat of a technical nature. I support that.

The member for Davenport said that he supported the use of graders and roadmaking vehicles to operate against the flow of traffic. I am pleased that members of the Opposition are supporting that, because they realise that it is important that gateways of private homes and other properties in the event of an emergency be kept free and that a police officer or a council officer can remove an unattended vehicle obstructing a driveway. That is a safety issue that certainly should to be supported.

The member for Davenport asked also why the NAASRA regulations have not been proclaimed. He said that I had been sitting around with this for 18 months and had not done anything about it. For the member's information, there is a lot of legal argument about these regulations and the matter is still with the Crown Law Department.

The Hon. Michael Wilson: And it is a disgrace.

The Hon. R.K. ABBOTT: Of course, it is a disgrace.

The Hon. Michael Wilson: It went on for years with me and now they are doing the same with you: an absolute disgrace!

The Hon. R.K. ABBOTT: I am glad that the member for Torrens agrees with me. It was a disgrace for him; it was a disgrace for me; and it is still not settled.

The Hon. D.C. Brown: I hope you kick some appropriate posteriors.

The Hon. R.K. ABBOTT: Did your colleague do that?

The Hon. Michael Wilson: Yes, he did, and we got the regulations drafted.

The Hon. R.K. ABBOTT: And the former Minister would have introduced those regulations even though there was a lot of argument within the industry and the industry did not support them? That is what is happening now, yet the member for Torrens says that he would have introduced them, contrary to the support and agreement of members of the industry. They do not agree with them. There is not a great deal that I can do about introducing those regulations until the problems are sorted out, and I hope that they are sorted out—

The Hon. D.C. Brown: What is going to come first: our 150th birthday celebration?

The SPEAKER: Order! The honourable Minister will be allowed to complete his reply.

The Hon. R.K. ABBOTT: The member for Davenport also raised some concern about the existing heights and weights for livestock carriers, and so forth, and asked whether I would investigate the concern that he raised. Those amendments to those provisions are really decided by the Australian Transport Advisory Council; so if we believe in uniformity they should be supported. I support uniformity of these laws between the States, and the member for Davenport should do the same. I turn now to additional powers for highways inspectors. The reasons for having a more effective penalty for failing to obey a direction by a police officer or a traffic inspector to offload is that where an overload is detected near one of the borders of the State it is necessary to have that load adjusted because of the large number of kilometres which might be covered if it is in transit. The distance to the Western Australian border from the Keith weighbridge is 1 500 kilometres. If a load is not adjusted there, extensive damage could be done to the road surface. It could pay the driver of a heavily overloaded vehicle to continue on his way without complying with a direction to offload excess weight because he would make sufficient profit from the overload to cover the current general $300 fine.

Under the new scheme he would be up for another fine equivalent to the overload; that is, a heavy fine for a large overload or a light fine for a small overload (for example, for a two tonne overload there is a minimum fine of $235, whereas for a blatant overload of, say, 12 tonnes, there is a $2 235 minimum fine). The whole purpose of this proposal is to force a driver to adjust his load rather than continue on his way at a profit while damaging the State road system and possibly endangering other road users. The traffic inspectorate as a general rule will only instruct that the vehicle be offloaded at the weighbridge site if a load is extremely damaging to the road surface or a danger to others. In most circumstances the truck driver will be allowed to proceed to a convenient offloading point. There is no advantage to the Department in having its weight sites cluttered with trucks waiting to be offloaded. I think that common sense ought to prevail with regard to this provision.

The Hon. D.C. Brown: So do I.

The Hon. R.K. ABBOTT: I am prepared to issue a policy direction to overcome some of the problems that have been raised. It is a discretionary matter and common sense should prevail. I understand that there are a lot of areas where it is impossible to offload. If drivers are pulled up for being overloaded, especially when carrying cattle (and the comment was made by the member for Eyre that it is very difficult for such drivers to be able to accurately gauge the weight of cattle on a truck), then common sense should prevail. The member for Davenport asked why I have not called a meeting of the Heavy Vehicle Advisory Committee. For his information, I am setting up a new advisory committee on heavy vehicles and commercial road Transport, a committee with much wider representation.

The Hon. Michael Wilson: What is wrong with the representation at present?

The Hon. R.K. ABBOTT: There have been one or two retirements from that present committee. It was defunct. It had done the job that it was set up for, as I understand it; so I am setting up a new committee with much wider representation. That has almost been completed and the Committee should be meeting shortly.

The Hon. Michael Wilson: Who is on it?

The Hon. R.K. ABBOTT: I do not have all the names at my fingertips, but when it is finally set up I will provide the honourable member with a report on it. In relation to defect inspectors in the country, the former Government

set up inspection methods with the support of the Opposition of the day. But, unfortunately the former Government left us almost bankrupt. In fact, the former Government authorised the use of a lot of the money from the Road Safety Fund, which is a trust fund held in the Highways Department for road safety purposes only, to prop up the Road Safety and Motor Transport Division.

The Hon. Michael Wilson: It was for inspection purposes, and the money had to be paid back, and the Minister knows that.

The SPEAKER: Order! I ask the Minister to resume his seat and the member for Torrens to maintain silence for a moment. If the member for Torrens believes that he has been misrepresented in any way he has redress.

The Hon. R.K. ABBOTT: I appreciate that there are some problems with defects picked up in country areas, but normally an inspector can visit a country centre two working days after having been notified. I have made approaches to Treasury in regard to appointing additional inspectors but have been advised that the necessary money is not available. I would hope that we can build up the number of inspectors in the next Budget.

The Hon. D.C. BROWN: On a point of order, Mr Speaker. I refer to the point of order that you took concerning the interjection, and I understand and appreciate your ruling on that matter. What concerns me is that, as I understand it, what the Minister was accusing the former Minister of was gross misappropriation, and in fact a breach of the State's laws in regard to how those funds were used. It would appear to me that that is an improper sort of accusation to make across the House, certainly in the manner in which the Minister made it.

The SPEAKER: Order! I did not take it in that way; however, I will take advice on the matter, because if it could be taken in that way then obviously it might be serious. Having taken advice, because it is or could be a serious matter, I point out that it is up to the honourable member for Torrens to take action or seek redress through the normal channels of the House, and if he so wishes he will be given every opportunity to do so.

The Hon. MICHAEL WILSON: On a point of order, Mr Speaker. Are you suggesting that if I feel so aggrieved I should take a personal explanation at the end of this debate?

The SPEAKER: In a nutshell, yes. I am sure that the words were not spoken in a malevolent way, and I feel equally sure that it was not suggested that the honourable gentleman had behaved in an undesirable fashion, but if the member for Torrens wishes to clear up the matter totally, perhaps at the end of the second reading, or after the contingent notice a personal explanation might deal with the matter.

The Hon. MICHAEL WILSON: I rise on a point of order. I would hesitate to take such an action if the Minister would withdraw any malevolent implication.

The Hon. R.K. ABBOTT: If I have said the wrong thing, I withdraw the implication if it has upset the member for Torrens. The point I was making was that road safety money from the Road Safety Trust Fund held in the Highways Department has been used to finance the Road Safety and Motor Transport Department at Regency Park. My statement related to the fact that the road safety dollar that motorists pay from the percentage of the licences and the personalised number plates can only be used for road safety. One could argue that Regency Park is part of the road safety system.

The Hon. Michael Wilson: The road safety inspection centre.

The Hon. R.K. ABBOTT: That is arguable but, if the member was offended, I withdraw the comment. Clause 14 of the Bill intends that the vehicle inspection station at Regency Park should operate on a break-even basis, recouping its operating expenses through an appropriate scale of fees. However, the cost of carrying out many inspections is considerably higher than the maximum allowable fee of $20 which the Act presently stipulates, and clause 14 removes the $20 limit on prescribed fees, which will continue to be fixed from time to time by regulation. The member for Davenport has indicated that he wishes to move an amendment, but that is not acceptable to the Government.

The SPEAKER: I ask the honourable gentleman not to deal with foreshadowed amendments at this stage.

The Hon. R.K. ABBOTT: Thank you, Mr Speaker. I will deal with the amendment when it is moved.

Bill read a second time.

The SPEAKER: I draw the attention of honourable members to the honourable member for Davenport's contingent Notice of Motion at page 5 of today's Notice Paper, and I call on the honourable member for Davenport.

The Hon. D.C. BROWN: I do not wish to proceed with the Notice of Motion.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Exemption of certain vehicles from compliance with certain provisions.'

The Hon. D.C. BROWN: I ask the Minister to take account of what I said during the second reading debate, and to give an assurance that he will look at the role that the State Emergency Service vehicles play on our roads and whether they should have some form of exemption to allow them to breach certain road requirements or road laws, or whether they should be allowed to have sirens on some of their vehicles.

The Hon. R.K. ABBOTT: I thought I indicated in my second reading response that I would be willing to look at emergency vehicles in this instance.

Clause passed.

Clause 4—'Power to stop vehicle and ask questions.'

The Hon. D.C. BROWN: I intend to oppose this clause, which increases the penalty from $300 to $1000. In 1982 this Parliament effectively put through such an amendment but, because the Government has not proceeded to proclaim the 1982 amendments, the Minister is trying to put this amendment through again. The Minister already has the authority of Parliament to do this, so let him use the previous authority rather than to do this a second time. In opposing the clause, I hope that we might hurry up the Minister and his staff in ensuring that the NAASRA regulations are implemented as quickly as possible. Again, I stress that they were approved by the previous Government. I remember approving them in Cabinet about three weeks before the last election. There is no reason why they cannot be gazetted as quickly as possible. I call on the Minister to proceed with them and proclaim the 1982 amendments.

Clause passed.

Clause 5—'Repeal of sections 76 and 77 and substitution of new section.'

The Hon. D.C. BROWN: Will the Minister examine signs outside weighbridges, because some signs appear to be advisory signs only? The Minister should look at this because there is some confusion as to how much authority is carried by signs outside weighbridges and as to what legal interpretations those signs have. New section 76 provides:

> 'traffic sign' means a sign or mark erected or placed near a road for the purpose of regulating the movement of traffic or the parking or standing of motor vehicles.

It is important that the heavy transport industry understands clearly what are its legal obligations. In the case of a small temporary sign struck on the edge of a road near a weighbridge saying "All vehicles must pull in', I understand that there is confusion amongst drivers as to the legality of that

sign. A severe penalty applies if a dirver disobeys the sign. As I understand from talking to drivers, in some circumstances they are not sure of their legal obligations.

The Hon. R.K. ABBOTT: There is a need for a modifying regulatory sign to be used on occasions to overcome minor accident problems or traffic management problems. Examples of these signs are: 'No right turn, Monday to Friday, 7 a.m. to 9 a.m.';'No right turn, bus excepted'; 'No U turn, Monday to Friday, 7 a.m. to 9 a.m.'; and 'Left lane must turn left, buses and pedal cycles excepted'. The Crown Solicitor has indicated that current provisions of the Act and regulations do not allow for the use of part-time or conditional regulatory signs. It was considered that a sign such as 'No right turn' is a prohibition on all vehicles at all times and that the addition of words to provide exemptions is invalid.

For that reason, clause 5 repeals sections 76 and 77 of the principal Act and inserts a new section. That is the purpose of this amendment. If the member for Davenport has some concern with signs at weighbridges, and so on, I am not certain whether that would relate to this provision, or whether this provision would cover that type of sign. I will investigate the matter for the honourable member. If this amendment covers that situation, we could confer to see what is necessary, and I will be happy to do that.

Clause passed.

Clauses 6 and 7 passed.

Clause 8—'Bells and sirens.'

The Hon. D.C. BROWN: This clause relates to burglar alarms and sirens on vehicles. I have already raised this matter in relation to the State Emergency Service. I notice that the principal Act relates to fire units under proclaimed legislation, and I think it specifically refers to Metropolitan Fire Brigade and Country Fire Service units. I do not think that the national parks fire-fighting units are specifically proclaimed. I think that the Minister should investigate whether the national parks operates fire units on the roads with sirens because, if it does, it would be quite illegal as it is not currently proclaimed under legislation proclaiming it as a fire brigade. I think that, if the Minister looks at this area, he will find that national parks fire units are presently using the roads illegally. It might be necessary to give those people protection if those vehicles are to continue to use sirens.

The Hon. R.K. ABBOTT: I am happy to look at this matter also. In this instance it is considered by both the police and the Road Traffic Board that the use of such warning devices as an anti-theft device is reasonable and does not detract from the intent of the legislation. I will be happy to look at the question raised.

Clause passed.

Clause 9—'Directions to comply with dimension requirements.'

The Hon. D.C. BROWN: The Opposition opposes this clause, which adds to sections 140, 141 and 142. Again, I point out that Parliament deleted those three sections in 1982, but that amending legislation has not yet been proclaimed. I am against giving Highways Department inspectors and the police additional power to give specific directions to a transport operator as to where he must drive a particular vehicle simply because it is over length or over height. I stress the point that we are not dealing with vehicles that are overweight and might be damaging the roads, as the Minister suggested earlier. We are dealing with vehicles that are over height, over width or over length.

I think it is inappropriate to give this additional power to inspectors and, besides, it is only a temporary situation, anyway. Parliament has had this amendment before it for four months. Frankly, in that time the Minister easily could have proclaimed the previous amendments passed by this Parliament to implement the new NAASRA regulations, in which case this power would become redundant, anyway. Why waste our time by implementing additional powers for inspectors and doing so on a temporary basis only until the Minister gets his act together on the other regulations?

The Hon. R.K. ABBOTT: Section 139 of the principal Act makes it an offence to drive a vehicle which does not comply with the three sections mentioned by the honourable member. Clause 9 also makes it an offence to refuse or fail to comply with a direction to adjust or unload a vehicle. It is considered desirable to create a separate offence in respect of the refusal to adjust or unload and, accordingly, a new section 143 has been drafted. The new provision will enable a police officer or inspector to direct that a driver of an over-length vehicle (section 140), an over-width vehicle (section 141) or an over-height vehicle (section 142) not drive that vehicle on the road until an adjustment or an offload has been made. The failure to do so will incur a penalty of $1 000.

The Hon. MICHAEL WILSON: I do not wish to contribute at great length to this Committee debate, as my good friend from Davenport is handling the detail of the matter. However, being the previous Minister I thought I ought to throw some light on the situation. As my colleague says, this clause was deleted by a Bill which passed through this House and which subsequently became an Act but was not proclaimed. I am extremely disturbed about the matter, because it is a shambles. It is just not good enough, that we get to this sort of situation and nobody knows where they are. As the previous Minister I express my very grave concern to the Committee because of the situation where we have an unproclaimed Act and an amendment here which is deleting a clause previously deleted by the unproclaimed Act.

Mr GUNN: The Minister is aware of my concern about the action of certain people in his Department. I want an assurance from him that, if we are unfortunate enough to have this section incorporated into the Act, common sense will apply and these people will not be going around the country harassing the motor transport industry. That is what has happened. I do not want to start naming people unduly in this House, but I will name on every occasion when one of those inspectors oversteps the mark.

Mr Ferguson: We have heard this.

Mr GUNN: That is all right. If the honourable member went out and listened to a few of the people who are trying to make a living and who are affected by these scoundrels masquerading as inspectors around the country, he would not make such interjections. That is the sort of inane interjection which upsets members on this side when they are sticking up for decent people who are trying to make a living, but who are being harassed by these inspectors.

I have a list of names now which I could read into *Hansard* without any hesitation. I will not do it on the first occasion, but I will do it next time. A few other people will also be named. I was elected to this Parliament, and I thought we lived in a just society. The way these people are going, we are not. These sort of Draconian powers in Acts of Parliament are a disgrace to a democratic system. The only way they will be rectified is for people to stand with a bit of courage in this place. If it is necessary to name people, I will have no hesitation in so doing.

My constituents have to obey the sort of direction that one received the other day when he wanted to weigh his truck at Wilmington but was ordered by these people to go to Port Augusta. It is a most unreasonable and improper suggestion put forward by these inspectors. If the Minister is going to permit this sort of activity to continue, he will have to accept the full consequences of what will take place in this Parliament. I will have no hestitation in taking

action. I have complained to the Minister by letter, and I will move motions against those officers in this House if such activity continues. I ask the Minister, as a reasonable man, to give an undertaking that directions will be given that common sense will apply.

All I want to see is common sense and a fair go. If the Minister does not allow that, he forces the hand of some of us. I was responsible for the amendment which was moved in 1982: it was moved by the member for Mallee (but, unfortunately, never proclaimed) because I happened to be in your position, Mr Chairman, at that time and I could not move the amendment myself. The Act in those days was quite deficient, in my view.

I do not countenance blatant breaking of the law, but some of the cases that have been brought to my attention can only be described as people being charged by over-zealous inspectors. I ask the Minister to give an unqualified assurance that common sense will apply, that these people will be given a fair go and that the sorts of problems that I brought to the Minister's attention in the past will be rectified so that inspectors do not continue to carry out the policy they have adopted over the past few months. The Minister knows that I am most concerned about what is taking place and the directions that these people can give.

The Hon. R.K. ABBOTT: I made clear in the second reading stage that common sense will prevail.

Members interjecting:

The CHAIRMAN: Order!

The Hon. R.K. ABBOTT: I am prepared to issue a policy direction to overcome the problems that the honourable member has raised. We have spoken privately about this. The member for Eyre is concerned about the matter and I appreciate his concern, especially in the case of a slight overloading or something like that. I know that the honourable member does not support blatant overloading: he supports those who are perhaps on the borderline, and I am prepared to issue a policy direction along those lines.

Mr LEWIS: When this Act was opened up for discussion in the previous Parliament I happily moved those amendments to which the member for Eyre referred, because some of my constituents had expressed the same concerns about their experiences. I accept that at this moment the Minister means what he says quite sincerely. However, I recall an occasion, not more than three months ago, when a similar assurance was given about another measure before the Parliament, namely RI or interstate traders plates. Certain inspectors and police officers started getting toey. I found that one of my constituents, to whom I had not spoken previously, was in a ridiculous situation. He was summonsed without any prior knowledge. He had been carting grain, and he continued working hard, because the recent drought had adversely affected his business. While there was business he kept working hard and continued on grape carting after finishing his grain carting contracts.

The CHAIRMAN: Order! The Chair does not intend to allow the member for Mallee to go along in that vein. We are dealing with a particular clause and the member for Mallee knows exactly what that entails. The member for Mallee will come back to the clause.

Mr LEWIS: I would like the Minister to screw his courage to the sticking point in relation to the assurance he just gave the member for Eyre and, indeed, do what he undertook to do with respect to those people who were illegally trading with RI interstate plates on intrastate runs. I ask the Minister to lift his game a bit in that respect, because we received an assurance during the course of that debate which was not really honoured. The public was not aware of it. Notices that should have appeared by way of press release or otherwise in country newspapers never emerged and the editors of those newspapers—

An honourable member interjecting:

Mr LEWIS: He did indeed.

The CHAIRMAN: Order! The Chair again points out to the member for Mallee that his remarks could not possibly be linked to this clause. The Chair will not allow them.

Clause passed.

Clause 10—'Duty of drivers as to determining the mass of vehicles and loads and the mass carried on vehicles and wheels.'

The Hon. D.C. BROWN: I oppose this clause. Section 152 of the principal Act states that a member of the Police Force or an inspector may request a driver or person in charge of a vehicle on a road to drive the vehicle or force it to be driven forthwith to a weighbridge, and it goes on. The present Act states that that person cannot be required to drive more than eight kilometres from the place where the vehicle is at the time of the request. This evening the member for Mallee stated that one operator had been asked to drive a vehicle 120 kilometres. I have received one complaint where apparently a person was asked to drive up to 100 kilometres. What we are doing is increasing the penalty for failing to obey that instruction of a Highways Department inspector from $600 to $2000 yet we have clear evidence before the House (which I would ask the Minister to check out) which would suggest that the inspectors have clearly been breaching the Act in regard to their instructions.

I am not prepared to give those inspectors the right to penalise a person to the extent of three times the current penalty when they are not prepared to adhere to the principles laid down in the Act by this Parliament. I believe that the situation is fairly serious if inspectors have been instructing truck drivers to drive 120 kilometres to a weighbridge when the Act states that they cannot instruct a driver to drive more than eight kilometres. For that reason I oppose the clause.

Clause passed.

Clause 11—'Unloading of excess mass.'

The Hon. D.C. BROWN: I intend to opose this provision, which again increases the penalty significantly. I think that I am right in saying that certain amendments were made to this provision in 1982. The trouble is that the Act before us in the Statute is a shambles because the Government has not proclaimed the amendment and we do not know whether we are Arthur or Martha. The Act was amended in 1982 but we do not know whether or not it is law. I suspect that it is not law and, therefore, we are not quite sure what we are amending or attempting to amend.

I oppose this provision because it increases the penalty for failing to adhere to an instruction of an inspector or a police officer. Again, I believe that, if the Minister proclaimed what was passed in 1982, he already has that power. Therefore, I certainly intend to oppose it, and by doing that we might start putting some pressure on the Minister to proclaim those earlier amendments.

Mr EVANS: I am concerned about the increase in penalties. I have not entered the debate, although I was in this industry to some degree, I still have a lot of contacts and I could have gone through all the same arguments. I want to make one point: I hope that, if the Minister is successful in getting through the proposed penalties as part of law, he will also consider why drivers are confronted so often by the police or traffic inspectors and liable to penalties. The Minister will find that it is the big monopolies that have the overall contracts throughout the country which are really (to use a typical Australian term) screwing to the limit the operators of the trucks who own only the prime mover (the power unit). The manufacturers are in it because they accept the lowest price for the cartage contract.

All I want to say is that I hope that the Minister and his officers will consider that aspect to ascertain whether or not there is some way in which we can make the principal

contractors more responsible for what they are doing to the industry to the detriment of many small operators who are struggling to pay off homes and trucks, and who are nothing more than working agents for the big operators and finance companies.

Mr LEWIS: This is not good enough. The Minister knows that the television programme *Yes, Minister* has its parallel right here. An Act passed by this Parliament two years ago that has never been proclaimed certainly indicates that Sir Humphrey is in full control. I do not know which member of the Public Service should be stylised as Sir Humphrey; I am quite sure that it will be a game of musical hats finding out.

The CHAIRMAN: Order! The Chair has on several occasions pointed out that the member for Mallee must deal with the clause before the Committee. The Chair will not allow the member for Mallee to wander off in some fantasy land. The member for Mallee will either come back to the clause or he will be stopped from speaking.

Mr LEWIS: Thank you. The reality of the situation is simply that the Minister is not in control of the Department for which he is responsible. Somebody else has clearly directed him against his responsibility to proclaim the Act.

The CHAIRMAN: Order! We are dealing only with a clause that involves penalties as far as load is concerned. For the last time, the honourable member will either come back to the clause or the Chair will not recognise him.

Mr LEWIS: Why was the amendment to this clause in the previous measure before Parliament not proclaimed?

Clause passed.

Clauses 12 and 13 passed.

Clause 14—'Regulations.'

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

Page 4, line 13—After the passage '(not exceeding twenty dollars)' insert the passage 'and substituting the passage "(not exceeding thirty dollars)"'.

This is to ensure that there is still an upper limit to the fee that can be charged for the inspection of a motor vehicle. Incidentally, I have increased the upper limit from $20 to $30.

The Hon. R.K. ABBOTT: I am not prepared to accept this amendment. I indicate that the current fee for the first inspection is $20; for a repeat inspection it is $15; the omnibus inspection is $7.50 twice annually. It is proposed to delete the $20 limit. It must be remembered that the honourable member's Government introduced this particular legislation; it was supposed to be a self-supporting operation. It is not at the moment, and we are endeavouring to pick that up. The proposed fee for 1984-85 would be: clearance of defects, for the first inspection $25; the repeat inspection would be $20; and for the omnibus inspection it would be $25 once annually, with mandatory maintenance scheme. That is in lieu of being twice annually.

The Hon. D.C. Brown: What about road trains?

The Hon. R.K. ABBOTT: That is an interesting question. The member for Davenport would appreciate the size of road trains and the amount of work that needs to be performed on them. It can take one inspector the whole day to do the work involved on a road train. It is unrealistic to be able to charge only $20, which is the maximum fee chargeable at the moment. It has been suggested that it is possible that the inspection fees for road trains could be as high as $100. However, these inspection fees are subject to Treasury approval of new initiatives proposed in the departmental estimates for the next Budget, and at this stage I cannot say what the inspection fees will be.

The Hon. D.C. Brown: From $20 to $100—a five-fold increase.

The Hon. R.K. ABBOTT: Quite a lot of work is involved with road trains.

The Hon. Ted Chapman interjecting:

The CHAIRMAN: Order!

The Hon. R.K. ABBOTT: Let us be realistic: there can be a lot of work involved with road trains. At the moment we are proposing fees of $25 for the first inspection of vehicles; $20 for repeat inspections; and $25 for omnibus inspections. The cost of carrying out many of the inspections is considerably higher than the maximum fee allowable as stipulated in the Act at present. Clause 14 seeks to remove the $20 limit on the prescribed fee, which will continue to be fixed by regulation. I oppose the amendment.

The Committee divided on the amendment:

Ayes (20)—Mrs Adamson, Messrs P.B. Arnold, Ashenden, Baker, Becker, D.C. Brown (teller), Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Noes (23)—Mr Abbott (teller), Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Pair—Aye—Mr Blacker. No—Mr Peterson.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

The Hon. R.K. ABBOTT (Minister of Transport): I move:

That this Bill be now read a third time.

The Hon. D.C. BROWN (Davenport): Although the Opposition supports some parts of the Bill, we are opposed to the major parts. The Bill was not amended during the Committee stage and I am therefore now opposed to the Bill overall. The most significant parts of the Bill are those on which the Minister would not accept the Opposition's views, so the Opposition will oppose the third reading.

The House divided on the third reading:

Ayes (23)—Mr Abbott (teller), Mrs Appleby, Messrs L.M.F. Arnold, Bannon, M.J. Brown, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)— Mrs Adamson, Messrs P.B. Arnold, Ashenden, Baker, Becker, D.C. Brown (teller), Chapman, Eastick, Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pair—Aye—Mr Peterson. No—Mr Blacker.

Majority of 3 for the Ayes.

Third reading thus carried.

MARALINGA TJARUTJA LAND RIGHTS BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Pages 1 and 2 (clause 3)—Leave out the clause.

No. 2. page 2, lines 17 to 22 (clause 4)—leave out the definition of 'the Council' and insert new definitions as follows:

'"the Council" means the Council of Maralinga Tjarutja consitituted under this act:

"explanoratory operations" means all operations carried out in the course of—

(a) prospecting or exploring for minerals within the meaning of the Mining Act, 1971;

or

(b) exploring for petroleum within the meaning of the Petroleum Act, 1940,

and includes operations conducted under a retention lease within the meaning of the Mining Act, 1971:'.

No. 3. Page 2 (clause 4)—After line 24 insert new definition as follows:

' "leader", in relation to the traditional owners, means a person who has been accepted, in accordance with the customs of the traditional owners, as one of their leaders:'.

No. 4. Page 2 (clause 4)—After line 33 insert new definition as follows:

' "sacred site" means part of the lands that is, in accordance with the customs and traditions of the traditional owners, of fundamental importance to the traditional owners:'.

No. 5. Page 3, lines 43 and 44, and Page 4, lines 1 to 5 (clause 6)—Leave out paragraph (i).

No. 6. pages 4 and 5 (clauses 7 to 11)—Leave out the clauses (including the headings to Division III and Division IV) and insert heading and new clauses 7 to 10 as follows:

'Division III—The Council of Maralinga Tjarutja

7. (1) All persons who are for the time being leaders of the traditional owners are members of the Council.

(2) The Council—

(a) shall within thirty days after the commencement of this Act and, thereafter, before the thirty-first day of October in each ensuing year;

and

(b) may at any other time,

give notice in writing to the Corporate Affairs Commission of those persons who are, at the date of the notice, members of the Council.

(3) An apparently genuine document received by the Corporate Affairs Commission purporting to be notice given under subsection (2) of the persons who are at the date of the notice members of the Council (being the last such document received by the Commission) shall constitute proof, in the absence of proof to the contrary, of the membership of the Council.

8. (1) The powers, functions and affairs of Maralinga Tjarutja shall be exercised and administered by the Council.

(2) An act done or a decision made by the Council in the exercise or administration of the powers, functions or affairs or Maralinga Tjarutja is an act or decision of Maralinga Tjarutja.

9. The Council shall in making its decisions and conducting its business—

(a) consult with the traditional owners; and

(b) act in all other respects, in such manner as may be determined by the Council having regard to the customs of the traditional owners.

10. (1) The Council may delegate the exercise of any power or function of Maralinga Tjarutja to any member, officer or employee of Maralinga Tjarutja.

(2) A delegation under this section shall be revocable at will and shall not derogate from the power of the Council to act itself in any matter.'

No. 7. Page 5, line 28 (clause 12)—Leave out 'a resolution of Maralinga Tjarutja and'.

No. 8. Page 5, line 42 (clause 12)—Leave out all words in this line and insert the following heading: 'Division IV—Offices.'

No. 9. Pages 5 and 6 (clause 14)—Leave out the clause and insert new clause 14 as follows:

14. (1) Maralinga Tjarutja must, by notice in writing, served on the Corporate Affairs Commission, specify the addresses of two offices at which legal process, notices and other documents may be served upon Maralinga Tjarutja or the Council.

(2) One office specified by Maralinga Tjarutja under subsection (1) must be situated within thirty kilometres of the General Post Office at Adelaide and the other office must be situated on the lands, or at a place that is reasonably accessible from the lands.'

No. 10. Page 6—After line 38 insert heading and new clause 17a as follows: 'Division IA—Sacred Sites

17a. (1) Maralinga Tjarutja may compile a register of sacred sites recording—

(a) where a site has been identified with particularly—the boundaries of the site; or

(b) where a site is known to exist but has not been identified with particularity—the boundaries of the area within which it is known to exist.

(2) A register compiled pursuant to subsection (1) shall be kept by Maralinga Tjarutja in such manner as it considers appropriate to prevent disclosure of its contents without the authority of Maralinga Tjarutja.'

No. 11. Page 9, line 41 (clause 20)—Leave out 'thirty-two' and insert 'forty'.

No. 12. Page 9—After line 43 insert new clause 20a as follows:

20a. (1) Notwithstanding the other provisions of this Division, a person (other than a traditional owner) shall be entitled to use a prescribed road subject to the following conditions:

(a) that the use of the road is limited to that involved in, or reasonably associated with, traversing the land; and

(b) that the person gives Maralinga Tjarutja reasonable prior notice of the time and place of his entry upon and departure from the lands.

(2) Where a person contravenes or fails to comply with a condition referred to in subsection (1), he shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

(3) For the purposes of this section—'prescribed road' means a road delineated in the map in the second schedule including land either side of the road to a distance of not more than one hundred metres from the centre of that road.'

No. 13. Page 11, lines 13 to 21 (clause 21)—Leave out subclauses (11), (12) and (13) and insert new subclauses as follows:

'(11) Upon the receipt of a request under subsection (10), the Minister of Mines and Energy shall confer with the Minister of Aboriginal Affairs, Maralinga Tjarutja and the applicant with a view to resolving the matter by conciliation.

(12) If steps taken under subsection (11) have failed to resolve the matter within a reasonable time after receipt of the request, the Minister of Mines and Energy shall refer the application to an arbitrator.

(13) The arbitrator shall—

(a) in relation to an application for permission to carry out exploratory operations—be a Judge of the Supreme Court of South Australia (being a Judge upon whom the jurisdiction of the Land and Valuation Court is conferred) or a legal practitioner of not less than ten years standing appointed by the Minister of Mines and Energy to be arbitrator;

or

(b) in any other case—be a Judge of the High Court, the Federal Court of Australia, or the Supreme Court of a State or Territory of Australia or a legal practitioner of not less than ten years standing appointed by the Minister of Mines and Energy to be arbitrator;

the Minister having first afforded Maralinga Tjarutja and the applicant a reasonable opportunity to make representations as to that appointment.'

No. 14. Page 12—After line 36 insert new clause 21a as follows:

21a. (1) Where an application has been made for a mining tenement in respect of a part of the lands, the Minister of Mines and Energy and the Minister of Aboriginal Affairs shall consult with Maralinga Tjarutja to determine whether any sacred site or part of a scared site registered on a register kept pursuant to section 17a is within the land to which the application relates.

(2) Where the Minister of Mines and Energy and the Minister of Aboriginal Affairs are satisfied that a sacred site or part of a sacred site registered on a register kept pursuant to section 17a is within the land to which the application relates, the Minister of Mines and Energy—

(a) shall provide the applicant with such information as to the scared site and its location as he and the Minister of Aboriginal Affairs determine to be appropriate;

and

(b) shall, subject to subsection (3)—

(i) in granting any mining tenement upon the application, make necessary provision for the protection of the sacred site—

(A) in the case of a sacred site that has been identified with particularity—by excluding land from the tenement or imposing conditions of the tenement;

or

(B) in the case of a sacred site that is known to exist but which has not been identified with particularity—by imposing conditions of the tenement to protect the sacred site until it is so identified,

and

(ii) in the case of a sacred site referred to in subparagraph (B), when it is so identified, make further or other provision for the protection of the site by excluding land from the tenement or imposing conditions of the tenement.

(3) The Minister of Mines and Energy shall not, in granting a mining tenement relating to land to which another mining tenement being a mining tenement granted after the commencement of this Act) previously related, make

provision under subsection (2) *(b)* for the protection of any sacred site within the land unless provision for the protection of that sacred site was made under that subsection in granting that earlier tenement.

(4) Land may be excluded from a mining tenement under this section and, subject to subsection (5), conditions may be imposed, varied or revoked under this section in respect of a mining tenement, by notice in writing to the holder of the tenement.

(5) Conditons shall not be imposed under this section in respect of a mining tenement, and any conditions so imposed shall not be varied or revoked, without the consent of Maralinga Tjarutja.

(6) Where information is provided as to a sacred site and its location pursuant to subsection (2), the Minister of Mines and Energy may, in consulation with the Minister of Aboriginal Affairs, impose conditions prohibiting or restricting disclosure of the information and any person who knowingly contravenes any such condition shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.'

No. 15. Page 13, line 41 (clause 23)—Leave out "The" and insert "subject subsection (2a), the".

No. 16. Page 14 (clause 23)—After line 2 insert new subclauses as follows:

"(2a) If the income of the Fund maintained under subsection (1) exceeds in any financial year the prescribed limit, the excess shall be paid in full into the General Revenue of the State.

(2b) No moneys shall be paid out of the Fund maintained under subsection (1) unless a regulation is in force prescribing a limit for the purposes of subsection (2a)".

No. 17. Page 14, line 24 (clause 25)—Leave out "A" and insert "Subject to subsection (2a), a".

No. 18. Page 14 (clause 25)—After line 27 insert new subclause as follows:

"(2a) A person shall not be required to make or give, or to agree to make or give, any payment or consideration to which this section applies in respect of the carrying out or proposed carrying out of exploratory operations on the lands other that a payment of such amount (if any) as is or would become payable as compensation under the Mining Act, 1971, or the Petroleum Act, 1940, (as the case may require) in respect of the carrying out of such operation."

No. 19. Page 17, lines 5 to 21 (clause 35)—Leave out subclause (2).

No. 20. Page 18 (clause 42)—After line 44 insert new subclause as follows:

"(12) This section shall expire upon the expiraton of the period of five years from the commencement of this Act unless each House of Parliament resolves within six months before the expiraton of that period that the section shall continue in operation."

No. 21. Page 18 (clause 43)—After line 45 insert paragraph as follows:

"(aa) prescribing a form of agreement as a model form of agreement under which exploratory operations may be carried out on the lands and providing that such a model form of agreement shall form the basis of negotiations between maralinga Tjarutja and any applicant for permission to carry out exploratory operations on the lands;".

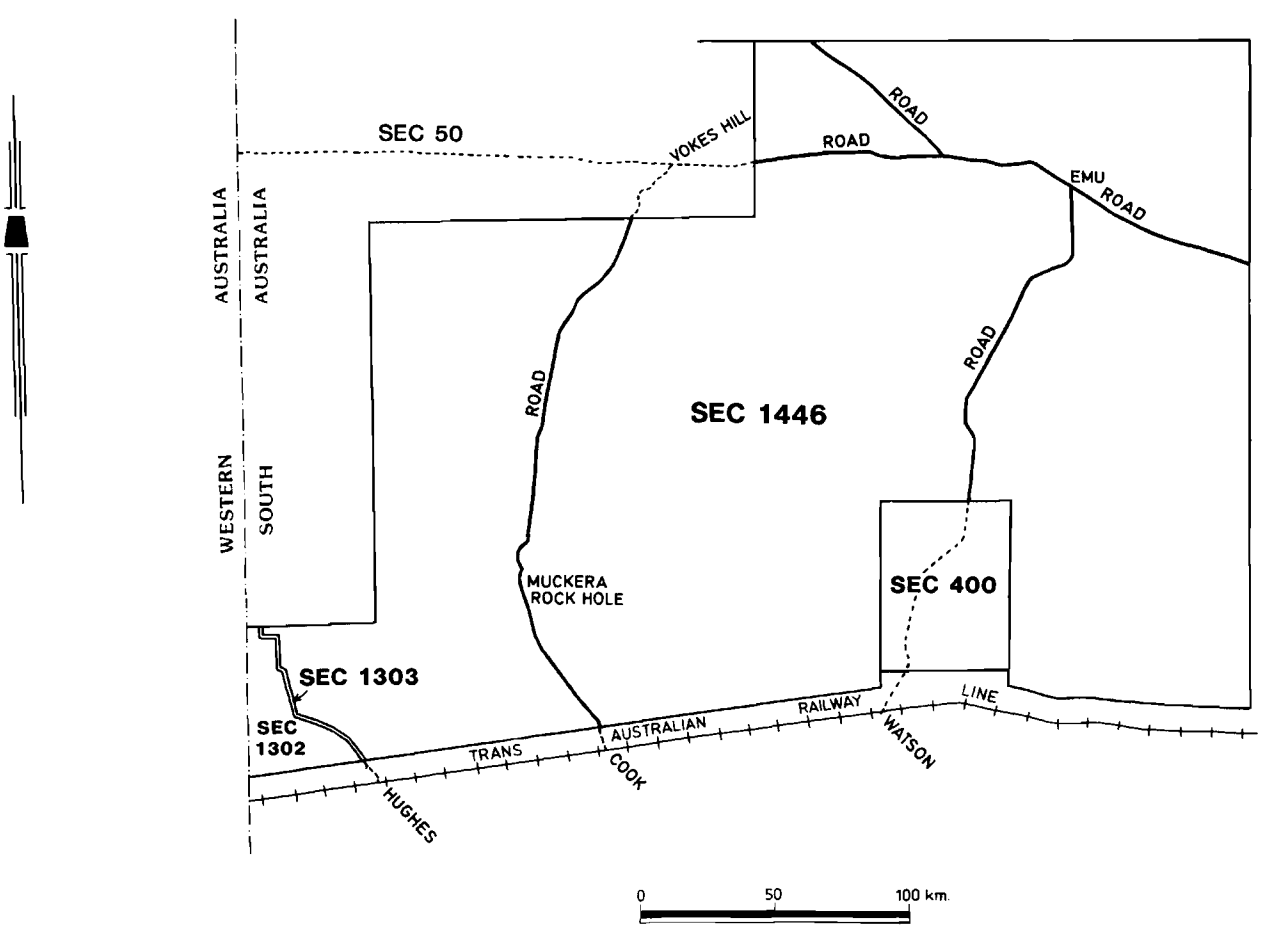
No. 22. Page 19 (cxlause 43)—After line 12 line 12 insert subclause as follows:

"(1a) A regualtion shall not be made under subsection (1) (aa) except with the approval of Maralinga Tjarutja."

No. 23. Page 20—After the First Schedule insert new schedule as follows:

NEW SCHEDULE

OUT OF HUNDREDS



The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendments be agreed to.

I am sure that these amendments are well known to honourable members because they have been the subject of discussion in one form or another for almost 10 months in this Parliament. Also, they have been the subject of a Select Committee inquiry. I will just briefly refer to the general thrust of the amendments without going into detail. First, they involve amending the legislation to provide for the organisation, control and management of lands referred to in the legislation based on more traditional and cultural processes rather than a European-style structure of control and management. They are incorporated in new Division III in the legislation. With respect to mining exploration there is provided in the amendments a system to separate mining operations from those of exploration operations and prospecting and to provide compensation at the exploration stages in accordance with mining and petroleum legislation. This is a major concession by the traditional owners to the mining industry.

The third matter to which I refer is the protection of sacred sites. There is now provision in the legislation for the voluntary establishment of a register of sacred sites. Items on the register will be protected by the legislation. There are two categories of sacred site: those that are known in some specifity and those that are only identified by a general area and may be specified in greater detail at a later date. This particular section breaks new ground in legislation, and it will be of great interest to see whether it assists in the resolution of disputes that have arisen with respect to the preservation of sacred sites where they have been threatened by mining exploration or indeed through some other intrusion upon Aboriginal lands.

It is embodied in the amendments that there will be two offices of the incorporated body, one in Adelaide and one at or near the lands the subject of the legislation. Access to the lands is provided for in a modified way: where persons are traversing the lands they will be required to notify the incorporated body of certain details with respect to crossing those roads; where people wish to depart from the roads or indeed stay on the lands for a considerable period of time they will need to go through the now accepted process to seek permission for that to occur. This is a further major concession by the traditional owners in relation to access to their lands. It is not envisaged that a great number of people will be crossing these lands. I will refer to the effect of some of these amendments in just a moment.

Further, the mining and arbitration clauses of the legislation provide for a conciliation process by the Minister of Aboriginal Affairs and the Minister of Mines and Energy. If that conciliation process fails, the matter is referred to an arbitrator. There is also a provision for regulations to be drawn up pursuant to the legislation to embody a model form of agreement between the traditional owners and mining companies. We hope that this may embody some of the principles and substance of such agreements as those embodied in the agreement between Hematite, a subsidiary of BHP, and the Pitjantjatjara people, a code of ethics that has been established by such companies as CRA, Comalco, and so on. In this way there may be some guidelines and rules set down so that exploration can proceed on Aboriginal lands in a great deal more orderly fashion and in a manner that is acceptable to the traditional owners.

So, briefly, they are the major amendments moved by the Government in another place in order for agreement to be reached between the parties. Three further amendments were passed by the Opposition as agreed to by the Government, the first placing a limit on mining royalties, that limit to be applied by regulation. The onus of proof with respect to penalties under this legislation (the requirement for there to be a reverse onus of proof) has been deleted from the legislation. A sunset clause has been introduced in relation to the Parliamentary Committee that will review the legislation. Another minor amendment is to allow the residents of Cook free access to an area up to 40 kilometres from that town and not 32 kilometres as proposed in the original Bill.

The preferred position of the Government in this matter was that this legislation pass through in the form recommended by the Select Committee so that there could be much greater uniformity between the Pitjantjatjara land rights legislation and this Bill. It is the Government's submission that the Pitjantjatjara legislation has not been given time to work and that it would be premature to amend it in a wholesale fashion at this stage. That is still my view. However, in order that the land in question be transferred to its traditional owners as soon as possible, a spirit of conciliation was abroad.

I pay credit to the traditional owners who, when offered a choice of proceeding with this matter or abandoning their claim at this time, chose to proceed to discuss it with all interested parties in order to arrive at a position where they could receive their land. They do substantially have a strong law and have embodied in this piece of legislation all of the fundamental principles contained in the Pitjantjatjara legislation, although they have been diluted in a number of respects.

I refer to two areas of compromise: first, the abandonment of a claim for money compensation for social disturbance and, secondly, access to the land. In both cases I believe that substantial difference exists between the realities on the Pitjantjatjara lands and the Maralinga lands in the way the lands have been occupied and settled. One can see that mining operations on the Pitjantjatjara lands will have a much more devastating effect at the exploration stage (particularly with petroleum exploration) on the communities involved than it could be expected they will have on the Maralinga lands where there is only one settlement at this time.

Likewise, with the access to those lands, because the roads on the Pitjantjatjara lands pass through the existing settlements whereas the roads on the Maralinga lands do not. Therefore, one can expect that there will be less dislocation of the traditional way of life and the peace and enjoyment of those Maralinga lands by the traditional owners. It is in that spirit that these compromises have been reached. I pay tribute to those people for the manner in which they approached these long and difficult negotiations over a long period of time. It was difficult for them to understand why this matter took so long to pass through the Parliament and why it was adjourned, particularly last December. However, I appreciate the Legislative Council's dealing with this matter promptly and I hope that it is not in the too far distant future before the Government can pass this title to the traditional owners so that they can establish their incorporated body and management structure for these lands and enjoy ownership of them.

So, at this juncture I also convey my thanks to all members of the Select Committee who so thoroughly examined this legislation and all points of view put before it. They made a substantial contribution, I believe, to the structure whereby these final negotiations could be carried out. I hope that there is now within this Parliament a great deal more understanding and knowledge of the complexities and difficulties involved when the European community tries to write and provide legislation for another community of whom we know so little.

I must admit that we find great difficulty in understanding the sensitivities and depths of their culture, the meaning of

their religions, their community structures, and the like. So, in conclusion, I say that this legislation is not perfect. It is our interpretation of what is required at this time. It has, I suggest, those very real shortcomings, but it is a genuine attempt by the Parliament to provide a workable piece of of legislation at this time. I believe that we should keep an open mind as to its progress and how it develops so that we can continue to make sure that it meets its aim—to provide a stable base for the advancement of Aborigines who live in that part of the State.

Mr OLSEN: The Opposition welcomes the compromise that has been reached on the legislation before the Committee. It means that we now have workable land rights legislation which is fair to all South Australians. That has been the objective of the Liberal Party since the Bill was first introduced almost 12 months ago. I remind the Minister and the Government that during the second reading debate on this legislation the Opposition raised some major concerns and foreshadowed a number of amendments.

During the Select Committee inquiry, to which the Minister has already referred in his comments, the member for Eyre, who I think it is fair to say has represented his constituents at Yalata with responsibility throughout this whole debate, put forward a number of constructive proposals which were incorporated into the Committee's report as amendments to the Bill. Unfortunately, Government members of the Committee turned a blind eye to some of the major faults in the legislation and it was left to the Opposition to continue to point them out.

When the Select Committee Report was debated I raised the need for further amendments to that legislation. When the Government refused to see reason and refused to be responsible, the Opposition adjourned the matter in another place. The Minister referred to the fact that the tribal elders were somewhat confused as to why the Bill was deferred. Let the Minister remember that we could have defeated the legislation there and then. However, we were determined to use every possible opportunity to find a compromise on this legislation; that must be acknowledged. Whilst it is interesting to note that the Premier stayed out of this issue altogether, I consider that the Minister on occasions has used emotional rhetoric to evade some responsibility to seek a practical solution to the problems involved.

I refer to a press statement issued by the Premier on 8 December after the adjournment of the debate on this Bill in another place, when we did not defeat it. We adjourned it: it involved a compromise, with discussions and negotiations. He accused the Opposition of betraying the interests of the Yalata community and doing a complete turn-around on land rights. Neither of those accusations was true and what we have before us today proves that they were not true. More recently, the Minister—

The Hon. G.J. Crafter: We'd agree that—

Mr OLSEN: I beg the Minister's pardon?

The Hon. G.J. CRAFTER: We had already agreed to it.

Mr OLSEN: I thought that my ears were deceiving me, but it was interesting for the Minister to repeat that in November the Government would have accepted all these amendments. That is a very interesting comment to have on the record. In other words, the Minister has said, 'We would have accepted all this in November but we wanted to go through a public thrash for three or four months before it got to that stage.' That is a fairly significant admission for the Minister to make today.

The Hon. G.J. Crafter interjecting:

Mr OLSEN: The Minister well knows that I had a discussion in the bottom corridor with him prior to the deferral of that legislation when it was clearly indicated that, unless the amendments were accepted, the Bill would be defeated. In the event, the matter was deferred and at that stage the Minister full well knows that there was no compromise or acceptance of amendments whatsoever. He tried us on, particularly with the report presented to the Legislative Council by the Attorney-General relating to the powers of the president. That was the try-on, and it is utter nonsense for the Minister to come into the House today and say, 'We would have accepted those amendments in November.' What utter nonsense and hypocrisy there is in the comments that he is making before the Committee!

Members interjecting:

The CHAIRMAN: Order! I would appreciate very much if the honourable member would come back to the debate.

Mr OLSEN: Yes, Mr Chairman, I will attempt to do that and desist from answering interjections from the Minister, albeit that even you, Sir, would recognise that that admission from the Minister was a most significant one. The accusations made—

The Hon. E.R. Goldsworthy interjecting:

Mr OLSEN: There has been a number of rather blue comments made from the Minister on this issue. The Minister accused the Liberals of doing the bidding for the mining companies on this matter in the hope that glib comments and arguments such as that might help to persuade people who have only a superficial understanding of this complex issue, but I think that they represented an application to the Minister's responsibility to promote an informed and objective public debate about a major and important issue. Not only that, but also we were subjected to the Minister's Federal counterpart (the Federal Minister for Aboriginal Affairs) buying in at one late stage, wielding a big stick on his State colleagues by saying, 'Either you agree to the legislation in my form, or (in what would be jackboot treatment I suppose), the Federal Parliament will legislate.'

He had to get his sticky fingers into the South Australian legislative field, and it was interesting to note that those comments came approximately four days after the Minister went to Canberra to have discussions with the Federal Minister for Aboriginal Affairs. Obviously, that was another example of, 'Apply a little pressure in the South Australian scene. We will try them on.' I hope that the Government and the Minister recognise that try-ons of this nature will not be accepted by the Liberal Party. When we adopt a matter of principal, we will stand by that principle, despite the try-ons that the Minister did repeatedly as they relate to this land rights legislation. It was interesting that, whilst the Federal Minister was putting this try-on, which I have no doubt was engineered with the assistance of the State Minister at that meeting on Wednesday in Canberra, this Government did nothing to defend the State's rights or stand up for South Australia's legislative responsibility in the matter.

The Hon. G.J. Crafter interjecting:

Mr OLSEN: I cannot accept the radical left wing Minister from Canberra dictating to the South Australian Parliament what it should or should not do on what are the basic rights of this Parliament as they relate to the granting of land rights on Crown lands in South Australia. Members well know that that is a responsibility of this Parliament. Following the Minister's emotional and irrelevant rhetoric and threats from Canberra, it is the Government that has done the complete turn around, and not the Liberals. We put down a position and held it right through. Our position has been totally consistent since this legislation was first introduced in the House of Assembly some 10 or 11 months ago.

The Hon. E.R. Goldsworthy: We have not moved far.

Mr OLSEN: Indeed, we have not moved far. The amendments reflect the concerns that we first raised almost one year ago, and it is unfortunate that it took the Minister

until February this year to see reason and accept that responsibility, although now, after the event, he says that he would have accepted them last November. These amendments embody three basic principles.

The Hon. Jennifer Adamson interjecting:

Mr OLSEN: At least we will know where we stand with this Minister whenever he brings legislation before the House in the future. We well know the track record now; it is clearly set down. The amendments embody three basic principles that we first raised: that is, access to roads traversing the lands without a permit; improved arrangements for exploration and mining which can remove the impasse that developed over the Pitjantjatjara legislation; and the register of sacred sites.

As a result, this legislation is now in a much fairer and more workable form than it was when it was originally introduced into the Parliament. It gives the members of the Yalata community, who are the traditional elders, a title of ownership over the Maralinga lands. It has to be recognised (and I repeat that it was our original position) that we wanted the lands vested in the Aboriginal Lands Trust. After representations from those people, and representations and comments made in the Parliament, the Liberal Party compromised on that and agreed to support the principle of freehold title. It ensures the full protection of their culture and sacred sites as the legislation is now presented before this Committee.

At the same time, it overcomes some of the deficiencies identified in the Pitjantjatjara legislation, which was pioneering legislation put down by the Liberal Party in good faith and, on advice put before the Select Committee, accepted in good faith. But, some of that good faith has been misplaced in the actions of those people subsequent to the enactment of the Pitjantjatjara legislation. I do not resile from the fact that those difficulties in the Pitjantjatjara legislation are something that we ought to be big enough to front up to, amend and correct.

The position of the Liberals throughout this matter has been to have regard to the interests of the present and future generations of all South Australians and to the preservation and protection of our Aboriginal heritage. This has meant in the case of the Aborigines the acceptance of some positive discrimination to protect them and their ownership of the lands from exploitation. At the same time, we, the Liberals, have sought to balance against this the benefits that can flow to all South Australians, including the Aborigines, if the land is available on reasonable terms for income producing purposes. In the *Advertiser* on Saturday last, Matt Abraham described the outcome of this legislation as a significant victory for the Liberals. That assessment is not for me to make, but I emphasise that it is a victory for this Parliament in the development of workable and responsible legislation.

An honourable member: And all people of South Australia.

Mr OLSEN: Indeed, and I make that comment quite genuinely and sincerely. The process of this legislation through the Parliament has been the Parliamentary process operating at its best. As a result of that process, South Australia can say to the other States of the Commonwealth, 'We have a land rights model which you should look at very closely, and which balances the number of competing interests fairly, as one will always get in matters of this nature.' The debate has been long and at times characterised by some unnecessary tension generated by people not prepared to consider and debate the issue on its merits.

But the end result, this compromise, has made it a valuable experience for this Parliament. I believe that it demonstrates the Parliamentary process operating at its best, and I refer to the Parliament's having recognised and accepted this compromise as it relates to land rights. I firmly believe, as does the Liberal Party, that indeed we must have one set of principles relating to land rights. The Pitjantjatjara legislation was pioneering legislation, and we have learnt from that experience, and from that experience we have amendments to the Maralinga land rights legislation which correct some of those deficiencies. In due course we will need to take the next step to ensure consistent, uniform and fair principles embodied in all land rights matters in South Australia.

I trust that the Government will embark on negotiations, recognising that success will not be achieved in the short term. Nevertheless, the Government ought to embark on negotiations with the Pitjantjatjara people in regard to seeking an acceptance of those principles embodied in that legislation, to ensure that land rights legislation in South Australia can be held up as a model for the rest of Australia as fair and workable legislation that takes into account the interests of all South Australians.

Mr GUNN: I am pleased to have the opportunity to participate in this debate. I am surprised that the Minister indicated that the Government was prepared to accept these amendments prior to last Christmas, because I spent hours, days, on the Select Committee trying to convince Labor Party members of the Select Committee that certain things would take place unless what I believed to be common sense was embodied in the legislation and that the amendments that I floated before the Select Committee were the bare minimum of what the Liberal Party would accept, because the Liberal Party believed in treating all South Australians equally, and believed that it was irresponsible to grant one section of the community rights that will not stand the test of time.

From the manner in which the representatives of the Pitjantjatjara people have been carrying on in recent days it is obvious that the Pitjantjatjara legislation will not stand the test of time, and it is unfair, unwise, and plain trickery to let those people involved believe that those provisions can remain in the Act, because as sure as we sit or stand in this place we all know that those provisions will have to be amended: they will be amended, and we should all be big enough to say that we made a mistake. Those people who have exercised that trust on behalf of the Pitjantjatjara have not acted in a responsible manner, and the Parliament, in response to public demand, will have to amend the Pitjantjatjara legislation. I am not saying that because the Parliamentary Liberal Party wants to take a hard or unreasonable line with the Aboriginal people, but simply because it is common sense. When common sense is put aside it is then that the Parliament is acting irresponsibly.

The wash-up of the Maralinga legislation is a great improvement on the original Bill. I am unhappy about a number of features in the legislation, a number of which I believe will have to be altered in the Parliament. However, at least we have arrived at some common ground, which is a big improvement on the original proposal. I was disappointed that, after taking all that evidence on the Select Committee, involving 22 committee meetings, informal gatherings and all that tripping around, common sense did not prevail then. The Parliament spent a great deal of time in relation to this matter. Members of Parliament have been out to Yalata, Ooldea, and so on. A great deal of time, effort and expense was involved and it all could have been resolved had the Government been prepared to sit down and accept the amendments that we put forward.

In relation to the extension of the land, I say that that is an unfortunate decision. I am unhappy about it, and I am opposed to it. In regard to the amendment to limit the time of operation of the Parliamentary committee, which I believe was one of the most important amendments to the legislation, giving the Parliament the opportunity to look at how the

lands were being administered and giving the Aborigines the opportunity to come forward and request the Parliament to take action to improve their situation, I am amazed that one of my colleagues moved an amendment to put a sunset clause on that amendment.

I am most disappointed that he did that. The mining provisions go a long way towards easing the concerns of the mining industry and I sincerely hope that commonsense will apply in relation to these provisions. It would not only be unfortunate but disasterous for the people of this State if 18 per cent of South Australia were shut off from any mining activity. If these people want any economic independence, and we have been told time after time by Mr Toyne that they do, the only way to achieve it is to develop their cattle enterprise in the north west and to allow mining on these lands. The unfortunate thing about the Maralinga lands is that they do not provide the same opportunity for economic independence as do the Pitjantjatjara areas.

The legal representatives of Pitjantjatjara people have a great deal to answer for when they allow $30 million to be shifted from South Australia to the south China sea. Anyone who has taken the trouble to talk to representatives of the mining industry in this country is aware that there will be no mining on Aboriginal lands if there is any front-end payment of any description demanded. People are only fooling themselves if they think they can negotiate agreements about this because the mining industry is completely resolved not to have anything do with this activity. I think it sad that the Officer Basin was not explored. Had it been, we would have knowledge of what lies beneath the earth in that interesting part of South Australia.

I consider that unless these amendments are placed in the Pitjantjatjara lands legislation the Parliament is failing in its obligations. The Minister ought to tell his Federal colleague not to interfere in things about which he knows nothing. This is nothing to do with Mr Holding, but if he wants to direct his attention towards solving Aboriginal affairs I suggest that he looks to New South Wales and examines the sort of land rights legislation that Mr Wran has passed and compares it with the sort of legislation that has been passed in this State (let him make a comparison and see where the hypocrites are in this argument!). I suggest that he pays a bit of attention to the land rights legislation in the Northern Territory and puts that into a workable form, because it is not working at the present time.

I believe that the people of South Australia will accept what is reasonable, but they will not accept a situation where law-abiding citizens are prevented from going through these lands. No matter what anyone thinks in this place, the time is fast approaching when all of the roads in the Pitjantjatjara area will have to be opened up to the public. The Pitjantjatjara council has the opportunity to come forward with suggestions as to how that should be done, but as sure as we sit here, that will be achieved no matter what anyone thinks. One cannot have 18 per cent of South Australia closed off and say to the public 'You cannot go there', because nowhere else in the world would people pass legislation of that nature. We are only fooling the Aborigines, playing tricks on them and deceiving them, if we continue to lead them on and to let them believe that they can retain this power. I am not saying this because I want to be critical of Mr Toyne or to unduly upset the Aborigines. I am saying that this is a fact that cannot be disputed and that, therefore, the Parliament and the Government have to face up to reality and to the facts.

These amendments have taken a long time to achieve and are certainly an improvement on the original Bill. I sincerely hope that the Minister is in a situation to have all of the Select Committee material, as well as the Parliamentary debates, put together into one volume so that the people of this State, and others interested in this field, can examine this legislation. The Maralinga Select Committee's evidence and report was the most detailed Parliamentary inquiry into land rights in this country—there have been other enquiries but it was the most detailed Parliamentary inquiry. I therefore believe that it would be appropriate if some action were taken to make sure that this report is available to the public. As there are few copies of the Select Committee's report available, it is difficult for the public to examine it. I could go on at great length about this matter, but I do not think there is a need for that.

Much has been spoken about this legislation, and I am fully aware of its history. I have been involved in talking to the people at Yalata since the early 70s. They could have had their land when the member for Chaffey, as then Minister of Aboriginal Affairs, went out to see them if common sense had then prevailed. Certainly, they could have had the land well before Christmas if the Government had been reasonable.

The Liberal Party backed off on two or three major amendments in a spirit of compromise, yet it took all this time and manoeuvring, all this public controversy and I now believe the public is sick and tired of it. It took all this public controversy to eventually achieve a far more reasonable and workable piece of legislation. I cannot understand why the Minister did not agree to a decision before Christmas, because the Bill could have been proclaimed by now and the people could have had the piece of paper which they have so badly wanted for such a long time.

I would say to the Minister and his colleagues that, when this Bill is finally on the Statute Book, they should have amendments drawn up to the Pitjantjatjara legislation in order to make both pieces of legislation uniform. Otherwise there will be continual controversy and argument. Legislation will be put to Parliament, and the Government should make no mistake about that. Legislation will be introduced to Parliament if the Government does not do it, but it is the Government's responsibility to use common sense. I want to see the Aborigines treated fairly. Their rights should be reasonably protected. Indeed, they are entitled to have reasonable control over their lands and they are entitled to share the economic rewards of the area, but common sense must apply.

I am pleased with the majority of the amendments. Certainly, I believe that the stance my Leader took was correct, and was in the interests of all citizens. True, it would have been easy to go along with the legislation. A number of Select Committee members thought I was difficult and took up the time of the committee, but I make no apology for that. I believe that I had a responsibility to ensure that all matters were examined properly. I did that to the best of my ability. I can only say that I am sorry that it has taken so long to see this Bill put into a workable form.

I do not wish to say much more, although I hope sincerely that the people who have the responsibility of administering this legislation and advising the Yalata community bear one or two points in mind: first, common sense; and, secondly, they should bear in mind that it is within the power of Parliament to change this legislation. If they exercise the considerable authority that they have been given under this legislation in an irresponsible or arrogant manner, Parliament will have no alternative but to amend the Bill.

I do not believe that it is good to start amending legislation of this kind willy-nilly or on a regular basis, which is why the Liberal Party was so determined to ensure that the Bill was in a reasonable and workable condition. Parliament can pass whatever legislation it wants, but if the legislation is not workable and acceptable to the public, we know that it will not stand the test of time and will be unsatisfactory.

With those few reservations, I indicate my support for the thrust of the amendments. I indicate that I am most disappointed that the Government was unwilling to go further in a number of areas. Certainly, I believe it made a mistake in extending the land from 132 degrees to 133 degrees—a very bad mistake. In the future that mistake will have to be rectified. However, that matter is for the future. I sincerely hope that common sense prevails, that the Aboriginal people in the relatively near future are given what they desire, that is, title to this land, and that they enjoy their occupancy. I hope that they gain some economic benefit from it, and the people of South Australia share in those benefits.

The Hon. G.J. CRAFTER: In conclusion, I wish to comment on several of the matters raised. First, I will comment in respect to the situation that arose in another place in December. I remind the Committee that it was not the Opposition that adjourned that matter; in fact, it was the Hon. Mr Milne, of the Australian Democrats. It could not have been adjourned without the support of the Australian Democrats in another place. Prior to the adjournment I had drafted a number of amendments. As I informed the Committee earlier, I discussed the amendments with the President of the Legislative Council, who had many discussions with me about this measure.

The Hon. E.R. Goldsworthy: They weren't new amendments, and you can't tell me they were.

The Hon. G.J. CRAFTER: The major amendments before us tonight are the same amendments, apart from the one dealing with sacred sites. That matter was not canvassed in any great detail in debate in this Chamber.

The Hon. E.R. Goldsworthy: Are you trying to tell us that the amendment in relation to exploration is the same?

The Hon. G.J. CRAFTER: I discussed the amendment in respect to exploration with Mr Leverington in my office in November last year in the company of Mr Gilfillan. It was not until I had discussions with mining company representatives in other States and around this country that I saw that there was a disparity between the mining industry's attitude in other places and its attitude in this State. I am pleased to see that there is now a degree of unity in the mining industry about the proposal that I suggested had been settled in November last year.

The Hon. E.R. Goldsworthy: Is this the same amendment that you put up last year?

The Hon. G.J. CRAFTER: Yes, it is. It has now taken many months of to-ing and fro-ing. The situation that was suggested by members opposite and indeed by some sections of the mining industry was not acceptable to the Government; nor was it acceptable to the traditional owners. I believe that the Government and the traditional owners have gone as far as they can in compromising without abandoning the whole principle of land rights itself. In fact, it has been a great experience for me in seeing the process of working out how decisions are made by members opposite within their Party and, indeed, in some of the interest groups involved in this legislation. Hopefully, that will help me, if ever similar situations arise, to avoid the incredible delays that we experienced in this matter. I wanted to put the record straight on those matters.

Motion carried.

ADJOURNMENT

At 11.54 p.m. the House adjourned until Wednesday 28 March at 11.45 a.m.

HOUSE OF ASSEMBLY

Tuesday 27 March 1984

QUESTIONS ON NOTICE

HAIRDRESSERS REGISTRATION BOARD

295. **Mr OLSEN** (on notice) asked the Treasurer: What will be the additional cost during 1983-84 and in a full year as a result of increased fees payable to members of the Hairdressers Registration Board as notified at page 211 of the *Government Gazette* of 27 January 1983?

The Hon. J.C. BANNON: It will be $600 in 1983-84 and in a full year.

TEACHER HOUSING AUTHORITY RENTS

296. **Mr OLSEN** (on notice) asked the Treasurer: What additional rental revenue will be generated during 1983-84 and in a full year following the decision to increase Teacher Housing Authority rents from 1 January 1983?

The Hon. J.C. BANNON: The rent increase applied from 7 October 1983 and not 1 January 1983, as indicated in the question. Additional revenue in 1983-84 is expected to be $480 000 with the full year effect being $630 000.

FEE INCREASES

297. **Mr OLSEN** (on notice) asked the Treasurer: With respect to each of the following increases in fees announced in the *Government Gazette* on the date and page indicated, viz.: certificates issued under the Nurses Registration Act, 1920 (2 June 1983, page 1583); annual registrations under the Chiropodists Act, 1950 (16 June 1983, page 1683); A and B class licences under the Fisheries Act, 1971 (30 June 1983, page 1795); post mortems carried out under the Coroners Act, 1935 (30 June 1983, page 1767); annual licences under the Physiotherapists Act, 1945 (30 June 1983, page 1773); various State Government publications (14 July 1983, page 69); registration fees under the Chiropractors Act, 1979 (14 July 1983, page 68); a range of services under the Harbors Act, 1936 (21 July 1983, page 157); supply of water under the Irrigation Act, 1930 (21 July 1983, page 151); registration under the Psychological Practices Act, 1973 (4 August 1983, page 291); traffic infringements under the Police Offences Act, 1953 (25 August 1983, page 530); registration of stock medicine under the Stock Medicines Act, 1939 (18 August 1983, page 422); examination for various certificates under the Sewerage Act, 1929 (18 August 1983, page 423); various items under the Waterworks Act, 1932 (18 August 1983, page 424); payment to the Registrar-General under the Real Property Act, 1886 (25 August 1983, page 525); land division payable to the Registrar-General under the Real Property Act, 1886 (25 August 1983, page 528); strata titles payable to the Registrar-General under the Real Property Act, 1886 (25 August 1983, page 527); registrations under the Trade Measurements Act, 1971 (1 September 1983, page 587); licences under the Places of Public Entertainment Act, 1913 (1 September 1983, page 588); the annual licence for a land valuer under the Land Valuers Licensing Act, 1969 (1 September 1983, page 590); the annual licence for a land broker under the Land and Business Agents Act, 1973 (1 September 1983, page 591); the annual licence for land and business agents and annual registration fees of managers and salesmen (1 September 1983, page 592); permits under the Cremation Act, 1891 (1 September 1983, page 593); payment to the Credit Tribunal under the Consumer Transactions Act, 1972 (1 September 1983, pages 594-5); annual licence fees to be paid by those prescribed persons under the Commercial and Private Agents Act, 1972 (1 September 1983, page 596); certificates and registrations under the Births, Deaths and Marriages Registration Act, 1966 (1 September 1983, page 597); various licence categories under the Builders Licensing Act, 1967 (1 September 1983, page 598); licences and registrations under the Firearms Act, 1958 (1 September 1983, page 600); authorities to take abalone under the Fisheries Act, 1971 (1 September 1983, page 601); various items under Schedule B of the Mining Act, 1971 (15 September 1983, page 717); hunting permits under the National Parks and Wildlife Act, 1972 (15 September 1983, page 725); use of facilities under the National Parks and Wildlife Act, 1972 (15 September 1983, page 719); various permits under the National Parks and Wildlife Act, 1972 (15 September 1983, page 726); registration and renewal of registered labels under the Agricultural Chemicals Act, 1955 (22 September 1983, page 912); survey functions under the Crown Lands Act, 1929 (22 September 1983, page 915); authorised log books under the Commercial Motor Vehicles (Hours of Driving) Act, 1973 (22 September 1983, page 916); various charges in relation to summary adjudications, non-indictable offences, minor indictable offences and indictable offences under the Justices Act, 1921 (22 September 1983, page 951); commencement of actions under the Local and District Criminal Courts Act, 1926 (22 September 1983, page 943); annual licences under the Secondhand Dealers Act, 1919 (22 September 1983, page 944); dealer's licence under the Marine Stores Act, 1898 (22 September 1983, page 944); proceedings under the Supreme Court Act, 1935 (22 September 1983, page 945); examination under the Gas Act, 1924 (22 September 1983, page 911); licences under the Dangerous Substances Act, 1979 (29 September 1983, page 1023); licences under the Explosives Act, 1936 (29 September 1983, page 1024); registration and renewal of registration under the Industrial Safety, Health and Welfare Act, 1972 (29 September 1983, page 1026); registrations under the Lifts and Cranes Act, 1960 (29 September 1983, page 1029); payment to the Department of Labour under the Boilers and Pressure Vessels Act, 1968 (29 September 1983, page 1031); pot licence holders under the Fisheries Act, 1971 (29 September 1983, page 1033); registrations under the Surveyors Act, 1935 (6 October 1983, page 1061); authority to take prawns under the Fisheries Act, 1971 (6 October 1983, pages 1059-60); various services under the Valuation of Land Act, 1971 (13 October 1983, page 1114); the survey of a fishing vessel under the Marine Act, 1936 (17 November 1983, page 1479); permits at the Port MacDonnell Boat Haven under the Harbors Act, 1936 (17 November 1983, page 1478); permits at the Robe Boat Haven under the Harbors Act, 1936 (17 November 1983, page 1477); permits at the North Arm Fishing Haven under the Harbors Act, 1936 (17 November 1983, page 1476); certificates and diplomas issued under the Local Government Officers (Qualifications) Regulations, 1962 (17 November 1983, page 1480); loose copies of State Government Acts, Regulations and Awards, etc. (1 December 1983, page 1604); lodging and filing sundry documents under the Local and District Criminal Courts Act, 1926 (8 December 1983, page 1629); survey of a vessel propelled by machinery including auxiliary powered vessels under the Harbors Act, 1936 and Marine Act, 1936 (22 December 1983, page 1774); certificates of registration under the Hairdressers Registration Act, 1939 (22 December 1983, page 1751); annual registrations under the Dentists Act, 1931 (12 January 1984, page 60); a range of services under the Administration and Probate Act, 1919 (9 February 1984, page 302)—

(a) What additional revenue is expected to be derived in 1983-84 and during a full year;

(b) is the additional amount included in Budget estimates for 1983-84 and, if so, what is the total amount of revenue estimated from this source; and

(c) if the additional amount was not included in Budget estimates for 1983-84, what was the estimate at time of Budget presentation of total revenue from this source?

The Hon. J.C. BANNON: If a firm decision to increase fees and charges has been taken prior to the preparation of the Budget estimates, an estimate of the increased revenue is incorporated in the figures presented to Parliament. If no such decision has been taken, estimates are based on the level of fees and charges in operation at the time of the preparation of the Budget estimates. In keeping with sound budgetary practice, and in order to avoid particular activities becoming a burden on the general tax-payer, the Government has a firm policy (similar to that of the previous Government) of increasing fees and charges in line with cost increases. Departure from the 'user pays' approach is countenanced only in circumstances where it can be justified on the grounds of overall community benefit.

FEE INCREASES

298. **Mr OLSEN** (on notice) asked the Treasurer: With respect to each of the following increases in fees announced in the *Government Gazette* on the date and page indicated, viz.: issuance of certificates of charges to land agents and brokers under the Waterworks Act, 1932 (25 November 1982, page 1698); duties performed by stewards at trotting meetings under the Racing Act, 1976 (26 May 1983, page 1235); various licences under the Water Resources Act, 1976 (25 November 1982, page 1699); annual registrations under the Veterinary Surgeons Act, 1935 (16 December 1982, page 1903); registrations under the Hairdressers Registration Act, 1939 (23 December 1982, page 1941); licences issued under the South Australian Waste Management Commission Act, 1979 (23 December 1982, page 1944); registrations under the Architects Act, 1939 (23 December 1982, page 1934); various licences and permits under the Metropolitan Taxi-Cab Act, 1956 (3 March 1983, page 532); a wide range of permits and registrations under the Racing Act, 1975 (14 April 1983, page 877); issuance of number plates under the Motor Vehicles Act, 1959 (19 May 1983, page 1196); Government supervisors at race meetings under the Racing Act, 1976 (19 May 1983, page 1195)—

(a) what additional revenue was received during the financial year ended 1982-83;

(b) what additional revenue will be derived during 1983-84; and

(c) what is the estimate of total revenue from this source for 1983-84?

The Hon. J.C. BANNON: If a firm decision to increase fees and charges has been taken prior to the preparation of the Budget estimates, an estimate of the increased revenue is incorporated in the figures presented to Parliament. If no such decision has been taken, estimates are based on the level of fees and charges in operation at the time of the preparation of the Budget estimates. In keeping with sound budgetary practice, and in order to avoid particular activities becoming a burden on the general tax-payer, the Government has a firm policy (similar to that of the previous Government) of increasing fees and charges in line with cost increases. Departure from the 'user pays' approach is countenanced only in circumstances where it can be justified on the grounds of overall community benefit.

DEPARTMENT OF AGRICULTURE FACT SHEETS

299. **Mr OLSEN** (on notice) asked the Treasurer: With respect to the increase in fees for Department of Agriculture FACT sheets, notice of which was announced in the *SAGRIC Gazette* dated 23 September 1983 on page 211—

(a) what additional revenue is expected to be derived in 1983-84 and during a full year;

(b) is the additional amount included in Budget estimates for 1983-84 and, if so, what is the total amount of revenue estimated from this source; and

(c) if the additional amount was not included in Budget estimates for 1983-84, what was the estimate at time of Budget presentation of revenue from this source?

The Hon. J.C. BANNON: FACT sheets are produced by the Department of Agriculture as a means of disseminating technical information to the public. As such, they are subject to the 'user pays' principle as stated in Government policy. The new charges are intended to cover the cost of producing FACT sheets and take account of increases in print charges and other associated costs since the old charges were set. These publications are funded from a deposit working account and therefore are not included in Budget estimates. However, relevant figures for revenue from sales of such publications are as follows:

	$
FACT sheet sales for the 12 months prior to increase ..... 74 189 @ 10c each.	7 418.90
FACT sheet sales estimate 1983-84 ..... 16 000 @ 10c prior to October 1. 34 000 @ 20c.	8 400.00
FACT sheet sales estimate for a full year ..... 60 000 @ 20c.	12 000.00

DEPARTMENTAL EMPLOYEES

300. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Forests: In relation to each of the departments and statutory authorities administered by the Minister of Forests—

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. LYNN ARNOLD: The replies are as follows:

1. The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Forests were as follows:

	Dec. 1982	Dec. 1983
Woods and Forests	1 204.4	1 441.9

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

2. The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could be obtained only from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

301. **The Hon. TED CHAPMAN** (on notice) asked the Minister of Education, representing the Minister of Agri-

culture: In relation to each of the departments and statutory authorities administered by the Minister of Agriculture:

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. LYNN ARNOLD: The replies are as follows:

1. The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Agriculture were as follows:

	Dec. 1982	Dec. 1983
Agriculture	1 090.2	1 059.1

Note: These figures are affected by transfers of function between departments from December 1982 to December 1983.

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

2. The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could be obtained only from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

302. **The Hon. D.C. WOTTON** (on notice) asked the Chief Secretary: In relation to each of the departments and statutory authorities administered by the Chief Secretary:

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. J.D. WRIGHT: The replies are as follows:

1. The aggregate full-time equivalent number of employees in each of the departments administered by the Chief Secretary were as follows:

	Dec. 1 982	Dec. 1 983
Police	3 872.2	3 802.5
Auditor-General	94.0	90.0

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

2. The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could be obtained only from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

303. **The Hon. D.C. WOTTON** (on notice) asked the Minister for Environment and Planning: In relation to each of the departments and statutory authorities administered by the Minister for Environment and Planning:

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. The aggregate full-time equivalent number of employees in each of the departments administered by the Minister for Environment and Planning were as follows:

	Dec. 1982	Dec. 1983
Environment and Planning	714.2	749.7

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

2. The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could be obtained only from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

304. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Emergency Services: In relation to each of the departments and statutory authorities administered by the Minister of Emergency Services:

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. J.D. WRIGHT: The replies are as follows:

1. The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board. There are no separate departments allocated to this portfolio.

2. The number of employees who retired or resigned is not readily available. Information on employees could be obtained only from detailed records in statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

305. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Tourism, representing the Minister of Correctional Services: In relation to each of the departments and statutory authorities administered by the Minister of Correctional Services:

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. G.F. KENEALLY: The replies are as follows:

1. The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Correctional Services were as follows:

	Dec. 1982	Dec. 1983
Correctional Services	604.6	680.7

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

2. The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could be obtained only from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

311. **The Hon. H. ALLISON** (on notice) asked the Minister of Aboriginal Affairs: In relation to each of the departments and statutory authorities administered by the Minister of Aboriginal Affairs—

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. G.J. CRAFTER: There are no separate departments or statutory authorities allocated to this portfolio.

312. **The Hon. H. ALLISON** (on notice) asked the Minister of Community Welfare: In relation to each of the departments and statutory authorities administered by the Minister of Community Welfare—

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Community Welfare were as follows:

	Dec. 1982	Dec. 1983
Community Welfare	1275.3	1319.7

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

2. The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

313. **The Hon. MICHAEL WILSON** (on notice) asked the Minister of Education: In relation to each of the departments and statutory authorities administered by the Minister of Education—

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. LYNN ARNOLD: The replies are as follows:

1. The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Education were as follows:

	Dec. 1982	Dec. 1983
Education	17101.4	16130.1
T.A.F.E.	2138.9	2233.4

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

2. The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

314. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Water Resources: In relation to each of the departments and statutory authorities administered by the Minister of Water Resources—

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. J.W. SLATER: The replies are as follows:

1. The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Water Resources were as follows:

	Dec. 1982	Dec. 1983
Engineering and Water Supply	5073.3	4949.0

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

2. The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

315. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Lands: In relation to each of the departments and statutory authorities administered by the Minister of Lands—

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Lands were as follows:

	Dec. 1982	Dec. 1983
Lands	888.0	878.5
Services and Supply	731.0	733.3

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

2. The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

316. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education representing the Minister of Fisheries: In relation to each of the departments and statutory authorities administered by the Minister of Fisheries—

1. What were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

2. Between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. LYNN ARNOLD: The replies are as follows:

1. The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Fisheries were as follows:

	Dec. 1982	Dec. 1983
Fisheries	88.8	94.2

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

2. The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

MARINE PARKS

317. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education, representing the Minister of Fisheries: What new marine parks, if any, have been identified and established during the life of the present Government?

The Hon. LYNN ARNOLD: The Government proclaimed the Troubridge Hill Aquatic Reserve on 22 September 1983.

FISHING INDUSTRY

318. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education, representing the Minister of Fisheries: What are the details of any education programmes which have been designed to encourage greater consumption of South Australian fish in homes and restaurants which have been undertaken since the Government's election?

The Hon. LYNN ARNOLD: The Publicity and Promitions Section of the Department of Fisheries has been involved in a number of education programmes with the Royal Adelaide Show and a number of shopping centres to promote awareness of South Australian fish in homes and restaurants. In addition, the former Minister of Fisheries launched a booklet in December 1982 entitled 'South Australian Fish—Food to Enjoy'.

319. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education, representing the Minister of Fisheries: What initiatives has the Government taken in co-operation with the fishing industry in the area of market development and promotion?

The Hon. LYNN ARNOLD: The Government has continued to support the activities of the South Australian Fish Promotion Centre through the provision of the Secretariat and funding of a small number of promotional projects. This has included a number of pamphlets on fish species and how to cook them.

320. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education, representing the Minister of Fisheries: What action has been taken to implement suggestions or recommendations put forward by community groups on behalf of recreational fishing interests since the Government's election?

The Hon. LYNN ARNOLD: In establishing the inshore Fisheries Advisory Committee in June 1983, the Government approved the following membership for that committee:

Two representatives from the Australian Fishing Industry Council.

Two representatives from the Department of Fisheries.

One representative from the South Australian Recreational Fishing Advisory Council.

One representative from the Eyre Peninsula Inshore Fisheries Advisory Council.

One representative from the South Australian Retail Fish Shop Association.

One representative from the Department of Tourism.

The Inshore Fisheries Advisory Committee therefore provides a vehicle whereby suggestions or recommendations put forward by community groups on behalf of recreational fishing interests can be considered.

321. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education, representing the Minister of Fisheries: What action has been taken to support the fishing industry in its attempt to alter the Commonwealth fuel rebate scheme since the Government's election?

The Hon. LYNN ARNOLD: On 23 November 1982 the previous Minister of Fisheries wrote to the then Minister for Primary Industry requesting that the Commonwealth Government give attention to reviewing the administration arrangements for this scheme in the hope that commonsense would prevail with regard to its simplification. No response was received from Mr Nixon.

322. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education, representing the Minister of Fisheries: Has the Government made representations to the Commonwealth on behalf of the fishing industry requesting that the charter of the Primary Industry Bank be widened to include fishermen on the same basis as farmers and, if so, with what result?

The Hon. LYNN ARNOLD: The previous Minister of Fisheries, Mr Brian Chatterton, wrote to the then Commonwealth Minister for Primary Industry, Mr Peter Nixon, on 7 February 1983 expressing concern that the Australian fishing industry has been receiving less than equal treatment with regard to the operations of the Primary Industry Bank of Australia (PIBA).

No response was received from Mr Nixon and a similar letter was sent to the new Commonwealth Minister for Primary Industry, Mr John Kerin, on 20 April 1983. Mr Kerin responded on 25 May 1983, indicating his willingness to refer the matter to the Commonwealth Treasury.

323. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education representing the Minister of Fisheries: How many fishermen have been convicted of serious or numerous breaches of management rules since the Government came to office and have these fishermen had their licences suspended or cancelled?

The Hon. LYNN ARNOLD: A total of 164 fishermen have been convicted of serious or numerous breaches of management rules since November 1982, and one fisherman has had his licence suspended.

324. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education, representing the Minister of Fisheries: What action has been taken to strengthen communications between the Fisheries Department and the fishing industry and to reorganise the administration of the fisheries managers for each major fishery since the Government's election?

The Hon. LYNN ARNOLD: In march 1983 the Government approved the appointment of fisheries managers for each major fishery. Professional fishermen have since been advised by notice of the name and contact number of the fishery manager for their fishery.

325. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education, representing the Minister of Fisheries: What action has been taken to make the joint authorities established by the State and Commonwealth Governments for fisheries management more accountable to the fishing industry and more accessible to the fishing communities affected by decisions of the joint authorities since the Government's election?

The Hon. LYNN ARNOLD: Following the election of the Hawke Government in March 1983, the Commonwealth Government is reviewing its general attitude to the Offshore Constitutional Settlement with respect to all aspects of offshore jurisdiction and management. Joint authorities have not yet been established; however, the State Government has indicated its willingness to involve the South Australian fishing industry in discussions prior to the meetings of joint authorities, once they are established.

326. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education, representing the Minister of Fisheries: What action has been taken to ensure a fairer and more reasonable sharing of the resource between various sections

of the fishing community since the Government's election?

The Hon. LYNN ARNOLD: In June 1983, the Government approved the establishment of the Inshore Fisheries Advisory Committee with the following terms of reference:

(a) to advise on the sharing of access to the marine scale fishing resource, recognising the needs of various groups within the community;

(b) to promote and develop a co-operative approach to the management of the marine scale fishery to enable effective fisheries policy formulation.

327. **The Hon. P.B. ARNOLD** (on notice) asked the Minister of Education, representing the Minister of Fisheries: What action has the Government taken to seek alternative fisheries in order to diversify the income sources of fishermen?

The Hon. LYNN ARNOLD: The Government has issued a number of Ministerial permits for the blue crab fishery to determine its viability and to obtain research information. The Minister has approved the issue of a number of special permits for the scallop and mud oyster fishery and the department will call for applications shortly. Field work is continuing on assessment of the stocks of roe's abalone with a view to the issue of special permits if the assessment is favourable. In addition, the Government is seeking co-operation of the Commonwealth and Western Australian Governments to provide funds for the assessment of the trawl fishery as an alternative to the southern bluefin tuna fishery.

DEPARTMENTAL EMPLOYEES

328. **Hon. B.C. EASTICK** (on notice) asked the Minister of Housing and Construction: In relation to each of the departments and statutory authorities administered by the Minister of Housing and Construction—

(a) what were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. T.H. HEMMINGS: The replies are as follows:

(a) The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board. There are no separate departments allocated to this portfolio.

(b) The number of employees who retired or resigned is not readily available. Information on employees could only be obtained from detailed records in statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

329. **The Hon. B.C. EASTICK** (on notice) asked the Minister of Local Government: In relation to each of the departments and statutory authorities administered by the Minister of Local Government—

(a) what were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. G.F. KENEALLY: The replies are as follows:

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Local Government were:

	Dec 1982	Dec 1983
Local Government	392.8	356.6

Note: These figures are affected by transfers of function between departments from December 1982 to December 1983.

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

348. **The Hon. D.C. BROWN** (on notice) asked the Minister for Technology: In relation to each of the departments and statutory authorities administered by the Minister for Technology—

(a) what were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. LYNN ARNOLD: The replies are as follows:

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Minister for Technology were:

	Dec. 1982	Dec. 1983
Ministry of Technology	—	15.0

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

349. **The Hon. D.C. BROWN** (on notice) asked the Minister of Public Works: In relation to each of the departments and statutory authorities administered by the Minister of Public Works—

(a) what were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. T.H. HEMMINGS: The replies are as follows:

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Public Works were:

	Dec. 1982	Dec. 1983
Public Buildings	2 362.3	2 253.9

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable

effort to collect, the cost of which is not considered to be justified.

350. **The Hon. D.C. BROWN** (on notice) asked the Minister of Transport: In relation to each of the departments and statutory authorities, administered by the Minister of Transport—

(a) what were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned respectively?

The Hon. R.K. ABBOTT: The replies are as follows:

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Transport were:

	Dec. 1982	Dec. 1983
Transport	582.7	545.8
Highways	2 765.3	2 757.7

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who reitred or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, informaton on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

CONCESSIONS REVIEW COMMITTEE

353. **Mr BECKER** (on notice) asked the Premier: Has the Concessions Review Committee handed its report to the Premier and, if so, when, what action has been taken and when will findings of the report be made public?

The Hon. J.C. BANNON: The final report of the Concessions Review Committee has been initially considered by the Human Services Committee of Cabinet. The Minister of Community Welfare is considering the report before its presentation to Cabinet and decision on what action should be taken with respect to it.

DEPARTMENTAL EMPLOYEES

356. **Mr OLSEN** (on notice) asked the Premier: In relation to each of the departments and statutory authorities administered by the Premier—

(a) what were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

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

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Premier were:

	Dec. 1982	Dec. 1983
Premier and Cabinet	117.5	121.6
Public Service Board	162.2	168.6

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

357. **Mr OLSEN** (on notice) asked the Treasurer: In relation to each of the departments and statutory authorities administered by the Treasurer:

(a) what where the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

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

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Treasurer were:

	Dec. 1982	Dec. 1983
Treasury	206.2	225.3

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

358. **Mr OLSEN** (on notice) asked the Minister of State Development: In relation to each of the departments and statutory authorities administered by the Minister of State Development—

(a) what where the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

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

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of State Development were:

	Dec. 1982	Dec. 1983
State Development	51.6	63.8

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

359. **Mr OLSEN** (on notice) asked the Minister of Recreation and Sport: In relation to each of the departments and statutory authorities administered by the Minister of Recreation and Sport—

(a) what were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. J.W. SLATER: The replies are as follows:

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Recreation and Sport were:

	Dec. 1982	Dec. 1983
Recreation and Sport	67.4	64.3

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

'JOBS' ADVERTISEMENT

360. **Mr OLSEN** (on notice) asked the Premier: In relation to the advertisement placed in the *Advertiser* on Saturday 26 January entitled 'Jobs' what was the cost of the advertisement, who was responsible for placement and under which line in the Estimates for 1983-84 can the allocation for payment for the advertisement be found?

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

1. Cost $2 131.36.
2. Placed by Department of the Premier and Cabinet.
3. Department of Labour—Job Creation Branch operating expenses.

DEPARTMENTAL EMPLOYEES

363. **The Hon. JENNIFER ADAMSON** (on notice) asked the Minister of Tourism: In relation to each of the departments and statutory authorities administered by the Minister of Tourism—

(a) what were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. G.F. KENEALLY: The replies are as follows:

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Tourism were:

	Dec. 1982	Dec. 1983
Tourism	107.4	107.6

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

364. **The Hon. E.R. GOLDSWORTHY** (on notice) asked the Minister of Labour: In relation to each of the departments and statutory authorities administered by the Minister of Labour—

(a) what were the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. J.D. WRIGHT: The replies are as follows:

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Labour were:

	Dec. 1982	Dec. 1983
Labour	305.8	327.1

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

365. **The Hon. E.R. GOLDSWORTHY** (on notice) asked the Minister of Mines and Energy: In relation to each of the departments and statutory authorities administered by the Minister of Mines and Energy—

(a) what where the aggregate numbers of employees as at 30 December 1982 and 30 December 1983; and

(b) between 30 December 1982 and 30 December 1983 how many employees retired or resigned, respectively?

The Hon. R.G. PAYNE: The replies are as follows:

(a) The aggregate full-time equivalent number of employees in each of the departments administered by the Minister of Mines and Energy were:

	Dec. 1982	Dec. 1983
Mines and Energy	428.2	412.0

The numbers of employees in statutory authorities were not collected for these dates, but employment for June of each of these years is published in the annual report of the Public Service Board.

(b) The number of employees who retired or resigned is not readily available. While estimates for these dates could be obtained from summary information on public servants in departments, information on the majority of employees in departments, and for all employees in statutory authorities, could only be obtained from detailed records in departments and statutory authorities. This would involve a considerable effort to collect, the cost of which is not considered to be justified.

AMERICA'S CUP CHALLENGE

367. **Mr BAKER** (on notice) asked the Premier: With respect to the proposed America's Cup challenge emanating from South Australia, what interest rate is being charged on the loan being made available, over what period must it be repaid and what specific conditions have been set?

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

1. The interest rate on the loan is to be negotiated with the South Australian syndicate at a rate that, at the least, incurs no net cost to the State.

2. Terms and conditions on the loan are to be finalised when necessary agreements are concluded with the Royal Perth Yacht Club and the Bond syndicate. Repayment of the loan is not expected until after the challenge in 1987.

EQUAL OPPORTUNITIES COMMISSIONER

370. **Mr BAKER** (on notice) asked the Minister of Community Welfare representing the Attorney-General: Does the Attorney-General intend to give the Equal Opportunities Commissioner increased powers for imposition of penalties in respect of discrimination cases and, if so, what are they?

The Hon. G.J. CRAFTER: No.

SUCCESSION DUTIES

371. **Mr BAKER** (on notice) asked the Premier: Does the Premier intend to reintroduce succession or gift duties before the next election to offset the blow-out in the 1983-84 State deficit?

The Hon. J.C. BANNON: No, and there is no 'blow-out' in the 1983-84 State deficit.

FID REFUNDS

372. **Mr BAKER** (on notice) asked the Premier: What arrangements will be made by the Premier for the refund of FID tax collected on exempt accounts, such as those operated by war veterans, which have been wrongly debited because of the difficulty in identification?

The Hon. J.C. BANNON: War service pensioners are not entitled to exempt accounts. However, where they credit to an account an amount received under or by virtue of repatriation legislation, such a credit is a non-dutiable receipt. In order to comply with the Financial Institutions Duty Act, 1983, FID duty will, in fact, be debited to accounts in the first instance but, on application by eligible pensioners, banks will rebate the duty charged in respect of amounts received pursuant to repatriation legislation. With the assistance of the Department of Veterans' Affairs I have distributed a circular advising the relevant pensioners of these arrangements. I understand building societies are adopting a similar approach. To the best of my knowledge, credit unions are not passing on the duty to their customers.

PRIVATE COMPANIES

377. **Mr BAKER** (on notice) asked the Premier: Further to Question on Notice No. 95, does the Premier intend to introduce legislation prior to the next election compelling privately owned companies to disclose operational and financial details to the public, as agreed at the 1983 ALP convention?

The Hon. J.C. BANNON: No.

PRIVACY COMMITTEE

380. **Mr BAKER** (on notice) asked the Minister of Community Welfare, representing the Attorney-General: Further to Question on Notice No. 85, what is the current composition of the Privacy Committee, how many man-days have been spent on deliberations as at 20 March 1984 and what reports have been provided to the Minister?

The Hon. G.J. CRAFTER: The current membership of the Privacy Committee is Ms M. Doyle, Attorney-General's Department, Mr R. Smith, Data Processing Board, Mr J. Betts, Public Service Board, and Mr D. Ryan, Department of the Premier and Cabinet. No reports have been provided to the Minister to date but the first task will be to attend to the issue of a report which was almost completed in 1979 when the Privacy Committee was disbanded by the previous Government.

DEPARTMENTAL EXPENDITURES

381. **Mr BAKER** (on notice) asked the Treasurer: On the basis of expenditures to 31 December 1983, which Government departments and authorities have spent in excess of their first six months allocation for 1983-84 and by how much?

The Hon. J.C. BANNON: Departmental financial allocations are made for the full financial year, rather than for six monthly or shorter periods as suggested by the member. There are no six monthly allocations to form the basis of the comparison suggested.

SOUTHERN METROPOLITAN REGION

382. **Mr BAKER** (on notice) asked the Premier: Further to Question on Notice No. 84, has any strategy been developed for establishment of new industrial/commercial enterprise in the southern metropolitan region?

The Hon. J.C. BANNON: The full range of industrial development incentives is available to encourage the growth of industrial and commercial enterprises in the southern metropolitan region as it is in other regions. In particular, the South Australian Housing Trust has available its industrial estate at Lonsdale and can therefore provide land and buildings on attractive terms to assist in the development process in the region. In applying incentive and assistance programmes, particular attention is given to areas of high unemployment such as the southern region.

ELECTRICITY COSTS

387. **Mr BAKER** (on notice) asked the Premier: Has the Premier investigated the feasibility of reducing the costs of electricity generation referred to in the *Advertiser* of 9 November 1983 and, if so, what has been the outcome of the study?

The Hon. J. C. BANNON: The Advisory Committee on Future Electricity Generation Options will report to the Government shortly. Its findings will have an important bearing on the potential for restraining electricity generation costs in the medium to long term.

CASINO ACT

389. **Mr BAKER** (on notice) asked the Minister of Community Welfare, representing the Attorney-General: What particular deficiencies have been identified in the Casino

Act, 1983, by the Casino Supervisory Authority and when will they be corrected?

The Hon. G. J. CRAFTER: The question of possible amendments to the Casino Act, 1983, is raised at pages 88-89 of the Report of the Casino Supervisory Authority dated 13 February 1984. The Government takes the view at this time that matters relating to the licensing and operation of the casino may be adequately dealt with within the framework of the present statutory scheme and by way of terms and conditions spelt out in the casino licence.

STAMP DUTY

390. **Mr BAKER** (on notice) asked the Treasure: How much stamp duty revenue additional to the Budget estimate will be received by Treasury during 1983-84 as a result of the current increase in house prices and what action, if any, will be taken to minimise the impact of such charges on the home buying public?

The Hon. J. C. BANNON: The stamp duties office does not keep separate records of revenue from duty on house transfers. The figure for stamp duty on conveyances includes duty in respect of all real propety transactions (industrial, commercial, pastoral, residential, etc.) and also includes duty in respect of transfers of other types of property.

ALICE SPRINGS-DARWIN RAIL LINK

392. **Mr BAKER** (on notice) asked the Premier: What particular compensation has been sought by the Government for the loss of the Alice Springs-Darwin rail link?

The Hon. J. C. BANNON: The member is referred to my reply to a question without notice on Tuesday, 20 March 1984.

HOPE ROYAL COMMISSION

396. **Mr BAKER** (on notice) asked the Minister of Community Welfare, representing the Attorney-General: When will a copy of the Attorney-General's submission to the Hope Royal Commission be provided to members of Parliament?

The Hon. G.J. CRAFTER: The Government's submission to the Hope Royal Commission was made public on 15 December 1983. However, reference was made in the submission to an agreement made on 2 September 1982 (i.e. by the Tonkin Government) regulating the relationship between ASIO and the Police Force of S.A. The terms of that agreement have not been made public. On 30 November 1983 I wrote to the Federal Government for its consent and approval to make the terms of the agreement public. Both the Prime Minister and I have intimated that we see no reason why the terms of the agreement should not be made public. However, because other States and the Northern Territory have identical agreements, the Prime Minister has sought their respective views on the publication of the agreement.

As at this time those views have not been forthcoming and, therefore, unless and until unqualified Commonwealth permission is given, this aspect of the S.A. Government's submission will not be made public. Three (3) copies of the submission—less the 1982 agreement referred to—have been provided to the Parliamentary Library. Because of the limited quantity printed, a copy will not be provided to every member of Parliament.

SGIC

422. **Mr BECKER** (on notice) asked the Premier:

1. What is the share portfolio of the State Government Insurance Commission and in relation to each shareholding, what are the details of:
   (a) the prices paid;
   (b) the reason purchased;
   (c) average purchase price; and
   (d) current valuation, indicating profit or loss to date?
2. What shares have been sold in the past three years and what capital profit or loss was made?

The Hon. J.C. BANNON: In terms of section 12 (1) *(b)* of the State Government Insurance Commission Act, the Commission transacts business according to the manner in which other insurance offices conduct their business. Investment income is an important ingredient in the overall conduct of the business of insurance. SGIC's competitors are not required to and do not publish information of the type sought in respect of their investments and, in terms of section 12 (1) *(b)* of the Commission Act, the Commission is not required to make this information available. However, the following details are published in the Commission's audited accounts:

SHARES LISTED ON THE STOCK EXCHANGE

As at 30.6.82		As at 30.6.83	
Cost Price:	$16.421M.	Cost Price:	$34.304M.
Market Value:	$15.789M.	Market Value:	$37.453M.

WOMEN'S ADVISER

426. **Mr BECKER** (on notice) asked the Premier:

1. How many applications were received for the position of Women's Adviser and how many were from persons with academic qualifications?
2. What salary, allowances and conditions are attached to the position?

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

1. 32 applications were received—23 of which were from persons with academic qualifications.
2. Salary: $43 305 (no allowances).

Conditions: Some out-of-hours work and country and interstate visits are involved. A temporary appointment for a 12-month term only can be made to this position.