HOUSE OF ASSEMBLY

Wednesday 18 April 1984

The SPEAKER (Hon. T.M. McRae) took the Chair at 11.45 a.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

David Jones Employees' Welfare Trust (S.A. Stores),
Maralinga Tjarutja Land Rights,
Parliamentary Salaries and Allowances Act Amendment,
Trustee Act Amendment (No. 2).

APPROPRIATION BILL (No. 1), 1984

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts out of the Consolidated Account of the State as were required for the purposes set forth in the Supplementary Estimates of Payments for the year ending 30 June 1984 and the Appropriation Bill (No. 1), 1984.

SUPPLY BILL (No. 1), 1984

His Excellency the Governor, by message, recommended the House of Assembly to make provision by Bill for defraying the salaries and other expenses of the several departments and public services of the Government of South Australia during the year ending 30 June 1984.

PETITION: TEACHERS

A petition signed by 28 members of the school community of Coorara Primary School praying that the House urge the Government to convert all contract teaching positions to permanent positions; establish a permanent pool of relieving staff; improve the conditions of contract teachers; and improve the rights and conditions of permanent teachers placed in temporary vacancies was presented by the Hon. Michael Wilson.

Petition received.

PAPER TABLED

The following paper was laid on the table:

By Hon. J.W. Slater, for the Minister of Community Welfare (Hon. G.J. Crafter):

Pursuant to Statute—

Corporate Affairs Commission—Report, 1982-83.

QUESTION TIME

ANOP SURVEY

Mr OLSEN: In view of the categorical and corroborated statement by Miss Marie Hartwig that blatantly political questions were asked during an ANOP market research commissioned by the Minister of Health and funded by South Australian taxpayers, will the Premier sack the Minister of Health for misleading Parliament? The Minister of Health has maintained in Parliament that only one political question was asked during this market research about his approval rating. In answer to questions in this House, the Premier has supported the Minister's version.

However, in the *Advertiser* and on radio news services this morning, Miss Hartwig, of Pooraka, revealed that she was one of the many people who took part in the survey and that not one but a series of political questions was a component of that survey. The survey included questions about voting intentions and the performance of the Government and the Premier. The fact that voting intention questions were asked is corroborated by information contained in the report tabled in Parliament last Thursday by the Premier. Further, the staff of the Minister of Health have openly discussed the fact that the survey also revealed that the most significant reason for the Minister's disapproval rating was his pro-marihuana stand. Despite the attempts of the Minister and the Premier to cover up the matter, further information which has become available during the past 24 hours clearly demonstrates beyond doubt that Parliament has been misled by the Minister.

The Hon. J.C. BANNON: No, I will not. I think this whole issue has been quite ridiculously beaten up by the Opposition in a most extraordinary way.

Members interjecting:

The SPEAKER: Order! The question is very serious and was heard in silence. I ask that the answer be heard in silence, too.

The Hon. J.C. BANNON: I suppose that the seriousness of the question is something that will have to be judged from outside. This business has gone on in the most ridiculous way for too long. Nothing has been said and nothing that I have heard since answering other questions on this matter makes me alter my view of the matter at all. It is clear that some form of voting preference question must have been asked, if one examines the document that was tabled.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The extraordinary thing about this is that I understand that the document was flourished yesterday by the Hon. Robert Lucas, the Liberal Party's polling expert, in some abortive urgency motion in another place—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: The Hon. Mr Lucas said that he had some dramatic new evidence to present that put beyond doubt this question of voting preference. With that, he flourished the new evidence which turned out to be the full report tabled in another place last year. I suggest that both the Hon. Mr Lucas and indeed the Leader of the Opposition are pretty slow readers! They have finally woken up and got around to the report. However, whatever methodolgy was used by the pollster, there is no table set out and no information was given about specific voting intentions. That has been said throughout. Therefore, I think that disposes of that issue once and for all.

The question of the issues that were canvassed, again, was a matter for the pollster concerned. The Minister of Health has acknowledged that the matter of his personal approval rating was included in the survey. He has made that quite clear. Therefore, nothing that Miss Hartwig said, in my view, has altered the position at all. I cannot question the validity of Miss Hartwig's statements, her recall, or whatever, and I do not know that that is really possible. I did hear Miss Hartwig talking about this on one of the radio stations and—

Members interjecting:

The SPEAKER: Order! The honourable Premier.

The Hon. J.C. BANNON: She certainly made it clear that her response to the survey would not have helped the Minister of Health's approval rating. She was asked whether she supported the calls for him to resign. She said, 'Well, I thought that about him a long time before I got this questionnaire.' So, obviously, as I say, her response—

Members interjecting:

The SPEAKER: Order! The whole House is behaving in a disorderly fashion. The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker. Obviously these answers do not satisfy our friends opposite. It is interesting that, of all the great issues of the day and all the matters that could have been considered by this Parliament over the past four weeks, it is this ridiculous nonsense, and we had to suffer a couple of weeks of that extraordinary business about pub licences for the TAB, and no doubt there will be more of this sort of thing. I suggest that, if we are to talk about polls, we do not need to take polls: they are published regularly, and I suggest that part of the Opposition's pursuit of this matter is because of what it is seeing in those polls.

The Leader of the Opposition and Mr Peacock have something in common in relation to polls, and I would suggest that perhaps the Leader ought to talk to the member for Davenport about whether he will continue to brief the press on the status of the Leader, the Party and the polls that are published. So, we do not have to bother about them and I am surprised that they are even being raised. Let me finish by saying that it is about time we were done with this ridiculous issue. What the Government paid for, in terms of a very valuable and important survey, the Government got. It has been tabled: it has been published. I am reminded that, this being Holy Week, if we are going to get more questions on that, I would refer honourable members opposite to Matthew chapter 6 verse 7, about vain repetition.

Members interjecting:

The SPEAKER: Order! Before calling the next question, I am advised that questions directed to the Minister of Aboriginal Affairs should be directed to the Minister of Mines and Energy, and questions directed to the Minister representing the Attorney-General to the Premier.

HEAVY VEHICLE ADVISORY COMMITTEE

Mr PLUNKETT: Can the Minister of Transport say whether a body is constituted to advise the Minister on matters affecting the heavy transport industry in South Australia?

The Hon. R.K. ABBOTT: Yes. The heavy vehicle industry is complex and there are many matters on which it would be helpful to have considered advice from the industry. With that in mind, I have recently reconstituted and expanded what was the Heavy Vehicle Advisory Committee. It will now be called the Commercial Transport Advisory Committee, in line with its broader scope of operation. The new membership is as follows: K. Thomas (Chairman of the new committee, Department of Transport); J. Ledo (Highways Department); B. Lucas (Commercial Vehicle Industry Association of South Australia); I. Curran (Western Hauliers Pty Ltd); K. Cys (Transport Workers Union); B. Frazer (Bus and Coach Association); C. Benson (Road Traffic Board); A. Scott (Scott Transport Industries Pty Ltd); R. Long (R.C. and B. Long, logging contractors); G. Andrews (United Farmers and Stockowners of South Australia Incorporated); and D. Cheek (South Australian Road Transport Association Incorporated).

I can give the House the terms of reference of the committee. The Commercial Transport Advisory Committee will advise the Minister of Transport on matters relating to the operation of heavy vehicles in South Australia, including vehicle limits, weight, dimensions, etc.; permits for the operation of non-standard vehicles and/or loads; vehicle inspections for safety purposes, including load and dimension limits; registration of vehicles, including concessions; separate registration of prime movers and trailers, bases of registration charges; carriage of dangerous goods and securing of loads; and the relevance of the proposed National Road Freight Inquiry to be undertaken by the Commonwealth Government.

That committee comprises members who are well experienced and who can contribute advice to the Government on the operation of heavy vehicles in South Australia. It is expected that it will take the initiative in putting forward matters which will be of considerable benefit and will improve the operation of heavy vehicles and commercial motor vehicles in South Australia. I understand that the committee will be meeting for the first time early in May. In view of some of the criticism that has been levelled, particularly at Highways inspectors, I can refer a number of those concerns to the committee so that recommendations can be made to me, as Minister, in an endeavour to overcome the many problems raised.

ANOP SURVEY

Mr OLSEN: Will the Premier initiate an immediate inquiry by the Auditor-General into expenditure authorised by the Minister of Health on an ANOP opinion poll into drug related matters to determine whether or not any misuse of taxpayers' money has occurred? The matters I raised in my first question to the Premier have shown beyond doubt that a series of political questions was asked during the survey, which cost South Australian taxpayers $32 000. The Premier has had the opportunity to have these matters investigated by bringing them to the notice of the Auditor-General under section 12 of the Audit Act. That Act would also allow the Auditor-General to call for relevant information from ANOP to determine whether or not questions relating to voting intentions and the performance of the Premier and the Government were asked in that survey. A statutory declaration from Miss Marie Hartwig clearly indicates that, as part of the survey by ANOP, the questions to start the survey were:

1. Whether I knew the name of the State Minister of Health.
2. Did I approve or disapprove of his performance as Minister.
3. Approval or disapproval of the Premier's performance.
4. Intention to vote at the State election.
5. Intention to vote at the Federal election.
6. How I voted at the last State election.
7. How I voted at the last Federal election.
8. What good things the Government had done—

I understand that Miss Hartwig said in an interview that she could not think of any—

9. What bad things the State Government had done.

I understand that Miss Hartwig could respond positively to that question. Clearly, Miss Hartwig has furnished a statutory declaration to indicate that, as a component of that market research survey commissioned by the Minister of Health, those nine questions were a preamble to the 40-odd questions concerning drug related matters.

Section 13 of the Audit Act allows the Auditor-General to require people to appear before him and to produce accounts, documents and papers. In addition, in the report tabled by the Premier in Parliament last week, on page 2, Mr Cameron, the ANOP pollster, clearly indicated that there were no other side surveys done with this survey; that is, it was a single client survey. Miss Hartwig has confirmed that in the single client survey political questions—nine of them—

were asked for the client. I therefore call on the Premier to investigate the matter as one of urgency.

The Hon. J.C. BANNON: Nothing has been shown beyond doubt, as the Leader attempts to state. Secondly—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Order! In the face of a large gallery of schoolchildren, I would suggest that a significant number of members are tending to behave in a very disorderly fashion, and I call them to order. The honourable Premier.

The Hon. J.C. BANNON: Thank you, Mr Speaker. This is a pitiful performance—

Members interjecting:

The Hon. J.C. BANNON: —and I hope that the future generations of voters who are observing it do not believe that Oppositions always behave like this. It certainly is an extraordinary performance. Let me begin again. Nothing has been shown beyond doubt. The Government got the survey material for which it paid and which it tabled in Parliament. I do not intend to refer the matter to the Auditor-General.

Members interjecting:

The SPEAKER: Order! The member for Henley Beach.

SP BOOKMAKING

Mr FERGUSON: Does the Minister of Recreation and Sport support the Federal Minister for Communications, Mr Duffy, in his initiating an independent review into allegations that Telecom officers had not co-operated with law enforcement agencies in combating SP bookmaking?

The Hon. J.W. SLATER: Yes, I do support the proposed inquiry into Telecom initiated by the Federal Minister for Communications. This has been a matter of concern over a period and has been discussed at Police Ministers' conferences and discussed at length at the Racing Ministers' conference in November last year. It was unanimously resolved by all State Ministers that a letter should be directed to the Federal Minister expressing concern and asking him to take whatever action was possible regarding the co-operation of Telecom employees with law enforcement agencies in respect of illegal bookmaking.

This matter also has been referred to in previous reports, and members may recall that the matter was referred to in the Costigan Report. I certainly support the Federal Minister's setting up an inquiry and appointing a QC to conduct that inquiry. I think we all realise that nowadays most illegal bookmaking is carried out by telephone, and it will certainly be advantageous if in any way at all the inquiry can eliminate or minimise the effect on the community of SP betting.

ANOP SURVEY

The Hon. E.R. GOLDSWORTHY: Will the Premier arrange to have tabled in this House all the questions and responses obtained by ANOP during the market research survey commissioned by the Minister of Health and conducted between 27 August and 4 September last year? Last Thursday the Premier told the House that he was not aware of the full range or scope of the questions asked during the course of that survey. However, in view of information that has come forward indicating that blatantly political questions were asked as part of the ANOP survey funded by South Australian taxpayers, the Premier has a responsibility to further investigate the matter and, in particular, to have produced in this Parliament all the questions asked in that survey.

The Hon. J.C. BANNON: I am not in a position to do that. The questionnaire which the Government commissioned has been tabled. I do not see that there is any further action that can or need be taken.

ACCOUNT PREPAYMENT

Mr KLUNDER: Will the Minister of Mines and Energy investigate the possibility of establishing some form of universal prepayment system to help people on low and fixed incomes meet periodical accounts rendered from such organisations as Telecom, ETSA and Sagasco? In a letter to the Editor of the *News*, published on 11 April, a Clarence Gardens resident called for the establishment of a stamp payment system, similar to the one operated by Telecom, in which the stamps could also be used to pay gas and electricity bills. Since the suggestion appears to be a most practical method of enabling people to regularly put money aside to meet these bills when they arrive, I ask the Minister to comment.

The Hon. R.G. PAYNE: I particularly want to thank the honourable member for raising this matter, because it is an extremely important one. Many people in the community find increasing difficulty in meeting their periodical accounts from both the Government and other utilities. The letter in the *News* aroused my interest and, as a result, I sought an opinion from the Electricity Trust on the practicalities of a universal voucher scheme for the prepayment of such accounts. The Trust responded by saying that if such a scheme were introduced it would see no difficulty in participating. However, the Trust also pointed out that it already has its own prepayment voucher system, developed in conjunction with the Department for Community Welfare, to assist consumers who were having difficulty in budgeting. Currently about 200 consumers are making use of that voucher system. The details of that system are quite interesting, and I am sure members of the House would be interested to hear them.

Consumers taking part in the scheme receive a book of prepayment vouchers from the Electricity Trust and are able to pay amounts of $10 and above at any Trust office in the State or at any branch of the five major banks operating in the State. If any scheme is able to be developed, it would probably need to accommodate amounts of less than $10 for it to be of assistance to many people in the community, anyway. All payments in advance are credited to the consumer's next electricity account, which will show the amount paid in advance as a deduction from the amount charged for electricity consumed. If payments in advance exceed the amount charged for that current account, the credit balance is retained and is used to reduce the amount of the consumer's next account. The Trust quite logically pointed out that at this stage the introduction of a universal voucher scheme would require Government support before it could be introduced.

It is my own view that most of the difficulties would result from trying to develop a common prepayment system embracing a Commonwealth authority like Telecom, a State authority like ETSA, and Sagasco, a company listed on the Stock Exchange. In addition, such a large-scale scheme could involve some administrative costs, and the question of who should meet these would arise. It might be that some interest component from the amounts deposited in advance could be directed towards that end, and, therefore, the scheme should not necessarily founder on that basis. I think that this is an excellent idea that originated in the *News* earlier this month, and I propose to try to follow up on that matter.

I will have discussions with the Minister of Community Welfare to see whether such a scheme could be implemented.

ANOP SURVEY

The Hon. MICHAEL WILSON: Will the Premier table in this House the contract or agreement signed between the Government and ANOP for the market research commissioned by the Minister of Health and conducted between 27 August and 4 September last year, together with all the accounts received for this survey and all the records of payment made to ANOP?

The Hon. J.C. BANNON: I will consult with my colleague the Minister of Health on that matter, as this was commissioned through the Health Commission, and I will see what is available. Cabinet authorised it, but the actual contractual arrangements were made with the Health Commission. I am quite prepared to take that up with the Minister. I am not sure whether there are problems in relation to confidentiality, for instance, but I will investigate that.

Mr Speaker, no doubt there are other questions on this somewhat tedious issue, but I must apologise that I have to leave the House. I am in fact 15 minutes late for a meeting with the Prime Minister of Australia at which I will be discussing some issues of substance to the State, and I wish the Parliament would do the same.

PEACE MARCH

The Hon. PETER DUNCAN: Will the Deputy Premier, as Minister of Emergency Services, institute an urgent inquiry into the events of last Friday night during the seventh annual 'reclaim the night' anti-rape march and bring down a report to this House? Last Friday approximately 700 women took part in a 'reclaim the night' march through the streets of Adelaide. The organisers put out the following statement, indicating the purpose of the march:

> 'Reclaim the night' is a peaceful march against rape, held annually throughout the world. It means many different things to the women who march. It says rape isn't an individual act of terrorism against women, but that it is a common theme throughout the lives of many women. Society, in its many forms, tells women to not dress 'provocatively', 'lock up your house', 'stay at home at night', 'don't talk to strangers', etc. So in fact 'women restrict your lives and you'll be safe'. This we know is a myth, as women are raped not only by strangers but by husbands, friends, lovers, fathers, acquaintances.
>
> We say society must change, men who rape must change and that we will not restrict our lives. We will not only reclaim the night, but also the day and our right to freedom. The march is for women, because women are the ones who are subject to the fear of being raped. It's at night because the fear, not necessarily the reality of rape, is greatest after dark. It's in Hindley Street, because sexual harassment is consistently experienced on the streets and particularly in Hindley Street. We will show the world our solidarity and strength of united womanhood, confronting the *status quo* and saying—'enough'—our freedom will not be limited, violence in all its forms against women must cease.

As will be now known to members, this march, which started out as a peaceful protest (as can be seen from that statement I just read out, it was clearly the intention of the marchers to have a peaceful protest), ended with violence and the arrest of nine women on charges ranging from loitering to assault. Since Monday morning I have received numerous phone calls and approaches from people who were either in the march or who observed Friday night's proceedings. All those people have detailed their concern to me over the behaviour of the police who attended the march. Members will also have read a report in this morning's *Advertiser* which refers to a complaint to be made to senior police by a person referred to as the spokesman for the Women's Emergency Shelter, Ms Lenga. That complaint, as it is reported in the *Advertiser,* says that it is alleged that police:

> Backed a vehicle into a group of demonstrators without warning.
> Used excessive force during arrests.
> Gave inadequate protection to marchers.
> Assumed there would be violence during a traditionally peaceful march and used plainclothes police to make arrests.

It continues to outline other details, but I will leave that for anyone who is interested to read the concluding details of that article.

It has been put to me that since the 1970 moratorium, after which police behaviour was criticised by a Royal Commissioner, policing of peaceful civil actions has been generally very satisfactory in South Australia. However, in view of the widespread concern over police behaviour last Friday night, the time has come to again review police behaviour at such marches and, in the light of this and the Police Commissioner's absence from the State last Friday, I ask for an urgent inquiry to be instituted and for the report to be brought down in the Parliament.

The Hon. J.D. WRIGHT: I did not know until the member for Elizabeth told the Parliament that the Police Commissioner was out of the State. I, too, was out of the State last Friday attending a Youth Ministers' conference in Sydney and I was not aware of these events until some time Monday morning, although I arrived home on Sunday night. However, I am now aware, having read newspaper reports and having spoken to people about it. Incidentally, no-one has telephoned me complaining about police conduct. If people have telephoned my office, I have not been informed about it, which is rather abnormal in those circumstances because, when events of this nature occur, they usually produce a flow of telephone calls to my office.

No-one has complained to me personally about this, although in the few weeks since I have been Minister of Emergency Services people have complained about other matters. However, in view of the member's concern and his information about public anxiety, I will ask for a special report. Again, I rely on my short experience in this field, but it is normal at such times for the Police Commissioner to provide the Minister with reports about incidents such as the Glenelg riot and another incident that occurred during the week at one of the parlours in the State, as a result of which I immediately received a report on my desk. I have expected a report from the Police Commissioner about the matter to which the honourable member referred, but in view of his concern I will ask for a special report and provide him with an answer.

WAROOKA PRE-SCHOOL CENTRE

Mr MEIER: Can the Minister of Education tell me whether the Warooka Pre-school Centre will receive an additional half-time teacher in the new financial year—that is, from 1 July 1984? Recently, the Secretary of the Warooka Pre-school Centre, Mrs W.A. Manuel, received a letter dated 26 March 1984 from the Director of Education and Care of the Kindergarten Union of South Australia, which states:

> Dear Mrs Manuel,
>
> I wrote to you earlier regarding the funding of the Warooka pre-school programme. The Kindergarten Union has now received word from the Minister of Education that Warooka will be funded through the Education Department for a half-time teacher from 1 July 1984. Now that we have this official confirmation, I felt I should write to you as Secretary of Warooka Pre-school Centre, so that you can negotiate the changeover with the Education Department staff and Mrs Amstey who you employ with the Kindergarten Union funding. I am very pleased that you will have the Education Department support and I wish you all the best for the future success of the programme.

That letter was signed by the Director of Education and Care. At about the same time a letter was received by the Secretary of the Warooka School Council, Mrs R. Hayes, from the Minister of Education dated, I believe, 27 March (but the date stamp is a little hard to read), which states:

Dear Mrs Hayes,

You wrote to me recently urging consideration for the funding of a pre-school teacher for Warooka. It is possible that since writing, you may have been made aware of the following. I have agreed in principle to the establishment of a pre-school centre at Warooka. It will be done when funds are available and to this end there is a 1984-85 budget submission for a 0.5 teacher. Consideration of that submission will be taking place during the coming months. I will advise you of the outcome as soon as possible.

These conflicting views have caused considerable uncertainty at Warooka. One moment people are told a definite 'Yes', and the next moment they are told that the matter is being considered. Who is right?

The Hon. LYNN ARNOLD: I advise the member for Goyder that in a case like this he should really ask who is the Minister of Education—the member in this place or the Director of Educational Services of the Kindergarten Union? I suggest that I am the Minister of Education and that therefore he should take the statements made in my letter as the statements that in fact represent the situation with regard to Warooka. The 1984-85 Budget does indeed have a submission before it for the Warooka pre-school and until such time as we know what resources are available to the Government, as anyone who has had anything to do with budgeting would know, we will not be able to say exactly what the response will be at this stage.

HOUSING DESIGN

Mrs APPLEBY: Does the Minister of Housing and Construction have means available to assess what precautions are taken into account in the design and construction of housing in this State in relation to safe design and, in particular, child safety in housing design? A report in yesterday morning's paper titled 'Trendy homes endanger children' makes a very valid point. It states:

'Trendy' homes can produce an extremely dangerous environment for children, according to one of Australia's leading authorities on child accidents, Dr A.M. Clarke. 'In trendy, modern homes the emphasis is on appearance rather than on safe living. They are designed to please the adult,' he said. 'For example, stairs, balconies, banisters, glass doors, partitions and windows,' he said. 'Most of us regard the house as a place of safety and security yet house accidents account for a total number of fatalities second only to traffic accidents. A safe house is not necessarily one that is full of protective gadgets. It is much more likely to be one which has been carefully designed from the outset for the full enjoyment of those who will live and play in it. 'Passive measures provide the most effective prevention. By passive measures I mean ones that protect the individual automatically without any action on his or her part.'

The Hon. T.H. HEMMINGS: As the honourable member said, the article was particularly concerned about 'trendy' homes. The Housing Trust, which is charged with providing public housing in this State, and through which I, as Minister of Housing and Construction, have most input, is concerned with modestly priced family homes. Although the Trust's house designs are of a very high standard, it cannot be said that it is building trendy homes. Rather, the Trust is building most needed family homes with practical designs. The Trust builds with child safety in mind. In particular, it attempts to provide the maximum possible observation for parents from the kitchen area. It provides 'childproof' poison cupboards, and special tracks for sliding doors to prevent door jumping which can result in injury.

No large areas of glass are used, generally. Where glass doors are installed, obscure glass is always used to ensure the door is visible, even to children. All stairways and balconies are built to required building legislation and designed with the child in mind. In short, I can assure the member for Brighton that the public sector is indeed concerned with child safety rather than trendy appearances. I hope that this public warning from the Child Accident Prevention Foundation will serve to alert all builders and designers to the risk.

RAILWAYS MAINTENANCE

The Hon. D.C. BROWN: Will the Minister of Transport—

Members interjecting:

The SPEAKER: Order! We do not need to discuss which Minister it is. The honourable member for Davenport.

The Hon. D.C. BROWN: Will the Minister of Transport investigate why maintenance crews of the State Transport Authority—

Members interjecting:

The Hon. D.C. BROWN: I will start again.

The SPEAKER: Yes. The honourable member for Davenport.

The Hon. D.C. BROWN: Will the Minister of Transport investigate why maintenance crews of the State Transport Authority use noisy ballast compaction equipment adjacent to residential areas on railway lines at 3 a.m.? Will he issue an instruction that such equipment should be used only during normal working hours? Yesterday, someone complained to me that such maintenance work, using extremely noisy compaction equipment—and in fact I understand that the machine makes a noise substantially greater—

Mr Hamilton: It's a figment of your imagination.

The Hon. D.C. BROWN: The honourable member says that it is my imagination. I understand that the Minister's office has already had this complaint referred to it. I shall certainly pass on to the person who lodged the complaint that the member opposite does not take it seriously.

Mr Hamilton: I do take it seriously.

The Hon. D.C. BROWN: From what the honourable member has said, it is quite clear that he does not. If it is any help to the honourable member, the complaint came from a member of the news media who actually had this piece of equipment go past his home at 3 a.m. He lives adjacent to the railway line between Brighton and Seacliff. Upon making inquiries he was told that it is the normal practice of the State Transport Authority to carry out such maintenance work during the middle of the night. It is not carried out on Sunday mornings because the State Transport Authority cannot afford to pay overtime wages to allow such work to proceed then. That is why it is done in the middle of the night, disturbing people who live adjacent to railway lines. Therefore, I ask the Minister to issue a clear instruction that such work in the middle of the night be stopped, particularly when it is adjacent to residential areas.

The Hon. R.K. ABBOTT: The Deputy Premier is not the only Minister who has been bullied by the member for Davenport. He is also bullying me, and I wish that he would pick on someone his own size. It is true that we have received complaints about this operation, and following the complaints I received I did have it investigated and—

Members interjecting:

The SPEAKER: Order! Can we return to the reply? The honourable Minister of Transport.

The Hon. R.K. ABBOTT: Some complaints have been received that a track laying or ballasting machine has been working on the STA line between Brighton and Seacliff at 3 a.m., causing some residents to complain. The STA operates track maintenance and ballasting machinery extensively during the cooler months of the year. It operates at these

times because hot weather causes extensive distortion of the line if reballasting is done during the summer. The maintenance crews work between midnight and 6 a.m., as this is the only time the lines are free of traffic and essential maintenance work can be carried out without interruption to services.

This pattern of work has been standard practice to the STA for many years, even during the former Government's time in office. Before work is commenced at a location advertisements are taken out in the local press to warn people that such work is being carried out and to apologise for any inconvenience to residents. There are very few complaints received about this work. They would average about one a month, and the operation is moving on all the time, so, it might be in one area on one night, then it moves along that track and affects people in another area. However, this is the most cost effective way of doing the work and I do not think that it is necessary to have an investigation into it.

Members interjecting:

The SPEAKER: Order! I think that the Minister has hammered home his point.

PORT ROAD PLANTATION

Mr HAMILTON: Can the Minister for Environment and Planning say what action the Government intends to take to upgrade the plantation strip along Port Road between Bower Road, Old Port Road, Webb Street location east of Port Road and Woodville Road at Woodville, and what restrictions have been placed on the use of this land by the State Planning Authority? Following a number of complaints and requests from constituents, I inspected the aforementioned strip of land recently. That inspection revealed disused tennis courts, run-down bridges and fences, a large open drain, and unsightly and run-down car parks.

After that inspection I contacted the Town Clerk of the City of Woodville (Mr Doug Hamilton), who stated in part that the cost of upgrading and closing the drain and the beautification of the strip would cost approximately $10 million. Moreover, he advised that the Government had placed certain restrictions on the use of this land for car parking facilities, thereby inhibiting its use for such activities and denying business houses in the area the opportunity to expand their business.

The Hon. D.J. HOPGOOD: Some time ago the Government set up what is called the Port Road Beautification Committee, which is a joint committee of the municipalities of Thebarton, Port Adelaide and Woodville, together with representatives of certain Government departments and Jubilee 150. The Department of Environment and Planning has employed on contract a project officer to develop for the approval of that committee a scheme for a tree and shrub planting programme and general improvement of the amenity of the area. It is not possible at this stage to cost the scheme. Once a recommendation is before the committee, costing will proceed, although the Government would want to put a reasonable level of resources into it.

We did not have $10 million in mind, I assure the House, and the specific matters which the honourable member has raised with me are matters that I will take up with my officers as part of our general overview of the area. No specific planning controls have been introduced at this stage that would impinge upon the project. However, it is anticipated that there would be some undergrounding of services which would, of course, assist in the general elevation of the amenity of the area. So, I thank the honourable member for his question and I will obtain advice on the specific matters which he has raised.

STA CONCESSIONS

Mr BAKER: Will the Minister of Transport further consider the situation regarding concession card holders using STA buses and trains towards the end of the free transport period? I have had representations from people in my area concerning the problem which arises when buses are running late towards 3 p.m., and I have brought this to the Minister's attention. Between 9 a.m. and 3 p.m. the bus system is well utilised by concession card holders, including the unemployed, pensioners, people on sickness benefits, and so on. If the buses are running late (and there are quite often examples of where they do run late) at 3 p.m., although that bus may have been due to arrive at 2.55 p.m., for instance, the STA has a policy that everyone who boards that bus after 3 p.m. has to pay the appropriate fare, and in the case of concession card holders it may be as little as 30 cents.

Nevertheless, these people have planned the trip on the basis of the Government's policy that free transport will be available between 9 a.m. and 3 p.m. Two alternatives were brought to my attention. First, the Minister could issue a statement to the STA to the effect that, if a bus was due to arrive at or before 3 p.m., those people who are holders of concession cards be able to take that trip under the circumstances provided, namely, free of charge. Alternatively, the Minister in all honesty should issue a statement to the public so that passengers are aware that, if they board a bus after that time, although they have made arrangements to catch an earlier bus, they will be subject to the 30 cents fare and in some cases will have to set apart an extra half hour to ensure that they do not have to pay.

The Hon. R.K. ABBOTT: I will take account of what the honourable member has said and bring down a considered reply for him.

SECURITY ALARMS

Mr MAYES: Will the Minister of Community Welfare ask the Minister of Consumer Affairs in another place to give urgent consideration to introducing legislation to establish licensing for people selling or installing electronic security alarm systems and quality control regulations for security alarm systems? A number of constituents in my area have raised with me a problem confronting them of constant and continued interruption and disturbance to their peace and harmony caused by the triggering of commercial security alarms as a result of a failure of the alarm system, and not caused by an intruder.

One resident has kept a record of the number of occasions and the times when the alarm in particular premises has gone off. That resident informed me that on one Saturday afternoon the alarm went soon after closing time (around 1 p.m.) and recurred until the early hours of the following morning. As a consequence a number of residents have personally told me that their patience is wearing thin.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. I believe that this matter has also been raised by the member for Albert Park. Indeed, I imagine that complaints have been made to the electorate offices of most members concerning problems associated with noise and other inconvenience caused by faulty alarm systems. This matter, among others, was considered by a working party that reviewed the Commercial and Private Agents Act. The Minister of Consumer Affairs has released the working party's report for discussion, and the Government intends to legislate in this area in the near future. I will make available to the honourable member the report of that

working party and any other information that may be available to the Minister on this matter.

PROSTITUTION

The Hon. H. ALLISON: Is the Minister of Community Welfare aware of statements recently reported in the media by a Salvation Army officer at Pooraka that some homeless young men and women were being forced to prostitute themselves in their search for accommodation? If so, has the Minister initiated an inquiry into this desperate problem? Has the Minister or any of his personal or departmental staff yet contacted that Salvation Army officer to co-ordinate action, establish the facts or investigate and ascertain the needs of those homeless young people known to him?

The Hon. G.J. CRAFTER: I have not seen that article to which the honourable member refers. Perhaps he might like to provide me with a copy of it. I do not know whether officers of my Department have received a copy of the publication to which the honourable member refers. The question is of a similar nature to questions being asked in the Victorian Parliament. The general problems associated with young homeless people are well known to me and officers of the Department for Community Welfare and, indeed, to the Youth Bureau, the South Australian Housing Trust and other non-government agencies working in this area. This matter came under discussion at the recent Social Welfare/Community Welfare Ministers' meeting in Perth and is currently under active consideration by the Commonwealth and State Governments. I shall be pleased to investigate this specific issue.

TEACHER COMPLAINT

Mr KLUNDER: Can the Minister of Education say whether or not allegations made by parents, including an alleged threat by a teacher in a South Australian school to shoot their son, have been thoroughly investigated? Has any action been taken against the teacher involved in those allegations? These matters received wide publicity on the Jeremy Cordeau show last week, as well as in the *News* this week as a result of remarks made by the member for Flinders. Can the Minister clarify the issue?

The Hon. LYNN ARNOLD: I can certainly clarify the issue. I was a little concerned at the attitude of the member for Flinders, from whom I would have expected a better approach to a matter such as this. It is a matter of concern. Indeed, the shadow Minister of Education heard about it some months ago and wrote to me wanting to know the full situation. I thought that that was an entirely appropriate way of handling the matter. Issues like this can be inflamed and certainly need to be properly examined.

The matter has been fully examined on a number of occasions. The initial complaint was made in October last year, when the situation was investigated by an officer of the Central Northern Region Office. That did not substantiate the claims made. Following that the parents complained direct to me as Minister, and upon receiving that complaint in November I asked the Regional Director to personally look into the matter. He did so and again found that the claims were not substantiated. Earlier this year the matter was further pursued when the parents concerned wrote to the Ombudsman. The Ombudsman contacted the Education Department which, after a thorough investigation, provided all the details in reply. On 28 March the Ombudsman advised the Director-General of Education as follows:

I am satisfied that the departmental inquiry into this matter took account of the relevant factors in reaching a conclusion.

Both the Director-General and I have received letters from parents and staff at the school who have lamented the actions that have taken place and indicated that there is no substance to the allegations; in fact, they support the teacher in question. I repeat that this comes from parents and staff at the school. Only one family has made these complaints, which have been unsubstantiated by others. I understand that the parents in question have responded to a legal letter on the matter withdrawing some of the allegations they made.

I accept that there was a serious personality clash at the school and do not wish to deny that: that was certainly the case. However, every effort has been made to investigate it in October and November last year and earlier this year, and the matter has been the subject of ample discussion at the school base level. The result of that is that the teacher in question has been unfairly abused. It must be a matter of grave concern to staff and parents at the school that the educational climate at the school has been under this kind of buffeting and attack for some considerable time.

I do not believe that there is any purpose in any further investigation being pursued. It is absolutely refuted that there was a threat made against the child's life or that there was a rifle at the school. In fact, if that refutation is not accepted by the parents, I suggest that they would be best advised to take other action through the police, if they wish. No other thorough investigation of the matter has found any evidence to support the allegations made. I do not know how often one has to keep re-investigating the matter because someone chooses to raise the issue again and again.

HERITAGE BUILDINGS

The Hon. D.C. WOTTON: Can the Minister for Environment and Planning specify what action the Government intends taking to assist owners of heritage buildings listed on the Heritage List who are facing extreme difficulties in preserving such buildings under private ownership? The owner of Hennig's barn at Hahndorf, which I understand the Minister and most people in the State will recognise as the structure on the exterior colour supplement that the *Advertiser* put out to start Heritage Week, is experiencing extreme difficulty in retaining that building. In fact, the owner, who has recently been widowed, is anxious to sell the structure. She is paying high rates, and I understand that the local council has asked her to either demolish the structure or renovate it to a certain standard.

The owner is now keen to sell the block and barn but, of course, is having difficulty in doing so because the structure is on the State Heritage List. I am aware that people come from far and near to paint pictures of the barn and am also aware of the heritage significance of the structure. The fact is that the owner is not in a position to pay for having the barn upgraded, and the whole matter has become a very real concern to that person.

The Hon. D.J. HOPGOOD: I thank the honourable member for his question. I certainly share his concern. The honourable member would know that the normal mechanism here would be to apply for a heritage agreement through which funding would be available. It is not clear to me whether or not an application has been made or whether it is appropriate in the circumstances.

The Hon. D.C. Wotton: I don't think it's appropriate in the circumstances.

The Hon. D.J. HOPGOOD: I will take advice on it. I certainly will make officers of my Department available to the honourable member's constituent to discuss the matter directly.

VERTEBRATE PESTS

Mr TRAINER: Will the Minister for Environment and Planning say what remedies exist for a noise nuisance created by vertebrate pests, namely, crows in a residential area? Yesterday a constituent of mine in Aldridge Avenue, Plympton Park, approached my office with an unusual complaint, namely, distress caused by noise from crows which had settled in the nearby park.

I understand that crows are a species which was introduced into this country and are probably classified as vertebrate pests, although that classification would normally relate to their nuisance to agriculture rather than their nuisance in a built-up area. My constituent is distressed by their noise, although I personally do not find that sort of background noise particularly objectionable, as it is so reminiscent of the sounds of the great Australian outback. However, my constituent objects to the crows 'carrion' on in the park, as the noise disturbs her concentration on her studies, and it upsets her sleep. Indeed, she feels that the incessant noise is enough to send someone 'raven' mad! Will the Minister get to the 'caw' of this matter?

The Hon. D.J. HOPGOOD: I doubt very much whether the noise protection legislation would impact on this matter. If the honourable member's constituent could somehow find a predator (or possibly some sort of chemical preparation could be applied to the tree or trees in which these birds are living), that could have the effect of chasing them away. Alternatively, the honourable member might like to nominate any one particular public figure who could be used as a scarecrow in the area, and that in itself might do the job.

At 12.53 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

ROAD TRAFFIC ACT AMENDMENT BILL, 1984

Adjourned debate on second reading.
(Continued from 12 April. Page 3616.)

The Hon. D.C. BROWN (Davenport): Primarily this Bill extends the period of operation of the existing random breath test legislation from 18 June this year to 1 June 1985. The Government has seen fit to extend the operation of the legislation because currently a Select Committee of the Legislative Council is looking at the operation of random breath testing and how its efficiency may be further improved. I indicate from the outset that the Liberal Party supports this extension: after all, it was the Liberal Party which moved to set up the Select Committee of the Legislative Council. From the middle of last year the Minister has indicated that he was about to announce a committee of review on random breath testing. I think the first promise was made as early as about May last year; a further promise was made during the Budget Estimates debates. I asked the Minister for the details of the terms of reference, and he read them out.

At that time I asked for certain alterations to be made, and I asked the Minister to indicate when the membership of a review committee would be announced. However, the Minister did not bother to take any action at all. This is yet another one of those problems that the Government seems to have, and I refer in particular to the Minister responsible for this matter who has allowed this issue to roll on and on. So, it was the Liberal Party that had to step in and set up a committee comprising members of the Upper House. The Minister then sat back and said that, as a Select Committee had been established, the Government would accept that as constituting the committee of inquiry originally promised by the Government. I am not decrying the wisdom of that decision, because I think it was the right thing to do. However, it just shows how slow and inept the Minister is with respect to carrying out the responsibilities given to him by this Parliament.

The Hon. R.K. Abbott interjecting:

The Hon. D.C. BROWN: I am simply pointing out to the House how incompetent the Minister is in regard to certain matters. I appreciate the opportunity that the Minister so often affords me by coming over and consulting on matters with me and seeking the wisdom of the Liberal Party for the purpose of helping him out of a dilemma.

The DEPUTY SPEAKER: Order! I would appreciate it if the honourable member could indicate to me how his comments relate to the Bill before the House.

The Hon. D.C. BROWN: I am indicating our support for the Minister on this matter, because it was the Liberal Party which set up the Select Committee to examine random breath testing. Can I say that we will continue to provide that wise counsel to the Minister, and we look forward to his continuing to seek such advice from this side of the House. The Bill does two things: first, it extends the period of operation of the random breath test legislation, as I have already explained; and, secondly, it requires that the Commissioner of Police now report on the anniversary of the initial introduction of the legislation. Initially, there was a requirement for the Commissioner to report on the operation of the legislation on the first, second and third birthdays, but that has now been extended and it is now necessary that he report on it on an annual basis.

Random breath testing has now been taken up in a number of States: Victoria, South Australia and New South Wales, as well as the Northern Territory. I compliment the Premier on his setting up of a seminar on road safety, as I think that that action was timely. As a result of that seminar, it became quite clear that random breath testing could be extremely effective provided the procedures were properly administered. I think it is clear that in South Australia the effectiveness of random breath testing has diminished rather sadly over the last year or so, and it is apparent that a review of its operation in South Australia is needed. Quite obviously, random breath testing in South Australia has not had the same impact as it has had in New South Wales or Victoria. It is estimated that in New South Wales the random breath testing operation has reduced the death toll by at least 20 per cent.

It is interesting to note, too, the figures comparing the death rate on the roads in those States that have introduced random breath testing and in the States that have not. The figures show that for last year alone in the States that have adopted random breath testing a 20 per cent reduction in the death rate occurred in 1983, compared to a reduction of only 10 per cent in those States that have not adopted random breath testing. I think that that highlights how effective random breath testing has been in reducing the death toll throughout Australia in one year alone.

I know that members of the present Government were perhaps strong critics of random breath testing when it was first introduced, although I believe that the Labor Party was critical for purely political reasons. I was disappointed at the stand that the Labor Party took in the period 1980-82 when random breath testing was being debated, introduced and applied in this State. I am delighted that the present Government has rethought this issue—that it now appears, at least on the surface, to support random breath testing and that it is now prepared to take some action to improve its operation. I support the Bill.

Mr BLACKER (Flinders): I, too, support this legislation. This is a short Bill designed simply to extend the time for the operation of random breath testing. Although a report has been made to the Government questioning the worthiness of random breath testing, it also indicates some flaws in the present arrangements. For instance, it has been indicated that many people are evading the random breath testing units operating on main roads by diverting from their route and using side streets. It disturbs me that the report has indicated that the accident rate in side streets had increased by some 40 per cent—that is a phenomenal amount. I do not know whether or not that is attributable to random breath test units but, even if it is partly attributable, that supports the argument of having the units sited on a random basis, on side streets as well as on main roads.

[*Sitting suspended from 1 to 2 p.m.*]

The Hon. R.K. ABBOTT (Minister of Transport): I thank the Opposition for supporting this measure. The Government supported the setting up by the Legislative Council of a Select Committee to review random breath testing. It considered that, rather than duplicate the committee's work, it should offer every assistance to the committee. The Government has also decided to provide position papers for use by the committee, and in those papers we suggest seven or eight matters relating to random breath testing that we considered would help it. This material came from the Road Safety Research Division that I recently established within the Department of Transport. The provision of the information in those papers, prepared by independent expert consultants from around Australia, could cost about $30 000. Therefore, members can see that the Government is treating this review seriously. We will co-operate with the Select Committee in every possible way.

The member for Davenport made a few comments to which I must respond. In his typical grandstanding fashion, the honourable member seemed to derive great joy from criticising me for my alleged incompetence but, if I were as incompetent as is the honourable member, I would think about drowning myself. I am sorry that my parents, who have passed on, were only pensioners and did not have the money to send me to university or to a private college. I feel sad that the honourable member must raise this kind of issue: almost every time that he rises to speak he talks about my incompetence and that of the Government. I am sorry that I did not have the education that the honourable member was lucky enough to have. Perhaps his parents could afford that education much more than my parents could.

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

CLEAN AIR BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 10 (clause 33)—After line 25 insert new subclauses as follow:

(7) This section does not apply in relation to an odour arising from an operation or process carried on outside the metropolitan area or a township, being an operation or process—

(a) of a winery;

or

(b) related to animal husbandry or poultry farming.

(8) In this section—

'the metropolitan area' means the part of the State that is comprised of—

(a) Metropolitan Adelaide as defined in Part IV of the Development Plan under the Planning Act, 1982;

and

(b) the areas of the City of Adelaide and the Municipality of Gawler.

'township' means township as defined in the Local Government Act, 1934.

No. 2. Page 11, line 7 (clause 35)—After 'occupier,' insert 'or a genuine attempt on the part of the Minister to consult with the occupier,'.

No. 3. Page 15, line 7 (clause 47)—Leave out 'section 14' and insert 'under section 14 *(a)* or *(b)*'.

No. 4. Page 15, lines 23 and 24 (clause 47)—Leave out 'hearing of the matter to which the appeal relates' and insert 'full review of the decision or notice the subject of the appeal'.

No. 5. Page 21, line 17 (clause 62)—After 'complaint' insert 'and that the odour was offensive or caused discomfort'.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

The first amendment, in effect, exempts an area outside the defined metropolitan area and the Municipality of Gawler. In fact, the area defined in the amendment is exempt from the odour provisions of the Bill. The area still subject to the legislation comprises metropolitan Adelaide as defined in Part IV of the Development Plan under the Planning Act, 1982, and the areas of the City of Adelaide and the Municipality of Gawler. The concern here related to the odoriferous effects of wineries, poultry farms, piggeries, and animal husbandry in general.

The Government believes that this matter is adequately covered in the sense that three conditions must apply before prosecutions can be launched: first, a complaint has to be laid; secondly, it has to be demonstrated in court that the odour from premises is in excess of what one would normally and reasonably expect from such premises; and, thirdly, it is a defence in court to plead that the excessive odour resulted from a malfunction over which the people running the plant or other establishment had no reasonable control.

However, it seems to us that, in fact, country people at this stage would prefer not to have the protection contemplated by the legislation. Therefore, the Government has accepted the amendment moved in another place, I believe, by the Hon. Lance Milne to so exempt them. Nevertheless, I believe that in time we will receive requests from country people to extend the ambit of the legislation to cover certain areas that are now being precluded from the effects of the legislation. However, Parliament can address that matter at the appropriate time.

The other amendments are rather more limited in their scope. The second amendment, which inserts certain words after 'occupier', seems to be merely a tidying up of the wording in clause 35. The third amendment seems to me to be a reasonable extension of the right of appeal. The fourth amendment is a little more obscure in its meaning. It strikes out 'hearing of the matter to which the appeal relates' and inserts 'full review of the decision or notice the subject of the appeal'. I refer to the way this amendment relates to the Bill as it was passed by this Chamber. Clause 47 (5) would now provide:

An appeal under this section shall be conducted as a full review of the decision or notice the subject of the appeal.

This reopens the matter *de novo* and in law is a little easier on the appellant than would have been the case had the verbiage remained in the Bill as it left this place. The Government has no objection to that course of action. Amendment No. 5 clarifies or ties down a little further the circumstances in which a complaint is issued. The Government regards all five amendments as not unreasonable and urges their acceptance on the Committee.

The Hon. D.C. WOTTON: The Opposition supports the amendments moved in another place. I am pleased that the Upper House has seen sense in relation to these amendments, particularly in regard to clause 33. During the second reading

debate the Opposition made clear that concern was being expressed in country areas, including my own district, about this matter. We will wait and see whether the Minister's prediction is right that in time country areas will look to be included under the provisions of this legislation. I doubt that will happen because I believe that it is legislation that relates particularly to the metropolitan area and built-up areas.

The Liberal Party is still not pleased with the legislation as it comes before the Committee. In fact, since the previous debate the Environmental Law Association has made it clear that the legislation itself is totally unworkable. That point was made during debate in this place and in another place, but it is not the time to debate that now. The Opposition totally supports the amendments.

Motion carried.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 4)

The Legislative Council intimated that it had agreed to the House of Assembly's consequential amendments.

ROAD TRAFFIC ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendments Nos 3 and 5, to which the House of Assembly had disagreed, and that it had agreed to the alternative amendment made by the House of Assembly in lieu of the Legislative Council's amendment No. 3.

HEALTH ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PLANNING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PUBLIC INTOXICATION BILL

Received from the Legislative Council and read a first time.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this short Bill is two-fold. First, it will repeal the Alcohol and Drug Addicts (Treatment) Act and abolish the Alcohol and Drug Addicts (Treatment) Board as a statutory body. This will leave the way clear for the Board to be replaced by a Drug and Alcohol Services Council, to be incorporated under the South Australian Health Commission Act. Secondly, the Bill will modify the public drunkenness protective custody system previously legislated, so that the repeal of the offence of public drunkenness can finally be given effect.

Turning to the Alcohol and Drug Addicts (Treatment) Act, honourable members may be aware, as the Report of the Royal Commission into the Non-Medical Use of Drugs in South Australia observes, that until 1961 the treatment of alcoholism and other forms of drug dependence in South Australia was the responsibility of the Mental Health Services, which had a specialised unit at Hillcrest Hospital. At that time suggestions were made that a separate treatment agency was required for such cases and that neither mental hospitals nor prisons were appropriate centres for the treatment of dependence. In April 1961, the then Government formed an advisory committee to consider creating centres for the reception, care, control and treatment of alcoholics and drug addicts. The committee recommended the establishment of centres, independent of prisons or mental hospitals, to which alcoholics and addicts could be committed compulsorily. Legislation to implement the recommendations was passed in 1961.

Implementation of the Act, however, was delayed pending the construction of a large treatment centre. In 1964, following the recommendations of other committees, the Act was amended. The amendments provided for the creation of a Board consisting of three members in place of a single director, and for the Board to cater for voluntary as well as involuntary patients, at such institutions as might be approved by the Minister. The committees favoured abandonment of the proposed large treatment centre, which was never built. The Act was finally brought into force in 1965 and in 1966 the Board started its service. The Board has since expanded its services, partly by creating its own facilities, and partly by funding existing voluntary agencies. The Act has, however, remained in its earlier form. It provides for a quite complex system of designating committal centres and voluntary centres (as well as sobering up centres), and for the admission to and detention of patients in those centres. It reflects an authoritarian and institutional approach to the problems of drug dependent persons. In practice, these provisions have never been used.

The most recent inquiry to address the Alcohol and Drugs Addicts (Treatment) Board and its services is the 1983 Inquiry into Mental Health Services in South Australia under the distinguished chairmanship of Dr Stanley Smith. That committee recognised that the Act's 'treatment and discipline' approach took no account of factors essential for modern day, effective and comprehensive delivery of services, for example, education, training, programme evaluation, monitoring and research. The committee recognised that the Board itself considered its legislation to be anachronistic, and supported the Board's endeavours to have its charter updated. The manner in which the Board's charter might be updated was addressed in some detail by the Smith Committee. It was recognised that, since the passage of the Alcohol and Drug Addicts (Treatment) Act in the 1960s, the South Australian Health Commission has been established. The Health Commission is the statutory authority with the primary functions of rationalising and co-ordinating health services and promoting the health and well-being of the people of this State. Services to that end are generally provided by health units incorporated under the South Australian Health Commission Act, funded by the Commission and accountable for that expenditure to the Commission.

The Alcohol and Drug Addicts (Treatment) Board, as a statutory body itself, sits anomalously outside this system. It has no clear statutory relationship with the Commission, yet it provides health services of a particular kind and receives funds from both State and Commonwealth sources. The Smith Committee believed there were compelling reasons for change. Specifically it recommended:

that the Alcohol and Drug Addicts (Treatment) Board be incorporated under the provisions of the South Australian Health

Commission Act, while allowing it to retain substantial independence. This would obviate the duplication which often arises with separate statutory authorities with overlapping interests, and the corollary problems of areas 'falling in the cracks' and receiving inadequate attention from either body. It would also ensure direct access by the Board to resources which exist within the South Australian Health Commission—such as health promotion, data analysis and epidemiology.

The Bill before honourable members today therefore provides for the repeal of the Alcohol and Drug Addicts (Treatment) Act. It provides for staff and assets, rights and liabilities of the Board to transfer to a new Drug and Alcohol Services Council, which will be an incorporated body created under the South Australian Health Commission Act. It is made clear that the staff of the disbanded Board will go over to the new council without any reduction in salary or interference with leave rights.

The Board will work with the Minister and the Health Commission in developing a constitution for the new organisation appropriate to the 1980s and beyond. It is hoped that the new body will come into existence to coincide with the beginning of the next financial year. The Government regards this as an important step in revamping and strengthening South Australia's alcohol and drug services. The new council will have a vital role to play in implementing the Government's drug abuse strategy.

It will continue to develop as an authoritative resources and information centre on matters relating to the misuse and abuse of alcohol and other drugs. Its educational role, in conjunction with other bodies, will be strengthened. It will be the principal resource for the alcohol and drug-related monitoring, evaluation and research activities. It will promote specialised education and training for occupational groups likely to be concerned with issues relating to alcohol and drugs. It will, at this stage, retain its facilities for treatment of patients, pending the development of alternative resources in the general hospitals, as recommended by the Smith Committee. The Government acknowledges the rationale of Smith's recommendation that alcohol and drug addiction treatment should be integrated into the general health care delivery system. It recognises that this will be an evolutionary process, which must be accompanied by appropriate education and training programmes.

The second aspect to the Bill is the modification of the public drunkenness protective custody system. Indeed, since the Alcohol and Drug Addicts (Treatment) Act is to be repealed, it is necessary to restate the public drunkenness provisions, with modification, in this legislation. Honourable members will recall that in 1976 Parliament passed an amendment to the Police Offences Act to repeal public drunkenness as a criminal offence. The Alcohol and Drug Addicts (Treatment) Act was also amended in that year to introduce a protective custody system, enabling police to apprehend persons drunk in a public place and to take them to an appropriate place, without treating them as criminals. The amendments to that Act were found to be inadequate in 1978 and modifications were passed by Parliament in that year.

The amendments to the Police Offences Act and the Alcohol and Drug Addicts (Treatment) Act are not yet in force. Last year, when their implementation was considered, problems were found to exist with the amendments to the Alcohol and Drug Addicts (Treatment) Act. Section 29 of that Act provides for the police to take a person found to be drunk in a public place:

(a) home;
(b) if that is not reasonably practicable, to a sobering up centre;
(c) if that is not reasonably practicable, to a police station.

A person taken to a police station which has not been declared a sobering up centre would be able to be held there for only four hours. Thereafter the person must be released or transferred to a sobering up centre.

As the provisions of section 29a stand, a person would be able to be held at a sobering up centre (including a police station so declared) for:

(a) 18 hours;
(b) 30 hours with a medical certificate as to need;
(c) 102 hours with a court order.

There are several concerns in relation to the present amendments. In particular, the police are concerned that they are bound by the present amendments to take persons found to be drunk home as a first option, rather than to a police station. The police have sought flexibility of options as to where they take persons apprehended. In most cases, they would prefer to take such persons to a police station, and arrange for staff of the new council to pick them up and take them to a sobering up centre or home. Clause 7 (3) of the Bill therefore provides the flexibility of options sought by the police.

The police also saw practical difficulties in the fact that the present amendments enabled them to hold a person apprehended in a police station for only 4 hours, particularly in the country. Most country stations are not manned on a 24-hours per day basis. In simple practical terms, there may not always be a police officer available to release an apprehended person after 4 hours. It has been envisaged that this problem would be overcome by declaring most country police stations sobering up centres so that the periods for which a person could be held would be longer.

Under the present amendments, it would be possible to hold a person at a sobering up centre for 18 hours, in the first instance. However, this approach is open to criticism. It is really simply giving to a police station another more euphemistic name. Such a declaration does not bring with it any special treatment. It does however make it possible for a person to be detained against his will, without charge of an offence, for 18 hours at the very least, in what is still a cell, however characterised.

There is consensus between the police and Board officers that these potential periods of detention are unduly long. The police consider that 10 hours rather than 4 hours is the appropriate period for which a person should be able to be held at a police station. They agree that it is inappropriate to declare police stations sobering up centres, to acquire the power to detain persons for long periods. The Board prefers where possible to treat people on a voluntary basis and largely has managed to do so without a detention system.

For the few problem cases, the Board considers that a maximum of 18 hours, including the time for which a person is held at a police station, and at a sobering up centre, will be sufficient. Thus, under the Bill:

(a) the period for which a person may be held at a police station is extended from 4 to 10 hours (see clause 7 (4));
(b) only places with treatment facilities can be sobering up centres (see clause 5);
(c) the maximum period for which a person can be held at a sobering up centre is 18 hours, including time spent at a police station, and other detention periods are deleted (see clause 7 (5));

Two other important matters to which the attention of honourable members is drawn are clauses 5 (1) *(b)* and 7. Clause 5 (1) *(b)* enables the Governor to declare any substance to be a drug for the purposes of the Act. This means that volatile solvents (glue, petrol) could be declared at a later date if appropriate so that police would have the power to apprehend glue sniffers, and take them home or to treatment. The police have felt powerless to act in such situations, although they often encounter the problem.

Clause 7 makes special provision to protect children detained at a police station or sobering up centre. In particular, the parents must be notified if possible, and steps must be taken where reasonably practicable to keep children separate from adult offenders at police stations. In summary, the operation of the Act to repeal public drunkenness is long overdue. It is imperative that the problems with the protective custody scheme regarding persons under the influence of alcohol or other drugs be finally resolved, to enable the scheme to be implemented as soon as possible. It is also timely to implement the Smith Report recommendations with respect to the Alcohol and Drug Addicts (Treatment) Board.

Clauses 1 and 2 are formal. Clause 3 provides the necessary transitional provisions consequential upon the repeal of the Alcohol and Drug Addicts (Treatment) Act, the disbandment of the Board that operated under that Act, and the proposed establishment of a Drug and Alcohol Services Council as a health centre under the South Australian Health Commission Act. It is made clear that the staff of the disbanded Board will go over to the new council without reduction in salary or interference with leave rights.

Clause 4 provides various definitions. Clause 5 empowers the Governor to declare by proclamation premises that have treatment facilities to be sobering up centres for the purposes of the Act. He may declare by regulation substances to be drugs for the purposes of the Act. The Minister may appoint authorised officers. Clause 6 clarifies the fact that the Act applies to children as well as to adults.

Clause 7 provides for the apprehension of persons found in a public place under the influence of a drug or alcohol and unable to take care of themselves. A member of the Police Force or an authorised officer may exercise this power. Once apprehended, a person must be taken to one of four places, at the discretion of the member of the Police Force or authorised officer. The person may be taken home or to an approved place (for example, a shelter or hostel), and released from custody. Alternatively he may be taken to, and detailed in, a police station or a sobering up centre. The maximum time a person can be so detained is 18 hours, with no more than 10 hours being spent in a police station, and he must be discharged earlier if the person detaining him is satisfied that he has recovered sufficiently to take care of himself. The parents or guardians of a child who is detained must be notified, unless their whereabouts is unknown or it is not reasonably practicable to do so. Children detained in a police station must be kept separate, where possible, from adult offenders. A detained person may be discharged into the care of a solicitor, relative or friend of his before the expiry of his period of detention. He may also be discharged early for the purpose of medical treatment.

Clause 8 enables a person who has been detained under this Act to get a declaration from a special magistrate that he was not, at the relevant time, under the influence of a drug or alcohol. Such a declaration does not have the effect of rendering his detention unlawful. Clause 9 provides that a person may be transferred from one sobering up centre to another during his detention. Clause 10 provides that a person is in lawful custody while he is being detained in a police station or sobering up centre, or while he is in the custody of any person in whose charge he has been placed by the officer in charge of the station or sobering up centre. A person who escapes that lawful custody may be apprehended and returned to the place in which he was being detained.

Clause 11 provides an offence of ill-treating or neglecting a person while he is being detained. Clause 12 provides an offence of unlawfully removing a person from a place in which he is being detained pursuant to this Act, or aiding his escape. Clause 13 gives members of the Police Force and authorised officers the usual immunity from liability. Clause 14 provides that offences are to be dealt with summarily. Clause 15 provides for the making of regulations.

The Hon. JENNIFER ADAMSON secured the adjournment of the debate.

ENVIRONMENT PROTECTION (SEA DUMPING) BILL

Adjourned debate on second reading.
(Continued from 12 April. Page 3618.)

The Hon. MICHAEL WILSON (Torrens): In 1972, the Commonwealth signed an international convention on dumping waste at sea. It was known as the London Dumping Convention, and it prohibited the deliberate disposal at sea of waste or other matter from vessels, aircraft, platforms or other major man-made structures, except in accordance with the convention's provisions. In 1981, the Commonwealth legislated to give effect to this convention in Australia, and in particular there is power in this Act for the Commonwealth Minister to declare that State coastal waters may be exempted, provided that the Minister is satisfied that State laws make provision for giving effect to the convention in relation to coastal waters.

Unless South Australia introduces appropriate legislation, it would be bound by the Commonwealth legislation. It is desirable that the State make laws concerning its own coastal waters and not be bound by the provisions of the Commonwealth. The Bill before us seeks to do that, and in most respects it mirrors the Commonwealth legislation introduced by the Fraser Government. The impetus for this legislation came from a Marine and Ports Ministers' Council, attended by my predecessor, the Hon. Allan Rodda, representing this State. The work on this legislation began at that time. I remember briefly, while I was Minister, that the matter was mentioned, but I was unable to see any legislation.

The Opposition supports the Bill: it would be ridiculous if we opposed it. The Opposition believes strongly that South Australia should control its own coastal waters, but there are one or two differences between this legislation and the Commonwealth's legislation. One of the differences is that the Commonwealth legislation provides a defence against dumping and incineration of wastes at sea without a permit where it can be shown that the person who caused the dumping or incineration to take place was, in effect, doing that to save a vessel or human life in carrying out that action. Although there is a defence against dumping in this Bill, there is no defence against incineration at sea. It may well be that that is because we are dealing with coastal waters. I ask the Minister to look at that when we reach the Committee stage. As I have said, there is a difference between this legislation and the Commonwealth legislation.

Further, the Commonwealth legislation gives a person applying for a permit to dump wastes at sea the right to appeal against a decision of the Minister to the Commonwealth Administrative Appeals Tribunal. However, there is no appeal mechanism in our Bill that I can see. Although I am not allowed to discuss it at this stage, it is my intention to take that matter further in Committee, because I believe that persons should have the right to appeal against an administrative decision of a Minister. We will discuss that at greater length in a few moments time. Broadly, the rest of the legislation does mirror that of the Commonwealth. In particular, one section of the Bill provides:

No person may receive a permit to dump those particular substances that are contained in Appendix 1 of the convention.

The convention is attached to the Bill. Therefore, it is possible to read to the House those particular substances contained in Appendix 1, as follows:

1. Organohalogen compounds.
2. Mercury and mercury compounds.
3. Cadmium and cadmium compounds.
4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may float or may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.
5. Crude oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.

This Bill does not cut across the thrust of the Prevention of Pollution of Waters by Oil Act Amendment Bill, which was passed in this House not so long ago. Appendix 1 continues:

6. High-level radio-active wastes or other high-level radio-active matter, defined on public health biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.

7. Materials in whatever form (e.g., solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.

8. The preceding paragraphs of this annex do not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:
(i) make edible marine organisms unpalatable, or
(ii) endanger human health or that of domestic animals.
The consultative procedure provided for under Article XIV should be followed by a party if there is doubt about the harmlessness of the substance.

9. This annex does not apply to wastes or other materials (e.g. sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1-5 above as trace contaminants. Such wastes shall be subject to the provisions of Annexes II and III as appropriate.

I read that material into the record because the Minister's second reading explanation does not contain that detail. I believe it is important for honourable members to realise the seriousness of the substances with which we are dealing, some of which are extremely harmful. All members would remember grievous harm that was caused to citizens at one of the fishing ports in Japan as a result of the dumping of mercury into the sea.

The Hon. H. Allison: It was Minimata.

The Hon. MICHAEL WILSON: Yes, Minimata, as my friend from Mount Gambier reminds me. That gained worldwide publicity as a result of the effects of those compounds on people in that port. Therefore, the Opposition supports the contention that these substances should be banned. However, it is important to realise that there are some occasions when substances containing some of the elements that I read out will have to be dumped for safety reasons. One of the things that disturbs me a little about the State legislation is that it does not seem to contain the same safety provisions as are contained in the Commonwealth legislation.

In other words, if a vessel is in real danger and cargo has to be off-loaded to save the vessel or its passengers, it seems to me from reading the Bill that the owner of the vessel may well be held liable in certain instances. Finally, the Opposition supports the Bill and we will canvass the matters I mentioned in Committee.

The Hon. R.K. ABBOTT (Minister of Marine): I thank the Opposition, and particularly the member for Torrens for his contribution, for the support given to this measure. It is true, as the honourable member mentioned, that it is complementary legislation and mirrors the Commonwealth legislation almost throughout. It shows that the Commonwealth and State Governments are committed to the protection of both South Australian and Australian marine environment. We have legislation to cover the accidental dumping of polluting material at sea, particularly oil. This Bill covers the purposeful dumping of material, especially industrial waste.

The member for Torrens raised several matters, and he indicated that he intended to move an amendment. I do not want to discuss that now because it would be contrary to Standing Orders. We will deal with that in Committee. I do not think that it is necessary for me to say anything further. I understand that, in relation to appeal provisions, the Commonwealth has certain mechanisms established, but that is another matter about which we can talk in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Act to bind the Crown.'

The Hon. MICHAEL WILSON: The Crown is bound under this clause, but there is an 'out', because subclause (2) provides:

Subsection (1) does not affect any liability of a person in charge of a vessel, aircraft or platform of which the State is the owner to be prosecuted for an offence.

That means that a person in charge of a vessel owned by the Crown would be liable to prosecution under this clause, but that the Crown itself would not be.

I want to ask the Minister to explain that. I suppose that, if the Crown as the owner of the vessel would be bound, in that case the Crown would be suing itself. However, I would like clarification from the Minister as to why the operator of the vessel under this clause would be liable for prosecution but the Crown itself would not be.

The Hon. R.K. ABBOTT: My understanding is that clause 5 mirrors the Commonwealth legislation.

The Hon. MICHAEL WILSON: That is not the point. I am asking the Minister for an explanation of what that means. I do not really care whether or not it mirrors the Commonwealth legislation. In this regard, I want to ask the Minister why the Crown itself is not liable for prosecution, other than the fact that it would be prosecuting itself. If that is the answer, let the Minister say so.

The Hon. R.K. ABBOTT: It means that a servant of the Crown could be in this situation and liable under the legislation.

The Hon. Michael Wilson: I said that.

The Hon. R.K. ABBOTT: Yes. It is necessary for them also to receive a permit. I think that, in the dredging practices in which the Department becomes involved, very little material is dumped in South Australian waters at present, and what there is is reasonably innocuous. For example, the Department of Marine and Harbors, in dredging material from the Port channels, deals only with earth, sand and perhaps some sort of clay material. However, this Bill is a protection for the future, and a servant of the Crown could be liable.

The Hon. MICHAEL WILSON: The Minister still has not answered my question. If he just tells me that my understanding is correct, then at least we will know where we are because, as the Minister said, it mirrors Commonwealth legislation. However, it seems to me that an employee of the Department of Marine and Harbors could dump wastes at sea or breach this legislation and be liable for prosecution as a servant of the Crown, but the Crown itself, under clause 5(1), is not liable. In other words, the owner (being the Crown) is not liable, but the servant is liable. I have not tried to amend this clause because it is the same as the section contained in the Commonwealth legislation.

However, I find that difficult. If I can be assured by someone with legal training that it is unusual for the Crown to prosecute itself, then perhaps that is an answer. However, I do not like to see the situation where one could have an

employee of the Department of Marine and Harbors being prosecuted by the Crown, when the Crown itself is the owner of the vessel.

The Hon. P.B. Arnold: And carrying out an order.

The Hon. MICHAEL WILSON: And carrying out an order on behalf of the Crown.

The Hon. R.K. ABBOTT: The honourable member's assumptions are perfectly correct. The Department cannot fine itself and this mirrors the Commonwealth legislation.

Clause passed.

Clauses 6 to 8 passed.

Clause 9—'Defences to charge of an offence.'

The Hon. MICHAEL WILSON: This clause provides a defence to a charge under clauses 6 or 7 where:

> the dumping the subject of the charge was necessary to secure the safety of human life, or of a vessel, aircraft or platform, at sea . . . the dumping the subject of the charge was the only reasonable way of averting a threat to human life, or to the safety of a vessel . . .

I will not read out the whole clause. As I understand the Commonwealth legislation, the relevant section (which I think is section 15) provides that it is a defence not only if a person is charged with breaching the dumping provisions but also the incineration provisions, which are not contained in this legislation. I do not think that the Minister knows what I am going to say: I hope that he can hear what I am saying. It is a defence if the owner of the vessel was the holder of a permit granted by another country which is a party to the convention or the international treaty. It may well be that, because we are dealing with coastal waters in this legislation, that does not apply, but I would like clarification from the Minister as to why there is a defence against incineration at sea if the person charged has a permit granted by another country, whereas in the legislation with which we are dealing there is no such defence.

The Hon. R.K. ABBOTT: The honourable member is correct again. Section 15(2) of the Commonwealth legislation refers to the continental shelf, and clause 9 identifies the defences to a charge of an offence under clauses 6 and 7, that is, where there is expressed a judgment that a threat to human life or safety would be less than by the act of dumping. However, it is section 15(2) of the Commonwealth legislation and that refers to the continental shelf.

Clause passed.

Clause 10 passed.

Clause 11—'Incineration at sea.'

The Hon. MICHAEL WILSON: This clause deals with Annex I to the convention, and I want to compare this with the relevant Commonwealth section, which I think is section 14. I have read out the substances contained in Annex I of the convention, and this clause prohibits any of those substances being in this case incinerated at sea. It may well be that I have mistaken this for the other section, because I thought that the section in the Commonwealth legislation went wider.

The Hon. R.K. Abbott: They are identical.

The Hon. MICHAEL WILSON: It seems that they are identical: I agree with the Minister.

Clause passed.

Clauses 12 and 13 passed.

Clause 14—'Application for permit.'

The Hon. MICHAEL WILSON: If one turns to the Commonwealth Act, section 19 (5) provides:

> A permit for dumping or loading shall not be granted in respect of any wastes or other matter to which Annex I to the Convention applies except where, in the opinion of the Minister, there is an emergency posing an unacceptable risk relating to human health and admitting of no other feasible solution.

This is the matter I was thinking of on the previous clause. The prohibition in the State Bill is not as wide as that in the Commonwealth legislation. In the Commonwealth legislation the Minister may issue a permit where there is an emergency 'posing an unacceptabele risk'. Under this Bill the Minister cannot do that. I understand that he has to refuse to give a permit to dump any substances contained in Annex I.

The Hon. R.K. ABBOTT: My advisers say that the member has a point. We are prepared to look at it.

The Hon. MICHAEL WILSON: I though that I was right and I apologise for becoming confused when I spoke on the earlier clause. It is a fact that the State Minister cannot issue a permit under these circumstances, but the Commonwealth Minister can. Rather than trying to discuss amendments at this stage, if the Minister is prepared to give an undertaking that he will investigate the matter during the passage of this Bill to the Upper House, and then if necessary introduce an amendment, I would be happy to accept that.

The Hon. R.K. ABBOTT: Yes, that is acceptable. As a matter of fact, the Government was prepared to accept the amendment as proposed by the member.

The CHAIRMAN: Order! There is some confusion. The Chair should point out that, first, the member for Torrens was confused because he was mixed up with a certain clause. We are now dealing with clause 14 which concerns permits. I think that the Minister is now getting mixed up with the proposed amendment.

The Hon. R.K. ABBOTT: I understand now. We will look at it and suggest an amendment to the Upper House.

Clause passed.

Clause 15—'Grant of permit.'

The Hon. MICHAEL WILSON: Clause 15 (3) provides:

> A permit for dumping or loading for dumping shall not be granted in respect of any wastes or other matter to which Annex I to the Convention applies.

I know that I was wrong in referring to that matter on the last clause. If the Minister looks at the same provision in the Commonwealth legislation, which is section 19 (5), he will see that the Commonwealth legislation is somewhat broader in that respect. That is the area I would like him to look at while the Bill is passing between the two Houses.

The Hon. R.K. ABBOTT: I am prepared to do that.

Clause passed.

Clauses 16 to 24 passed.

Clause 25—'Powers of arrest of inspectors.'

The Hon. MICHAEL WILSON: This clause is a mirror of the Commonwealth legislation and I certainly have no intention of opposing it. In administering this legislation does the Minister intend to use police officers or hire more staff for the Department of Marine and Harbors to act as inspectors? If so, what is the extra cost to the Government of administering this legislation?

The Hon. R.K. ABBOTT: There will be no increase in staff. It is intended to use departmental personnel or police as inspectors if required.

Clause passed.

Clause 26 passed.

New clause 26a—'Appeal from refusal to grant a permit.'

The Hon. MICHAEL WILSON: I move:

Page 14, after line 40—Insert new clause as follows:

> 26a. (1) Subject to subsection (2), a right of appeal to the Supreme Court lies against a refusal of the Minister to grant a permit under this Act.
>
> (2) An appeal must be instituted within thirty days of the date of the decision appealed against, but the Supreme Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be instituted within that time.
>
> (3) The Supreme Court may, on the hearing of an appeal, exercise any one or more of the following powers:
>
> *(a)* affirm, vary or quash the decision of the Minister and make any incidental or other order that may be just in the circumstances;

(b) remit the matter to the Minister for his reconsideration;
(c) make any order as to costs.

When an application is made to the Minister for a permit for dumping at sea, the Minister may refuse that application. Under the Commonwealth legislation the aggrieved applicant may apply to the Commonwealth Administrative Appeals Tribunal for arbitration on the matter. In the State legislation there is no appeal provision. I have discussed this matter with officers (not officers of the Department, but officers), who tell me that the most logical way to introduce the appeal provisions in South Australia is for an appeal to go direct to the Supreme Court. I would have thought that the local court would be high enough for such an appeal.

As we do not have an administrative appeals tribunal in South Australia, I am informed that the correct method is to go straight to the Supreme Court. I accept that advice. So, the new clause gives a person the right of appeal to the Supreme Court against the Minister's refusal to grant a permit under the Act—it is as simple as that. I do not think I need to explain to the Committee the necessity to include in legislation provisions for rights of appeal. It is a right that we on this side of the Chamber believe in very strongly. I ask the Committee to support the Opposition's amendment.

The Hon. R.K. ABBOTT: As I indicated earlier, the Government is prepared to support the amendment. An appeal provision exists in Commonwealth legislation. I believe that an oversight has occurred in the drawing up of the Bill, and because we believe that there ought to be an appeal provision in it we are prepared to accept the amendment.

New clause inserted.

Remaining clauses (27 to 36), schedules and title passed.

Bill read a third time and passed.

FISHERIES ACT AMENDMENT BILL, 1984

Adjourned debate on second reading.

(Continued from 12 April. Page 3619.)

The Hon. MICHAEL WILSON (Torrens): This Bill is consequential on the Bill that the House has just passed and provides that a person who has a permit under the Environment Protection (Sea Dumping) Act, 1984, will not be subject also to restrictions imposed by the Fisheries Act. The Opposition supports the Bill.

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

APPROPRIATION BILL (No. 1), 1984

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act for the further appropriation of moneys from the Consolidated Account for the financial year ending 30 June 1984, and for other purposes. Read a first time.

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

That this Bill be now read a second time.

Members will be aware from explanations given at the introduction of Supplementary Estimates in recent years that the appropriation granted by the main Appropriation Act can be supplemented in four ways by:

Special provisions in that Act covering the cost of future salary and wage determinations and the cost of electricity for pumping water.

The transfer of appropriation from areas where savings have occurred to other areas where additional expenditure is necessary.

The Governor's Appropriation Fund.

Supplementary Estimates.

Supplementary Estimates have been introduced in previous years when the other means of appropriation have been insufficient to enable the Government to conduct its affairs throughout the whole of a financial year. They have normally been introduced somewhere in the period from March to June. Until the amendment of the Public Finance Act in 1981, the State's main accounts were conducted through separate Revenue and Loan Accounts. In those days, the provision for the Governor's Appropriation Fund was that the Treasurer had available to meet additional expenditures an amount equivalent to 1 per cent of the amount voted by Parliament for the Revenue Account expenditures in that year. For Loan Account, there was a great deal more flexibility and this was not expressed in percentage terms.

The amendment to the Public Finance Act in 1981 brought the Revenue and Loan Accounts together in a Consolidated Account and changed the provisions for the Governor's Appropriation Fund. The amount available to the Treasurer now to meet excess expenditures on recurrent and capital activities is equivalent to 3 per cent of the amount voted by Parliament for those purposes in the previous year. Under the old arrangements, it was necessary for the Government of the day to ask Parliament for Supplementary Estimates almost every year. The new arrangements give more flexibility and make it less likely that the Treasurer will need to ask Parliament for additional appropriation by way of Supplementary Estimates and a second Appropriation Bill. Nevertheless, in both 1981-82 and 1982-83, it was necessary to have Supplementary Estimates to cover heavy additional expenditure for particular purposes—for example, the gross payments on various natural disaster relief measures in 1982-83.

On present information, the Government would be able to manage its financial affairs comfortably for the remainder of the year and would have no appropriation problems unless there were a quite extraordinary event—for example, another major natural disaster before 30 June. Technically then, I believe that Supplementary Estimates are not necessary. However, there have been benefits to Parliament in having the opportunity for the kind of debate about financial matters which occurs when Supplementary Estimates and an Appropriation Bill are introduced. Accordingly, I have decided to follow the practice of introducing Supplementary Estimates and of giving an opportunity for the traditional financial debate.

The present financial situation of the State is best understood against the background of the financial position when we assumed Government, and in the light of the prospects for 1984-85 and later financial years. Members will recall that in December 1982 I made a Ministerial statement about the financial position and tabled a report which I had received from Treasury. At that stage we faced a large increase in the deficit on the recurrent side of the Budget and the prospect that the deficit for 1982-83 could exceed $100 million. Of even more concern were Treasury forecasts of deficits of about $100 million in each of 1983-84 and 1984-85 with the likelihood of further deterioration in 1985-86 following the loss of the benefits of the hospital cost sharing agreement. The records show that the recurrent deficit in 1982-83 was $109 million but some of the factors which led to it were markedly different from those which had been foreseen in December 1982. For anyone who wishes to refer back to this, a table on page 11 of my last Budget speech gives the details.

In September last year I presented to the House a Budget which forecast a deficit on recurrent activities of $33 million. Capital funds of $28 million were reserved towards financing this deficit which represented a significant reduction in the level of capital funds used to support recurrent activities

compared to Budgets of the former Government. The recurrent deficit was well below what had previously been expected due to a number of factors. These included the wages pause which began early in 1983 and the beneficial effects of which flowed into 1983-84, and the agreement of the Commonwealth Government to supplement the tax sharing pool in 1983-84 for one year only.

Nevertheless, we still faced a major problem and, as is well known, we took a difficult but responsible decision and introduced a package of revenue measures to help the recurrent budget. This enabled the Government to plan for a recurrent deficit which was manageable and, given the economic circumstances facing the State, responsible. It left us with a forecast deficit on Consolidated Account of $5 million after taking account of the $28 million of capital funds which had been reserved.

As the financial year has progressed a number of factors have combined to bring about variations in the forecasts made in the Budget last September. On present information, it seems likely that the recurrent deficit could be reduced by about $3 million to give a prospective result of about a $30 million deficit. This will mean that the Consolidated Account could end the year with a small deficit of $2 million following the application of the reserved capital funds to which I have already referred. Before I make any comment about the items which have changed, I would make three general points.

The main variations are based on our latest information to the nearest million dollars. This could convey a false sense of accuracy and I would point out that, with two months of the year yet to run, there could be further variations. A very small percentage movement on either the receipts or payments side (possibly both) of a Budget aggregating $2.6 billion could mean a quite large change in money terms in the deficit. It is not customary in this debate for the Treasurer to give a great deal of detail about every line which has changed. Because almost everything changes to some degree during the year, that would simply not be practicable. I propose to follow the established practice of commenting on only fairly large variations. In the normal course, a great deal of detail will be given about the final results for 1983-84 when I present the Budget for 1984-85.

Understandably, there could be some confusion between amounts of appropriation sought in Supplementary Estimates and impact on the Budget result for the year. They are not the same thing. When I come to mention the items of appropriation in the Supplementary Estimates, I will give a few comments to clarify this point.

As to recurrent activities, receipts seem likely to increase by about $23 million and recurrent payments by about $20 million. About $4 million of the increase on each side of the Budget is of items which more or less balance—including such things as additional receipts from the Commonwealth which have to be spent on specific programs, recharges between departments for services, and so on. Thus, the increases to be explained otherwise are of the order of $19 million for receipts and $16 million for payments.

The main improvement in recurrent receipts has been in the stamp duty area for which the continued improvement in real property transactions, further improvement in duty on annual licences for insurance businesses, motor vehicle registrations, share transactions, etc., and transfer of business interests seem likely to bring in about $20 million beyond what was expected when the Budget was framed. With the good rural season, it is now expected that many primary producers who have received carry-on finance will make repayments this year and receipts in this area could be up by perhaps $6 million.

On the latest revision of the factors which bear on the State's entitlement under the tax sharing arrangements, including the revision of the average increase in the CPI for Adelaide for the 12 months ended March quarter 1984, it seems that our allocation, which is based on a guaranteed increase of 1 per cent in real terms, will be increased by about $4 million. On the other hand, we now expect a shortfall in receipts of the Engineering and Water Supply Department as the mild summer has caused a reduction in water usage. Revenues could be down by some $5 million or more.

There have been many other small variations, including a shortfall of around $2 million in FID receipts due to the later than planned commencement and a reduction in royalties from the Cooper Basin, also of up to $2 million. It is also worth noting that both pay-roll tax and land tax are likely to be down by perhaps $0.5 million each. The marked degreee of variation from original estimate (for example, a big improvement in duties related to real estate transactions but no improvement, even a very small decline, in pay-roll tax) illustrates how the improvement in the economy (and consequently the effects on the Budget) are very uneven.

On the payments side of the recurrent budget, the biggest single impact relates to salaries and wages. The cost of all wage awards is now expected to be about $8 million in excess of the round sum allowance of $67 million provided in the Budget. This variation results mainly from the costs to the Budget of the successful anomalies case before the Full Bench of the State Industrial Commission earlier this year. The Commission decided that employees under clerical awards should be granted an increase to provide an equitable base for the operation of indexation. The Government opposed the increase before the Commission. This case was the first to be decided under the current wage guidelines. The principle established by the Commission is now being applied to other groups. The main impact of this increase, however, will be felt in 1984-85.

The remaining $8 million is made up of a number of relatively small items. These include the wider provision of electricity concessions to pensioners; the special costs incurred by the Police during the demonstrations at Roxby Downs; extra overtime in Correctional Services; additional costs for the Royal Commission examining the Splatt case; additional support to the Australian Dance Theatre as a result of a likely shortfall in funding by the Victorian Government; expenditure related to school security alarms; and the State's contribution to match Commonwealth funds for the bovine brucellosis eradication programme.

As to the capital side, it is still proposed to reserve $28 million towards recurrent deficits. As I have stressed, our policy is that the practice of using capital funds for purposes other than capital works should be phased out. The amount reserved was significantly reduced in 1983-84 and I intend to reduce it further in 1984-85.

At this stage it appears likely that capital payments in total will be increased by some $5 million, mainly in the areas of waterworks and sewers and recreation and sport. These additional expenditures will be covered by increased grants from the Commonwealth and by increased State funds made available out of the Recreation and Sport Trust Fund.

Looking ahead to 1984-85, the Government believes that a continuation of budgetary stringency will be necessary. On the one hand, the budget will have the benefits of the full year receipts from the package of taxation measures which we introduced during 1983-84 but, on the other hand, we seem likely to lose the special additional moneys which the Commonwealth made available in 1983-84: that is, additional to the normal tax pool which the Commonwealth said was for one year only. Further, we face the full year costs of the wage awards which have been given during the course of 1983-84. Also, while we are seeking the greatest

practicable offsets for the introduction of the 38-hour week in some areas, comparable with what has already been done interstate, there will be some net costs.

Looking further ahead, the year 1985-86 looms as one with large potential problems. The Grants Commission has been asked by the Commonwealth to undertake another exercise of review of State relativities for the purposes of the Commonwealth redistributing the individual States' shares of the tax pool from 1 July 1985 onwards. Naturally, we will be making the strongest possible case to the Grants Commission to highlight South Australia's needs for assistance, but we must contemplate the possibility of a finding which would have adverse budget effects for us. This again is a reason for our keeping a very tight control on the payments side of the recurrent budget. I seek leave to insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

As I have already pointed out, Supplementary Estimates are not technically necessary this year. However, in keeping with the Government's desire to facilitate the traditional Parliamentary debate I have selected three areas for inclusion in the Appropriation Bill. These are as follows:

- Minister of Health—S.A. Health Commission $7.5 million
- Minister of Education—Education Department $3.0 million
- Minister of Transport—State Transport Authority $3.5 million

For the Health Commission, the proposed appropriation of $7.5 million is made up of the following:

- $3.6 million for increases in the prices of various supplies and services beyond what was allowed for in the Commission's allocation.
- $1.7 million for the State's share of a possible shortfall in the amount of fees to be collected in 1983-84.
- $2.2 million being the State's share of additional expenditure in a number of areas. The total excess is likely to be about $3.1 million and Commonwealth grants will recover about $0.9 million of this.

For the Education Department, the proposed appropriation of $3.0 million is made up of the following:

- $2.1 million for increases in prices of various services and supplies and for payments for long service leave and terminal leave beyond the level provided for in the Budget.
- $0.9 million to cover programmes being financed by increased receipts from the Commonwealth.

For the State Transport Authority, the proposed appropriation of $3.5 million is made up of the following:

- $1.7 million for increased fuel costs, other price increases and increased long service leave payments.
- $1.5 million to offset lower payments from Australian National as a result of different patterns of use of tracks and facilities covered by agreement between STA and AN following introduction of the standard gauge railway into Adelaide.
- $0.3 million for increases in interest payments.

Of these items, a total of $9.1 million will require appropriation but will not mean a net impact on the original budget because they are coming, in effect, from the round sum allowance for increased prices and other contingencies. They include the first two items for the Health Commission, the first item for Education Department and the first item for the State Transport Authority. A further $.9 million, being the second item under Education Department, will require appropriation but will have no net impact on the Budget because it will be balanced by equivalent receipts from the Commonwealth. Only $4 million of the $14 million will both require appropriation and be a net impact on the budget. It is made up of the third item under Health and the last two items under the State Transport Authority.

Mr Speaker, it is with some satisfaction that I am able to report to the House at this stage of the financial year that the Budget is largely on course towards the forecasted result. Indeed, if anything it may be slightly better than expected. We have been helped by an upturn in some sections of the economy. However, I would also point out that such additional expenditure as did occur represents less than 1 per cent of the total payments in the Budget.

The Government inherited an extremely difficult situation at the end of 1982 and has had to take some very unpopular actions to ensure that the difficulties did not overwhelm the State. As I have stressed before, to not act as we did would have been grossly irresponsible. The State still faces major financial problems. As I have outlined, the pressure on our capacity to pay our way will increase over the next few years. Tight controls on expenditure must remain. Clauses of the Appropriation Bill (No. 1), 1984 are in the standard form. They give the same kinds of authority as the Act of last year. The components of the various Appropriations and their impact on the Budget can be set out clearly in tabular form, and I seek the leave of the House to have that table inserted in *Hansard* without my reading it. It is purely statistical.

Leave granted.

APPROPRIATIONS

	$ million			
	Total in Supplementary Estimates	Met from Round Sum Allowances	Matched by Receipts	Net Impact on Budget
S.A. Health Commission	7.5	5.3	—	2.2
Education Department	3.0	2.1	0.9	—
State Transport Authority	3.5	1.7	—	1.8
Total	14.0	9.1	0.9	4.0

The Hon. B.C. EASTICK secured the adjournment of the debate.

SUPPLY BILL (No. 1), 1984

The Hon. J.C. BANNON (Premier and Treasurer) obtained leave and introduced a Bill for an Act to apply out of Consolidated Account the sum of $360 million for the Public Service of the State for the financial year ending 30 June 1985. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It provides for the appropriation of $360 million to enable the Public Service of the State to be carried on during the early part of next financial year.

In the absence of special arrangements in the form of the Supply Acts, there would be no Parliamentary authority for payments required between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. It is customary for the Government to present two Supply Bills each year, the first covering estimated expenditure during July and August and the second covering the remainder of the period prior to the Appropriation Bill becoming law. I believe that this Bill should suffice until the latter part of August, when it will be necessary to introduce a second Bill.

Clauses 1 and 2 are formal. Clause 3 provides for the issue and application of up to $360 million. Clause 4 imposes limitations on the issue and application of this amount. Clause 5 provides the normal borrowing powers for the capital works programme and for temporary purposes, if required.

The Hon. B.C. EASTICK secured the adjournment of the debate.

SHOP TRADING HOURS ACT AMENDMENT BILL, 1984

Received from the Legislative Council and read a first time.

ADJOURNMENT DEBATE

The Hon. J.C. BANNON (Premier and Treasurer): I move:

That the House do now adjourn.

Mr GROOM (Hartley): I wish to refer to the extraordinary policy recently announced by the Federal Liberal Party. One can only presume that this is its State policy, also. An *Advertiser* report last Monday commenced with the headline 'Opposition would scrap Arbitration Commission' and stated:

> A total reorganisation of the wage-fixing system, including replacing the Arbitration Commission, is expected to be part of the Federal Opposition's new wages policy to be unveiled today.

The article continues:

> Under its wages policy, a Liberal-National Party Government would scrap the present automatic wage indexation.
>
> It is expected the new policy would seek to link wage increases more to market forces and industry's ability to pay.

Later during the day the policy was announced, and a report in the *News*, headlined 'Move on penalty rates', states:

> Penalty rates and holiday loading could be lowered in many industries under a Liberal-National Party Coalition Government . . . All other wages—including allowances 'holiday loadings and penality rates—would be decided after collective bargaining between employers and employees.

The fine print of the policy amounted to a lowering of people's wages and incomes. The *Financial Review* yesterday, in an article headed 'Opposition offers flexible pay—with risks', states:

> The Federal Opposition's industrial relations policy, finally unveiled yesterday, is possibly as radical a document as could be expected given the institutional limitations of Australian wage fixation, but retains substantial short-term pay blow-out risks.

The article states that it was 'to base national wage rises on national productivity movements, rather than price rises' in the future, and it continues:

> Mr Howard yesterday described the new policy as a 'significant march along the road to a far better system'.

Referring to Mr Crean, of the ACTU, the report states:

> . . . the Opposition policy would produce a spate of wage claims compared to the dampening of pay demands under the current system . . .
>
> Also, Mr Macphee [Liberal Party spokesman on industrial affairs] admitted that industrial disputes would increase under the Opposition's policy . . .
>
> The proposed tribunal could not consider over-award payments and could only award pay increases outside national productivity rises on the basis of genuine work value improvements in particular jobs.
>
> Employers could, with the unanimous agreement of their employees, register voluntary agreements to reduce their wages below award rates, subject to a 21-day period for objections.

That summarises the newspaper reports in relation to the Liberal Party's new industrial relations policy, and presumably it is supported by its State colleagues. In fact, it is a recipe for complete industrial disaster and would destroy Australia's economic recovery. From the outset, one presumes that it is putting a policy to the electorate at the next State election that it will lower wages in the long term, because the concession is that in the short term it will lead to an increase in wage claims. It would do that (if it were ever implemented) as everyone will make wage claims now, because the pressure would come subsequently for a lowering and reduction of actual wages, so some form of balance would be sought. It has the seeds of complete industrial disaster—

Mr Becker: It will force side arrangements.

Mr GROOM: I do not know what type of side arrangements it would foster, but in the short term there will be a massive upturn in industrial disputation. If one started with a policy of lowering penalty rates, holiday loadings and all sorts of benefits, one can imagine the reaction in industries by employees when suddenly applications are taken to the Commission *en masse* cutting out those benefits that have been won over many decades. It is inevitable that there will be an upturn and an increase in industrial disputation. Because employees and their representative unions are faced with a prospect of a policy that will result in lowering wages at least in some sections of industry, of course they will get in first and make wage claims.

One cannot help but draw the analogy to what occurred to Stanley Bruce in the 1920s. Leading a conservative coalition, he won the 1928 election without telling the people and in 1929 he decided to completely scrap Australia's arbitration system. He announced a policy and, indeed, introduced legislation under which he would scrap the Federal arbitration system and hand it all over to the States. Under the Federal awards, people had won substantial benefits, and the net effect of that was really the same as the Liberal Party is doing now: the effect of Stanley Bruce's policy was really to lower wages, because State awards at that time were out of kilter with Federal awards in many industries.

The effect of that type of policy of scrapping the whole Federal arbitration system and handing it over to the States was to lower wages and conditions, and even members of his own Party voted against that policy when it was introduced in Parliament. That action led to the fall of one of the most conservative Prime Ministers ever, because he went to the polls on that type of policy, with the net result that he was soundly defeated at the 1929 election, when the Scullen Government took over. There is something of a reverse situation here, because the Liberal Party is not in office but in Opposition.

The one inescapable conclusion is that the Federal Liberal Party has no doubt that it will lose the next Federal election, and I certainly believe that to be the case. It is imposing on the current Opposition Leader a policy which is completely unworkable and one which will lead to his rejection. One can only see it as a clever device on the part of Mr Howard to ensure that he succeeds Mr Peacock after the next election, because the policy is not sensible or practicable: it is a recipe for industrial disaster and a policy being presented to the electorate of lowering wages. How on earth they expect the electorate to swallow that is beyond anyone's imagination. One would have expected from a conservative Party such as the Liberal Party that this type of policy would win some support from employer organisations, but it has not. The editorial of the *Financial Review* was quite scathing.

Mr Becker interjecting:

Mr GROOM: I suggest that the honourable member read the editorial in yesterday's *Financial Review*. It stated that the Federal Opposition's policy 'is the kind of wages policy you have when you are not having a wages policy'. The article continues:

> The problem is that they have not yet come to terms with the fact that their business constituency is equally deficient, and for too long has preferred empty rhetoric to genuine bargaining. . . . the problem with the new policy is that it is so obviously a product of the conservative nice guys in the Party, and so obviously does not come to terms with the real problems facing wages policy.

To suggest that when a prices and incomes policy is working in the community and when Australia is on the road to economic recovery—and that is being reflected in unemployment figures and profitability of companies—this type of policy is completely inexplicable.

The Liberal Party quite clearly appears to have a self-destruct mechanism in much the same way as Stanley Bruce had when he went to the people on one of the most ridiculous industrial policies ever. One can only rationalise the new policy as emanating from a belief in the Liberal Party that it will not win the next election, and this is one way to ensure that the current Leader of the Opposition will be replaced by Mr Howard. But, it is very sad when in this day and age a political Liberal Party throws up a policy such as this.

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

The Hon. TED CHAPMAN (Alexandra): A couple of weeks ago the Minister of Transport tabled a report in this Parliament. I do not have a copy of it with me at the moment, but I think it was identified as the *Troubridge* Report. In any event, despite the notation on its cover, that report related to two subjects: one involved a series of recommendations that the Government was proposing for a vessel to replace the m.v. *Troubridge*, to ply between the mainland and Kangaroo Island, and possibly Port Lincoln as well; and the other subject related to a schedule of procedures that the Government proposes to adopt as regards the current *Philanderer II* route between the southern tip of Fleurieu Peninsula, at Cape Jervis, and Penneshaw.

That report contained a considerable number of recommendations which, subsequent to its tabling, I found the Government had already implemented. I publicly complained at the time, in my local newspaper and in other newspaper releases circulated on the mainland, that the Government had demonstrated yet again its style in applying a policy of its own making without public disclosure, and indeed in this instance without public consultation. There is no evidence in the report, and no other evidence that I have so far been able to identify, that the Government entered into consultation with the people of the Kangaroo Island community who are dependent upon the two services to which that report refers.

It is a matter of fact that subsequent to the tabling of the report the Minister, following an interjection from across the Chamber, wandered across and gave me a copy of the report. I treat that whole exercise with some distaste. Indeed, as indicated earlier, it demonstrates a lack of consultation. As far as I am concerned, as the member representing that district, it was a gross lack of courtesy on the Minister's part. His actions in this regard have been made well known to the community to whom I am referring, and his credibility has dropped considerably as a result of the manner in which he has conducted himself in this instance.

Quite apart from the personal side of the matter, the Kangaroo Island community is deeply concerned about what has occurred in relation to these two matters but, more particularly, in relation to that part of the report that deals with replacement of the *Troubridge*. A most welcome step is the report's recommendation to relocate the *Troubridge* berthing facilities on the mainland to Outer Harbor from the present berth at Princes Wharf, Port Adelaide. The ship, given the current circumstances, the design itself, constraints on Government funding and costs associated with more modern designs, will probably do the job, but the facilities, designed to cater for up to 180 passengers, will be costly. According to the report, they will cost about $1 million to install initially, and the cost of maintaining those facilities and providing associated services for up to 180 passengers is anyone's guess. It is considered not only unnecessary but, if implemented, outside the community's reach.

Indeed, in the form that the replacement of the Troubridge is recommended, the community will be blessed with (if not have thrust upon it) a Rolls Royce service which it will not be able to afford. Added to the structural proposal details is, of course, the warning given at the time of tabling the report of an increased charging structure, a formula for charging for the future vessel which would attract a 25 per cent increase in the space rate in the first 12 months and a 10 per cent plus CPI increase each year thereafter until the costs of operating the new vessel are totally recovered. We found that on the day after the Minister tabled this report he further clarified the situation and brought to the public's attention clearly the real crux of the Government's intention with respect to charging.

In fact, he told us in this Parliament in a further Ministerial statement that the charges outlined the previous day, to all intents and purposes applying to the new vessel, would come into operation from 1 July this year and apply to the *Troubridge*. I do not have time in this debate to go into the detail and impact of this decision, but clearly what was recommended in the report and brought to this Parliament's attention was already a *fait accompli*. A decision had already been taken by Cabinet prior to the report being tabled. Quite apart from the insulting element of this whole exercise, I think that the Minister's credibility, and that of the Government in particular, has been substantially depreciated.

As far as *Philanderer III* is concerned, that is another service that is proposed to operate between Cape Jervis and Penneshaw not in lieu of but as well as the current *Philanderer II* operation. That concept is most welcome, not only by the communities on the Cape and the Penneshaw port sides but by the whole of the Island community. Given that there will be a substantial increase in tourism, particularly with private motorists visiting the area, we on Kangaroo Island are pleased at the prospect of tourist expansion.

There is some justifiable concern locally that the Kangaroo Island road structure and conditions as well as accommodation facilities in motels, and at caravan and camp site locations, are not yet ready to receive the influx of tourism

some people predict following the *Philanderer III* venture. Be that as it may, Peter March, his family and employees who have operated in the region of the passage for some years have demonstrated their capacity to perform, and if anyone in South Australia can make a success of regular services across Backstairs Passage at that point it is Peter March and his crew. I wish them well in their venture.

I was pleased to hear the Minister say that the Government had agreed to underwrite the loans associated with the *Philanderer III* project and that the Government also had decided to substantially upgrade the ports of Cape Jervis and Penneshaw. However, I am disturbed to hear, subsequent to the Minister's announcement, that those two funding undertakings were, on the day of tabling of this document, merely recommendations and had not been agreed to by the Government. I hope, and I know the Kangaroo Island community sincerely hopes, that the Minister has got his act together and secured the necessary Government or Treasury support to fund the *Philanderer III* construction project and appropriate upgrading of facilities at Cape Jervis and Penneshaw. I hope that the opportunity is taken at Cape Jervis not only to upgrade the wharf and surrounds to cater for the *Philanderer III* but to ensure the interests of the fishing and boating fraternity also.

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

Mr FERGUSON (Henley Beach): During this grievance debate I wish to mention problems that have been referred to me about the need for the introduction of Federal legislation so far as superannuation is concerned. I doubt very much whether any member of Parliament has not from time to time been provided with problems from constituents in regard to superannuation and the paucity of return so far as constituents are concerned. This is particularly so in relation to employees who have been forced to retire early through various circumstances. Most of these circumstances are beyond their control, especially in relation to redundancy and illness.

I want to refer particularly to correspondence that I have received from one of my constituents, Mrs Phyllis Turner, of 16 Munro Avenue, Seaton. Her correspondence relates to this problem, and states:

Dear Sir,

On 9 August 1983, my husband, aged 52, was given instant dismissal by his firm, T. O'Connor and Son Pty Ltd, Engineers. My husband worked for this firm for 29 years, and this has included packing up our whole family and moving to different States, much to our detriment, while he ran the jobs. My husband's name and expertise has been used on occasions by the firm, when they have amalgamated with other firms, and in tenders for contracts. I felt my husband was a valued member of the firm as he has often been in charge of various jobs.

Because of my husband's knowledge and expertise, the firm has received additional contracts. On one occasion a job in Indonesia was given to T. O'Connor solely because of this expertise. Despite this, references were not forthcoming until 10 days of asking.

My husband was given no warning about his dismissal, and only knew of it when it actually happened. He was called into the main office and asked to do paper work. At 3 p.m. he was given an envelope containing his dismissal. He was not given an opportunity to say goodbye to anyone in the office, or to any of his workers in the field. I feel his dismissal in this way has led to a feeling of disgrace by my husband, and also led to rumours as to why he was dismissed. The reason given for his dismissal was given as lack of work, but as they had been in this position before we feel this was not so. My husband also had 5 months leave due to him which could have been taken at this time. We wrote to the board members asking for a reason, but did not get a satisfactory reply.

At the moment of dismissal, because it was done in this manner, my husband's insurance cut out instantly, so if my husband had been killed on the way home, from $97 000 cover, it went to nil. He was not told of this. The insurance agent we got in touch with at a later date told us this dismissal was the only one he knew of that had been done in this manner, as he was usually called in a month before to negotiate a new insurance. He was not paid his superannuation on dismissal, but had to wait 5 days, nor could the company give him any indication of money due, which was in fact $40 000 less than would have been due in 7 years time.

We feel the dismissal was unjust and unfair as my husband has always been a very loyal and conscientious worker. My husband was capable of filling many staff positions, as shown when T. O'Connor frequently used him to head projects and fill in positions when others were not capable and things were getting out of hand. T. O'Connor has also received commendations for their work on the jobs my husband has been in charge of; we have copies of a few of these, as copies were sent to my husband. As far as we know, they have always been very happy with his work.

In conclusion, the distress caused by this unfair, unjust and unreasonable termination has to be endured to be understood. We feel that some sort of protection should be afforded to people who are naive enough to believe that 30 years of faithful service means security in their retirement.

It had been my experience in working in the printing industry that complaints about superannuation schemes relate to the control of the schemes, the vesting of the schemes, and the payout figure, particularly when employees have been made redundant or are unable to continue their employment in the industry.

Many firms use superannuation schemes to bind their employees to the business so that superannuation becomes, after a short length of time, one of the reasons why an employee is not prepared to sell his abilities to the highest bidder in a particular industry. One of the frequent complaints that was made to me was that the control of superannuation schemes is wholly and solely in the hands of trustees who are not elected but are appointed by the particular firm concerned. The control of a superannuation scheme is particularly important, because trustees are making decisions on a week-by-week basis as to what payout figure will be given to an employee if he opts for early retirement. Many superannuation schemes were designed years ago, and the minimum payout figure is usually the amount of money that an employee has contributed plus an interest rate that can be as low as 4 per cent. Members would realise that a 4 per cent interest rate, especially in the current climate and the economic situation we have come through (where interest rates have reached 16, 17 and 18 per cent), is quite wrong. A payout figure of 4 per cent is totally inadequate.

This is one of the things that the Federal Government should be investigating in relation to new laws to cover superannuation. It seems manifestly unfair that an employee who has, say, 10 to 15 years service with a company, and who has been made redundant and/or has decided to move into other fields, should find himself in a situation where he receives a return that is not even equivalent to the inflation rate of the value of his money. I will refer to this later.

The trustees are not usually represented by any of the employees within an organisation. They are management selected, the decisions that they make do not always relate to the betterment of the employees, and they often direct their decisions to the betterment of the firm rather than the contributor. From time to time I have seen situations where an employee, for example, has had 25 years service with a particular firm, has been forced to retire because of a heart condition, and has only been able to receive an amount equal to his contributions plus 4 per cent.

After strenuous representations were made to the trustees, that return was increased. However, the increase was nowhere near the level that it should have been. The trade union movement in recent years has been taking a deep interest in superannuation, and the ACTU has a superannuation scheme that is in operation in Tasmania, associated with the Tasmanian paper mills. An employee who has completed 15 years or more of service will receive the whole of his contributions.

The SPEAKER: The honourable Minister of Housing and Construction.

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I move:

That the sitting of the House be suspended until the ringing of the bells.

Motion carried.

[*Sitting suspended from 3.39 p.m. to 12.55 a.m.*]

STATE BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL.

Returned from the Legislative Council with the following amendments:

No. 1. Page 1—After line 20 insert new clause 3a as follows:

3a. The following section is inserted after section 29 of the principal Act.

29a. No person who is or has been employed by the Bank shall disclose information as to the affairs of a customer acquired by him in the course of his employment unless—

(a) the disclosure is made in the normal course of the business of the Bank;

(b) he has the customer's approval to do so;

or

(c) he is authorised or required by any Act or other law to do so.

Penalty: Two thousand dollars.

No. 2. Page 2 (clause 5)—Leave out paragraph *(a)* of the definition of misconduct and insert the following paragraph:

(a) a contravention of or failure to comply with a code of conduct laid down by the Board.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

The provision that has been inserted in the Bill in another place does not alter in any material way the impact or the import of the legislation. When this matter was before us in this House previously, I pointed out that the Bill was the result of an agreement reached between the two principal parties, that is, the Bank Merger Committee, on behalf of the banks, and the Bank Officers Union, on behalf of the employees of the banks involved. I would not be inclined to accept the amendment to the Bill unless I was confident, and had been advised accordingly, that this was acceptable to those two groups. I understand that it is and that there are no problems with it. In the interests of getting this matter dealt with, I will agree to the amendments.

Mr BECKER: I am terribly sorry, but I could not hear the Premier properly; perhaps because his microphone was not turned on. I did get the impression that the Premier is prepared to accept the amendments. I cannot see why it is necessary to write this provision into the legislation. When I joined a bank at 15 years of age I was required to sign a deed of secrecy, which had been a long standing tradition of banks and bank employees. I am not sure whether deeds of secrecy are still in operation in the private trading banks today.

It goes without saying that all business transactions in banks, whether it is a Government or a private enterprise bank, are completely confidential. Bank officers from the same bank or from different banks do not disclose any information in relation to their clients. The Government is happy to accept the amendment, and the Opposition also accepts it, but I honestly believe that this provision is a slight on bank officers. As the Premier stated, there was agreement in regard to the Bill between the bank employees union and the banks and, after all, we were concerned that no bank officer from the Savings Bank or the State Bank would be disadvantaged by the merging of the two institutions. I am a little disappointed that it has been necessary to bring in this measure, but we support it.

Motion carried.

PLANNING ACT AMENDMENT BILL, 1984

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 14 and 15 (clause 2)—Leave out clause 2 and insert the following clause:

2. (1) Commencement. Subject to subsection (2), this Act shall come into operation on the day on which it receives the Governor's assent.

(2) Section 7 *(a)* and 7 *(ab)* shall come into operation on a day to be fixed by proclamation.

No. 2. Page 3, lines 21 and 22 (clause 7)—Leave out paragraph *(a)* and insert paragraphs as follow:

(a) by inserting in subsection (1) after the passage 'Notwithstanding any other provision of this Act' the passage 'but subject to subsection (2a)'.

(ab) by inserting after subsection (2) the following subsection;

(2a) The operation of subsection (1) *(a)* is suspended until the first day of November 1984.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

The amendments do not touch the principle of the Bill but relate rather to the proclamation of the legislation and the possible term of one of the clauses of the Bill. It is probably better that I address myself first to what in effect one might call the second amendment, and that is the amendment which provides that, should clause 7 of the Bill be proclaimed, it will operate only to 1 November this year. Honourable members will see that the second amendment finishes with new subsection (2a), which provides that the operation of new subsection (1) *(a)* is suspended until the first day of November 1984. But that is to assume that the measure will come into operation, and that depends on another matter to which I now turn. Honourable members will note that clause 2 as proposed in the amendments in relation to commencement provides:

Subject to subsection (2), this Act shall come into operation on the day on which it receives the Governor's assent.

However, subclause (2) as proposed provides that clause 7 *(a)* and clause 7 *(ab)*, which is the sunset provision that I have just canvassed, shall come into operation on a day to be fixed by proclamation.

The Government and the Minister in another place indicated that it was the Government's intention that this proclamation would be made only in the event of a decision being handed down by the Supreme Court in the Dorrestijn case which would be such as to make unworkable the Government's intention in relation to development control. So, we are, given that the Committee and the House agree with the Legislative Council's amendments, in a situation where, first, in the event of the outcome of the Dorrestijn case being satisfactory to the Government, clause 7 of the Bill will not be proclaimed.

The Hon. Ted Chapman: That is the repeal section?

The Hon. D.J. HOPGOOD: Yes, it relates to the repeal of section 56 (1) *(a)*. The earlier clauses of the Bill come into effect on receipt of the Royal assent. In the event, on the other hand, of the Government's receiving what it regards as an adverse result in the Dorrestijn case, it would proceed to give appropriate advice to the Governor that in fact a proclamation should proceed immediately, but that proclamation could remain in force only until 1 November 1984. In those circumstances, of course, I anticipate that the Parliament would at some stage between now and then be again invited to consider appropriate amendments. In commending the Legislative Council's amendments to the House, I simply wish to make one other point.

The Government fully appreciates that, from the introduction of the regulations in relation to this matter, it has been breaking new ground. It has done so in terms of a piece of legislation which, in one form or another, has been

with us for a long time but, nonetheless, the administrative procedures which have had to be followed through have in some respects been novel. We understand also that some of those administrative procedures can be improved. We understand also that there may even be aspects of the plan and regulations which can be improved. We have given an assurance to another place that we will continue to address those problems with a view to ensuring that this very important area of development control can operate in the fairest way possible. I say that to honourable members as seriously and as sincerely as I possibly can.

While in some respects it may be interpreted in the newspapers that somehow the Government has had a win in this matter this morning, the Government sees that it has a continuing responsibility to operate this regulation in the fairest and most humane way possible. We will continue to explore all those possibilities. I commend the motion to the Committee.

The Hon. D.C. WOTTON: The Opposition supports the amendments which in another place have been described as significant. They are anything but significant, but as the Minister has indicated, they do not affect the principle of the Bill at all. The Minister has outlined what the amendments do. I have indicated that the Opposition will support them because I guess they slightly improve the Bill that is before the Committee. However, the Opposition still finds the Bill to be totally unacceptable. In saying that, I wish to clarify a couple of matters that relate to the amendments.

First, I make it clear to the Committee that the Liberal Party's conservation policy strongly supports controls on the clearance of native vegetation. However, we believe firmly that, if a landowner is significantly disadvantaged as a result of such controls, that person should be compensated in exactly the same way as is a person in the metropolitan area who is forced to give up a portion of his property to facilitate the widening of a street.

I cannot see any difference in that situation. The legislation was hastily prepared by the Government and it has far wider ramifications than those affecting farmers through vegetation clearance. The concern expressed by members on this side of the House is that it will allow almost total bureaucratic control over private property rights. The Liberal Party totally rejects legislation that will sweep away individual rights of any kind, including those related to property which could adversely affect people's livelihood. That is our basic concern about this legislation.

The Liberal Party has already made known its policy in regard to vegetation clearance, and it is not my intention to go further with that policy tonight. We have also, during the debate on the amendments, made known where we stand as far as compensation is concerned: we strongly support compensation for those who are disadvantaged. The Minister responsible for the Bill in another place referred to what he called the intolerable cost to the taxpayers of the compensation proposed by the Liberal Party. He failed to point out the intolerable cost to landowners and property owners who are being disadvantaged as a result of this legislation.

The Bill which was before the House and which the Committee is now discussing covers more than vegetation clearance. It affects people who have private property rights that have been jealously guarded for a very long time in this State, and it is right that they should continue. Legal advice received on this legislation over a period of time, and particularly the advice received by the Opposition today, indicates clearly and very strongly that the crisis referred to on numerous occasions by the Government, in both vegetation control and uncontrolled development, about which we have heard so much, is just not there. That advice has come from two or three legal people whose opinions the Opposition respects. We have made that point known previously, but I repeat the concern that we have about that situation.

I said in the second reading debate (and I do not want to go over it because we need to relate to the amendments before the Committee) that there was enough evidence, at the time that the Bill was introduced in this House, to suggest that the general public at large was opposed to the proposed amendments to the Planning Act. I am certain that many members of the public are still not aware of the ramifications of the proposed amendments on their activities, nor has sufficient time been given to the bodies representing the various aspects of planning and real estate to properly comment or argue their cases. That is a concern I have because those people are still coming forward, still seeking legal advice, and still concerned about the ramifications of this legislation. As I have said, the Opposition supports the amendments because they slightly improve the legislation. But, I want to make quite clear that the Opposition still believes that the legislation is totally unacceptable.

Mr EVANS: The only reason one could support the amendments is because they possibly slightly improve the Bill. To suggest that we have to wait until a decision is made on regulations and a court brings down a ruling, and that an Act may not need to be proclaimed until that occurs or the Government gives some form of guarantee, means very little.

I am conscious of the need to save native vegetation. I made that point earlier. I do not think that there is a member in this Chamber who owns land within 100 kilometres of the GPO who would have an interest in more native vegetation than I have. I have had the opportunity all my life to clear land. However, even with these amendments three families in my area will be affected, and at least two will lose their homes.

These people work as hard as anyone who works for wages. They saved their dollars in order to own their own homes and also tried to enter into a carrying business, but the big monopolies knocked them out of that business. They then took the opportunity to buy a piece of scrub land with the right to develop it. Even with these amendments, that right is gone. A loan of $50 000 or $100 000 cannot help them and these amendments do not alter that position. All they can say is, 'Wait and see what happens to the regulations.' Whichever way it goes, they are gone. The bank has told them that they will have to sell at least one, if not two, of their private homes to get out of the problem, because the land they bought is now virtually valueless. What can they do if they do put it on the market? Who will buy it? I have written to the Minister and appealed to him to consider those circumstances.

As the shadow Minister, the member for Murray, said, 'How would any Government member feel if someone asked for three rooms of his home or his backyard to be made available to benefit the majority of people and no compensation was paid?' They would be hostile and angry, and would say that democracy was not working. The three people to whom I have referred would probably agree to the Government's buying it for what it cost them, and if the Government wanted to sell the majority of the land, which is scrub land, to a neighbour and use the other small part, they could not object to that. It is unprincipled for Parliament to say that preservation of native vegetation supersedes the rights of the individual.

A very small minority may be made insolvent by our action in this place or the other place at 1.20 a.m., or at whatever time the debate finishes. The amendments might sound sweet and a little bit of a compromise, but people in their 40s cannot get jobs elsewhere. These people only have their hands. They work hard and have taken an opportunity

to re-establish themselves, yet they have been knocked out by monopolies. As honourable members would know, I do not condone that practice. We, as members of Parliament, are on reasonable pay. We can survive. People such as I retire on superannuation and are protected, but these three families to whom I have referred are not.

I do not know of others within the State, but there must be some, although there would not be a lot. The Minister is saying that he will look at it, see what he can do and think of people's positions. Until now they have been ignored. There should be at least some sympathy and some semblance of feeling that they should be catered for. If they are forced to retain the land or sell it, get nothing for it and lose at least one or two of the homes out of the three, where are they? If they keep the land they can farm a small amount that has been cleared, but the noxious weeds, the rabbits, the vermin and the other bit are their responsibility to shift, and it has a cost, with no possibility of production from them.

If we as a Parliament are saying, 'Fence it, protect it and preserve it so that the native vegetation is protected for all time', is it fair that they should have to clean the noxious weeds, rabbits and what other vermin from it for the benefit of the society as a whole? Is that a burden that we place on a minority?

Some people may frown and say, 'Why is he talking about this?' I am saying it because all my life I have shown opposition to any move by any form of Government that says that the individual does not count and that it does not mean a damn thing if we have another group who go on social security and who were trying to keep off it on their own initiative.

The cost of maintaining that sort of land should be the States. If the State cannot afford to maintain that sort of land, are we saying that it is within the ability of a minority who can afford to pay it? Is any member of the Government or of the Opposition saying that they can afford to foot the bill? Of course they could not. If we passed a Bill tonight to cut out the superannuation of some people by one third or the possibility of their living other than on social security in the future by cutting out their superannuation, there would be an uproar from the Government. They would say, 'It is unprincipled', but all that some of these people are doing is trying to hedge for the future, protect themselves and have some income in their later lives.

The families of whom I speak would be happy to sell that property to the Government, as I said, and the Government can have it and do what it likes with it for the benefit of the majority of South Australians. That is not an unreasonable suggestion because, as the shadow Minister said, if the Government wants to widen a road for the benefit of the majority it pays compensation for the use of that piece of land.

An honourable member: It has to.

Mr EVANS: It has to, according to law. If it wants only to take an easement over a property and make part use of the land it pays some compensation and has to maintain it through its own effort. In other words, a sunken trench is the responsibility of the State while the State holds the rights over it. The same happens with a power line: the statutory body has to maintain the easement under that power line from any trees or whatever. It is the responsibility of that authority.

I cannot understand why some people in Government cannot realise that not all landowners or landholders are filthy rich millionaires. They are not; many of them are just as conservation conscious as those in any other section of society. I am conscious that many of the conservationists own nothing as far as bushland is concerned. They have never invested a cent in trying to preserve a bit of the State. They have luxuries—boats, cars, holiday shacks and all sorts of things—but they have never invested a cent to protect a bit of scrubland in the State.

The CHAIRMAN: Order! The Chair does not wish to be very dramatic about this, but we are dealing with two amendments that deal with 'Commencement'. It is a very limited debate, and I hope that the honourable member will not roam off on to a second reading speech.

Mr EVANS: I accept the point that you make, Sir, but one of the amendments delays the action and implementation of the whole Act until a set date. That is the critical part as I see it: the Government is saying that that is a compromise, a softening, and making it easier. I am making the point that the end result is exactly the same, so I will finish with these few brief comments. There has been very little contribution other than words to the preservation of native vegetation in this State, but a lot of Government members (including the Minister who has promoted this thought and many of the other Ministers) support it. If we are genuine about preserving things in this State, then make a personal contribution and do not expect others to lose their homes and what they own to do it, and that is what we are doing. The amendments do not thrill me. There might be a very small amount of softening, but the end result is the same. We take away from people something they have which the State sold to them. The Premier may laugh and say that it does not matter. To me it does.

The CHAIRMAN: Order! The honourable member for Alexandra.

The Hon. TED CHAPMAN: I respect your ruling a moment ago, Sir, when you indicated that we are dealing with two amendments which have come to this place from another division of the Parliament, where, I understand, the subject has been under consideration for some hours this afternoon and tonight. Accordingly, we are confined to making our remarks about those amendments as they come to this place. I take this opportunity to place on the record of our House my disgust with what I understand has occurred in the other place this evening, where a Liberal (indeed a most senior Liberal) has abdicated his responsibility to exercise a vote which indeed he tested and canvassed in that place only a matter of days ago.

I mean what I say when I express absolute disgust in the way that this subject has been handled to the point where a vote (I repeat, as I understand it) has been undertaken on the basis of 10 to 11 in favour, albeit marginally in favour, of a Planning Act amendment, so far amended to disregard, indeed, discriminate against a section of the rural community. I refer to that section of the rural community which is still in the process of developing its properties. It is all very fine for the Minister to stand up in this House and soft pedal the true position with which we are faced now, wherein he says, 'The Government has not in fact won.'

We certainly have not won. It ought not to be a case of win and lose in a situation like this. Rational common sense has not applied from the commencement of the introduction of the regulations in May 1983. I said it before and I say it again: the administration of the regulations referred to by the Minister in his opening remarks has not been applied on behalf of the Government with the care, attention and sensitivity that such Draconian regulations demand. Since those attempts have failed, we have been brought to a situation where we find that there are prosecutions, hurt, disturbance and distress which have resulted in the field and ultimately to the situation we are in today, where, by the Minister's own admission he has set out in the first instance on 3 April to introduce a Bill to amend the Planning Act by the removal of 56 (1) *(a)* and he has done so—I repeat again—by his own admission for the purpose of

heading off that court decision which is subject to appeal in the Dorrestijn case.

He has totally ignored the impact, as alleged earlier, that section 56 (1) *(a)* has over the land use with respect to those properties other than in the farming area. In fact, he has now backed away from that argument and admitted in this place that the real reason for accepting the amendments as they come to this place this evening is specifically and singularly to head off a situation which the Government was and still is embarrassed about in relation to the decision in the Dorrestijn case, and not for the other multiple purposes for which section 56 (1) *(a)* clearly and widely applies.

I know that some of my colleagues in this place have already indicated their support for the amendments but, whether or not it is appropriate to do so as far as they are concerned, I am not willing to utter a comment of support for this exercise. This exercise emanated from the Minister's introduction of an amendment to the Planning Act, 1982, a few weeks ago. I do not agree that the amendments to the Planning Act were appropriate. I do not believe that they are worthy of the paper on which they are written. I do not believe that this band-aid treatment that has been handed to us for the purposes of having the Government's amendments carried by the Parliament of South Australia is a reasonable licence or excuse to solve the Government's problems in the field as a result of its own regulations.

I do not believe that the regulations are necessary in South Australia. As my colleague, the member for Fisher, has outlined, they deny a person's right to operate, function, maintain, and proceed with his own programme of ownership and management of his own land. Earlier the Minister tried to demonstrate the fairness of his Government, but I do not believe that in order to achieve that one has to go out and dictate and discriminate in the way that the Government has done in this instance.

I am absolutely appalled that the Government is proceeding in this direction. I hope that Mr Dorrestijn wins his appeal, and I hope that the Government's chickens come home to roost at that stage. In conclusion, can the Minister say, in the event of Mr Dorrestijn losing his case and the Government's appeal being upheld, what will happen to the legislation as now amended by the Legislative Council? What happens if Mr Dorrestijn seeks to reappeal before the High Court, and it takes a period of weeks or months to decide the appeal? Does the last line of the schedule of amendments then stand up? Is section 56 (1) *(a)* of the principal Act suspended on 1 November 1984?

The Hon. D.J. HOPGOOD: Briefly, the position is that the Legislature is approving a date at which a particular clause will cease to operate, given that it is proclaimed in the first place. The honourable member's question concerned what would happen if Mr Dorrestijn seeks to appeal. That is his business. The Government's commitment is that it would proclaim the clause only in the event of what we would see as an unsuccessful outcome of the present case before the Supreme Court. That remains the situation. We have given that as our public commitment. That is something that is not enjoined upon us by the legislation. It is something that we would adhere to. What is enjoined upon us in the legislation is simply this: in view of such a proclamation, proclaimed clause 7 could only operate until 1 December 1984. I cannot be more specific than that.

Mr BLACKER: I wholeheartedly share the sympathies expressed by the member for Alexandra. I am disappointed and dismayed that the Bill should come back to the Committee in this form. All members know the way that the numbers should be crumbling in another place—and crumbling is exactly what has happened in this instance. The Government is trying to get itself out of having bungled the first set of regulations that it bulldozed on to the community. That is the crux of the matter. We have been sitting here waiting all night. We have had many hours of debate on this issue. The Government failed to recognise the problems in the implementation of these regulations and it must now use everything at its disposal to bulldoze the Bill through, rather than sitting down and discussing the matter in an appropriate and rational way.

Obviously, the real issue relates to compensation. The Government believes that it can ride roughshod over a very small section (in numerical strength) of the community and force on them the costs of environment protection. The Government is asking that the cost of State heritage be borne by a handful of people. That is the crux of the situation. These particular amendments allegedly soften the blow. I do not believe that they do soften the blow for those involved. All it does is alter the timing schedule—

Mr Lewis: It delays the wallop.

Mr BLACKER: Yes, it delays the wallop—temporarily. I think that the Government and a certain member of the Legislative Council should be condemned for allowing this to occur. The Government must be shamefaced for the way in which it has handled these regulations and the legislation, because it is forcing on a minority section of the community the total cost of native vegetation retention for the whole of the State.

Mr BAKER: I rise to express my dissatisfaction with the Bill as it will now be enacted. The Minister made the point that the holding clause, if the Dorrestijn case is successful, will be enacted to stop the wholesale clearance of vegetation. The Minister has been totally scurrilous in the way that he has undertaken this exercise. I do not know who advised him or purported to say that the amount of land that has been cleared had actually been cleared. The Minister produced Landsat maps, which I believe were doctored, to prove that there was a loss—

The CHAIRMAN: Order! The Chair has already pointed out that the question before us is simply two amendments dealing with 'Commencement'. It has nothing to do what the honourable member is now on. I hope that the honourable member comes back to the amendment.

Mr BAKER: Mr Chairman, I was repeating a little of the history. The history is important because what we are doing here tonight and what we are finally resolving is the fact that, because of mistakes by the Minister, there are now two situations on our hands. If in fact the Dorrestijn case is successful, or even if it is unsuccessful, the situation pertaining is that the rural sector will bear the brunt of the Minister's policies, which, I believe, are quite inappropriate. An issue that should be canvassed in the metropolitan area in particular concerns the fact that if the Dorrestijn case is not successful, these provisions will take away existing use rights. The Minister is quite prepared to take away the whole basis of planning legislation in South Australia. The Minister was incompetent in the way in which he originally tackled the matter of preservation of native vegetation. He should be condemned for his original idea, given the fact that at that time as far as I am aware far more than ever before was being done to preserve land in rural areas containing native vegetation.

If section 56 (1) *(a)* is deleted (which is the only section in the principal Act that allows protection for those with existing use rights in non-conforming zones) we believe that that will have very serious ramifications on the metropolitan area. We have already heard about the impact on rural areas of the regulations and perhaps the amendment to the Act, if the provision is brought into force. The deletion of section 56 (1) *(a)* will have some extremely serious ramifications in very many areas. As I said in my speech to the House on this subject previously, the Minister is using a battering ram approach here because he was incompetent in the first place.

If this proposal is implemented, the ramifications will be felt for many years to come.

The Hon. TED CHAPMAN: The member for Mitcham referred to the doctoring of South Australian plans as reflected on the maps produced by the Department of Environment and Planning, which purported to show the land cleared within the agricultural region of the State. Let me remind the Committee that at least 75 per cent of South Australia's land mass area has never had its native vegetation cleared. The occupiers of that significant area of the State in many instances have not even attempted to clear that vegetation. The pastoral area of South Australia has been subject to grazing, albeit light grazing, under careful conditional lease arrangements entered into by occupiers of the land since the very early settlement of the State. I repeat that the native vegetation of the total area involved has mainly been untouched as far as clearances are concerned.

The area to which I take it the member for Mitcham was referring, that is, the coastal fringe strip of South Australia, represents 25 per cent of the total area of the State. Of course that area is the site of all the cities and large regional centres of South Australia. The balance of the area of the State, which comprises a minimum area, has been mapped in recent times. Indeed, a few weeks ago maps were reproduced by the *Advertiser*, which claimed that the maps came from the department, showing areas of South Australia's agriculture districts that had been cleared. However, areas had been whited out for the purpose of showing that greater areas had been cleared of vegetation than in fact was the case. In regard to Kangaroo Island, which is part of the area that I represent, a very misleading map was produced by the Department of Environment and Planning bearing its stamp. That map was reproduced on a prominent page of the *Advertiser*, for the very purpose, I believe, of misleading the community and to create and develop emotion within the community relevant to the regulations that, ultimately, we have had to deal with in this place.

The whole exercise has been a beaten up affair to cultivate emotion and support within the masses at large in South Australia, and many of the basics on which the Government has rested its case have been quite false and quite misleading. I am absolutely appalled that the Minister has the support of his Government and apparently of some other people in the actions that he has taken. I cannot say strongly enough that our rural section of the community has been discriminated against. It has been asked to carry a burden for the rest of the population, and that is unheard of in any State in this country or, according to the report of the UF and S, in the world.

We are isolated in this role. I am absolutely disgusted with the method that the Government has chosen for what it calls a vegetation retention campaign. The people I represent in the rural areas of South Australia are very sensitive and conscious of the need to be careful of our environment and the native vegetation that remains in South Australia. In recent years they have been responsible in developing those areas; in fact their wings were clipped last year. The opportunity to develop, as existed previously, was pruned considerably as a result of the announcement in the Federal Budget that the taxation deductibility for clearance was to be taken away. That had a great effect on curbing vegetation clearance in South Australia.

The CHAIRMAN: Order! The Chair has been very patient and is pointing out for the third time that we are dealing with two amendments, which are very limited. The honourable member must come back to the amendments.

The Hon. TED CHAPMAN: In my view the primary producers and the landholders of South Australia in recent years have applied themselves very responsibly to land clearance. The amendments before the Committee will be no comfort whatsoever to that community which has been denied its rights under the original Bill and under the Bill as amended.

Mr LEWIS: Ditto.

Motion carried.

CONTROLLED SUBSTANCES BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments Nos 1, 2, and 4, and had disagreed to amendment No. 3.

Consideration in Committee.

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

That the disagreement to the Legislative Council's amendment No. 3 be not insisted upon.

The point at issue here is the matter of additional substances and amounts being prescribed by regulation, and the issue between the two Houses has been whether such prescription by regulation should be at the initiative of the Minister or whether it should be only on the recommendation of the advisory council. The Legislative Council has insisted on its position that indeed such prescription should occur only following an appropriate recommendation of the advisory council. While the Government sees this as unnecessary, it does not adversely affect the overall operation of what indeed is a very significant piece of legislation. In these circumstances we believe it is sensible to accept the decision of the other place. Accordingly, I commend my motion to the Committee.

The Hon. JENNIFER ADAMSON: The Opposition supports the view that the advisory council should recommend regulations. The reason for its attitude is the same as that which is now being concluded by the Government, namely, that the unique nature and severity of the penalties associated with these regulations and prescription of amounts make it desirable that the advisory council, which is the basic structure upon which the whole legislation rests, should be the body that determines these matters.

Motion carried.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

GAS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 1.59 a.m. the House adjourned until Tuesday 1 May at 2 p.m.