HOUSE OF ASSEMBLY

Wednesday 8 April 1987

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

PETITION: PINNAROO X-LOTTO AGENCY

A petition signed by 299 residents of South Australia praying that the House urge the Minister of Recreation and Sport to reverse the decision to close the Pinnaroo X-Lotto agency was presented by Mr Lewis.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answers to questions without notice be distributed and printed in *Hansard.*

TRAFFIC LIGHTS

In reply to **Mr S.G. EVANS** (17 February).

The Hon. G.F. KENEALLY: A Highways Department study of traffic movements at the junction of Shepherds Hill Road and Sargent Avenue, Bellevue Heights, has not indicated a need for traffic signals to be installed at that location.

ROAD ACCIDENT STATISTICS

In reply to **Mr KLUNDER** (25 February).

The Hon. G.F. KENEALLY: No such detailed statistical analytical report has been prepared before. The Road Safety Division believes it would be a very useful document, and could be presented for tabling in Parliament in October of each year. The lengthy period needed is largely determined by the time taken to receive accident forms from the Police Department. Such a publication could cover the following specific areas: fatalities for the previous year could be disaggregated by age, sex, location and road user type; a similar breakdown would be undertaken for injuries resulting from road accidents; total accidents for the previous year would probably be broken down by severity and location.

The division considers that the most reliable estimate of trends in accidents involves the use of casualty accidents, i.e. accidents in which a person is either killed or injured and requires at least medical treatment by a doctor. Casualty accidents could be broken down much more extensively than other accidents, for instance: such accidents could be examined by time of day and day of week to determine the worst hours of the day and day of week for accidents; a breakdown by location, such as Adelaide Statistical Division, country towns and rural accidents would be useful.

The division also receives a number of requests for accidents broken down by accident type, e.g. head on, rear end, side swipe, etc., and often in relation to special features, such as accidents involving stobie poles, traffic signals, bridges, etc., so a breakdown of this nature would also be useful. Generally, the division receives a number of requests for accidents by vehicle type such as heavy vehicles, motorcycles, bicycles, pedestrians and often requests are received for relevance of alcohol involvement in accidents. Accordingly, these features could also be included in any publication.

In relation to trends over time, it is likely that the publication could include a number of time series relating to casualty accidents, such as road user type by year for number of years. Casualty rates by year might include casualties per population, per motor vehicles on register and per vehicle kilometres of travel. A breakdown of casualties by age and year may also be useful to examine differences in trends for various age groups over, say, a 10 year period. In addition, it might also be possible to include other factors influencing rates such as registrations by type of vehicle, driver licences issued, mean free speeds of traffic, travel indicators (to determine the influence of the amount of travel on accident patterns), freight movements and possibly vehicle defects. Further discussion will now take place with the Road Safety Division regarding the feasibility of producing such a document.

MEDIAN STRIPS

In reply to **Mr HAMILTON** (12 March).

The Hon. G.F. KENEALLY: The Highways Department's plans for the installation of raised medians on the roads in question are as follows:

Findon Road (Port Road-Crittenden Road): Installation expected to commence in late April 1987.

Tapleys Hill Road (Port Road-Trimmer Parade): Installation will be coordinated with roadworks at West Lakes Boulevard in conjunction with the West Lakes Boulevard extension. Installation expected to take place during 1987-88.

Trimmer Parade (Frederick Road-Tapleys Hill Road): Installation not expected within the next three years (low priority in relation to other roads).

West Lakes Boulevard (Tapleys Hill Road-Military Road): Installed.

Crittenden Road (Findon Road-Grange Road): Installation not expected within the next three years (low priority in relation to other roads).

ROAD 7700

In reply to **Mr LEWIS** (19 March).

The Hon. G.F. KENEALLY: The road in question is the Tailem Bend-Pinnaroo Road, the current position concerning its reconstruction being as follows:

Tailem Bend-Parilla section: This section shows signs of deterioration but its priority for reconstruction is not high on a State-wide basis. No work is currently proposed.

Parilla-Chandos section: This section is in need of reconstruction and $150 000 has been allocated to the project this financial year. The District Council of Pinnaroo has commenced work. Consideration will be given to further funding of the project in 1987-88 when the Highways Department's works program for next financial year is formulated.

Chandos-Pinnaroo (Victorian border) section: This section was reconstructed, with departmental funding, over the period 1973 to 1985.

HANDICAPPED PERSONS

In reply to **Mr S.G. EVANS** (18 March).

The Hon. D.J. HOPGOOD: The price per vehicle will be halved if the vehicle is being driven by a handicapped

person who is a pensioner. The normal price per vehicle will be charged if the vehicle is being driven by a handicapped person in receipt of a wage of one sort or another. If a handicapped person is of the opinion that a case exists for the waiving of a fee, then the Director of the National Parks and Wildlife Service of the Department of Environment and Planning would be pleased to consider the matter.

QUESTION TIME

UNION DEMANDS

Mr OLSEN: In view of the additional burden that they will impose on all South Australian taxpayers, can the Premier say whether the Government will immediately reject today's demands by the Trades and Labor Council? The Trades and Labor Council has announced that it will lead a campaign by public sector unions to get the State Government to agree to the immediate payment of the $10 a week national wage increase, the 4 per cent rise in the second tier, and the 3 per cent superannuation benefit. The unions are also demanding a further general increase of 1.5 per cent by October. In total, these demands would cost taxpayers at least an additional $150 million a year and put pressure on the recurrent account which would inevitably lead to further significant rises in taxes and charges, hence the reason for my asking this question of the Premier as Treasurer. In addition, they would become a precedent for private sector employers to grant similar rises at a time when unemployment must be reduced and Australia's terms of trade turned around.

The SPEAKER: Order! The Leader of the Opposition is aware that he is debating the matter. I withdraw leave for him to continue his question. The Minister of Labour.

Mr S.J. Baker: Who's running this State?

The SPEAKER: Order! The House is fully aware that Ministers may delegate responsibility to one another as a part of Cabinet. The honourable Minister of Labour.

The Hon. FRANK BLEVINS: Thank you, Mr Speaker. I am surprised that this is the lead question of the day. I seem to remember that, possibly two weeks ago, a virtually indentical question was asked by the member for Mitcham and I responded to that question.

The Hon. E.R. GOLDSWORTHY: On a point of order, Mr Speaker. The Minister is clearly reflecting on the Chair in suggesting that you should have ruled the Leader's question out of order because the same question had been asked previously. Unfortunately, the Leader was precluded from fully explaining his question, which might have made it clearer.

The SPEAKER: Order! The Chair has heard enough from the Deputy Leader to be aware of the main thrust of his point of order. I do not accept his point of order. The honourable Minister of Labour.

The Hon. FRANK BLEVINS: Thank you again, Mr Speaker. As I was saying, virtually the same question was asked by the member for Mitcham immediately the national wage case was handed down. I responded then and I am quite happy to respond now in similar terms. Certainly, I have already had some preliminary discussions with the TLC about the national wage decision and given it an assurance, on behalf of the Government, that we will enter into negotiations with the TLC in a very positive way to ensure that the national wage case decision, which flowed through to the South Australian Industrial Commission, will be implemented. We will be working with the TLC to ensure implementation of that decision.

I would expect every employer in this State and in Australia to be doing exactly the same thing, to be working within the spirit and letter of the decision to see that the decision is implemented. I have also made it perfectly clear that the South Australian Government will not be a party to any 'sham' agreement, to use the words of the commission, any bogus agreement, in an attempt to circumvent the national wage case decision. I would expect that within the terms of the decision the workers here in South Australia, including public sector workers, will get what is rightly their due. I point out that even if the decision—

Mr S.J. Baker: What does that mean?

The Hon. FRANK BLEVINS: Read the decision of the national wage case. Read the decision. I point out that if the second tier 4 per cent is passed on in full, if the 1.5 per cent is granted later in the year and if the 3 per cent superannuation claim is granted, it will still be a significant reduction in the living standards of workers. Quite properly, the Federal Government and the commission has made no apologies for that. What they are saying, and I concur with them, is that the national income of Australia has to be reduced and, therefore, living standards will be reduced by one means or another. It can be reduced by various means.

Quite properly the Federal Government and the Arbitration Commission have said that this is a fair and equitable way of reducing the living standard of workers. Even if the increases are granted in full, they represent a further reduction in the living standards of workers. As an employer, the South Australian Government will be working within the letter and the spirit of the decision to ensure that our employees are not disadvantaged and that the benefits of the decision will flow on to the taxpayers of this State.

The decision has two parts: it is not just a cash payment of 4 per cent. There has to be a significant amount of restructuring of the industry and negotiation between employers and unions to ensure that that takes place before the 4 per cent is granted. As I have said, this Government as an employer will be doing precisely that.

PARACOMBE SUBDIVISION

Mr FERGUSON: Has the Minister for Environment and Planning, in the past 24 hours, been able to obtain such information as would enable him to confirm or refute allegations made in this Chamber yesterday by the member for Murray-Mallee concerning planning approval for a Mr Wright in respect of a subdivision in the Paracombe area? If he can, can the Minister now satisfy the House as to the truth or otherwise of the allegations?

The Hon. D.J. HOPGOOD: Yes, I can. I want to make certain criticisms before I give the exact details of this application and the way in which it was treated. My first criticism is of the *Advertiser* for one aspect, and one aspect only, of the report. I read in the report:

> Dr Hopgood said he would investigate the situation.

Of course, I did no such thing. In effect, I told the member for Murray-Mallee to get lost. I explained the situation to him and I said that he should write to Mr Hains, the Chairman of the Planning Commission, and that I wanted nothing more to do with it. However, in view of the fact that the *Advertiser* created this expectation in the minds of its readers this morning, I felt that I should make an inquiry as to the facts.

The second criticism I make is of the member for Murray-Mallee, as to be so weak—and I regret the fact that he is not with us right now—as to accept, without question or criticism, a question that was given to him to ask in this

place. So far as this matter is concerned, and in relation to the planning aspects of the whole thing, the honourable member would not know A from a bull's foot. He simply read out a question that was given to him—and I criticise him for having done that.

Thirdly, I am very critical of those people who prepared that question, who did the half-baked research and came to a predetermined conclusion because of a decision taken some time ago by the Liberal Party that it should get into sleaze and try and dig up something in relation to this Government; and that is entirely what the whole thing was about. I reiterate that what was said about my department is totally irrelevant. I assume, by the way, that the honourable member was not criticising Mr Stephen Wright in any way. Mr Stephen Wright put in an application, as any people do, and took his chances with that application. Nobody can be criticised for making an application, and it is up to the statutory authority to determine how that application could be dealt with.

The three people involved and their staff are Mr Stephen Hains, Mr Roger Cook and Mr Brian Anders—all extremely well known to members of this House, all extremely well respected in the South Australian community, and all initially appointed by the Tonkin Government. To suggest that those gentlemen would in any way be influenced in their decision making by the fact that this Mr Wright was once associated with a Labor Government is ridiculous and insulting to those three gentlemen; and I want to put that on the record.

Let me explain exactly what the situation is. There have been three applications, in living memory, in respect of this property. The first was an application in 1973 to divide part of the subject land. No details are available about the application, other than that it was refused by the State Planning Authority. I assume that this is not the application in respect of which the member for Murray-Mallee was speaking, so I guess it need not detain us any longer.

The second was an application lodged on 7 June 1985 which sought the creation of two extra titles so that the three existing dwellings on the land could each have separate titles. It was a consent application which had to be determined by the South Australian Planning Commission. The rural land division policy applying at the time of the application—and this is what is pertinent—was as follows:

> . . . rural land should not be divided into allotments of less than 40 hectares unless—
>
> *(a)* No additional allotments are created; or
>
> *(b)* An owner of land wishes to create a separate allotment of approximately 1 hectare in area to contain one or two habitable houses on the land, each of which was built or under construction before 1 December 1972.

I am aware that there have been those people who have tried to get ahead of the game; those people who have done things like put down foundations, on the assumption that later they can go ahead and obtain approval. There was no element of that in this application. It was a straightforward application and was dealt with in the light of the policy I have indicated, and it was approved.

Subsequently, indeed on 25 June of the same year, the prohibition on additional titles in the watershed area was introduced. However, the application was introduced in advance of that change of policy. There was a third application, and that was to create a vacant lot, and was a prohibited land use. The South Australian Planning Commission refused to consider the application.

I think the member for Murray-Mallee would not have been derogating from his responsibilities as a member of the Opposition if he had simply picked up the phone and satisfied himself as to the facts of the matter: if he was not then satisfied, it could possibly have been a matter of ventilating the subject in the House. He wanted to hurt someone; he wanted to hurt the Government; I think he has hurt himself.

SUBMARINE PROJECT

The Hon. E.R. GOLDSWORTHY: My question is to the Premier.

The Hon. J.C. Bannon interjecting:

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: Well, I would not mind, because I lived there—

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: —and the member for Murray-Mallee lived there, and his mother lives—

The SPEAKER: Order!

The Hon. E.R. GOLDSWORTHY: —in a house that could not be chopped off, quite frankly—

The SPEAKER: Order! I ask the honourable Deputy Leader to resume his seat. At the particular point in time when the Deputy Leader launched forth with his remarks the Chair was about to reprimand the Premier for having interjected. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: Thank you, Mr Speaker. I will get off that subject and on to my question, but the last word on that matter has not been spoken. What assurances has the Premier sought from the Federal Government, and what assurances has he received, that the decision in relation to the submarine project will be made on entirely commercial grounds only? I was going to comment, but I must withdraw what I had in mind to say, or I will be sat down pronto, without being able to explain the question. I would like to get off square one. A number of statements have been made recently—

Members interjecting:

The SPEAKER: Order! The honourable member for Gilles is out of order. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: On 21 March the Premier was quoted in the morning daily which the Deputy Premier has just criticised (that reputable journal the *Advertiser*—sorry, that was a comment, Sir) as saying that he believed South Australia was the only site that could be chosen if the Federal Government's decision was taken on commercial grounds. That was said the day after the Premier had been to have his pow-wow with the Prime Minister in Canberra.

However, a day or two later an article appeared in that other equally reputable journal, the *Sunday Mail*, in which Mr Jim Duncan, who is in charge of the submarine project in the State Development Department, said that he was scared stiff that, in effect, the New South Wales Government was up to a 'dirty tricks' (his words) campaign to undermine the decision and that it could be made on political grounds because New South Wales is a big State, and no doubt Mr Unsworth is facing re-election.

Mr Hamilton: What is your question?

The Hon. E.R. GOLDSWORTHY: If the honourable member had his ears open he would have heard it.

The SPEAKER: Order! I hope that the member for Albert Park is aware of the significance of his remark in terms of the practices of the House, and withdraws it. Does the honourable member for Albert Park wish to withdraw his remark?

Mr Hamilton: I withdraw it.

The SPEAKER: The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: Thank you, Mr Speaker, I did not know that he was deaf. As these recent statements by the Premier and Mr Duncan strongly suggest that a political decision rather than a purely commercial one may be made, I ask the Premier (I hope without repeating the question) what assurances he has sought and what he has gained from his sojourn in or communications with Canberra.

The Hon. J.C. BANNON: I covered this in large part in response to a question from the member for Briggs only a little while ago.

Mr S.J. Baker: The Jensen study.

The Hon. J.C. BANNON: That is correct. If the honourable member had any real knowledge of this area and did not want to score cheap points he would understand that the Jensen study is directed to the economic benefits of the project—directly on the subject that the Deputy Leader has asked about: 'what are the commercial assurances?' The Jensen study is aimed at establishing that there are commercial reasons for building in New South Wales rather than Port Adelaide, so it is directly relevant. My answer to the member for Briggs directly addressed the question of the commerciality of the project. I also pointed out that, in fact, the study that we have commissioned by Dr Mules effectively refutes most of the bases and certainly the conclusions of the Jensen study. But what it indicates is that the battle is not over yet and that New South Wales proponents of the project are still active.

As to the assurances from the Federal Government, they have been consistently made. The Minister for Defence, Mr Beazley, has said to the consortia contending for the project—and has said publicly—that the Federal Government will be making a commercial decision. The Prime Minister has also reiterated that for the project to work it must be based commercially. The question, of course, becomes a little clouded when one begins to assess what is meant by 'commercial'.

Unfortunately, as we all know (and the Jensen study is a typical example of it) that, if the clouding of that issue is taken to any great extent, then the political forces about which we are so concerned in South Australia will come into play. Mr Duncan is quite right to sound a warning on that, but I would also draw attention to another statement made more recently by Mr Duncan, which was a response to the announcement by the Minister for Defence, Mr Beazley, that the Williamstown dockyard was going to be leased out to private operators.

This, in conjunction with what was happening with the Newcastle dockyards in New South Wales, all indicated a determination by the Federal Government to approach defence projects on a commercial basis. I think that is welcome, and I agree with Mr Duncan's conclusion that, if that attitude is maintained, that can only help South Australia's case, because we are convinced—and we believe that we have convinced the proponents of the project—that Port Adelaide is the most commercially appropriate place on which to have the construction site.

Having said all that and having had those assurances publicly, I repeat that so many factors can come into such a large and complex project that, until we actually see the decision and Port Adelaide is announced, there is no cause for either celebration in South Australia or for in any way diminishing our efforts to keep our case before the Federal planners. That is why we responded so promptly and so widely in terms of disseminating the information to the Jensen study.

We are on the lookout for anything like that, and we need 100 per cent support from this community in South Australia to respond to those attacks that are made on South Australia's case for the submarines.

The SPEAKER: Before calling on the member for Mawson I remind members that the Chair has made clear that, by and large, I prefer brief explanations attached to questions, as brief explanations are less likely to lead members astray into debate, comment and political points scoring. However, there are some questions which require slightly longer and more detailed explanations in order to supply the facts that may be necessary under Standing Order 124.

I provided that opportunity to the member for Alexandra yesterday, and I intend to do so for the member for Mawson at the moment. The member for Mawson has brought her question up to me, so I have been forewarned. I just advise her to be very careful not to stray into comment in the course of her explanation, if the House gives leave for that explanation.

Mr S.G. EVANS: Could I have that clarified? Are you suggesting—and I raise a genuine point of order—that we are advised as members to come to you and ask whether a particular question in your opinion (and it has to be your opinion, it is not the member's opinion) does deserve a short or a long explanation? If that is the case, we are really hamstringing your operations and those of the Parliament, and I believe that is unprecedented.

The SPEAKER: All the Chair wanted to make clear is that when a member launches into a lengthy explanation the Chair has no idea whether that will be lengthy or not or whether the member is likely to run the risk of straying into comment. The only way that the Chair can rule is to make an *ad hoc* ruling as members go along. In the rare cases where lengthy explanations which may strain the patience of the House are likely to be given, it is probably helpful to the Chair to be warned in advance.

Mr S.G. EVANS: Can I have that further clarified? Will you, Sir, be quite happy if members bring questions to you on a regular basis to get your opinion on whether or not they should involve a lengthy answer?

The SPEAKER: For the information of the House, I remind members that, although it is the practice of the Speaker to exercise the giving or withdrawing of leave for explanations, the Speaker only does that on behalf of the 46 other members of the House. At any time any member of the House can withdraw leave for an explanation; that is quite clear under Standing Orders. In fact, the custom to which I referred earlier—and which I assume was accidentally invoked by the member for Albert Park when he said 'What is the question?' which is a variation on simply calling 'Question'—goes back to an earlier tradition when the explanation to a question was given before the question was asked, and any member could call on the explanation to cease and the question to be immediately put, by that means.

In recent years the tradition has been for the question to be asked first, followed by the explanation. The explanation is given by leave of the House. Leave can be withdrawn by any member but, for the purposes of convenience and for the smooth running of the House, it is normally the Speaker who does so on behalf of the House.

The Hon. E.R. GOLDSWORTHY: On the same point of order, Mr Speaker, what arrangements can be put in place to reduce the prolixity of the answers to questions? Yesterday the Minister of Labour took eight minutes to answer a fairly straightforward question; and I suggest that the longest time ever taken in explaining a question would rarely exceed two minutes. If we are interested in the smooth running of Question Time, what arrangements can be put in place to keep Ministers' replies brief?

The SPEAKER: I thank the Deputy Leader for drawing that vexatious problem to the attention of the House. At the moment the Standing Orders Committee is undertaking a review of some of the Standing Orders of the House. It is possible that the Deputy Leader may wish to make a submission to the committee on that matter. At the moment, although I have given a ruling on this (and I have referred to it on previous occasions), it revolves to a certain extent on what has been the tradition in the past—which is for very few limits to be placed on ministerial replies. However, the Chair clearly recalls the Deputy Premier giving an undertaking that Ministers would endeavour to keep their responses reasonably brief. I am sure that, if called upon, the Deputy Premier would repeat that undertaking.

ETSA TARIFF

Ms LENEHAN: Will the Minister of Mines and Energy, as a matter of urgency, look into the circumstances which continue to prevent long-term residents of the Vines Caravan Park at Reynella from taking advantage of the cheaper domestic electricity tariff offered to them by the Electricity Trust almost three years ago? The Minister will recall that I first raised the matter of domestic tariffs for long-term residents of the Vines Caravan Park in a question in this House in October 1983. The Minister undertook to examine the matter and, as a consequence, ETSA began developing a workable system of providing long-term caravan park residents with power at the same tariff as that enjoyed by other householders in South Australia.

The trust produced details of such a scheme towards the end of June 1984, and had discussions with the Caravan Parks Association. As a result, significant modifications were proposed by the trust. Late in January 1985, I sought further details of the scheme so that they might be passed on to the proprietor of the Vines Caravan Park and, in particular, inquired as to the suitability of the existing submeters at this park for monitoring electricity consumption at long-term sites, as I was aware that ETSA had concerns about the accuracy of meters and ongoing appropriate maintenance in using equipment owned by a third party.

On 14 August 1985, I asked the Acting Minister of Mines and Energy in this House whether any progress was being made towards resolving the submeter issue. He informed me that, after a detailed examination of submeters, ETSA had offered a sensible compromise. The trust was prepared to buy the submeters at sites allocated for long-term occupancy, test them and then use them for billing in line with normal procedures. The proprietor would then be responsible only for providing adequate housing for the meters and a 70 cents a month meter maintenance charge. A week later, I informed residents of the Vines Caravan Park of the Minister's response and my understanding that the Manager of the park had already requested ETSA to proceed with the new arrangements.

On 1 October 1985, I again raised the matter with the Minister in the Estimates Committee and asked when residents of the Vines Caravan Park might expect to receive their first account at the new domestic rate. The Minister undertook to make inquiries, and on 17 October I was advised that the submeters at the park were currently being tested.

The testing was completed and an offer was made by the trust to the proprietor of the Vines park on 15 November. Unfortunately, after almost two years of effort to bring domestic tariffs to long-term residents, the proprietor of the Vines Caravan Park indicated to the Electricity Trust on 28 November 1985 that he was not interested in proceeding with the arrangement offered. The basis of his refusal was that the price offered for the submeters was too low. I again took up the matter in 1986 on the basis of approaches from residents of the Vines and on 17 June wrote to all residents setting out details of the trust offer, as follows:

First, ETSA has agreed, after thorough testing, that 80 of the 112 individual meters presently used at the caravan park are totally acceptable and have offered to purchase these meters from the proprietor at $10.25 per meter (total—$820).

ETSA will replace the remaining 32 meters which meet ETSA's standard. ETSA has proposed to the proprietor of The Vines caravan park that they will accept total responsibility for all the meters once they become ETSA's property, for a rental fee of 70c per month per meter.

The SPEAKER: Order! Will the honourable member wind up her remarks.

Ms LENEHAN: I seek leave to have inserted in *Hansard* a table showing the total saving in consumption.

Leave granted.

BILL PER QUARTER

Consumption per week			Kilowat hours 15c	'M' tarriff
50 kW hours			$90	$59.25
100	)		$180	$108.63
150	)	kw/h	$270	$158.01
200	)		$360	$207.39
250	)		$450	$256.77

Ms LENEHAN: In conclusion, I point out that I offered to attend with officers of ETSA if residents wished to meet to discuss the situation further. In due course a public meeting was arranged for residents of the Vines at the Reynella East High School on 16 October. About 20 residents attended, in addition to two trust officers and myself. Unfortunately, Mr Nick Wooding, the proprietor of the Vines Caravan Park did not accept an invitation to attend. I apologise to the House for the length of this explanation, but perhaps the Minister may be able to indicate to the House whether any options remain for long-term residents of the Vines Caravan Park who are still paying commercial rates for electricity when domestic rates are available to them.

The SPEAKER: Order! Before calling the Minister, I think it would be in order for the Chair to suggest that in future material of that nature could best be delivered separately by way of a grievance debate. The honourable Minister of Mines and Energy.

The Hon. R.G. PAYNE: I must say at the outset that I am surprised at the attitude of Opposition members. What is being put to the House in this situation is that some people are being denied access to a lower tariff by the actions of a proprietor, and I should have thought that members opposite would have had—

Mr MEIER: On a point of order, Mr Speaker, I listened to the honourable member's question and I did not hear Opposition members give any indication one way or the other of their attitude. I believe that the Minister is reflecting on the Chair and that an apology should be tendered forthwith.

The SPEAKER: Order! The Chair cannot follow the logic of that point of order. The honourable Minister of Mines and Energy.

The Hon. R.G. PAYNE: Thank you, Mr Speaker. What the member for Mawson put to the House is clearly a saga that has resulted in people being denied something to which I believe they have a right. The proprietor of The Vines caravan park is able to deny access to domestic tariffs to long-term residents of his premises for as long as he wishes. He is not required to behave in an equitable manner. These

are his premises and he is not obliged to go out of his way to help long-term residents obtain electricity at the same rate as it is available to other South Australian householders.

The fact that the savings available may be very substantial—and they are—and that the residents are likely to be in income groupings that have considerable need of them need have no relevance for the proprietor. The trust has gone out of its way to be helpful in trying to address the question of making domestic tariffs available to the considerable number of people who, for a range of reasons, choose to become long-term residents of caravan parks. That is the situation about which we are talking: it involves long-term residents, who ought to be in the same position as people living in conventional houses.

In attempting to analyse the reasons why Mr Wooding chooses not to proceed with ETSA's offer, two matters appear to be relevent. First, he apparently believes ETSA's offer to purchase his sub-meters is inadequate. Secondly, he presumably objects to the meter maintenance charge of 70 cents a month, despite the fact that he will be able to use those meters for his own purposes for short-term clients in the caravan park, and he would have no responsibility under the proposed scheme for maintaining them.

The member for Mawson has asked me to examine the matter urgently once again. I am happy to do that, but I do have some further useful information to offer today. The trust offered in November 1985, as the honourable member told the House, to buy 80 of the sub-meters at The Vines park. This followed an examination of the meters and their enclosures. The sum of $10.25 has been put forward. The trust's valuation of the meters took into account their age and condition. I am now advised by the trust that it is prepared to look further at the valuation of the meters if the proprietor indicates that this may provide a rsolution to the situation.

In addition, I have been informed by the member for Mawson that long-term residents of The Vines are prepared to meet the 70 cents a month meter maintenance charge, and thus the proprietor would be relieved of this burden. I do not know what more can be done. Further compromises may be possible, but it has always been the case that the actual delivery of power at domestic rates to long-term residents of The Vines park is in the hands of the proprietor.

SEASONALLY ADJUSTED

The Hon. JENNIFER CASHMORE: Will the Minister of Children's Services investigate, as a matter of urgency, a current theatre production involving a young baby, in which the interests of the child are apparently being disregarded? I refer to a play currently being performed at the Balcony Theatre by the Unley Youth Theatre. Entitled *Seasonally Adjusted*, it is a futuristic play based on a single mother's sale of her baby to pay living expenses. Concern has been expressed that a baby of about eight months of age is used in the opening few minutes of the production. The child is listed in the program as Chloe O'Hare.

The play opens in darkness with the sound of the child crying in a manner described by one theatre critic as 'hysterically distressed'. The child is carried from the wings by an actress, initially in darkness, and the couple are then followed by spotlight to the opposite side of the stage. While the baby appears for only a few minutes, I have been informed that she is visibly frightened in this role and reaches out over the shoulder of the actress for comfort from a person, presumably her parent, who is off-stage. Members of the audience on both Saturday night and last night have been horrified by the child's terror, and have questioned why a doll could not have been used as was the case when the play was performed in workshops last year.

A critique of the play published in the *News* observed that if a puppy had been so cruelly treated, the RSPCA could have stepped in. As further productions are scheduled for tonight and tomorrow night, I ask the Minister to initiate an investigation immediately to ensure that the child's best interests are served.

The Hon. G.J. CRAFTER: From the facts that the honourable member has given the House, I suggest that as Minister of Children's Services I do not have any authority to intervene in this matter. Obviously, I would also be concerned in the circumstances that the honourable member has provided. However, I undertake to refer the matter to my colleague the Minister of Community Welfare, who I believe does have powers to investigate the situation and take whatever action is appropriate in the circumstances.

DUMMIES AND TEATS

Mr KLUNDER: Will the Minister of Transport, representing the Minister of Health in another place, indicate whether the State Government will take appropriate action to ensure that dummies sold in this State are as safe as they can be or, at least, that they are appropriately labelled? I hasten to assure the House that this is not a question about Her Majesty's loyal Opposition.

An article in yesterday's *Advertiser* indicated that *Choice* magazine had found problems with the chemicals in more than one-third of rubber teats and dummies and had found that silicone dummies could be chewed into pieces, with a risk of the pieces subsequently lodging in a baby's throat. Will the Minister check on these statements made in *Choice* magazine and ensure either that dangerous brands are withdrawn or at least that appropriate warnings are enclosed with the dummies and teats at the point of sale.

The Hon. G.F. KENEALLY: A quick look along the front bench would indicate that there is a great deal of experience in the matter of babies' teats, and the use of them—

An honourable member: A lot of dummies!

The Hon. G.F. KENEALLY: —and a quick look across the Chamber would meet with the sort of result that members opposite are now suggesting. This is a very serious matter. I did hear media reports of *Choice* magazine's findings, and I think this matter is of considerable concern to all parents, more particularly I expect to those with young babies who are using these dummies. I would be happy to refer the matter to my colleague in another place and obtain an urgent report for the honourable member.

DRUG AND ALCOHOL SERVICES COUNCIL

The Hon. B.C. EASTICK: Is the Minister for Environment and Planning satified that the Drug and Alcohol Services Council is complying with the spirit as well as the letter of all relevant planning laws in the establishment of a detoxification centre at Joslin and a drug rehabilitation centre as Ashbourne? This morning it was revealed that the Payneham council is seeking an injunction to stop work on the detoxification centre following complaints by local residents that they have been hoodwinked by the Drug and Alcohol Services Council. There is also serious concern about the manner in which the council is proceeding with the development at Ashbourne.

Objections to this development were heard by the Planning Appeal Tribunal in January. Although negotiations have not been finalised on conditions to be imposed on this development, it is proceeding as if there were no objections. There are already two buildings on the property and three more are planned, despite the fact that adjoining landowners have been restricted to one building per property. What has also concerned local landowners is the failure of the Drug and Alcohol Services Council to give satisfactory guarantees in relation to fire protection and procedures for the treatment of any AIDS and hepatitis B victims at this centre.

Today the Opposition has also been informed that, while the original application for this development was made in the name of the Drug and Alcohol Services Council, moves are being made to amend it to include the Health Commission, apparently in an attempt to allow the council to ignore objections to the development. The use of section 7 is also in dispute in relation to the Joslin development. The manner in which the Drug and Alcohol Services Council is proceeding with both of these projects has provoked claims by local residents affected that the Government is helping the council to get around planning laws and to ignore genuine objections to and serious concerns about these developments.

The Hon. D.J. HOPGOOD: The honourable member did not commit himself as to the worthiness of these projects. My attitude to this would be that both projects are very worthy indeed, but of course they have to meet all of the planning criteria before they can proceed. I have no specific information that I can give the House in relation to the Joslin project, and I will undertake to get that advice for the honourable member and the House.

In relation to the Ashbourne project, first, I do not see how section 7 could now be relevant. I do not see how one can change courses, as it were, in relation to a project having been applied for under another section of the Planning Act, particularly as it is now before the tribunal, unless what was in contemplation was a renewed application.

I do not think that that is what the DASC has in mind, because my advice is that the DASC had sought legal advice and that that advice was that it could proceed at least to a degree on the indications given, although some aspects of the matter had not yet been determined by the Planning Appeals Tribunal. I have asked for further advice on this matter. I suppose that a Supreme Court injunction could be considered, but the best advice I can get is that that would be unnecessary in light of the fact that the tribunal is likely to complete its determination in short order and if the Drug and Alcohol Services Council finds that it has punted the wrong way in relation to the outcome then, of course, there will be certain costs in relation to rectification that will have to be undertaken. I am concerned that in these sorts of projects all of the proper planning procedures are gone through. I will get further advice on the matter for the honourable gentlemen and the House.

BIRKENHEAD BRIDGE

Mr PETERSON: Will the Minister of Transport provide a report on the safety, structure and future of the Birkenhead Bridge at Port Adelaide? This bridge is one of two bridges over the Port River servicing the Le Fevre Peninsula. With continued work being carried out on the bridge, disruption to road traffic has created doubts in the minds of many people about just what are the real problems. Other interested parties (for example, river users, pleasure boat owners, operators of slips and allied businesses up-river from the bridge) are all concerned about rumours that the bridge may be locked down when the *Troubridge* berth is relocated and the replacement vessel is put into service. It has been put to me that it is now necessary also to place a weight limit on vehicles using the bridge to lessen the load on it and the flow of heavy traffic through Port Adelaide. This would have the dual effect of lengthening the life of the bridge and directing all heavy traffic via the bypass that was built specifically for that purpose.

The Hon. G.F. KENEALLY: I thank the honourable member for his question, and I will get a detailed response for him. The Birkenhead Bridge is a very essential part of the road system serving Le Fevre Peninsula and its future is assured. The work currently taking place on the bridge is part of a general maintenance program that is required to ensure that the bridge continues to serve the purpose for which it was constructed. The more detailed questions asked by the honourable member require a considered response, so I will obtain that for him as early as possible.

INDUSTRIAL CASE

Mr S.J. BAKER: My question is to the Premier, and not the Minister of Labour. Does the Premier support clause 29 of the termination change and redundancy case launched by the UTLC in the State Industrial Commission? Clause 29 states, amongst other things, that:

> Where an employer instructs or commissions employees, consultants, suppliers or any other person to carry out an investigation of the feasibility of making changes in production program, organisation structure or technology, which changes would, if implemented, have significant effects on employees or where the employer personally commences such an investigation, he/she shall notify:
>
> (ii) the secretary of the relevant union(s) that the investigation is being undertaken and shall specify the employers' principal objectives of such investigations.

In other words, employers contemplating change will have to provide details to union officials. Employers have informed the Liberal Opposition that this will have a very detrimental impact on this State. They are concerned that commercial confidentiality will be breached, that all decision-making power within companies will be moved interstate to avoid this provision, and that it will be impossible to attract investment capital to this State if investors first have to consult with the trade union movement.

The Hon. FRANK BLEVINS: At the start of Question Time today the Deputy Leader of the Opposition was critical of the length of an answer I gave yesterday in relation to this topic. I would have thought that I had gone into the issue at sufficient length yesterday. However, I am invited by the member for Mitcham to go over it again. The Government's case will be put to the commission at the appropriate time, and I think that that is the correct place for it to be put. The issues will not be canvassed by the Government outside the commission until, out of courtesy to the commission, the case is presented to Justice Stanley. In general, let me say that, irrespective of the outcome of that case, any employer, whether in the—

Mr S.J. Baker: Are you supporting it?

The Hon. FRANK BLEVINS: I will tell you what I am supporting.

Mr S.J. Baker interjecting:

The SPEAKER: Order! The member for Mitcham should not interject, and the honourable Minister should direct his remarks through the Chair.

The Hon. FRANK BLEVINS: I thought I had gone through that and said that the details of the Government's

case would be put to the commission. When that is done I will be happy to debate it with the honourable member. In general terms, as I said yesterday, whatever the commission's decision—and we are talking about decisions, not submissions—I would hope that every business and every firm in this State which is contemplating any change whatsoever immediately transmits to its employees—preferably through the union—the intention of that particular change.

I think firms will find that, if they take their employees into their confidence about what they are trying to do, they will get a tremendous amount of assistance from their employees. There is no way that industry in this State or in this country will get back on its feet unless it is through a partnership of the employers and employees, and 'partnership' in my opinion means equal sharing of information that could have any impact on either party. Irrespective of the decision, I would want to see every firm in this State notifying the employees and the unions immediately of any change which could affect the working conditions of the employees, and the sooner they do it the sooner they will get the benefit of any change that is to be made.

JUNK MAIL

Mrs APPLEBY: Has the Deputy Premier given some consideration to how best to address the concern being expressed on the legitimacy of companies and organisations who distribute information via the letterbox or its adjacent surroundings, when signs are clearly evident that the box is for official mail only? I have again been inundated with complaints relating to what would appear to be an unsolvable situation—junk mail. Five per cent of the letterboxes in my electorate carry the traditional 'No junk mail' or 'GPO mail only' signs and, generally, these requests are ignored, as commercial enterprises and political Parties deem their printed material to be not junk mail but, rather, legitimate information.

A good proportion of the residents of my electorate are mobile aged who go off on touring holidays. The home security provisions generally made prior to departure are undone when the spillover of brochures, pamphlets and local papers is clearly visible to the passer-by with ulterior motives. It is obviously not successful to make contact with the agencies requesting non-delivery to a particular address.

The SPEAKER: Order! The honourable member is now starting to put facts together in such a way as to constitute argument and debate. I ask her—

Members interjecting:

The SPEAKER: Order! I ask her to try to adhere to the practices of the House, or else terminate her question.

Mrs APPLEBY: I will outline the three points put to me arguing that constituents take a post office box costing $20 per year to alleviate having to have a letterbox. The first point asked is why residents should have to pay for the inconvenience—

The SPEAKER: Order! Although the Chair is sympathetic to the argument being put by the honourable member, nevertheless it is an argument and, accordingly, I must withdraw leave. The honourable member was clearly beginning to comment on the pros and cons of various methods of approaching a particular problem and, clearly, that is debate.

The Hon. D.J. HOPGOOD: I must congratulate the honourable member on her persistence in relation to this matter, because she has raised it on a number of occasions. Speaking personally, I have never quite seen this as severe a problem as has been put to the member. Everything that is put into the Hopgood letterbox is read, except Liberal Party election pamphlets which go straight into the wastepaper basket. In any event, I see it more as a security matter rather than a question of litter control.

The amount of litter so generated is reasonably small. If local government authorities could get their act together as well as the Noarlunga council—which removes all domestic refuse without any quarrel—the problem would disappear very quickly. There can be a security problem when a large amount of material litters the vicinity of a letterbox because it can indicate that a house has been vacant for some time. I could ask the Police Force to take up the matter under the Neighbourhood Watch program. People involved in that program have had a considerable degree of experience in relation to self policing. We will see what suggestions come back from that source.

HILTON BRIDGE

Mr INGERSON: My question is directed to the Minister of Transport. When will all check rails be installed at the new Hilton Bridge to ensure public safety? This moring this magnificent new structure was officially opened. It replaces the old Hilton Bridge which had check rails on all the main suburban lines running under it to ensure that, in the event of a derailment, a train did not crash into the bridge and cause it to collapse in similar circumstances to the Granville tragedy in 1977. However, I have been informed that on the new Hilton Bridge these check rails are positioned only on the suburban up track, but not on the other applicable lines.

The Hon. G.F. KENEALLY: I thank the member for his question. I was pleased to be with him this morning at the opening of the new Hilton Bridge. I think the bridge passes over 14 sets of rails. I imagine that almost all of them (except for perhaps one or two) belong to Australian National, and I will take up the matter with it. At least two sets of the rails would belong to the State Transport Authority, and I will certainly refer the member's question to it, also.

We need to understand that the whole geometry and structure of the bridge and the rails are now different to what applied prior to the construction of the new bridge. Because the angles are different, there is greater safety. There is absolutely no doubt in my mind about this, and I assure anyone travelling under the Hilton Bridge that there is 100 per cent safety. If it is necessary to provide 200 per cent safety, I will take that up with the STA engineers. Obviously it is not the member's intention to try to frighten STA commuters; I know that he would not want to do that. However, that assurance can be given. I think we need to take into account that all engineering structures on the bridge have been changed, and that the safety factor has been paramount in relation to those changes. I will obtain the information requested by the member.

FERTILISER SUBSIDY

Mr RANN: Is the Minister of Agriculture concerned about interstate reports of a leaked Liberal Party document which shows that a coalition Government, if ever elected, would end the current consumption subsidy for farm fertilisers? Also, what effect would such a move have on South Australia's rural community?

The Hon. M.K. MAYES: At the outset, I thank the honourable member for drawing this matter to my attention and that of the House, because it would have a devastating

effect, especially in those areas that are currently under great stress. The honourable member is referring to the following article in the *Sydney Morning Herald* of 25 March:

Mr Howard said that, while the specific cuts in Government spending outlined in a leaked Liberal Party draft document had not been approved, there were elements of the general approach with which he agreed.

The article continues by outlining the proposals highlighted by the leaked document. I recall from seeing Mr Howard interviewed on television that he accepted as legitimate what was in the document; in fact, the shadow Cabinet was entertaining the proposals. The article states:

Proposals in it for cuts which have not been specifically repudiated include abolishing the Commonwealth Employment Program and other job-creation schemes, abolishing the Schools Commission and possibly the Education Department and the Tertiary Education Commission, cutting bounties for manufacturing . . . and ending the farm fertiliser subsidy.

An honourable member interjecting:

The Hon. M.K. MAYES: If the honourable member was patient, he would find out. It is important to note that the subsidies have a wide-ranging effect in the rural community. The $83 million in direct subsidies is split into two categories.

Members interjecting:

The Hon. M.K. MAYES: I should have thought that the member for Victoria would understand this issue, but apparently he is having some difficulty.

Members interjecting:

The SPEAKER: Order! I warn the honourable member for Victoria.

The Hon. M.K. MAYES: The member for Victoria, as an expert on subsidies, probably specialised in this aspect of his program formerly as a farmer and businessman.

Members interjecting:

The SPEAKER: Order! I ask the Minister not to provoke the member for Victoria. At the moment he is showing some difficulty in restraining himself but, nevertheless, I ask him to try to do so.

The Hon. M.K. MAYES: The components of the subsidies are as follows: $55 million is for current fertiliser consumption subsidies, and the remaining $28 million, under section 96, involves the provision of anti-dumping duties for high analysis fertilisers. We have been through the process ourselves of approaching the Federal Government on these issues (the subsidies were provided only last year) and asking for the support of the Federal Government in continuing its campaign and in considering these issues in relation to a Federal budget cut.

It would be devastating for our local community if these supports that are given to the farming community were cut. It is surprising to find in such areas as the West Coast the Liberal Leader of the Federal Opposition, who is currently in Adelaide, making these sorts of statements and not denying them. It must be especially disheartening to farmers on the West Coast and in other areas that are under stress to hear statements from the Federal Opposition Leader about these funds. It is disturbing to note that this will probably be the largest subsidy side of the Federal budget that is added to the agricultural economy. So, it is most disturbing to note these comments.

It is of great concern to South Australian farmers that a Liberal Leader should make these statements and undermine the efforts of the States in particular. It would certainly draw the Federal Government's attention to this aspect of the budget when it was looking for cuts to make. Therefore I can understand Opposition members' discomfort about this matter and how they would wish to distance themselves from their Federal Leader's statements and especially hope that this matter would not be raised in a public forum, certainly not in rural areas, where the Opposition has decreasing support in the farming community. I place on record that great concern would be caused to the farming community of South Australia if this cut was proceeded with.

CARRICK HILL

Adjourned debate on the motion of Hon. J.C. Bannon:

That this House resolve to approve, in accordance with the requirements of section 13 (5) of the Carrick Hill Trust Act 1985, the sale by Carrick Hill Trust of that portion of the land comprised in Certificate of Title Register Book Volume 2500, Folio 57 that is marked 'A' and shaded in red on the plan laid before this House on 2 April 1987 and that a message be sent to the Legislative Council requesting its concurrence thereto.

(Continued from 2 April. Page 3809.)

The Hon. JENNIFER CASHMORE (Coles): Mr Speaker—

Members interjecting:

The SPEAKER: Order! The honourable member for Coles has been given the call. If I have to call on the member for Victoria, it may be for another reason.

The Hon. JENNIFER CASHMORE: Thank you, Mr Speaker. The Liberal Party has grave reservations about breaking the terms of a will and the wishes of the benefactors as set out in that will. This is the central issue of the motion that we are debating this afternoon. We are not debating the merits or demerits of a sculpture park at Carrick Hill, the effect of the sale of land on the amenity of the area surrounding Carrick Hill, or the financial restrictions facing the Carrick Hill Trust and the Government. They are all important issues that need to be addressed, but they are peripheral to the central issue of this debate.

We are debating the extent to which Parliament, acting as the ultimate trustee of the will of Sir Edward and Lady Hayward (because that is what we are in the terms of the Act), has the right to override, vary or amend the terms of the Haywards' will. The motion has already caused considerable public interest. It caused instinctive and immediate concern among my colleagues. As a result, we have done a considerable amount of work in ascertaining the background to this issue. That work has had to be undertaken in more than something of a rush and was necessitated by the very thin and scanty nature of the Premier's speech when moving the motion.

As the House knows, the Carrick Hill Trust Act sets up a trust that gives legislative effect to the wishes of the late Sir Edward and Lady Hayward, who bequeathed to the State of South Australia Carrick Hill, their residence, which is seven kilometres from Adelaide and which consists of a house and 39 hectares at Springfield. The house, which was completed in 1939, is in the style of an Elizabethan manor house. It boasts the oldest fittings of any house interior in Australia, and has an elaborate staircase and panelling from an old English Elizabethan manor house.

At the time that the Act was passed, the property was said to be worth at least $20 million, and consisted not only of the house and land but also valuable European and Australian paintings, antique English furniture, sculptures and other art objects. At the time, the Premier noted that Carrick Hill presented an unrivalled opportunity to develop a unique tourist asset of wide community interest, embracing the arts, recreation, leisure, educational and creative activities.

Under the Act, which was amended by the Liberal Party when it was before Parliament, Parliament acts as the ultimate trustee. We are, in effect, a super trustee over and above the trustees themselves. Therefore, we have a very great responsibility. As originally introduced, the Bill would have given the Premier, as Minister, the sole power to dispose of land that was held in trust.

At that time, that was most certainly not acceptable to the Opposition and, as a result, that unfettered right which the Minister would have had and which he could and apparently would have exercised today in order to sell off that land without reference to Parliament or the people for whom it is held in trust was amended.

As a result of that initiative (and only as a result of its inclusion in the Act) the Liberal Party moved that no sale could be made without reference to Parliament. As the overriding trustee, I believe that if we fail to responsibly exercise that trusteeship, there are enormous dangers to the future likelihood of the State benefiting from bequests of this nature.

It is important that we do not underestimate the power of example and the power of precedent in a matter such as this. The relevant sections of the will are set out in *Hansard* (page 2397, 12 February 1985) in a speech delivered by the then member for Davenport (Hon. Dean Brown). In simple terms the will provides that Carrick Hill is to be offered to South Australia as a home for the Governor, a museum, a gallery, a botanic gardens or a combination of any of the latter three functions. The will goes on to provide that, if the State did not desire to accept that request, or if it failed to comply with the time conditions imposed in the will, Carrick Hill was to go to the National Trust of South Australia which was, under the terms of the will, given power to sell several lots or any portion of the said land to provide a fund sufficient for maintenance of the property.

It was clear that Sir Edward and Lady Hayward recognised that the National Trust did not have resources sufficient to maintain the property. There was no such qualification in respect of the bequest to the State of South Australia. The will is quite specific. It is equally specific that, if neither the State nor the trust accepted the bequest, Carrick Hill would become part of the residual estate of the Haywards to be disposed of in terms of the residual estate.

The Liberal Party does not want to politicise this issue. We see it as a genuinely vexed issue, as an issue of moral principle, as an issue that can have profound consequences for future bequests to the State. We see it as a very sensitive issue involving a board of trustees comprising people of high repute. We also see it as being a very sensitive matter to the surviving members of the Hayward family. Therefore, we do not want to politicise it. We want to deal with it responsibly and as wisely as we know how.

Having said that, I must say that, with that intention in mind, it was extremely galling to say the very least to open yesterday's paper and see in it a statement by the Premier which virtually amounted to a threat to Parliament, saying that Carrick Hill would be closed unless the Opposition approved the sale of land to enable the purchase from the capital proceeds of that sale for sculpture to establish a sculpture park.

It is stretching the truth, to put it very lightly, for the Premier to say that Carrick Hill might be forced to close down if the Government cannot sell the land. There is no credibility in that statement. We cannot accept it and we believe that, in making that statement, in virtually putting a blackmail threat over the Opposition, the Premier has done no service to enlightened debate on this very sensitive issue. In fact, to put it bluntly, most people faced with a threat of that kind would be more inclined to dig in their heels and stick to what they see as their principles, than if the Premier had been willing and able to accept that there is another point of view in this debate.

There is no doubt whatsoever that there is another point of view in this debate: it is a point of view that is very strongly held indeed. It was just simply not credible for the Minister to say, as he is quoted as saying in the *Advertiser* of 7 April:

> Unless [Carrick Hill] could be further developed with new art works, it would not remain a viable tourist attraction . . .

He went on to say:

> The Haywards would not have been anticipating a situation where constraints on Government expenditure were such that we could not do justice to the property.

For anyone at this stage to be pointing to alleged wishes or perceptions one way or the other, indeed, to be pointing at anything other than the will and the terms of the will, is to engender into this debate elements that I believe are not appropriate when we are considering the wishes of the dead.

I know that the Premier has received copies of letters from the solicitors acting on behalf of the executors and the trustees of the estates of both Sir Edward and Lady Hayward. Both those letters seek the Premier's urgent reconsideration of his proposal to sell a portion of the Carrick Hill land. Both letters also point out that the Premier's subdivision proposal conflicts with the donors' wishes and would breach an undertaking by the former Premier (Hon. D.A. Dunstan) who accepted the gift 'under the terms of the will'.

I have a copy of Mr Dunstan's letter to the solicitors at the time, and he accepted the gift 'under the terms of the will'. That could hardly be plainer or more explicit. The executor of the estate of Sir Edward Hayward in his letter to the Premier states:

> Whilst it is clear that it was intended the Government could sell or deal with the chattels, there was no express power in the will for the Government to sell any of the real estate.

The executor continues:

> It is clear that it was intended by Sir Edward Hayward that the real estate of Carrick Hill be maintained in its entirety.

The solicitors acting for the trustee of the estate of Lady Ursula Hayward state:

> The intention of all parties was that the gift to the State would be made if, and only if, the State agreed to hold and maintain the whole of the property for one or more of the purposes set out in those documents.

If Parliament fails to exercise its trusteeship responsibly over the Carrick Hill trustee proposal, as I mentioned, we could do enormous damage to the future likelihood of the State's benefiting from bequests of this nature. It is worth noting that Martindale Hall, which was left to the State in the Mortlock bequest—

The Hon. J.C. Bannon interjecting:

The Hon. JENNIFER CASHMORE: I beg your pardon: the Adelaide University. However, the principle does not vary, although we cannot be held responsible in this instance. The fact that some of that property has been sold does not inspire confidence in future benefactors. Whatever the university has done need not in any way be regarded as a precedent for the State Government or for the Parliament.

The question is how can Parliament most responsibly exercise its trust when we have had only a matter of days to consider this proposal. We know that the Premier received the proposal from the trust in September 1986—six months ago. That was when the proposal was put before the Premier, who has waited until the dying days—invariably hectic days at the close of a session of Parliament—to drop it on the Opposition, leaving the Opposition and the general

public very little time indeed to consider the quite intricate issues surrounding the case.

In that very limited amount of time that we have had my colleague the Hon. Mr Davis, who is shadow Minister for the Arts, has gone to considerable trouble to ascertain relevant facts. He has gone directly to the will, which was not referred to in the Premier's speech on the motion. He has consulted members of the trust and has inspected the site. He has consulted residents who live adjacent to the site, and has made contact with the executors of the will (and we know their views, which are plainly stated, and they are the people who were given the responsibility by Sir Edward and Lady Hayward to ensure that their wishes were fulfilled).

The Hon. Legh Davis and, indeed, all my colleagues and I have listened to our constituents. I find it interesting that wads of telegrams are being sent to members of the Opposition, and I have no doubt that significant numbers of telegrams are coming in to the Premier. The Premier can and no doubt will dismiss those telegrams as being part of an organised campaign, but I know, in the case of my own constituents, that a number of residents of suburbs like Magill and Athelstone who could not possibly be part of any organised campaign of Springfield residents are ringing my office saying that it is not fair, right or just, and should not be allowed to go ahead.

Talk around the city during the past few days over lunch and dinner tables amongst quite influential people, I am told—I have not been listening to this talk but it has been conveyed to me—is almost universally concerned with this proposal. In tonight's *News*, columnist Tony Baker, in an article entitled 'Don't slice up South Australia's heritage' states:

> There is a fine tract of land surrounding Adelaide. It has over the years steadily been degraded. But no-one has suggested that the parklands should actually be subdivided to make way for houses. Belair National Park also would make good housing. Prime Hills land. Where is the difference? My mind is too subtle to appreciate it.
>
> Furthermore, if someone is sufficiently rich and well disposed to bequeath something to the State then that someone is entitled to expect that, if the State accepts it, the property will be preserved and not be contingent on a future bottom line.
>
> Sir Edward left two peculiarly Adelaide memorials, Johnnies pageant (he was executive head of the John Martin stores) and Carrick Hill. It would be a shame if, within two years of one of them, Carrick Hill, being opened to the public a part should be lopped off. We are told that if the property is not subdivided Carrick Hill might have to close or restrict its hours. What a nonsense.

Mr Baker elaborates on an argument that I have already presented. Those reservations, expressed across the board in South Australia, should give Parliament, acting as the overall and ultimate trustee, cause to think. How can we exercise that trust in a matter of days and in a debate comprising perhaps hours or less? An enormous number of questions need to be answered, and I will list some of them.

It is important for the Premier to acknowledge that the trust itself did not presumably come to this recommendation and conclusion in a matter of days or even weeks. Presumably, the trust had months to consider the issue, propose it and put it up to the Premier. The Premier himself has had six months to consider it. Parliament has had barely five days, yet we are the ones with the ultimate responsibility. The Premier's speech on the motion was very light on details of the management of the trust fund. To be precise, the Premier's detail, as far as it went, on the proposed trust fund, in which the capital from the sale of the land will be placed for investment so that interest on that capital can be used for the acquisition of works for the establishment of a sculpture park, is contained in one and one only vague sentence in his speech on the motion. That sentence is insufficient material, as far as the Liberal Party is concerned, on which to base a judgment to encourage us to support the proposition. The sentence states:

> The net proceeds of the sale of the land would be placed in a trust account, the income from which would be devoted to the acquisition of works of art and the development of Carrick Hill.

What trust account? Is it going to be a Carrick Hill trust account? The speech does not say so. Is it going to be SAFA or the Treasury? The speech does not say so. There is nothing before us to tell us, the ultimate trustees, how this will be set up or administered. Who administers the trust account? What happens to the interest? Is the interest to be exclusively for acquisition? The Premier said it was to be for acquisition—

The Hon. J.C. Bannon: And development.

The Hon. JENNIFER CASHMORE: —and development. He did not rule out the possibility that some of that income could be used for recurrent purposes. He did not include it, but he did not rule it out, and that is very relevant. We know that the Government is strapped for cash. We want to know how the establishment of such a trust would relieve the Government of its responsibility for the general funding of Carrick Hill. We want to know whether flogging off a bit of land will simply mean that the Treasury has less responsibility because Carrick Hill has its own private source of income.

Does the Government's responsibility for Carrick Hill become diminished (and, if so, to what extent) as a result of this trust fund? These are all relevant questions, and they are not addressed in the Premier's speech. There is no Bill before us so we can only take the wording of the motion, because of the nature of this debate. There is nothing specific whatsoever, and that is not good enough. We know that there are a whole series of arguments. There is anecdotal evidence, which cannot be admitted in this debate, that such a proposition would not have been opposed by Sir Edward and Lady Hayward. We cannot even comment on that; we can only look at the terms of the will, and the terms of the will as set out in the original debate on the Carrick Hill Bill are quite clear. At the time the Hon. Dean Brown, as the member for Davenport, said:

> The Bill allows for the sale of the land or real property with the approval of the Minister. The will is quite specific in that, if the State does not want Carrick Hill and the surrounding land, it automatically should pass within six months, or if it needs the approval of this Parliament within 12 months, to the National Trust.

Further, the member for Davenport went on to say that the State had sat back over a 12 to 13 year period, between the death of Lady Ursula Hayward and the death of Sir Edward Hayward, when the intent of Lady Hayward's will was made known publicly, and we said that we would accept Carrick Hill in the terms of the will. The Premier of the day said that, specifically: 'in terms of the will'. The terms of the will are clear, but this motion appears to breach them.

I acknowledge that some States give their National Trusts power to effectively vary terms of a will in certain restricted circumstances to enable sale of property. In the strict sense that does not concern us here because that is not part of what we are debating. Some would say that that is a moral argument that could be used to support what is being proposed here because an option in the will was that the property could have gone to the National Trust, but it did not; it was accepted by the State in the terms of the will, and we can only operate within those terms.

I reiterate that the Liberal Party does not want to politicise this issue; we want to resolve it. My colleagues and I have immense regard for the trust. We thoroughly support

Carrick Hill and most of us have been up there, and have enjoyed the unique and superb surroundings and have taken great pleasure in the interior of the house and in its works of art.

I certainly commend the trust for the manner in which necessary facilities have been provided at Carrick Hill in a very sensitive and sympathetic fashion. I am most supportive of the notion of a sculpture park at Carrick Hill. I recognise that if we had one at Carrick Hill, or anywhere in South Australia, it would be unique in Australia. Such parks are very rare throughout the world; there is a superb one in Holland, the Kröller-Mueller museum; and I believe that there are some in North America. There is no question that the proposition is a worthwhile one. If we are speaking of worthwhile propositions and of $1 million making such a proposition possible, and if we are speaking of breaching the terms of a will in order to acquire that $1 million, then we should also look at the Government's general priorities.

In the past couple of months the Government has spent $500 000 on a couple of hotels, yet it says that it cannot possibly provide money for a sculpture park and that the only way that such money can be forthcoming is to sell off land that is part of a bequest to the people of the State. I will not go into that matter now, but we could add up several million dollars that have been demonstrably wasted by this Government in the past two or three years which, with better management, could certainly have been allocated to Carrick Hill to enable the creation of a trust fund for investment purposes to ultimately create a sculpture park.

To suggest that Carrick Hill will close if this motion is not passed this week is patently absurd. There is a responsible and sensible way by which this difficulty can at least be examined and, we hope, resolved. We think that the most appropriate way to do that is through the medium of a joint select committee. The two Houses of Parliament together comprise the ultimate trusteeship of Carrick Hill. Therefore, it is appropriate that nominees of both Houses of Parliament sitting jointly as a committee should be able to examine these very important issues of principle, morality and practicality in an attempt to resolve the matter. I therefore move to amend the motion as follows:

Leave out 'resolve' and insert 'refer to a joint select committee for investigation and report on a request from the Carrick Hill Trust'.

The rest of the words follow the wording of the motion. I discussed this matter yesterday with the member for Elizabeth, who indicated his intention to move such a resolution. Members would know that, whilst I am leading the debate for the Opposition in this House, I am not the Opposition spokesperson on the arts; my colleague the Hon. Legh Davis is. He was at that very time canvassing all the options by which this matter could most reasonably and appropriately be resolved. That was the option of a joint select committee, which he has recommended to my colleagues and which we have accepted.

In the knowledge that the Australian Democrats in the other place are opposed outright to this proposition, I believe that the most likely way that it can be saved (if, indeed, that is what ultimately occurs) is by all responsible parties getting together to consider the issues in an attempt to resolve them in a moral and honourable fashion which does not place this Parliament or more importantly the Government, in the position in the eyes of the community of being irresponsible in fulfilling the wishes of the dead. It is simply something upon which we place great value: that on this great principle of observing the wishes of a will Parliament should not override those wishes in a way which seems to many people to be wrong and roughshod and which will certainly, if it occurs, have a deterrent effect on the possibility of future bequests. Because of his interest in the matter, I believe that it would be worth while if the member for Elizabeth were on such a select committee. I believe that it is important—

Mr S.G. Evans: What about the member for the area?

The Hon. JENNIFER CASHMORE: I was coming to that shortly. The member for Davenport is the member representing the area in which Carrick Hill is situated, and it is quite clearly only right and proper that that member should have an opportunity to put the views of his constituents before a joint select committtee. It seems to us appropriate that the Australian Democrats from the other place should be represented on such a committee. It also seems appropriate that the committee comprise four members from the House of Assembly and four members from the Legislative Council and that, in the nature of joint select committees, there should not be a Government majority so that the issue could be seen by the people of South Australia to be being examined in a bipartisan fashion.

My final word is directed to the Premier. I reiterate to him that we do not want to politicise this issue; we do want to resolve it. Most of us (I certainly would) would like to see a sculpture park at Carrick Hill. I also accept the ultimate, long-term increase in viability for Carrick Hill if such a park were established. However, if the Premier continues to act in the way in which he has acted so far, first dropping the resolution on us in the last days of the session with very little time to consider it, and, secondly, threatening us that the place will close if we do not pass the resolution. I suggest that he may find that all he is hoping to achieve is lost because, if we are not able to establish this joint committee, the Liberal Party will have no choice in another place but to oppose a proposition which has some intrinsic merit but considerable difficulty involved with it. There is no reason why we should not all attempt to work together in the interests of the people of South Australia, to whom this property was bequeathed, in an effort to resolve those difficulties through the establishment of a joint select committee. I urge the House to accept my amendment.

Mr M.J. EVANS (Elizabeth): I find it unfortunate that we are placed in the position of having to support or oppose the intrinsic term of the motion that is before us on such an issue. This does not apply, I am sure, to the Premier or to other members of the Parliament, but as an ordinary member of this House I am not sufficiently informed on the total merits of the question before us to enable me to cast a vote which would, in effect, authorise on behalf of the House of Assembly the sale of a substantial part of a property that has been bequeathed to the State by one of its more generous benefactors.

As has been said, Parliament is in this case acting in effect as a corporate trustee—one could say the ultimate trustee in the land. There is no higher trustee in that capacity. That is the reason why the Act contains, and why Parliament accepted at the time, the prohibition on the sale of such land except with the consent of both Houses of the Parliament. The fact that it was found necessary to include such a measure in the original Act emphasises the importance that is placed, first, on retaining the integrity of the property and, secondly, on the importance of Parliament itself being there as the ultimate safeguard and protection for the property as it was bequeathed to the State.

It is very important that we look not only at the purposes for which the money is proposed to be used but also at the question of the confidence which the public of South Australia rightly currently has in the Parliament in its capacity as trustee, if you like, and the trust which the public will

be seen to have in the future and which they will base on the way in which we act on occasions like this.

In previous debates where parliamentary approval has been sought to sell or transfer items of land (national parks and the like), I have readily given my support because the issue has been clear cut and, without any doubt at all, there have been no questions to be decided about wills; there have been no questions about development and use of the property; there have been no strong environmental matters raised; and those issues have received the support of all members of this Parliament.

On this occasion we are faced with a slightly different proposition. The Premier initially presented it—and I have no reason to doubt that this is not still the case—as solely a matter of raising funds for a capital fund which would assist partly with the development of the property but, more particularly, with its promotion as a tourist attraction by the establishment of a statue and sculpture park—a very commendable proposal and one which the Premier rightly commended to the House in those terms.

Unfortunately, the debate now seems to have escalated somewhat with the spectre being raised that, in fact, this money is critical to the short-term survival of the property as a tourist attraction, the implication being that if it is not approved before the Parliament rises for the winter adjournment the property will suffer as a result. I would not like to see that occur but, at the same time, the context in which this has been presented to the Parliament is (and I quote from the ultimate paragraph of the Premier's statement) 'merely the first step towards a final plan for development of the parcel of land in question'.

I took that to mean that it was a long-term proposition over which this Parliament could exercise some discretion and look to the future, rather than acting in haste days before the House rises for some months. I believe that, in view of the public concerns which have been raised and in view of the difficulties which surround this very sensitive proposal, while it might ultimately be the correct thing to approve it, I believe that the public will want to see without any shadow of doubt that this Parliament has exercised those trustee functions very carefully, very critically, and in light of all the information which is available.

I think that the only way for the Parliament as a whole to properly inform itself is by delegating some of its number to take submissions from the community, from the trust and, if necessary, from the Government, the council and other concerned citizens and Government instrumentalities, and over the next couple of months, while the Parliament is in recess, to bring that together in the form of a final report for the House when it resumes for the budget session. If, indeed, the matter is of particular urgency, the Government would be at liberty, I am sure, with the cooperation of this Parliament to arrange for such a report to be given the utmost priority when the House resumed, and the issue could be dealt with very speedily when Parliament reassembled in August.

I, like the member for Coles, hope that this issue will remain outside the open political arena and will not become one of Party political debate. Certainly, I do not see it in that context. I rise only as an individual member of this Parliament with one forty-seventh of half of the trusteeship responsibility for this property. I would not like to exercise that responsibility without being seen by the public to have fully informed myself on all of the debate.

Some of the debate will be quite properly motivated by a concern for the terms of the will and the development of that area; some will perhaps have dubious motivation of self-interest from those who live in the adjacent areas. Sometimes that is reasonable and sometimes it is not, but it is for the Parliament, I believe, to take into account whatever may be placed before it, and to make a judgment on the merits of all the information.

By dealing with the matter in the forum of the full House that is impossible, because the only people who may speak here, of course, are members of Parliament. The public is only able to make those representations in an uncoordinated and, perhaps, emotive and almost political fashion by direct representation to members by telephone calls, telegrams and petitions circulating in a flurry and haste, and by people making decisions which they may subsequently regret because that may not be in the long-term interests of the property.

Because those issues have now been raised, I believe that the Government should address them, and the only way to properly take them into account so that the long-term future of the property is safeguarded is by removing the discussion from the open and emotive forum of the House and placing it before a select committee, where individual submissions may be received from the public and interested parties. The Parliament may then be seen by the public to be properly and fully informed and, regardless of which side Parliament ultimately comes down on, the public will know that justice has been seen to be done as well as having been done.

I raise another matter. Although the issue has been widely canvassed by the preceding speaker, I believe that one issue has not been dealt with, namely, that conditions could well be attached to this proposal, if the matter was fully debated by a select committee, which the public would then find much more acceptable. Also, those who are concerned by the sale might not be so concerned if some conditions were attached. For example, the Act might well be amended to say that no future sales of land could take place on that site, which would give guarantees for the future.

That is simply one possibility to be looked at in terms of safeguarding the public interest and preventing the fragmentation of the estate. Obviously, some people will see this as the thin end of the wedge and the opening gambit in creeping commercialisation, if you like, and although such concept—

An honourable member interjecting:

Mr M.J. EVANS: We are not debating that. Given that such an issue would raise emotion, it might well be that those who object to this sale only on the grounds that it is the first of a proposal might well find those objections removed entirely if the Act were amended to prevent that in the future. That is only one consideration. I put it forward not as being in any way a panacea or a solution but as one possibility which would address the issues that are being raised.

The only way to do that is not by a short debate in this House two or three days after the motion is moved in the full glare of political publicity but rather in a long-term and restrained way. This can be done, and has been done by this House in the past, by the appointment of such committees, so that these issues can be properly canvassed. I remind the House that this is in effect almost a hybrid proposal.

Although it is not a Bill and, therefore, is not covered by the Standing Orders in that context, this relates to a single property and to a private bequest, and it is part of the normal proceedings of this House for such private issues to be canvassed in a select committee first before being resolved upon by the House as a whole.

Although technically that is not applicable to this resolution, I believe that the principle is certainly there and that the House has wisely adopted it in the past in relation to issues of private concern, where single properties have been

dealt with by the House, and that such a principle is not unreasonable in these circumstances. As the member for Coles indicated, it was my intention to move today for the appointment of a joint select committee by virtue of the precedents which the Opposition is accorded in this House.

Of course, that has already been done, and I certainly do not seek to burden the House with additional motions to achieve the same purpose, so I will not proceed with my amendment. However, I believe that the principle is reasonable, and I hope that the Government will see the merit of that rather than proceeding down a more confrontationist path which may not enjoy the same success in the long term for the Carrick Hill property that I am sure all members of this House would commend to it. It is a magnificent property and a substantial part of the State's heritage, and I believe that it should be accorded that sort of treatment, in accordance with that status, by this Parliament.

Mr S.G. EVANS (Davenport): I oppose the motion in the strongest terms. I well remember a motion by the Hon. Dean Brown when he was the member for Davenport—and he had the full support of everyone on the Liberal side of the House (and the National Party member, too, I believe)—to make it more difficult for any future Government to do the sort of thing that we are debating this afternoon. I point out that, in fact, the National Party member did support the motion. Before beginning my main points, I pay credit to the Carrick Hill board for the work it has done and its dedication in establishing Carrick Hill to its present point, given that funds were restricted by the Government.

As much as the Government praises Carrick Hill and sees it as a great project, it has not displayed that attitude in the form of financial support, especially when one considers the size of the gift, its value and people's expectations when the Government accepted the property. The board has done an excellent job. When I discussed this matter with a board member, I learned something of particular interest, that is, that some people had criticised the type of sculpture displayed at Carrick Hill. I was not aware of the circumstances, but it was fully explained to me that much of the sculpture is exhibited by sculptors and they are not acquisitions by the trust.

Those sculptures that are acquisitions by the trust are marked as such and I believe carry the details of distinction required in the setting up of a sculpture park. The simple fact is that the trust has given some sculptors an opportunity to display their work. Therefore, I ask people visiting Carrick Hill not to pass judgment or regard any particular sculpture as a permanent exhibit. As I have said, the trust has given local sculptors an opportunity to display some of their work. No doubt some of the sculptures displayed would not have a long life in the open, anyway: that was one of the criticisms of some visitors to the park.

I have received many communications by letter, telephone and verbally. I suppose one letter puts the view quite plainly (a view which is being put by most people whether they live near Carrick Hill or far afield). I will not name the correspondent but the letter is quite interesting, and states:

Dear Sir,

I wish you to represent our total opposition to the shortsighted and ill conceived plan to subdivide portion of Carrick Hill.

I understood Mr Hayward's generous gift was left to all South Australians and he indicated that he did not wish any subdivision but to maintain the property as a whole. Land is a most valuable component of his gift and cannot be replaced later once sold—it is irreversible folly. The short term finances gained by this ill conceived plan are paltry in the scheme of the total gift and to destroy Mr Haywood's concept by Government mismanagement of today is to destroy his gift to our children. If the trust has not enough money today, let it wait until tomorrow before it fully develops the property—a matter of astute housekeeping. Do not sell irreplaceable land for short term gain—we can wait for any sculpture park rather than plunder the land now.

If ever a heritage project needs protection in this State—this is one and its intended pillage by our present State Government must be strongly condemned by all South Australians.

Where will it stop? This would leave the way open to further subdivision whenever finances run short again.

Could you please put this case on our behalf and that of all caring South Australians and stop the Government's dastardly deed!

That view is expressed in many different ways by many people, but I believe the letter explains it quite clearly.

Back in May 1984 a Mr Mackintosh (a local resident) wrote to the Premier asking for a copy of the report on Carrick Hill which the Premier has said on several occasions is in his possession and, in fact, is a plan for the future. However, the Premier refused to make the report public—and it is still to be made public even though people were told that they would be consulted before any action was taken which was likely to be detrimental tc this area.

The Hon. Dean Brown, as the member for Coles clearly explained, debated this issue in a very forthright manner, and he had the support of his colleagues. He made the point that Sir Edward Hayward's will clearly consisted of three parts in relation to this property. I refer to another letter from a constituent which clearly shows that, as follows:

You have asked if we have any views on the above and, in reply, I refer you to the last will and testament of the late Sir Edward Hayward and specifically to paragraphs 3*(a)* and *(b)* of that document wherein the residence and grounds of Carrick Hill were bequeathed to the State of South Australia.

From this reference, it is obvious that neither Sir Edward nor his late wife Lady Ursula had any intention that, once having accepted the bequest, the Government nor any trust formed by it should have any right to subdivide and sell off any of the land contained therein.

The letter goes on to make other points, but I will not have time to mention them because speeches have been cut back to 20 minutes. The first part of the letter states in relation to paragraph 3(a) that, if the Government could not accept the terms of the will that the property was not to be subdivided, the National Trust would have an opportunity to accept the property, part of which could then be subdivided to enable retention of the house, its near environs and the treasures in the building.

It was open to the Government of the day to refuse to accept the terms of the will and hand over the property to the National Trust if the Government intended to subdivide the property. However, the Government accepted the terms of the will and in fact grabbed the property with joy and went out into the streets spruiking about what a magnificent gesture it was by the Haywards (the family who set up the John Martins Christmas Pageant). What a great insult this is to that family. Their bodies are hardly cold, yet the same generation of Parliamentarians who accepted the terms of the will and accepted the property on behalf of the State, knowing that there was no provision in the bequest for subdivision, are now moving to legislate against the wishes of the Hayward family.

The will also states that, if the National Trust does not accept the terms of the will, the property is to be disposed of in whatever terms the executors wish, with any moneys raised going into the residue of the estate. I have seen a copy of the will and that is what it says; it is quite clear. The Hon. Dean Brown argued that in this House and at the time (on 19 February 1985, at page 2622 of *Hansard*) the Premier said:

Where the confusion arose—

the Premier said 'confusion'—

was that Sir Edward and Lady Hayward, in the terms of their will, contemplated a portion only of the land being capable of disposal in order for the money to be used for the purposes of the trust and, presumably, the refinement and improvement of that portion which remained.

The Premier then said:

However, that clause of the will related specifically to a situation where the National Trust had control of the land.

The Premier admitted that; he agreed with the Hon. Dean Brown at the time. The Premier then went on to say:

Considerable care is being taken to ensure that annoyance or disturbance of the environment does not occur.

What is subdivision if it is not disturbance? The Premier continued:

The overall development of the grounds of Carrick Hill will greatly improve the environment.

Does subdivision improve the environment? Is that part of the development plan which the Premier will not disclose and make public? The Premier said:

The fact that Carrick Hill is secure from subdivision and deterioration due to its being administered by a trust under the aegis of the Government is a very positive asset to the residents of the area.

He said that there was no subdivision. The word 'aegis' means 'protection [in other words, protection by the Government], impregnable or defence'. In other words, there was no way in which Carrick Hill could be subdivided. The Premier deliberately used that word, which is unusual in everyday use, even in Parliament.

Members interjecting:

Mr S.G. EVANS: I do not claim to know all the English language. The beauty of our Parliament is that a member does not have to be an English scholar. Members are here to express a view on principle and we are talking about principle now. The Premier gave that guarantee. He admitted that the will did not cover the opportunity for subdivision if the State took the property. Clearly, that was the case. I believe that the letter from Mr Mackintosh published this week in the *Advertiser* puts the case clearly and that Mr Tony Baker also has put it clearly. Will the Waite Institute be immune from future action in taking a substantial part? Part was taken for the Unley High School because that was claimed to be for education, and the same applied to the kindergarten in the old army hut.

In this case a principle is involved and we need to be conscious of that. This generation of Parliamentarians took the property and accepted it as part of the will. The people of the area make a contribution, and they will lose $6 800 this year in council rates, which rates in the past would have been paid by the Haywards. Where the family could afford to keep Carrick Hill, the State, on behalf of the people, could not afford to do so. In the latter stages the Haywards said that it was getting too expensive and that they would pass it over to the State so long as they could use it until they died, but they did not take the course of subdividing the property.

The Premier reminds me that the Haywards had the benefit of living at Carrick Hill, but they did not take the other alternative of subdividing it and making millions. Indeed, the property today would be worth over $20 million if it was subdivided. That calculation is based on the figure of $1 million being 7 per cent of the capital value.

Members should look at the plan that is displayed in the House. There are eight blocks in that plan to be cut off and the most southerly one has a cul-de-sac right up to the end. In other words, the plan has been deliberately drawn so that further subdivision can take place. However, the plan exhibited in the House does not cover the subdivision. The Premier did not bring in a plan of the planned subdivision: he just brought in a plan of the proposed annexed piece of land. The subdivision shows clearly that the road can be continued and that the area can be subdivided.

It is bad planning to have the front of houses looking over the backs of other houses, yet that concept is planned. It would have been better for us to say that it was on the Hills face zone. It is only a measly area; the huge area behind it is Hills face zone. It is just as well for the community that that was not zoned residential or that might have gone too. The argument can be put that the trust made the application and that the application was not Government inspired. True, the trust had to make the application, but it was placed in that position by the Government's refusing to make money available. The trust approached the Government with a subsidy plan whereby, if the trust raised money from appeals, the Government would make a $1-for-$1 subsidy available on private donation. The trust raises money in that way, so why could not the Government fund the project in that way?

After all, the Government can buy two hotels for a purpose about which we can have doubts. We know the merits of Carrick Hill, and what is a million dollars? If we sold the land today, we would not have it when we might need it in the future. We should consider Wittunga and the botanic gardens in the hills for which Mr Lothian fought. Who would have visualised that they would have grown to their present size, but every bit of land is needed for them. Once we sell this land for a measly million dollars (and it is measly in present day terms) what will that amount be worth down the track in 10 years time as a principal fund for acquiring sculpture? It would be worth very little. Interest rates will not always be at 20 per cent per annum nor inflation rates at 10 per cent and, if the money is to be found to buy a reasonable area of land the principal must be added to each year, at least at the rate of inflation; otherwise the principal will be useless because it will not accrue anything worthwhile to acquire an asset in the future as the money is devalued over the years.

I am not opposed to a select committee's considering this matter as a final analysis, but I believe that the motion should be thrown out, because, even if we carry it today, it will be up to 18 months before the land can be put on the market after subdivision. Even if we do not sell the land and never get the million dollars, Carrick Hill will still be there, people will still visit it, and economic times will change. If we suggest that the economic recess through which we are now passing under a Labor Party will remain into eternity, then we should admit it and tell the people that we will not have any money in future. However, we should look to better times one, two, or five years down the track when Governments, even if they cannot afford the money today can allocate money for this project. That opportunity will remain but, once the land is sold, it is gone. On 19 February 1985, a guarantee was given by the Government of the day, with the same Premier as we have today, that the property would not be subdivided, and the people accepted that that would be the case. I move the following amendment:

Leave out all the words after 'House' and insert:

Condemns the Bannon Government for

(1) supporting a request to subdivide part of the Hayward family's magnificent gift Carrick Hill to the people of this State; and

(2) refusing the request by the Carrick Hill Trust Board for a subsidy to match private donations and funds raised by special programs initiated by that board.

The DEPUTY SPEAKER: Is the amendment seconded?

Mr BLACKER: Yes, Sir.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I have a fair bit of sympathy for the member

for Davenport and for what he seeks to do. However, I believe that we should be prepared to give the Premier the opportunity in the first instance of convincing this House and the public. That would give us time and the evidence so that we could be fully apprised of all the facts before both Houses are asked to make a decision on this matter. The Government is busy selling Government assets. It is on a commercialisation kick.

An honourable member: Privatisation.

The Hon. E.R. GOLDSWORTHY: Members opposite are desperately trying to find a different expression because to them this is a matter of embarrassment.

The DEPUTY SPEAKER: Order! I ask the Deputy Leader to resume his seat. I will not allow the Parliament to conduct itself as it conducted itself yesterday. Decorum will prevail. Members might not like what the Deputy Leader is saying, but he is entitled to say it and I would expect the same courtesy to be afforded to him as is afforded to every other speaker in the House. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: Thank you very much, Mr Deputy Speaker. I do not want this matter to degenerate into a slanging match or to get bogged down on whether the Government is about privatisation or commercialisation. The plain fact is that the Government is selling off Government assets. When we come to the question of Carrick Hill, the Opposition does not believe that the Government has an unfettered right, merely because it has won an election, to dispose of this property. It is a completely different circumstance to that of a number of other Government assets, and of course we would agree with the Government's proposals in a number of those cases.

We are dealing with a specific bequest to the Government made under the terms of a will. The terms of the will have been explained to the House quite carefully by my colleague the member for Coles and by the member for Davenport. If the Premier shows any wisdom at all in this matter he will take the opportunity of allowing time for a rational consideration of the merits and demerits of this case.

I do not want to traverse the same ground as was covered by the member for Coles, but it is quite strange that at the eleventh hour of this sitting this motion appears before the House, when the Premier has been sitting on it for well over six months. That seems to indicate to me that the Premier is not interested in rational discussion of the merits and demerits of the proposal.

If the Premier wants his proposal to have a chance of survival, I suggest that he allows time for a rational consideration of all of the numerous facets of this argument so that both Houses of Parliament, which are charged with making this decision, are well briefed on all the facts. I simply indicate to the Premier that the alternative may well be that his proposition fails.

We hear that money is needed for a sculpture park. I would say that, if a sculpture park is to become a major feature of Carrick Hill, money will be needed. I have visited Carrick Hill on two or three occasions and have always enjoyed those visits. Certainly, I would compliment most sincerely the trustees and those people who are in charge of its operations.

The Hon. Jennifer Cashmore: And the staff.

The Hon. E.R. GOLDSWORTHY: And the staff; every one of those people involved in the Carrick Hill exercise is deserving of thanks by the public of South Australia. It is a very pleasant place to visit. The house and its surroundings, particularly the gardens, are especially attractive. The piece of sculpture which was donated by the Japanese last year is particularly attractive. However, when one visits the western garden, out towards what is certainly not a well developed site, the sculptures in my humble judgment leave a lot to be desired.

I want to make the point that one does not develop a sculpture park overnight. Nor does one develop a sculpture park in six months. There can be no rational argument to suggest that both Houses of Parliament are not to be given sufficient time to hear from interested people. A lot of interested people have just got wind of this proposal, which has been sprung on them. I repeat: there is no rational argument for not allowing all interested parties to put evidence before members of all political Parties if it can be accommodated, in a joint committee of both Houses, so that we can deal with all the facts.

In other words, we are giving the Premier a chance to prove that his proposal has some merit. Frankly, at the moment I am inclined to the view of the member for Davenport but, nonetheless, I have not heard all the evidence. So, if the Premier wants his proposal to survive (if it has any chance of survival), the Premier should accept the proposal that we get the evidence, which is all that we in the Liberal Party are asking for.

As I say, $1 million invested could generate not insignificant revenues in this day and age. The member for Coles made the point that we would be interested in how that sum would be invested. Will it be siphoned off into the South Australian Finance Authority or vested with the trustees of Carrick Hill estate? What are the details? We do not know. Certainly I would want to know before I made my decision on that aspect of the deal about which the Premier is talking.

As for his threats in the *Advertiser* that the place may have to close down if we do not rush the measure through, that, if anything, would impel me to say, 'In no way in the world will I support this hasty proposition.' That smells of the sort of strong arm tactics that tend to propel most people in the opposite direction.

Mrs Appleby interjecting:

The Hon. E.R. GOLDSWORTHY: What are you talking about?

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Hayward knows that interjections are out of order.

The Hon. E.R. GOLDSWORTHY: The member for Hayward must think she knows more about me than I know about myself. I do not usually get up in this place and utter sentiments that I do not believe.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: I am sorry that members opposite do not trust me, but most of my colleagues do, fortunately. The fact is that this absurd proposition, that we are going to save Carrick Hill by establishing a sculpture park, is so much baloney, because the sculpture park will take years to develop. The selling off of $1 million of real estate would effectively cut a swathe across the middle of Carrick Hill. I agree with the view of the member for Davenport. We have only half the story displayed in this House, and we have seen the actual subdivision plans.

If the Premier believes that there is some urgency because suddenly a sculpture park is going to spring up out of nowhere overnight in the next few months to save Carrick Hill, that idea can be dismissed as being plainly absurd. All we are saying to the House is that we believe that a joint select committee should be set up so that we can have evidence from all interested parties, including the Carrick Hill trustees, for whom we have enormous respect.

As I say, the place is delightful. The trustees and the people who work there have done a magnificent job. The Japanese sculpture is most attractive. For the rest of the

sculptures I would not give tuppence, but that is just my personal opinion. If you think that we would get an instant sculpture park, that is a deliberate attempt to mislead the public.

At the moment I certainly lean to the view advanced by the member for Davenport, but the Liberal Party wants to hear all the evidence and all the facts. So, we have no option at this stage but to not support the motion of the member for Davenport and to press on with the proposition of the member for Coles that we set up a joint select committee. As she properly pointed out, both Houses of Parliament are trustees for that property. Both Houses are charged by that legislation with that asset bequeathed to the State by the Hayward family. I make no bones about my position. If the Premier wants to push this forward now, my view would be to reject the proposition. As I have said, so that the evidence can be collected and so that we hear all the facets of this argument, we have no option at this stage but to reject the amendment of the member for Davenport and to request the Premier to show some commonsense and wisdom and agree that both Houses be fully apprised of all the facts before we are asked to discharge our duty as trustees of this asset bequeathed to the people of this State.

Mr S.J. BAKER (Mitcham): I will address the House briefly on this matter. I have had an interest in Carrick Hill for many years. In fact, my father used to repair some of the paintings at Carrick Hill for the Haywards. I have taken an interest in its development and also in its changing hands. As this property adjoins my electorate we have also had discussions with the board on a number of matters affecting the future of Carrick Hill. I viewed with concern the announcement that there was to be a cutting off of land from that property. I well remember the debates in this House when it was said that there was no intention by the Government to in any way annex any portion of the land which was donated in trust by the Haywards to the State.

We are talking about a matter of principle. The suggestion is that for $1 million we can break a promise. The suggestion is also that this $1 million will go towards a sculpture park. Then we have the incredible situation in the *Advertiser* of the Premier saying that without the $1 million Carrick Hill would not be able to operate, and that it would be able to open on only one or two days a week. There was total inconsistency in the argument, and that led us to the conclusion that perhaps the Premier was looking to use this as a recurrent revenue item rather than as a capital appreciation item which could be used to further the tourist potential of Carrick Hill.

I congratulate the member for Coles and the member for Davenport, because I believe that they have put the case strongly. The case is quite simple: if this land has been vested in the State by someone who has the best interests of the State at heart, does this mean that all those other areas that are vested in the State, about which we have talked—

Mr S.G. Evans: The Government could lend it the $1 million and get the interest from that.

Mr S.J. BAKER: It could indeed lend the $1 million, as the member for Davenport says. Does that mean that all national parks are open for sale? Does it mean that the parklands of the City of Adelaide are now open for sale? We are indeed talking about the same thing. If the Government had determined that it did not want that property, then it should have said so at the time. As the Government accepted the property in full and in trust, it is incumbent on it to keep that trust.

As I said, I have some severe reservations about it. I was shocked and surprised when I heard the announcement. As the Deputy Leader has outlined to the House, the Liberal Opposition is willing to canvass the issue over the months between now and the budget session. We believe that that is being constructive. We have not rejected the matter out of hand, because that would not be right.

I have not had the opportunity to sit down with the board at this stage, as the Premier would appreciate. Even if I had had the time, it still may not have allowed sufficient time to weigh up in my own mind and canvass other issues of principle, to arrive at a conclusion. For that reason I will not be supporting the motion of the member for Davenport. However, I will be supporting the motion of the Liberal Opposition, which provides that this matter be referred to a joint select committee of the two Houses.

It is not just a simple matter of $1 million. We are talking about the assets of the State, particularly the assets that are vested in the public. Just as the national parks are vested in the State on behalf of the public of South Australia, so is Carrick Hill. It is different from a piece of land on which a school is built, because that may serve a purpose for a period of time. It is different from a piece of land used for a functional purpose which may disappear overnight.

Many times the Minister for Environment and Planning has regaled us about preserving our heritage and our open space. I note that he is not making a contribution to this debate, and I wonder whether, if he did, the hypocrisy of the Government would become quite clear.

The Hon. P.B. Arnold: It is a breach of faith.

Mr S.J. BAKER: Above all else, it is a breach of faith. We are willing to have the matter canvassed in a quiet, harmonious atmosphere, so that we can judge the merits of the case, which we have not had time to do at this stage. It should be noted that, although the proposition has been around for many months. This is the first time we have actually heard about it. We simply have not had time to deal with it in the way in which it should be dealt with. I commend to the House the contributions of my two colleagues on this side of the Chamber and the Hon. Jennifer Cashmore's amendment.

The Hon. J.C. BANNON (Premier and Treasurer): I thank members for their contributions to this debate. I should say at the outset that I certainly do not underestimate the importance of the debate or the necessity to have this matter canvassed. I differ with members opposite and, indeed, with the member for Elizabeth, on the question of whether or not this debate is adequate in the canvassing of these issues. I believe it is, because I think that the issues are very simple. I do not believe that a great deal can be gained by the delays that are being requested by members opposite. However, I will deal with that in a moment.

No-one should be in a position to question the motives either of the trust or of the Government in this matter. Our motives and our desires are at one: to ensure the proper and most effective development of Carrick Hill within the resources we have to develop it. If anyone wanted to question that they just have to look at what has happened since the acquisition of that gift. I point out that the accession to that gift was something over which the Government had no control. We could not say to Sir Edward or Lady Hayward that we would be in a position to accept their generous bequest at some stage when the Government's finances were in a position to do so. Obviously, it became available at the death of Sir Edward Hayward, and at that time the State had to make its decision.

The economic circumstances then were very difficult; they have become very much more difficult since that time.

Of course, we could have then said that we were not in a position to accept it and, notwithstanding Mr Dunstan's letter of 1971, that was a course open to the Government at the time. I think that there would have been some regret at that, because there was no question that the National Trust would not have had the resources or the capacity to develop the estate in the way that the Government and the trust has secured under an Act of Parliament. If members are concerned about the sale of this small portion of the land, then they would be even more concerned, I guess, at what the National Trust inevitably would have had to do to try to maintain the property in some way. I do not think that the extent to which work was necessary to upgrade the property or to curate it was realised. Indeed, even having gone through that process very diligently, we had the theft of paintings which alerted attention, to an even greater extent, to the need to increase security.

On the security question, let me add that that was something that was identified by the Government initially in its interim management arrangements and by the trust, and it has been addressed. However, at the time the Haywards were occupying it, it was really something that did not get a great deal of attention. I think it is very fortunate that, apart from a fire which destroyed some paintings at one stage, nothing untoward happened to the Carrick Hill estate over the years, because it was and remains very vulnerable.

To overcome that vulnerability requires great expense. Again, I suggest that the National Trust would not have had the capacity to do so. So, in a sense, the Government, in taking it on, had considerable pressure to make that decision. We did it against the background of a massive expenditure on museum redevelopment in this State and the establishment of new museums under the History Trust, and here we have, with no ability to control the timing of it, yet another estate to look after. We took on that responsibility and have discharged it. Generous sums of money have been made available to ensure that the estate was developed to a standard and in accordance with a plan that was developed by the trustees and the management. Recurrent moneys are, in fact, provided.

Let us not forget that we are talking about a subsidy per visitor of the order, depending on how one calculates it, of perhaps $30 to $50; that is, everyone, even though they pay their admission fee, when they go there costs the taxpayer the equivalent of that amount of money. That is a considerable subsidy. It requires some considerable care on the part of the Government about its responsibility to the public in terms of expenditure. It requires on the part of the trust, considerable care about how it raises and expends its money. Such a care it has discharged very fully and very completely, and as part of that responsibility it has come forward with this very sensible proposition.

I repeat again that the motives should not be questioned. We are not about undoing the will, destroying the estate or ruining the heritage that has been left to the people of South Australia. On the contrary, we are attempting to ensure that within the spirit of that very generous benefaction we are making the estate something of which we can really be proud and which will have total access to the people of South Australia without increasing that subsidy to which I have referred and which, as I have already mentioned, is very considerable.

I also accept the comments made by the member for Coles that we must look at the terms and circumstances of the will. It is an important factor and one that we should quite rightly concentrate on in this debate. I am aware of the letters that the solicitors have written and of the terms of the will. In fact, I had a discussion with one of those solicitors, and I respect their point of view. They are quite correctly interpreting the will. None of that is new: all of it was canvassed in 1985 when the Carrick Hill Trust Act was before this House.

Many of the matters that have been canvassed here today were in fact addressed by this House previously. Members should well recall that the Bill as introduced at that time contained a clause which allowed for such disposal of real property at the discretion of the Minister. Reasons for that were given during the course of the debate. It was in that context also that the then member for Davenport (Hon. D.C. Brown) drew attention to the points in the will and in fact put on the table an amendment because he did not find that disposal clause acceptable. I took that away and said to the House (and this is recorded at page 2622 of *Hansard* of 19 February 1985) that, having looked at what the honourable member had said, and on re-examining the proposal, the Government would introduce the amendment which is in fact the clause that is the subject of this motion, and we did so.

In so doing, both the Hon. D.C. Brown and I canvassed the question of the intention of the benefactor and the possibility of the sale of property if financial circumstances demanded it. So, there is nothing underhand or at odds with the Carrick Hill Trust Act in these proceedings. The clause is there because the Parliament inserted it to cover just such circumstances as this motion proposes.

Mr S.G. Evans interjecting:

The Hon. J.C. BANNON: The honourable member for Davenport chooses to take my comments out of context without looking at the totality of the debate and without looking at what is recorded at pages 2622 and 2623 of *Hansard.* The fact is that Parliament is supreme in this area. The 1985 Act is the document we look to, and all the issues were indeed canvassed then. How do we then qualify those unequivocal terms of the will? I remind the House not only of the debate in 1985 but also of the reference made in the second reading speech and some of the public statements that have been made.

As far as the Haywards are concerned, at the time they made the bequest, and as far as the State was concerned in the early 1970s when the bequest was accepted, there was no question that the State of South Australia would ever not be able to find the resources to properly manage or develop this estate. I think that even in those years and in those circumstances perhaps that was wishful thinking. But, certainly, every member surely must understand by now that the circumstances of the 1970s were vastly different from those of 1987. We live in very hard, constrained financial times and, as Treasurer of this State, I had to pause considerably before deciding whether we could in fact take on the gift of Carrick Hill and the financial obligations that followed from it.

We did, and I repeat that we have discharged those financial obligations. But, there is a limit to that and there is a limit, therefore, to the development of the estate unless it can generate some funds in this way or in other ways that the trustees are very actively and successfully pursuing. I do not believe that the Haywards could have contemplated those circumstances. They did in relation to the National Trust, so they made it clear that they understood that, if any institution was the subject of such benefaction, there were very large costs involved and that it might well be that certain income would have to be generated from the State itself.

I find the pious remarks about the inviolability of the estate rather at odds with what I understand was a proposition floated by Sir Edward Hayward at one stage to sell

off part of the estate and to use it for other purposes which at the time he deemed might be more productive. However, the portion of the estate that could be sold would in no way threaten the benefaction or integrity of Carrick Hill.

That was something that, it is said, Sir Edward himself proposed. I suspect (and one can only speculate about this) that, confronted first with the evidence of the development that has taken place and the competence of the trustees and management of Carrick Hill, Sir Edward would be only too pleased to see a proposition like this develop, and Lady Hayward similarly. There are others who would say that that is pure speculation and 'You cannot say that.' I simply say that it is a point of view based on the change of circumstances and on the original understanding of the Haywards that if resources were not infinite it was reasonable to sell some of the property. That is the position in which the State finds itself today. That is the position that the trustees, wanting to develop it in terms of their plan, have come forward to solve. It is something that I think this House should respect and therefore should accede to the motion.

As to the question of the speed of this matter, it is certainly true that the concept has been developed over some considerable time. As has been said, it was put before me in September of last year. I point out that at that stage the concept was only being developed; the trust had a lot of work to do, and it was agreed between myself and the trust that there was no point in coming to this House with some half-baked or probable proposition—a pure general permission: it had to involve a specific parcel of land and a specific proposition, and that is what we have done.

It is also true, as the member for Davenport has noted, that this motion does not include approval of the specific notional subdivision. Of course it does not, because that is not this Parliament's job. That will be handled under the normal planning processes, as would any such subdivision, and that will take some time. All this motion does is enable the trust then to proceed through that process. Therefore all the safeguards, environmental and others, which are involved in our planning legislation can be invoked, and I am sure that the honourable member can be involved in that process.

Back in September the trust took the proposition away to develop it in a very specific sense so that Parliament would have before it a concrete proposition that it could understand. It was very soon after that that the theft of the paintings intervened. The trust had (quite rightly) a priority and a responsibility to address its attention to those matters and other development questions that were arising through the end of the year and, by then, it was too late to place any motion or proposition before Parliament. So, there has been no rush of this in its preparation: a thoroughly worked proposition has come before this Parliament. But it is also not true to say that I am dashing it in at the end of the session. It has come in at the earliest possible appropriate moment for it to be debated by this House, and it has been debated in the normal, logical sequence of debate.

There is nothing sinister or unusual in the way in which it has been done. All I can say is that we do have a proposition which has been well thought through, which does not do violence to the estate in any way but which does provide very tangible and necessary benefits to Carrick Hill. Let me just talk about the question of select committee proceedings. What concerns me about them—and I do not think this question has been adequately canvassed in the course of the debate—is the delay and the procedure which will, rather than depoliticise the issue, increase political heat around it and put much greater pressure upon individual members of Parliament. This will lead to residents who believe they are adversely affected raising all sorts of petitions and complaints that will, in fact, paralyse this Parliament.

Mr S.G. Evans: Don't they have a right?

The Hon. J.C. BANNON: Of course they have a right and, indeed, they are doing so. They will have a right also to address any subdivision, but there is no guarantee that that process will be productive or will lead us anywhere and, if that is to be the case, why should we waste our time over that sort of delay, which is simply aimed at stirring up problems?

I readily concede that there is another side to that coin which says that, given time to look at possible conditions that may be placed on it, and so on, it is a reasonable process to go through. But, I would have thought that any responsible Government, if it is going to embark on that course, should at least have some idea that the process would be productive and would not simply be used to totally destroy and politicise what is a very important proposition for the development of Carrick Hill.

The member for Davenport has made his situation quite clear: he does not care what a select committee finds or what areas of discussion take place—he is opposed to it. He thinks it is an outrage that this be done, so I know at least one member who will work very hard in the intervening months to try to do something about it. All I am saying is that I recognise that a case can be made (and has indeed been made by the member for Coles and the member for Elizabeth) for going through this procedure, but I do not think that that case is as strong as the one to get the issue determined now, because it is a simple issue and can be readily grasped. If we are talking about the moral principle, the select committee inquiry will find it very difficult to resolve members' morals. It can only look at the practicalities, and I can assure the House that the practicalities are there.

Let me finally talk about the consequences of the failure of this proposal, whether it be in this process or even if a select committee is established. What I am saying in this context is not a threat and should not be interpreted as such. Whether it is written up in the media or reported as such, that is an interpretation; it is not a threat. It is appropriate that members of Parliament understand the consequences of any decision that they make, and the consequences are severe for the future development of Carrick Hill. It may be that if prosperity returns in full flush 10 or 15 years or so down the track greater resources will be available; I do not know about that.

All I can talk about is the current status and the next five years or so which the Carrick Hill trust has to grapple with in its development of the estate. In fact, if the trust does not have the capacity to get itself onto this sound capital base for acquisition and development, then I believe that the attraction of the estate will be substantially downgraded; the visitation will drop off; the capacity to earn revenue by other means will falter; the Government will be asked for increasingly high subsidies; and the inevitable consequence as far as the Government is concerned will be simply to scale down the access of the public to Carrick Hill, its hours of opening or whatever other economies are open.

Indeed, if it is clear that the State is, first, unable to give the trustees the permission to generate this capital fund by selling off this land, and if it sees that the trustees' job is being made extremely difficult by the inability to properly develop the estate, raise funds or attract visitors, it would only be reasonable for the State to pass it over to the National Trust or to some other body, knowing that no

members can object to the will being overturned because the will quite clearly says that in those circumstances parcels of the estate can indeed be sold.

That is something that the Government would have to seriously address in that circumstance. I am not introducing that, I repeat, as a threat. I am simply saying to members that in our current financial climate we have extremely limited funds, and members may argue about whether there is waste here or whether we should or should not have bought a hotel there. Those matters are red herrings and are irrelevant, because each of those projects can establish its own justification, none of which is based on a drain on the revenue: none of them that has been mentioned in this House is.

All I am talking about is Carrick Hill and the amount of money that the Government can find for it. I refer, in turn, to the proportion of money that we find for Carrick Hill which comes out of what we are able to provide for museums and heritage areas, and the larger pool of money of which that is a proportion and which goes to the arts and culture in this State which, per capita, is very high indeed and where, in turn, that fits into the overall budget.

While we may start with what members say is the small amount of $1 million, in terms of each of those judgments which is having to be made, Carrick Hill inevitably must suffer if it does not have the proper capital base which the trustees are seeking. That is all we ask: it is a reasonable proposition. It is aimed not at selling off our heritage but, in fact, at developing it to the greatest possible extent. I can only say that, when one looks at the care with which the trustees have approached the matter, when one looks at the composition of the trustees, the interests whom they represent and the knowledge they have of Carrick Hill and the Haywards and their intentions over the years, this House ought to be very keen to support them in their request, and should have no qualms about accepting this motion as explained and as it has been moved before the House.

The SPEAKER: Because there are now two amendments to the motion of the Premier, these must be put to the House before the motion. As the first word to be left out in each is 'resolve', that will be the first question to be determined. As leaving out that word is the key to each of the amendments, if the question is agreed to we can then proceed to the rest of the amendments. If, on the other hand, that question is negatived, it has the effect of negativing both amendments and they may not be further proceeded with, and I will then put the original motion. The question before the Chair is that the word 'resolve' be left out.

The House divided on the question:

Ayes (17)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore (teller), Messrs Chapman, Eastick, M.J. Evans, S.G. Evans, Goldsworthy, Gunn, Ingerson, Olsen, Oswald, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon (teller), Crafter, De Laine, Duigan, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Pairs—(Ayes)—Messrs Lewis and Meier. Noes—Messrs Hemmings and McRae.

Majority of 7 for the Noes.

Question thus negatived.

The House divided on the motion:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon (teller), Crafter, De Laine, Duigan, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, and Tyler.

Noes (17)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore (teller), Messrs Chapman, Eastick, M.J. Evans, S.G. Evans, Goldsworthy, Gunn, Ingerson, Olsen, Oswald, and Wotton.

Pairs—Ayes—Messrs Hemmings and McRae. Noes—Messrs Lewis and Meier.

Majority of 7 for the Ayes.

Motion thus carried.

CORONERS ACT AMENDMENT BILL (No. 1) (1987)

Received from the Legislative Council and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It seeks to enlarge and enhance the rights of persons who may be adversely affected by any unwarranted or unreasonable finding made at a coronial inquest. As far as powers to review inquests are concerned, there do not appear to be available the common law remedies of Traverse of Inquisition or the Supreme Court's common law powers to quash an inquisition. This would be as a result of section 5 of the Act which provides (in so far as material):

> . . . any rules of practice or procedure with respect to an inquest arising at common law or by statute of the Imperial Parliament are hereby excluded.

Whether this language extends to review of an inquest is questionable. Courts would probably be loath to infer such. But a view may be that the common law remedies for review are excluded.

All other States and Territories have provisions similar to the one this Bill seeks to include. A provision such as the one proposed should provide a valuable check on excessive coronial zeal. Unreasonable or unsupported findings should not be allowed to go unchallenged as they have the potential to cause as much hardship and other adverse consequences to a person affected by them as any finding or conclusive determination of an ordinary court. But at least in the latter cases litigants can have recourse by law to appellate proceedings. This Bill will overcome that deficiency and restore some symmetry by meeting the legitimate expectations of people.

One could readily imagine people in a trade or profession whose reputation or livelihood are threatened or impugned unnecessarily by a coronial finding and without recourse to the courts. This measure will overcome such potential for unfairness.

Clause 1 is formal.

Clause 2 provides for new sections 28 and 28a. New section 28 revamps the provision under which a coroner may re-open an inquest. The coroner will be required to re-open an inquest at the direction of the Attorney-General. Where an inquest is re-opened, the coroner may confirm any previous finding, set aside a previous finding or make a fresh finding. New section 28a will allow an application to be made to the Supreme Court to have a finding set aside. The application will be able to be made by the Attorney-General or someone who can show a sufficient

interest in the finding because it affects a pecuniary interest, reflects adversely on the person's competence in his or her occupation or profession or it affects some other interest sufficient to justify an application being made. The Supreme Court will be able to set aside a finding if it is against the evidence or the weight of the evidence or if an irregularity has occurred in the proceedings, insufficient inquiry has been made or new facts or evidence have come to light. The court will be able to direct that the inquest be reopened or that a fresh inquest be held and will be able to substitute any finding that appears justified.

Mr S.J. BAKER secured the adjournment of the debate.

POTATO INDUSTRY TRUST FUND COMMITTEE BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, line 22 (clause 3)—Leave out paragraph *(a)* and insert new paragraph as follows:

(a) four will be commercial potato growers selected by the Minister from the four panels nominated by the Potato Section of the Horticultural Association of South Australia Incorporated pursuant to subsection (2a);

No. 2. Page 1, lines 30 and 31 (clause 3)—Leave out paragraph *(e)*.

No. 3. Page 1 (clause 3)—After line 31 insert new subclauses as follow:

(2a) The Potato Section must nominate—

(a) a panel of three commercial potato growers to represent the interests of potato growers who constitute the River and Lakes branch of the Potato Section;

(b) a panel of three commercial potato growers to represent the interest of potato growers who constitute the South-East branch of the Potato Section;

(c) a panel of three commercial potato growers to represent the interests of potato growers who constitute the Adelaide Hills branch of the Potato Section;

and

(d) a panel of three commercial potato growers to represent the interests of potato growers who constitute the Adelaide Plains branch of the Potato Section.

(2b) The Minister must select one member from each of the panels nominated pursuant to subsection (2a).

No. 4. Page 2—After line 12 insert new clauses as follows:

5a.—*Statement as to administration of assets, etc., of The South Australian Potato Board to be laid before Parliament.* The Minister must cause a statement of the administration of the assets of the South Australian Potato Board pursuant to section 26 of the Potato Marketing Act 1948, that has been audited by an auditor registered under the Companies (South Australia) Code to be laid before both Houses of Parliament within 12 sittings days after the commencement of this Act.

5b.—*Report.* (1) The Minister must, at the expiration of five years after the commencement of this Act, cause a report of the administration of this Act during that period to be laid before both Houses of Parliament.

(2) The report must include a statement of the accounts of the fund for that period audited by an auditor registered under the Companies (South Australia) Code.

Consideration in Committee.

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendments be disagreed to.

The original provisions of the Bill are satisfactory. They would support the industry and provide the basis for promotion and for marketing structures, whereas the Legislative Council's amendments would undermine the basis of the Bill.

Mr GUNN: I am not only disappointed but surprised that the Minister would refuse out of hand to accept the Legislative Council's amendments. First, they provide that the Minister should declare how much money is currently available in the fund and that a report on the operations of the fund shall be submitted to Parliament after five years. Any reasonable person having experience of the workings of the bureaucracy would have to support those amendments.

The other amendments carried in the Legislative Council place the administration of the fund in the hands of the people whose money it is—the potato growers of South Australia. Surely that money has nothing to do with the Government or the consumers. Although not the same as those amendments that I moved in this place on behalf of the Liberal Party, the Legislative Council's amendments have a similar effect by placing in the hands of the growers the control of their own assets. Such a provision is not unrealistic, unwise or unnecessary.

Surely, those people whose money has been collected over the years as charges levied on the potato growers should have the authority to say how that money should be invested, because such investment will be in the interests not only of the potato industry but also of the consumers. The method of appointment of members of the trust gives the Minister considerable flexibility and, although I do not believe that such flexibility is necessary, the Legislative Council believes that it is the right of the Minister to select the grower members from a panel of three, and the four persons representing the potato growing districts of South Australia would allow the industry to have a broad spectrum of representation.

Obviously, a conference will be held on these amendments. It is a pity that the Minister will not see reason in this matter so that we do not have to waste the time of the Parliament sending messages backwards and forwards between the Houses and sit here half the night while we debate this matter. I support the Legislative Council's amendments.

The Hon. E.R. GOLDSWORTHY: I agree entirely with what the member for Eyre has said and indicate that the specious reason given by the Minister in rejecting the Legislative Council's amendments will not stand up to scrutiny. He said that the amendments undermined the basis of the Bill, but I hope that they do just that because the basis of the Bill was to effectively confiscate the assets of the Potato Board and place them under the control of the Minister. I shall not cover all that ground again, but I hope that the Legislative Council's amendments do undermine the basis of the Bill.

The Government is out on a cash gathering exercise at present. It is flogging off public assets as fast as it can so that it can solve its budgetary problems but, if the Minister thinks that he can get away with confiscating the assets of the Potato Board, he has another think coming. These amendments are not as good as the amendments that were moved in this place because they give the Minister a discretion whereas I would not give him a discretion in such matters as these, including the selection of representatives of potato growers to control their own funds. However, these amendments are not too bad. At least they allow for a widely representative group of growers to have a real say in the administration of assets that have been built up as a result of the levies that they have paid.

The Minister may well rue his stubborn attitude. I do not know where this legislation will finish up. Indeed, it may finish up in Annie's room. The Minister has to come to his senses before this session ends and the sooner he does so the better. I thought that he would accept the Legislative Council's amendments gracefully. If the Minister had one whit of intelligence in this matter, he would accept the amendments.

Mr D.S. BAKER: As I said when speaking on this Bill earlier, it must be one of the most cynical Bills to ever

come before this House. For a Minister of Agriculture to try to steal the assets of the potato growers by claiming that the money already collected was taxpayers' money is a typical socialist action. It is not taxpayers' money: it is money from levies paid in by potato growers on each tonne of potatoes sold.

Members interjecting:

The CHAIRMAN: Order! The honourable member will resume his seat. I will not allow the Committee to deteriorate into a bun fight. As I explained earlier, the decorum of this place will be kept as it should be, and I will not allow a cross-fire of interjections from one side to the other. The honourable member for Victoria has the opportunity to say what he would like to say about the Legislative Council's amendments and I hope that the same courtesy is shown to him as is shown to other speakers.

Mr D.S. BAKER: The Minister's statement that the Legislative Council's amendments would undermine the basis of the Bill is ridiculous. The only thing that the amendments do is give potato growers a majority say on how their own money is handled. It is the most cynical exercise for a Minister of Agriculture to engage in—apart from his exercise earlier today when he did not even know the superphosphate subsidy—not to allow the potato growers a majority on a committee that looks after their own interests and their own money.

As I pointed out, it is also a very cynical exercise to make the committee of such a size and to load it up with bureaucrats and expect the potato growers to fork out the money for their salaries, wages and expenses—all of that to come out of the trust fund. It is a typical cynical exercise, and I would have thought that a Minister of Agriculture should be doing his job by looking after the interests of people in agriculture. However, we have seen on many occasions in this House that the Minister does not care two hoots about those people who are producing export income in this State. This is just another example. Most of the Minister's time, as we all know, is spent on his other portfolio, and the farmers in this State, as a result of the recession in wheat prices and the general downturn, are in dire straits—and what have we had done about it?

Members interjecting:

The CHAIRMAN: Order!

Mr D.S. BAKER: If it was not for the wide combs we would not be able to afford to get shearing costs down in order to achieve reasonable productivity.

The CHAIRMAN: Order! The honourable member for Victoria must confine his remarks to the amendments before the Committee.

Mr D.S. BAKER: In common with the shadow Minister, I thought that the amendments we put up to another place were quite adequate. I support these amendments. They provide all areas of potato growing in South Australia with a representative on the committee. That is a fair and just way for growers to have a say and to advise the Minister how they want that money spent.

Members interjecting:

The CHAIRMAN: Order! I call the Committee to order.

Mr D.S. BAKER: I agree especially with amendments Nos 4 and 5. They keep the expenditure of the committee under some rein and require the Minister to report back to this House about what is going on. I totally support these amendments, and I cannot understand why the Minister will not support them. They are in the interests of potato growers and the people involved in agriculture in this State.

The Committee divided on the motion:

Ayes (25)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes (teller), Payne, Peterson, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Noes (15)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn (teller), Ingerson, Olsen, and Oswald.

Pairs—Ayes—Messrs Blevins, Hemmings, and McRae. Noes—Messrs Lewis, Meier, and Wotton.

Majority of 10 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments will make the Bill unworkable.

WATERWORKS ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendment to which the House of Assembly had disagreed, and agreed to the alternative amendment of the House of Assembly.

SEWERAGE ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendment to which the House of Assembly had disagreed, and agreed to the alternative amendment of the House of Assembly.

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LIFTS AND CRANES ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendments to which the House of Assembly had disagreed and agreed to the alternative amendment of the House of Assembly.

CROWN PROCEEDINGS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Education): 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

This short Bill seeks to amend the Crown Proceedings Act 1972 to enable service on Ministers of the Crown of subpoenas and other processes, issued by courts and like bodies, to be effected by the Crown Solicitor. In civil proceedings that directly involve the Crown (i.e. where the Crown is either plaintiff of defendant) service of process, that is required to be served upon the Crown, is effected

by service on the Crown Solicitor (section 6 (3) of the principal Act).

In many cases that are litigated between private persons, evidence may need to be obtained from the Crown and in particular a Minister. This is especially so where relevant documentary evidence is sought by one (or both) of the parties pursuant to a subpoena.

The present law requires that such service be actually effected on the person of the Minister. This has its disadvantages. Ministers are busy people and, from the point of view of a private litigant it is sometimes very difficult and time consuming to arrange prompt service. Indeed, some litigants seek to effect service at a Minister's personal address which can be a nuisance for all concerned. This is only conducive to costs and delays to the parties, especially when a Minister's official duties require his or her prolonged absence from Adelaide or the State itself.

This Bill will reduce cost and delay to litigants and ensure that the Minister's attention is brought to the relevant process in a more orderly fashion. Moreover, it will ensure that the court or like body is kept apprised, in a timely and effective manner, of any reasons for delay in bringing the Minister's attention to the process and serving his or her attendance at the proceedings.

Clauses 1 and 2 are formal.

Clauses 3, 4 and 5 make consequential changes.

Clause 6 inserts new section 7a. The new section requires that a subpoena directed to a Minister be transmitted to the Crown Solicitor for service by the Crown Solicitor on the Minister. If the Crown Solicitor fails to serve the subpoena within a reasonable time the court or other authority may direct alternative service.

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

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Education): 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

This Bill makes legislative provision for the positions of Master of the District Court, and Registrars of the District and Magistrates Courts. These positions have been created as part of administrative and organisational changes to separate the functioning of the District Courts and Local Courts. The Master of the District Courts has a primary responsibility to supervise pre-trial conferences. The Registrars of the District and Magistrates Courts have responsibility to ensure that the administrative operation of their respective courts is efficient and effective. The position of Registrar, Subordinate Jurisdictions is redundant and is removed by these amendments.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides for the insertion of new definitions of 'Master' and 'Registrar'.

Clause 4 provides for a new Part CI of the principal Act. New section 5m provides for the appointment of a District Court Master and Deputy District Court Masters. A person is not eligible for appointment unless he or she is a magistrate or eligible for appointment as a magistrate. New section 5n provides that a Master will have administrative functions assigned to a Master under the rules of court or by the Senior Judge. New section 5o will enable a Master to exercise so much of the jurisdiction of the District Court as is conferred by the rules of court. An appeal will lie from a decision of a Master in the exercise of this jurisdiction to a District Court Judge. New section 5p provides for the appointment of a District Court Registrar and Deputy District Court Registrars. New section 5q provides for the appointment of a Registrar of Magistrates Courts and Deputy Registrars.

Clause 5 makes a consequential amendment to the Justices Act 1921.

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

STOCK DISEASES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

PITJANTJATJARA LAND RIGHTS ACT AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Aboriginal Affairs) brought up the report of the select committee, together with minutes of proceedings and evidence.

Report received.

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

That the report be noted.

In doing so, I thank the members of the select committee for their contribution to the work of the committee. We were able to resolve a number of matters through the select committee process. Indeed, we heard evidence from various sectors of the community that were interested in this measure and, after hearing their evidence, we were able to bring forward a series of further amendments to the legislation which, I believe—and it is the view of the committee—will improve the Bill and provide additional powers and opportunties for the Pitjantjatjara people to bring about improvement in the administration of the legislation and, through that, their way of life on those lands.

In particular, I refer to several issues which were not the subject of the original representations to the Government that brought about the original Bill but were recommendations which came subsequently to the Government and the Opposition and were incorporated in foreshadowed amendments that the Opposition referred to when the matter was previously before the House. These matters relate to the concerns of the Pitjantjatjara people with respect to their ability to control or to limit the incidence of petrol sniffing on their lands. That has been the subject of deliberations by the select committee, and we bring forward some recommendations in that regard.

We know that the passing of a law does not obliterate this very real social problem, which is causing disruption to families, ill-health and in some cases, unfortunately, death to young people as a result of their addiction to petrol fumes. This problem has to be dealt with in a number of varied ways. We hope that the passage of this legislation

will provide some additional powers and some visible indication of the concern of the South Australian people and, indeed, the Parliament, and give powers to the courts and those vested with administrative responsibilities in this to facilitate treatment programs and the administration of the law in this area.

Evidence was placed before the select committee that there had been a substantial improvement in the incidence of this problem on the lands, and that the number of young people sniffing petrol had been reduced markedly in the past six months or so; and a number of reasons were advanced for this in relation to what has caused this marked improvement. It is noted that the role of the police, particularly special police constables (the Aboriginal persons vested with special powers under the Police Regulations Act) has had a marked effect.

The programs that have been developed by the Health Commission, the communities and the health council, and the work of the Franks team that is moving onto the lands, have all combined to bring about some improvement in this area. We are too cautious to say that some solution is being found to this very real problem because we know it is cyclical and that unfortunately there are waves of this on the lands. We hope that the effective work commenced in the area can continue and that it can be supported by the passage of these amendments.

I refer also to the amendments that we will be bringing before the House with respect to by-law making powers that the Pitjantjatjara council will have. This is a very clear indication of the confidence of the Parliament in the ability of the people to make decisions and carry them out with respect to their own well-being and the good governance of the communities on the lands. These by-laws will provide for the people to make decisions with respect to such important matters as solvent abuses, as I have just mentioned, the control of alcoholic liquor and gambling on the lands, and other matters that the community believes are important and should be included in by-laws which will in due course come before this House for our consideration via the subordinate legislation process.

The third matter of importance is the creation in this legislation of a parliamentary committee—the Pitjantjatjara Lands Parliamentary Committee. We have now had some experience of the Maralinga Tjarutja Land Rights Parliamentary Committee, and have seen that that has brought about a new understanding by those members who participate in that committee of the effect and importance of that piece of legislation. It has been welcomed by the Maralinga people and I believe that members of the Parliament who are served by that committee, and its regular reporting to the House, are also served in that way. It is hoped that, albeit in vastly different circumstances, the Pitjantjatjara committee will similarly serve the Parliament and the people on the Pitjantjatjara lands.

I have previously expressed to the House my reservations about a committee of this type in the circumstances of the Pitjantjatjara lands, about which substantive legislation was passed some years ago in 1981 and where people have been settled in communities on those lands (now, of course, for many years). If we create a Parliamentary Committee of this type, we need to be cautious of the role that it plays. It must have a constructive role, which gains the confidence of the Pitjantjatjara people. Also, it must at all times be seen to be serving rather than being seen as a committee that has opportunities and powers that could well be administered in a harsh way or used in ways that would not advance the best interests of these people, who are very vulnerable and who rely very heavily on the good offices of Government and, indeed, the goodwill of those whom they perceive as being in powerful public positions, as we are as members of Parliament.

It is with those reservations that are generally accepted by the committee that we need to be mindful of the responsibilities that will apply in administering that section of the Act as we propose it be amended. I commend the report and its recommendations about amendments to the House.

The Hon. P.B. ARNOLD (Chaffey): I support the motion. I found the select committee relating to this matter a rewarding experience because of the amount of work that went into this measure on the part of many people over a long period of time. The Government, as a result of extensive discussions with the Pitjantjatjara Council and its legal advisers, has brought forward this Bill.

I must give credit to the member for Eyre for the long discussions that he has had over a long period of time as the local member for the people on the Pitjantjatjara lands. The Opposition has given careful consideration to their needs. The position that we have put down is largely as a result of his long involvement with these people and their problems. As a result, proposals were put forward to the select committee which it saw fit to accept, particularly in relation to trying to do something to control the problem of petrol sniffing and to provide the Pitjantjatjara Council with by-law making powers, which is a far reaching step. This virtually gives the Pitjantjatjara people self determination of their destiny on their own lands.

As a result of that far reaching provision, and a decision by the committee to accept a proposal for a Pitjantjatjara lands parliamentary committee to act in a similar way to the Maralinga Committee, and because we are providing a quite extensive ability for the people to determine their own destiny, there is all the more reason why it is necessary to have this parliamentary committee. Those members who are fortunate enough to be appointed to that committee will be able annually to have first hand discussions about the workings of the new provisions and any shortcomings and to make recommendations back to the Parliament as to how the amendments that we are making today can be improved.

It was pointed out during the sittings of the select committee that some of the things that we were trying to achieve were already contained in other Acts—the Controlled Substances Act, for example. It was also accepted by the committee (and it has certainly been my experience over a number of years in negotiations with the Pitjantjatjara people in relation to the Maralinga situation) that the Pitjantjatjara people see their Act as the one that they live by. We live by a multitude of statutes in our society, which is common to us, but they have continually come back to the fact over the years that they have wanted a law that they could accept, and they kept using the words, 'a strong law.'

If a matter is not in their law they tend not to regard it in the same way. They regard the Controlled Substances Act as something to do with the European, white population of South Australia. If it is not in their Act, they think that it does not have much bearing on them. The fact that we have substituted or doubled up in some instances by including measures from other statutes in the Pitjantjatjara land rights legislation means that the people will be given the recognition that they want that it is a part of their law. I will watch this legislation with a great deal of interest.

Undoubtedly, in a year or two further fine adjustment may be required. We are endeavouring through the recommendations that we are putting forward to provide an opportunity for the people on the lands very much to deter-

mine their own destiny and how they deal in their own way with problems that arise from time. Therefore, I have much pleasure in supporting the motion.

Mr GREGORY (Florey): I also support the adoption of this report. We have come a long way in the six or so years since the Pitjantjatjara lands rights Act was enacted. The amendments which were sought by the Pitjantjatjara people and which are encompassed in the Bill and the amendments recommended by the select committee are an indication of just how much they have developed since the Act was proclaimed and implemented. Some Aboriginal people will say that some of them thought that the Bill would markedly change their way of life when it was enacted and that they thought that they would then own the land. However, they found that that was not so. There has been a continuing development of their decision making powers and their desire to have a say in how their communities are run.

Discussions that have taken place over a period of time with representatives of the Pitjantjatjara people showing an increased sophistication in dealing with white man's law. The previous speaker referred to the Controlled Substances Bill. It was the police officers who did not realise that it applied, not the Aborigines who lived on the land. That indicates that perhaps some of the white people who were responsible for the operation of our laws ought to have been better informed when they gave advice to people on these lands.

I will now draw a number of analogies. Most of the people here have an ethnic background going back to the United Kingdom or middle Europe, and if we were to go back in history over 300 years we would find severe social dislocation caused by the closure of common lands and the forcing of people into cities, and to live in a way which they just did not understand or were unable to cope with. That is what we have done with the Aboriginal people, and most of these people in the Pitjantjatjara lands have experienced this dislocation, really, since the war. They have gone from a natural food gathering existence to one where they do have some food gathering but where they are supplied with food from the white man's system, which, in many cases, they do not have the proper means to keep. They do not understand how to use it, and there has to be a re-education process. They were used to things being done for them.

There has been a significant change in the approach to the way in which those people live, how they administer their lives, and how they cope with all the pressures that our society has placed upon them. We have seen a realisation on their part that alcohol can have a tremendous effect on their health, and the Pitjantjatjara people have taken their own steps to control that. They were the ones who asked for powers to confiscate vehicles used in grog running. They want to stamp out grog being taken into the communities. They want to do that because they realise that just taking away the grog and confiscating it is not enough: in their own effective way, in a number of instances, they have burnt vehicles belonging to grog runners so that they could not be used again. The amendments that are proposed in the Bill will provide for a more orderly way of doing that.

We as a white community understand fully the effect of petrol sniffing and what it can do to people who inhale the fumes excessively. The Aboriginal people did not understand for a long period of time and are only now starting to appreciate what petrol sniffing can do. Only a few years ago a mother advised one of her children to sniff petrol because it was not as bad as getting on the booze. She had the example of some of the people around the community in which they were living as to how their lives had been ruined and what they had done under the influence of alcohol. They asked for the measures to deal with petrol sniffing. They were the people who asked for a special law so that they could deal with people who were beyond the aegis of the Controlled Substances Act. I am pleased that they asked for those powers, because it indicates a developing sophistication in dealing with our laws, which means that things can only get better.

The other exciting proposal put up by the select committee was the by-law making power. I can envisage that people, through their councils and community meetings, will come to realise that they can have by-laws made which would ensure the good government of their communities within the law prescribed for the establishment of their land. That is a significant development, and I can see that in the near future there will be a whole body of by-laws which will means that their lives will be more rewarding and enriched.

In closing, I want to make some comments about the parliamentary committee. I have in the past been opposed to a parliamentary committee because I have thought that it was a presumption on the part of white people to say that black people were not able to look after things properly and that they needed white people to look over their shoulders and see that they were doing things correctly. However, we have been persuaded from the arguments by the Aboriginal people themselves that they would rather have a committee to which they could make representations and talk—one which has an interest in their affairs and will look on them in a well-meaning way, as opposed to people just dropping in, having a look and making all sorts of statements, in some cases unfounded. This Bill and the amendments recommended by the select committee will go a long way towards bringing back self respect and self government to the Aboriginal people in the Pitjantjatjara lands, and I recommend its adoption by this House.

Mr GUNN (Eyre): I want to add my support to what the member for Chaffey had to say in relation to the report of the select committee and, in particular, to the numerous amendments that have been made. The select committee was a valuable exercise in reaching agreement on a number of outstanding issues. If the committee which has now been provided for in the legislation had been there from the beginning of the operation of the Pitjantjatjara land rights legislation, these matters with which we are dealing today would have been resolved a number of years ago.

I firmly believe that the Pitjantjatjara people, and indeed all Aboriginal people, have been the victims of bureaucracy and, as long as that bureaucracy has the authority to administer the very large amounts of money which are made available to the Aboriginal community without proper parliamentary scrutiny, the very serious problems that are facing those people will continue. This amendment goes part of the way towards attempting to resolve the problems that I have just outlined.

Members have not indicated the far reaching amendments which the Opposition suggested to the House and then to the committee and which have been accepted by the Government; that is, to give the Pitjantjatjara people the opportunity to make their own by-laws. This would be a first in Australia. This is a most significant amendment which will allow those local communities to have some input into the administration of their own affairs, and I hope it works well.

One of the problems that those people have had to face for a long time, is that they have lived in the most isolated

part of the State. As a result, it is difficult for administrators or members of Parliament to have regular contact with them, and a number of the matters affecting them are handled by the Commonwealth. As one of those people who did not vote for the transfer of powers to the Commonwealth in 1972, I have a clear conscience, but I believe that, as time goes on, the Commonwealth will shed back to the State more and more of its powers in this area.

Those parts of the Bill which deal with the provisions of the Motor Vehicles Act, registration and third party insurance, are long overdue. The problems of alcohol and the increased penalties which the people will be able to inflict upon those people who transgress will, I believe, play a significant role in improving the lifestyle of those communities. The amendments which allow the provisions of the Pastoral Act to apply are important, as I believe that there is great potential for the pastoral industry in this part of the State. If that industry is to be expanded, the provisions of the Pastoral Act should apply in the same way as they do to the rest of the pastoral areas of South Australia. In those areas, the Commonwealth Government needs to provide advice by appointing people who have had long experience in practical pastoral pursuits. It is no good appointing academics or people who are not cut out to be in that part of the State.

If the Government wants to see the pastoral industry develop and provide income and employment for those people, it will participate effectively only by appointing people who have had experience, and that will mean appointing people and paying them substantial salaries. However, in my view, it would be a wise, long-term investment.

The other matters that have been covered by the select committee and by other members will, I believe, greatly improve the operations of this measure. I want again to put on the record my view of the value of select committees. These amendments have again demonstrated the great value in having constructive select committees set up to consider legislation. In my time in this Parliament, every piece of legislation that has been referred to a select committee has been greatly improved, because we take the discussion out of the confrontation area and put it down on a solid, constructive basis where commonsense can apply. People who will be affected or who will have an interest in the area can come before the committee and give evidence.

An honourable member interjecting:

Mr GUNN: I agree: there should be more select committees. Then we would not have some of these foolish decisions that the Parliament takes, because once the Government brings a measure into the House it does not want to admit to the public that it may have made a mistake. We see the charade go on daily where Bills go backwards and forwards in this place, and if a bit of commonsense had been applied, we could do away with all that mumbo jumbo.

Members interjecting:

Mr GUNN: That is right. I had better not go too far down that track, or I will be out of order, and I would not want to transgress the Standing Orders under any circumstances. I thank the Government's legal advisers who helped with the drafting and redrafting of the amendments to get them into an acceptable and workable form. Having been involved in discussions over this matter for a long time and reading and viewing the amendments, I am pleased with the end result. I also place on record that I believe that the change of attitude by the Pitjantjatjara Council in that it is now prepared to talk to all Parties in Parliament is a welcome step. I sincerely hope that that continues because I believe that, if it does, there can be only good for all concerned. I look forward to supporting the measure.

Mr ROBERTSON (Bright): I take the opportunity this evening to support the Bill and its amendments. It has been a great pleasure to work with other members of the committee. I found the committee to be overwhlemingly flexible and effective in its operation, and I enjoyed the experience. It has been an education for me and I found the whole process most constructive. I think the result of our deliberations is a most effective Bill. I certainly hope that it has the full support of the wider community and the Pitjantjatjara people themselves.

The Bill is largely a response to requests for amendments to the principal Act made by the Pitjantjatjara people. The only substantial changes to the original amendments proposed result from the evidence from the Chamber of Mines; and I think it could be said that the committee viewed that evidence sympathetically. As a result of the amendments, when a mining company transgresses by offering under-the-lap payments to members of the Pitjantjatjara the restriction will be three years whereas previously it was virtually *ad infinitum*. So, if any untoward behaviour occurs and payments are made under the lap to Aborigines, that mining company is not banned forever from mining in the lands. In fact, presumably, the people responsible would be moved on by the company and other people would take over. I certainly hope that that does not happen, but I think that protection is required, and I think the compromise reached is a good one.

Another pleasing feature of the Bill is that the provisions of the Road Traffic Act will apply within the Pitjantjatjara lands along with regulations under that Act which are primarily designed to ensure the safety of people on the roads, the safety of vehicles and the registration of cars. The provisions of the Pastoral Act will apply as far as stocking rights are concerned. It is quite clear that that was needed to ensure that the area was not overstocked and therefore overgrazed, thereby suffering degeneration of the kind that has occurred in this part of Australia.

The concept under the Motor Vehicles Act of the nominal defendant applies in the Pitjantjatjara lands so that people injured in road accidents can now recover damages from a nominal defendant. I regard that as a major step forward. I also welcome the proposal to create the Pitjantjatjara Lands Parliamentary Committee in so far as I think it will give members of Parliament particularly and members of the wider European community a window to the Pitjantjatjara world. I think it will prove to be an educative experience for those of us who will benefit from the periodic reports of that committee.

I also welcome the powers in the new Bill which allow special constables and the like to confiscate alcohol and other regulated substances on the Pitjantjatjara lands. I think that is a major step forward. It may appear to outsiders to be a somewhat draconian power, but the Pitjantjatjara people themselves certainly felt that it was a necessary change, and it is certainly one that I welcome. I think that, combined with the by-law making power which the council now has, it is clear that the Pitjantjatjara people themselves will be able to regulate that activity, and it is hoped that the provisions of the Bill will enable them to administer their own affairs much more easily and effectively.

The Bill also allows for the referral of offenders (that is, people abusing alcohol or regulated substances) by a court for rehabilitation and treatment. I most certainly welcome that. I think it is a step in the right direction and is one of

the many welcome provisions of the Bill. I support the Bill and the proposed amendments and commend them to the House.

Motion carried.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

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

Page 1, after line 14—Insert new subclause as follows:

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

This is simply a transition provision which will facilitate the operation of the legislation when by-laws are consequently made.

Amendment carried; clause as amended passed.

Clause 3 passed.

New clause 3a—'Interpretation.'

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

Page 1, after clause 3—Insert new clause as follows:

3a. Section 4 of the principal Act is amended by inserting after the definition of 'Mintabie resident' the following definition: 'petrol' includes any volatile liquid containing hydrocarbons:.

The new clause provides for the insertion of a definition of 'petrol' in the interpretation clause. That will facilitate the provision in the substantive part of the legislation which creates the offence of being in possession of petrol on the lands for the purpose of inhalation and other offences related to that, and also the by-law making power under this head.

New clause inserted.

Clauses 4 to 6 passed.

Clause 7—'Interaction of this Act and mining and petroleum Acts.'

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

Page 4, lines 1 to 4—Leave out paragraph *(d)* and insert new paragraph as follows:

(d) (i) no mining tenement in respect of the lands will be granted to the person and the person is precluded from applying for another mining tenement in respect of the lands for the period of three years;

and

(ii) if a mining tenement in respect of the lands is held by the person, that tenement is cancelled.

This brings about an improvement in the provisions relating to mining. It was requested by the Chamber of Mines when it gave evidence before the select committee in relation to the time limit with respect to certain companies and their ability to gain mining tenements. The committee believed that a three-year period was appropriate in the circumstances.

Amendment carried; clause as amended passed.

Clauses 8 and 9 passed.

Clause 10—'Insertion of new ss 42a and 42b.'

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

Page 4, after line 22—Insert new sections as follows:

42c. (1) There will be a committee to be known as the 'Pitjantjatjara Lands Parliamentary Committee'.

(2) The duties of the committee are—

(a) to take an interest in—

(i) the operation of this Act;

(ii) matters that affect the interests of the traditional owners of the lands;

and

(iii) the manner in which the lands are being managed, used and controlled;

(b) to consider any other matter referred to the committee by the Minister;

and

(c) to provide, on or before the thirty-first day of December in each year, an annual report to Parliament on the work of the committee during the preceding financial year.

(3) The committee will consist of the Minister and four members of the House of Assembly appointed by the Minister (of whom two must be appointed from the group led by the Leader of the Opposition).

(4) The seat of a member of the committee becomes vacant if—

(a) the member dies;

(b) the member delivers a written notice of resignation to the Minister;

(c) the House of Assembly is dissolved, or a term of that House expires;

(d) the member is removed from office by resolution of the House of Assembly.

(5) The Minister will preside at a meeting of the committee but, if the Minister is not able to attend a meeting, a member of the committee nominated by the Minister may preside.

(6) Subject to subsection (7), three members constitute a quorum of the Committee.

(7) When the Committee meets for the consideration of a proposed report to Parliament, the quorum must consist of at least four members.

(8) All questions to be decided by the Committee will be decided by a majority of votes of the members present.

(9) The Minister has, in addition to a deliberative vote, a casting vote in the event of an equality of votes.

(10) The Minister may, after consultation with the Speaker of the House of Assembly, appoint an officer of the Parliament as secretary to the Committee and such other officers of the Committee as are required for the performance of its functions.

(11) This section expires on the fifth anniversary of the formation of the Committee unless each House of Parliament resolves, within six months before that fifth anniversary, that the section is to continue in operation.

42d. (1) A person shall not be in possession of petrol on the lands for the purpose of inhalation

Penalty: $100.

(2) A person shall not sell or supply petrol to another person on the lands if there are reasonable grounds for suspecting that the purchaser—

(a) intends to use the petrol for the purpose of inhalation;

or

(b) intends to sell or supply the petrol for the purpose of inhalation.

Penalty: $2 000 or imprisonment for two years.

(3) A member of the Police Force or a person acting under the authority of a member of the Police Force may confiscate and dispose of any petrol that he or she reasonably suspects is to be used or has been used for the purpose of inhalation and any container that contains or has contained such petrol.

(4) A person shall not hinder or obstruct the lawful exercise of a power under subsection (3).

Penalty: $2 000.

(5) The Governor may, by proclamation, fix a date for the expiry of this section.

(6) A proclamation should not be made under subsection (6) unless the Governor is satisfied—

(a) that adequate provision prohibiting the inhalation of petrol on the lands has been made under some other law;

or

(b) that there is no further need for a statutory prohibition against the inhalation of petrol on the lands.

These amendments provide for the parliamentary committee, which has already been canvassed in the debate, as well as for the possession of petrol for inhalation and the various offences related thereto.

Amendment carried; clause as amended passed.

Clause 11—'Regulations.'

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

Page 4—

After line 23—Insert new paragraph as follows:

(aa) by striking out paragraphs *(c)* and *(d)* of subsection (1);.

After line 25—Insert new paragraph as follows:

(ab) by striking out from subsection (2) ', *(c)* or *(d)*';.

After line 27—Insert new subsections as follows:

(2a) Anangu Pitjantjatjara may make by-laws—

(a) regulating, restricting or prohibiting the consumption, possession, sale or supply of alcoholic liquor on the lands;.

Amendments carried; clause as amended passed.

Clause 12 and title passed.

Bill read a third time and passed.

[*Sitting suspended from 6.2 to 7.30 p.m.*]

LOCAL GOVERNMENT ACT AMENDMENT BILL No. 2) 1987

Received from the Legislative Council and read a first time.

FREEDOM OF INFORMATION BILL

Received from the Legislative Council and read a first time.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

Adjourned debate on second reading.
(Continued from 2 April. Page 3810.)

The Hon. P.B. ARNOLD (Chaffey): The Opposition supports this measure, which is not Party political. Indeed, the same legislation would have been introduced had the Opposition been in office at this time. As the Minister said in his second reading explanation, the Bill incorporates into this State's legislation Annexes I and II of the International Maritime Organisation's International Convention for the Prevention of Pollution from Ships, 1973. In the process, it also repeals the Prevention of Pollution of Waters by Oil Act 1961 and provides for the continuity of the provisions of that Act which are not superseded by the marine pollution convention.

Parts 1, 2 and 3 of the Bill contain international provisions that have been accepted by many countries around the world. Whether it be pollution of the sea or of the atmosphere, all responsible countries should be a party to these provisions. Annex I of the convention relates to pollution by oil and is the international regulation that must be adopted by all participating countries. Annex II provides for the regulation of pollution by noxious liquids.

The two schedules are mandatory for any nation that is to be a party to the International Agreement for the Prevention of Pollution from Ships. It is interesting to note that countries such as Uruguay, Peru and other small countries, some of which I must say in all honesty I did not know even existed, are party to this international agreement. I was concerned when the department provided me with a list of countries which are party to the agreement but which do not include Australia. However, I am assured that in 1983 the Commonwealth Parliament passed legislation which is to all intents and purposes binding on the States until the States pass complementary legislation.

So, in this instance we are passing legislation that is complementary to that already passed by the Commonwealth and agreed to by many other countries. This complementary legislation incorporates provisions into South Australian law that give the South Australian Minister the power to do other things as well and to make State regulations. In simple terms, I regard this legislation as being extremely important if we are to be seen as a responsible nation by the rest of the world.

As well as the smaller countries to which I have referred, major countries that are signatories to the agreement include the United Kingdom, the United States of America, France, the Federal Republic of Germany, and the Netherlands. Indeed, most of the countries that would normally be regarded as having an influence on the world scene are a party to the international convention findings and decisions. For the reasons I have given, the Opposition fully supports the Bill.

Mr PETERSON (Semaphore): I support the Bill. It is necessary in this day and age to have these controls, and it is pleasing to see that South Australia is now to comply with the regulations and the needs of the Commonwealth and the universal codes. For many years, there has been the attitude that the sea is just a place into which to throw rubbish and for years ships have thrown the waste from their tanks and holds over the side. This practice has continued until the seaboard nations of the world have done something about it, and this legislation helps us to come into the world community of countries that have taken notice of this problem.

Pollution by trading vessels has been a universal problem. The behaviour of officers and crews of many ships over the years has caused problems. Certain ships have been noted for their disregard of the requirements of ports over the years, but this state of affairs is now coming to an end as a result of this sort of convention.

The international convention covers only one aspect of pollution: that concerning commercial vessels. However, pollution at sea can be caused by recreational people using the sea as a rubbish dump. Also, people on land can cause pollution at sea by pushing rubbish through their drains. It has been said that the sea will absorb rubbish without it being seen whereas, if the same rubbish were dumped on land as is dumped in the sea, something would be done about it, but the rubbish dumped at sea goes out of sight and becomes a hidden pollution. This Bill will bring us into the world community of nations and give us the ability to deal with those people who pollute the sea. I therefore support the legislation.

The Hon. R.K. ABBOTT (Minister of Marine): This Bill is long and technical, and I thank the members for Chaffey and Semaphore for their bipartisan approach to it. Basically, it brings South Australia into line with the Commonwealth of Australia and the other nations that form the International Maritime Organisation. All members would appreciate that Australia, as an island nation, has extensive coastlines and a vast spread of territorial waters that abound with assets of considerable economic value. Those coastlines that are used are used for a wide range of recreational pursuits.

It is vital for these assets to be protected, and this all goes a long way towards achieving this objective. The environment, and especially the marine environment, including our beaches and areas like the Great Barrier Reef and other national beauty spots, requires all the legislative protection possible. The member for Chaffey correctly pointed out that parts II and III of the Bill relate to MARPOL—the international convention—and part IV picks up those parts of the Prevention of Pollution of Waters by Oil Act which we want to retain and which is being repealed in this legislation. We are not losing anything by picking up all of those provisions in the Bill that is being repealed that we need to retain. Admittedly, the Bill has been a long time in reaching the House but, now that it has been accepted, I thank members for their constructive participation in the debate and now commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr PETERSON: Reference is made to 'pleasure vessels' of less than 400 tonnes, which brings to mind a luxurious yacht. In view of the national 200 mile limit, the Federal Government has control of more water than land. Does the definition include a 30ft or 20ft yacht? If it pumps diesel or some other noxious pollutant into the sea is that yacht liable under the provision in the same way as a tanker?

The Hon. R.K. ABBOTT: This provision relates to any vessel that discharges oil into the water. Clause 3 sets out the definitions of a number of terms used in the Act and also provides that terms used in the Act and in the convention have the same meaning (being the meaning applicable under the convention). Vessels that fall into this category in South Australia are the *Troubridge*, the new *Island Seaway* (when it is launched), *Accolade II*, *Captain Matthew Flinders*, *Murray Explorer*, *Murray Princess*, *AD Victoria*, *Dennis O'Malley*, *John Sainsbury*, *Bunker 3*, plus five tuna vessels. Any vessel that discharges oil in our waters is covered by this provision.

Clause passed.

Remaining clauses (4 to 44), schedules and title passed.

Bill read a third time and passed.

MARINE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 April. Page 3811.)

The Hon. P.B. ARNOLD (Chaffey): The comments that I made about the Pollution of Waters by Oil and Noxious Substances Bill apply equally to this Bill. The Government has seen fit to incorporate the international provisions relating to ship construction in the Marine Act. It sees that to be more appropriate than in the pollution of waters by oil legislation. The Opposition has no argument with that. To all intents and purposes the provisions achieve exactly the same thing, and the Opposition supports the measure.

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

SUBORDINATE LEGISLATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 April. Page 3915.)

Mr S.J. BAKER (Mitcham): The Opposition supports this measure. (Again, we are missing a Minister, and this is probably the fourth or fifth time that this has occurred in the past two weeks.) While we support the measure, we will not fall over with joy about it. The provisions in the Bill allow for the updating of regulations, and if the regulations are not updated by a specific time they will lapse. The Liberal Opposition has suggested that a similar mechanism should have been operating for many years to ensure that regulations that are no longer needed for the process of government should no longer remain in subordinate legislation.

In principle, we believe that it is a fine idea; in practice, I have a few reservations about it. The Government has scheduled particular expiry dates relating to the regulations. The Bill provides that regulations made before 1 January 1960 will automatically expire on 1 January 1989; those made after 1 January 1960 but before 1 January 1970 will expire on 1 January 1990; those made on or after 1 January 1970 but before 1 January 1976 will expire on 1 January 1991; those made on or after 1 January 1976 but before 1 January 1980 will expire on 1 January 1992; those made on or after 1 January 1980 but before 1 January 1986 will expire on 1 January 1993; and those made on or after 1 January 1986 and all subsequent regulations amending that regulation will expire on the seventh anniversary of the day on which the regulation was made. This means that the regulations made in the Parliament this year will have a seven year time frame.

While I generally applaud this measure, I question the Attorney-General's motives. It is a fact that regulations in this State have become quite prolific. In fact, they became extraordinarily prolific with the advent of the Dunstan Government in 1970. With those regulations, mild responsibilities were placed on business and other people in the community—so much so that no-one really understands the rules that they are working under. The Opposition would be in favour of any rationalisation of that process.

I remind the House that the question that has to be asked is how much real gain will be made by 1 January 1990. At that time we will have considered all regulations made prior to 1970. When one considers the updates of regulations that have taken place over the past few years, one is probably considering only about 5 per cent of the regulations. What we are dealing with is a very limited time frame and a very limited number of regulations. Some mention was made in the Upper House about this matter (and I will use a bit of plagiarism). There is no doubt that in both the Federal and State Parliaments regulations have become quite the in form of changing post 1970 laws. The Hon. Mr Burdett in another place quoted a Sir Robert Menzies lecture delivered recently by Professor David Kemp:

> In the first 14 years after Robert Menzies retired, Australian Parliaments, by one count, passed no less than 12 612 separate pieces of legislation, and Governments promulgated an extraordinary 25 986 regulations. Think about that! Law-making during the 1970s was 40 per cent above what it had been during the previous decade, and regulation-making increased 62 per cent (CAI statistics). During the 16 years Sir Robert was Prime Minister, Government claims on our earnings increased very little . . .

He goes on to talk about some of the change that took place as a result of changes in Government, particularly Labor Governments, in the Federal and State spheres. There is no doubt that Labor Governments have a real penchant for changing the law through the back door—or by regulation, as we all understand it. From a time frame point of view we will be tackling possibly only 5 per cent of regulations that govern our lives.

Because the Attorney-General has given no indication in another place about the scope of the exemption, I question his motives. The exemptions from this general law will include:

> *(a)* regulations that are not required to be laid before the Parliament;
>
> *(b)* regulations made by an authority established or incorporated under an Act relating only to the internal affairs of the authority or to the use of its land, premises or property;

And I presume that such bodies as Flinders University, Adelaide University and the Institute of Technology belong under that category. It also includes:

> *(c)* regulations amending an Act;

That seems to be in vogue today, for regulations to be amending an Act, particularly in relation to monetary amounts, as we have seen before this Parliament in the past day or so. The exemptions also include:

> *(d)* regulations made pursuant to an agreement for uniform legislation between this State and the Commonwealth or other States and Territories of the Commonwealth;

Of course, we would have to agree with that proposition. They also include:

(e) rules of court;
and
(f) any other prescribed regulations or regulations of a prescribed class.

What that means is that if the schedule gets a little bit tight the Attorney can ring down the bell and say that we do not have enough time, so we will prescribe them as exempt from the laws that we are now making in this Parliament and under this Act.

I am sure that the House will not mind if I am a little cynical about the exercise. The Bannon Government understands and realises that many people spend an enormous amount of time, energy and money fitting in with regulations that have no particular worth. Indeed, I can cite shopkeepers who have to obtain 100-odd licences to perform the normal functions of being a shopkeeper in South Australia. The previous Liberal Administration (from 1979 to 1982) made a commitment on deregulation. I know that one person in this House was very close to that deregulation process. It was interesting to note that when the new Labor Government came to power, that desire to deregulate and make life a little easier and simpler for everyone except lawyers was suddenly thrown into—

Ms Gayler: That's rubbish.

Mr S.J. BAKER: Indeed, it is not rubbish, and you will have your chance to respond in a minute. The desire to make life simpler was not carried forward by the Bannon Administration. We now have this measure out of the blue. In principle, I cannot help but support it because it is what we believe in; but in practice I question the morals of the Government. I also question the process itself, and these are questions that have not been asked in another place.

The fact is that regulations are cumulative. As everyone here realises, what started as a very simple society became more complex, as a result of which regulations became more complex and built on each other. If a regulation started in 1950, by 1986, if that law was still on the statute, there would be a far more complex set of regulations. Nevertheless, many matters are reprinted in the regulations which take the old standard, so we will not be changing some of the old laws that have managed to survive through survival itself, or because nobody really cared. We will not be taking many of those laws into account, as many of them would have been updated in reprints that have been done since they were first promulgated.

I question the process, because it will be rather bitty in the sense that we will have parts of regulations which will be looked at. There could be whole sets of regulations such as the marine regulations, about which we have just been talking, motor vehicle regulations or road traffic regulations, which are quite prolific, and we will be taking small pieces of them from time to time.

It may be that the greatest gains can be made by saying that we will take all those matters in alphabetical order, from, say, A to C, and that all the Acts under those letters that were promulgated before 1970 will have their regulations dealt with, because then one can take a composite view. If one takes the regulations that have survived unaltered since 1960, one will be going over and over the same process. Who will have the job of identifying which era they are from and who will follow them through to make sure that they survive in their original form? These are simply problems of administration that I ask about.

Regulations are a cumulative process. Something started in 1950 or 1965 would not have been in the same form that it is in today. It may well be that the ingredients that were there originally are still encompassed in a whole range of regulations, so we have an old law that nobody has been willing to change in the process. I have made comments about the Bill, and Government members may think that my support for it is rather doubtful. However, it is not doubtful. We will give the Government credit if this process goes ahead and is not just an election gimmick about which they say, 'We will get over the election by doing 5 per cent of the regulations. We are going to keep that promise.' It would be unusual for the Bannon Government to keep its promise. We will make sure that the regulations do not impinge on our lives as they do today. The Opposition supports the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Insertion of new Part IIIA.'

Mr S.J. BAKER: Questions were asked in the other place about prescribed regulations which would be exempt. The shadow Attorney-General raised with the Attorney-General the question of which areas would be covered under those matters which will be prescribed out of the legislation. He also raised questions about the mechanism under which they would be prescribed out of the legislation. The Attorney-General was not exactly forthcoming in either area. Has the Minister further information about which regulations the Attorney-General sees as being targeted for exemption from this clean sweep of the broom?

The Hon. G.F. KENEALLY: I take it that the honourable member is seeking to be informed about examples of regulations that are not required to be laid before the Parliament?

The Hon. S.J. BAKER: No, I am referring to 16a *(f)*, which refers to 'any other prescribed regulations or regulations of a prescribed class'.

The Hon. G.F. KENEALLY: I do not have that information available. If this matter will determine how the Opposition will vote, it is something that I will obtain for the honourable member. If they support the legislation, I give an undertaking to the members opposite that answers to the honourable member's questions will be obtained from the Attorney-General for his edification and that of his colleagues.

Mr S.J. BAKER: I know that my colleague in the other place questioned the Minister on this matter. I was hoping that by the time the legislation came to this place the Attorney-General would be a little more specific in principle on those matters that would not be subjected to the Bill before us. For obvious reasons, the Opposition would like all regulations to be subjected to intense scrutiny. We do not want exemptions unless there is a very good reason for them. We also do not want exemptions because the time frame cannot be met. It is my greatest fear that the time frame will not be met and that the Attorney-General will then suddenly say, 'We will have to change particular areas because we cannot meet the commitment because of time or resources,' or whatever. We were trying to get an undertaking from the Attorney on this matter. He was not as specific as we would have liked him to be in the other place and we were hoping that he would provide the Minister in this place with information which would allow us to feel a little more comfortable with the legislation.

Mr M.J. EVANS: I believe that there are potential grounds for confusion on the part of members of the public who consult regulations that they obtain from the Government Publications Centre, local libraries or wherever they come from in future as to whether or not those regulations have expired. Obviously, regulations will simply expire due to the effluxion of time when this legislation takes effect. Quite

clearly, unless a member of the public is fully familiar with the timetable laid down in the legislation they will not be certain whether or not the regulation at which they are looking have expired. It seems to me that there would be considerable assistance to the public if, when regulations are printed or reprinted in future, a note was made on those regulations of the date on which they would automatically expire pursuant to this legislation.

This will ensure that members of the public do not consider themselves bound by regulations that have expired because of the simple effluxion of time. Will the Minister note that consideration and, in his capacity as Minister in charge of the Government Printer, or by reference to the Attorney, ascertain whether that can be achieved to ensure that people are not misled, because expiration dates are irregular and occur over a series of years. Unless one has this timetable in front of them when reading a regulation there is no easy formula to work out whether or not a regulation has expired.

The Hon. G.F. KENEALLY: The honourable member has raised a very good point, which is worthy of consideration, and I will be happy to refer it to the Attorney-General for his consideration and determination. I must repeat that I think the honourable member has raised a valuable point and, if the Attorney-General was to accept the suggestion, it would certainly make regulations clearer to those who have the need to refer to them.

Mr S.J. BAKER: I congratulate the member for Elizabeth. I presume that they will be gazetted like all the other items which, if they lapse, are declared to have lapsed. However, we do not know. The only other comment I would make is in relation to the question of exemption. Because of the way in which the regulations work at the moment, it is an all or nothing rule. If one wants to knock out a particular item, all the regulations go. This question will have to be more seriously addressed in future years, because quite often we are presented with regulations which are 99 per cent correct. To make them 100 per cent correct it is required to disallow all the regulations.

I make the point that the Attorney-General will take on board the fact that when the prescribed exemptions come into existence they are not given to us as a total schedule, which means that if we are not happy with one we have to knock out the whole lot. I understand that the Attorney will look at that matter and that we will receive a response on that.

The Hon. G.F. KENEALLY: I thank the honourable member for raising this matter. The whole idea of the legislation is to make the operation of Parliament and the regulations more efficient, so that burdens are lifted from the business community, etc., and, if changes that can be made will meet that criterion, I am absolutely certain that the Attorney will consider favourably the points that have been raised by the member for Mitcham.

Clause passed.

Title passed.

Bill read a third time and passed.

PUBLIC AND ENVIRONMENTAL HEALTH BILL

Adjourned debate on second reading.

(Continued from 7 April. Page 3914.)

Mr BECKER (Hanson): This legislation consolidates a number of public health Acts, particularly the Health Act, the Venereal Diseases Act and the Noxious Trades Act. I well remember the former Minister of Health, the Hon. Jennifer Cashmore, endeavouring to deal with similar legislation. Unfortunately, the Tonkin Liberal Government ran out of time.

Members interjecting:

Mr BECKER: The member for Gilles can laugh! It is a very serious matter. As a matter of fact this legislation—

The DEPUTY SPEAKER: Order! The honourable member will address the Chair.

Mr BECKER: This is very serious legislation which incorporates several Acts and concerns the health of our community at large. The legislation is extremely sweeping and gives the Health Commission and local government very wide and sweeping powers. I and other members of the backbench committee spent considerable time consulting the various groups involved, and it was almost impossible to arrive at a solution. The member for Coles, in my opinion, was most considerate and patient in dealing with these various bodies.

Therefore, the legislation deserves critical examination. It has been before the Legislative Council for quite some months. When the Bill was presented in the other place there had been no discussion with individual local government authorities, health surveyors or virtually anyone affected by the Bill. The Opposition took the trouble to seek advice from local government, health surveyors and all other people affected. As a result, the Bill has been heavily amended, and we hope that commonsense will now prevail.

The original fine of $5 000 for sending a child with head lice to school has been reduced to the sensible level of $200. The potential for people with lead poisoning and with food poisoning to be arrested and locked up for 48 hours was in the original drafting of clause 30 but has been deleted, and people will no longer be deprived of their liberty under that clause unless there are reasonable grounds to suspect that they are suffering from a controlled notifiable disease. Fancy that one could be detained for 48 hours if one had lead poisoning or food poisoning! It certainly would not be well accepted by the community.

Food poisoning, of course, is something over which one has very little control for a short period of time. I know that the problem of head lice does worry a lot of parents at various schools: the thought of it makes the scalp itch. The $5 000 fine, I think, was out of all proportion as far as the average citizen was concerned. Certainly, steps would be taken immediately on the discovery of head lice in schools, but it is also a problem in our institutions.

Various Government institutions have the responsibility of caring for a large number of young people as well as for our frail elderly, and I think that the Legislative Council, at least, did some work when it considered the penalties in that respect. Citizens also have rights of appeal and can obtain costs if they incur them in presenting for examination.

The Liberal Party in another place has made innumerable amendments at the request of local government and health surveyors. Amendments were made to the regulation making power to ensure that the Health Commission cannot control stock rates on farms in South Australia. This was possible prior to the amendments moved by the Opposition in the Upper House. This would have made it almost untenable for our rural industry which is, of course, suffering the worst depression that this country can remember. To bring about some draconian legislation in that respect would just wipe out large tracts of our rural sector. The Hon. Martin Cameron advised me as follows:

It is simply not on for Bills of this nature to be presented to Parliament without proper consultation by the Minister concerned. One of the major reasons for the hold-up of the legislation

in the last week has been the lack of consultation by the Minister of Health, which forced the Opposition to do the work which should have been done by the Minister and his officers, and meant that many hours of sittings of Parliament could well have been avoided.

Almost 100 per cent of the amendments moved by the Opposition were accepted by the Minister and, in fact, there were no divisions on any issue, which is a clear indication of what we are saying.

I would like to pay a tribute to the work that the Hon. Martin Cameron and the backbench committee of the Legislative Council undertook to review this legislation, to do the consultation and to consider something like 16 pages of amendments in order to tidy up the Bill. It is not done simply as a nit-picking exercise by the Opposition: it was done by the Opposition as a concerned, responsible group of people wanting to do the best for this community.

Whether or not the Public and Environmental Health Act will make any difference to the way in which public health matters are handled by local government, and whether the Health Commission and the Public and Environmental Health Council prove that they can handle such matters more adequately than the present local boards of Health and the Central Board of Health is something that we will only know in time. However, in the meantime, the Opposition is mindful of its responsibility in this House in relation to this legislation. Basically, the Bill is a Committee Bill and the greater debate should occur clause by clause.

However, as have I said, most of the work has been done by the shadow Minister of Health and his team in another place. Clause 16 relates to the offence of insanitary conditions on premises and the fine for a breach is $5 000. The clause provides:

If premises are in an insanitary condition, any person who is responsible for causing the condition or allowing the condition to occur is guilty of an offence.

I can find nowhere in the Bill where the Crown is exempt from this legislation. With the atrocious conditions existing at Adelaide Gaol, the Government should consider what is happening there. I am informed that there are now three cases of AIDS and two cases of hepatitis B (with a possible further two cases of hepatitis B)—notifiable diseases under this legislation—at Adelaide Goal.

The DEPUTY SPEAKER: Order! The honourable member must link his remarks to the Bill before the House.

Mr BECKER: Mr Deputy Speaker, clause 16 deals with insanitary conditions, and I have just said that conditions at Adelaide Gaol are atrocious. The first schedule lists the notifiable diseases, while the second schedule lists controlled notifiable diseases, including hepatitis B and AIDS. It is there in the legislation. I am worried that not enough is being done about the insanitary conditions at Adelaide Gaol. A prisoner at the gaol has complained to me that prisoners are locked in their cells from 4 p.m. until 8.30 a.m. There are no toilets in the cells so prisoners use a bucket, which they carry with them when they are released into the exercise yard every morning. They then empty the buckets into an open drain system, wash out the buckets and return them to their cells. That in itself leads to atrocious sanitary conditions, and members can imagine what it is like in the hot weather, so it is no wonder that prisoners are worried about diseases such as AIDS and certainly hepatitis B.

From a humanitarian point of view, we are concerned about whether the treatment available is being given to the prisoners suffering from these diseases. Of course, they are in gaol for committing offences and they must pay their debt to society. However, I understand that plenty of fresh fruit and a controlled diet can help in the first stage of AIDS. Of course, no-one is promising anything in that respect and, anyway, those things are not always available in gaol because it creates extra work and extra cost.

There is also special treatment for people suffering from hepatitis B. While it is not possible to isolate every prisoner, I would like to know what is being done to ease the situation. Of course, many people enter gaols suffering from these diseases. This is adding to the problems in the remand centre and the holding cells for people awaiting trial. I am worried, because this has been going on for so long without anyone doing much about it. Part IV lists a considerable number of notifiable diseases.

I am particularly concerned about measles, about which I believe very little has been done in this State for decades. Everyone regarded measles as a simple childhood disease. For someone who contracted measles, that was it and it was over and done with. However, the side effects of measles are horrendous. As most members would know (and I have mentioned this before), measles can travel internally and can settle on the brain, leaving a scar. Unfortunately, one then has two choices: it can develop into meningitis leaving the person mute, or one of about 16 different types of epilepsy can develop. The control of epilepsy by medication is very difficult in some cases, and it can take almost a lifetime to try and come up with the right mixture of medication.

When my Party was in Government we found that only a small percentage of the population was being immunised. A campaign was then conducted, lifting the number of people being immunised to 30 per cent. I think a further campaign was then conducted and I believe the figure may have increased to about 50 per cent. I am pleased that this Government through the Health Commission has undertaken a very extensive campaign to encourage immunisation against measles. I think that some of the promotion work being done by the Health Promotion Unit of the Health Commission is worthy of encouragement, bearing in mind the horrendous side effects and the overall cost of this disease to the community. That is why it is necessary that we accept legislation such as this in the spirit in which it is introduced.

However, at the same time we must recognise that local government is still required to play its role. In the past I think local government has done a wonderful job. There is a lot of criticism about the conditions in some food shops and small businesses which handle take away food. Of course, the junk food industry is growing rapidly and has become a big industry. From time to time, allegations are made about unhealthy conditions and the treatment of food. Local government has accepted its responsibility to continue policing these businesses and the industry, too. From time to time, when there has been cause to take stern action, that has been done. I can speak only of the local government authorities in my own electorate (which are well known to you, Mr Deputy Speaker), and I cannot fault their performance in this respect. I am worried about two other areas: first, unattended vacant blocks of land becoming a breeding place for vermin and all sorts of little insects which are affecting—

The Hon. D.C. Wotton: What about millipedes?

Mr BECKER: Unfortunately, the honourable member's millipedes have been washed down the Torrens River and we are now getting them at Fulham. In fact, we are trying to find out how to send them back to the honourable member.

The Hon. D.C. Wotton interjecting:

The DEPUTY SPEAKER: Order!

Mr BECKER: I think that, if the Government of the day some time ago had accepted the honourable member's sug-

gestion that it deal more swiftly with the problem, millipedes would have been eradicated from the Hills and would not now be affecting the western suburbs. The regulations also deal with the quality of water, septic tanks, common effluent drainage systems, and so on. Here again, while the E&WS Department has done an excellent job in relation to the sewerage system, there is a problem at Glenelg North. The Glenelg sewage treatment works has several pipes running out to sea, and one of them has some holes in it. During summer it was claimed that it was not dangerous, but effluent leaked out through the breaks in the pipes into a very popular swimming and fishing area. I hope that the Government will act swiftly in relation to some of the things which it has been getting away with, just as it will act in this matter against people in business and some residents.

We have an unusual situation at West Beach where a lady cares for injured birds. In fact, the various types of birds kept in her premises drive her neighbours mad. The birds in her care attract other birds, and now her neighbours have had to disconnect their rainwater tanks. That is the price that we pay in the metropolitan area; we are kind in one respect and then have to put up with problems caused by birds.

So, we find that not one organisation can control the behaviour of this person, and that is an unsatisfactory state of affairs when her neighbours are considered. I do not doubt that this lady's intentions are well meant. Indeed, she is providing an excellent back-up service for the National Parks and Wildlife Service and the RSPCA, but her activities are a nuisance to her neighbours and should not be permitted in a closely settled metropolitan area.

Those are only a few of the side issues in relation to this legislation and a few of the problems members experience in their electorates. However, overall this is an important piece of legislation which will have a wide impact on the general health and welfare of the community in this State. Therefore, the Opposition supports the Bill.

The Hon. D.C. WOTTON (Heysen): I wish to speak only briefly on this Bill. I endorse the remarks of the member for Hanson, especially concerning the amount of work that has been put into this Bill in another place by the Hon. Martin Cameron and his committee. I have only one concern with the legislation, and I understand that certain assurances have been given in another place during the course of the debate there. However, I should like an assurance from the Minister who is responsible for the Bill in this House.

Clause 21, which has caused me concern and which I believe will cause anyone associated with the Adelaide Hills some concern, provides:

(1) A person who pollutes a water supply is guilty of an offence. Penalty: $10 000.

(2) If the authority is of the opinion that a water supply may become polluted in consequence of a particular activity, the authority may, by notice in writing addressed to the person responsible for the activity, require the person—

(a) to take specified action to prevent pollution of the water supply within such time as the authority specifies in the notice;

or

(b) to desist from the activity.

I am sure that the Government does not intend that provision to be a threat to market gardeners or dairy farmers in the Adelaide Hills, but I must express my concern at the broadness of the clause. I guess that I am concerned because there is a considerable amount of cynicism in the Adelaide Hills at present about some of the factors involving the Hills watershed catchment area and the stringent controls which have been introduced in recent times and which affect primary producers in that area.

In parts of my district and also in the district of my colleague the member for Kavel, vegetable growing has been carried out for generations, and over a period chemicals have been used. Indeed, there has probably been an increase in the use of chemicals in recent times. We have seen examples where those who have been in the business of growing onions have had to stop doing so because of the disease that has been introduced. In fact, when the growers have needed to apply certain chemicals in an effort to alleviate the problem, they have been restricted from doing so.

Under this legislation that could extend to such an extent that with the flick of a wrist the authority could take drastic action. I assume that in this case we are talking about the local council, and I cannot imagine that any councils as we know them today would be willing to take such drastic action, but no-one knows about the future, and I am concerned that some councils in what have been known as rural areas of the Adelaide Hills are changing dramatically. In some councils there are few people today who understand the problems of primary producers in their areas.

I believe that we need an assurance from the Government, although I understand that to some extent such an assurance has been given in another place, that clause 21 is not in the Bill to do anything other than control specified matters where, for example, a business is using chemicals that can escape into the water system or where a careless primary producer, as a result of not taking adequate care, allows a situation to develop where dangerous chemicals can spill into the watercourse. I should be the first to accept the need for legislation to control that situation, but I am concerned not only for the vegetable industry but also for the dairying industry.

As I have said repeatedly in this place, people who have been in those industries for years are now in the situation where they have no idea of the future of their operations in the Adelaide Hills. Especially in the water catchment areas, there is an enormous amount of uncertainty which is causing many problems for families of people in the Adelaide Hills who have been associated with that industry for a long time, and they do not need any more uncertainty regarding these matters.

I should appreciate receiving an assurance from the Minister in this House so that, in turn, I could refer to it in a press release in my district to assure the people there that they need not fear the ramifications of clause 21. Other than that, I see the need for the legislation. I support the comments of the member for Hanson, but I specifically request that the matter to which I have referred be clarified once and for all.

Mr M.J. EVANS (Elizabeth): Although I do not wish to detain the House, I believe that it is incumbent on me to comment on the Bill. First, I express my concern about the fact that I received a copy of the Bill at only 3.24 this afternoon and, since the Bill has been substantially amended in the Upper House, it has been difficult to follow the proceedings for the course of a parliamentary debate in order to have the matter fully considered by the time it reaches this House. Indeed, for a member to be asked to deal with the Bill on the same day imposes undue stress on the parliamentary system, especially for backbenchers without access to substantial Public Service resources.

However, I thank the Minister's officers for the consideration that they have extended to me in helping my consideration of the Bill and in drafting an amendment to it.

This is a major and important Bill in the areas of public health, notifiable diseases, and local government generally. Therefore, I was concerned with the speed with which we are being asked to deal with a measure that has been substantially amended in another place. However, after some hours of hasty study of the measure, it would appear that the amendments, which I understand have been reached on a consensus basis in another place, have improved the Bill and the measure coming before us this evening is one that deserves the support of the House. In that sense it will have my personal support, although I should have liked the liberty of a period during which one could have talked to the interested parties, such as the Local Government Association and local councils, in order to ensure that they had no difficulty with any of the technical provisions that had been amended in the other place.

Unfortunately, however, that opportunity is not available but, in the brief time that has been made available, it would appear that those organisations are at least, if not fully satisfied, no longer requesting further changes to the Bill.

I do believe that the changes that we have introduced to the law relating to notifiable diseases will certainly have a substantial impact in the community. They make some significant alterations to the legal position of people who are suspected or found to have such a disease, and the civil liberties aspects of that of course have been canvassed in the public media.

I believe that those provisions need to be monitored by the Parliament in the years to come to ensure that there are no matters that need to be addressed from that point of view. Certainly, substantial provisions are needed to protect the public health from those diseases and, in particular, of course, AIDS, which has caused substantial public and emotional concern that is completely justifiable in these circumstances. One cannot overlook the threat to the community from those diseases if they are allowed to proceed unchecked.

There is a substantial justification for depriving citizens of their civil liberties where that disease is of concern to the community. I believe that Parliament will need to ensure very strict control and monitoring of those provisions in the years to come because of their potential. I am not suggesting that there will be abuse: I am simply saying that we must monitor it carefully to fully discharge our obligations as parliamentarians and as legislators.

I intend to commend for the consideration of the House in Committee an amendment relating to the confidentiality of information obtained in the course of official duties of public officials who administer this Act, whether at local government or State Government level, and I would commend that provision to the House, because I believe that it is important that we ensure that individual members of the public are protected against any unauthorised disclosure of their private medical or other information. I hope that that matter will receive favourable consideration of the House at the appropriate time. In other respects I support the legislation in so far as I have been able to consider it in detail, and I certainly believe that it will add to the body of public health law in this State and substantially improve the outdated provisions that we currently administer.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I support emphatically the remarks of my colleague the member for Heysen, who has brought to the attention of the House clause 21 which, if we are to take it literally, is going to cause enormous problems for our constituents. Subclause (2) provides:

> If the authority is of the opinion that a water supply may become polluted in consequence of a particular activity, the authority may, by notice in writing addressed to the person responsible for the activity, require the person—
>
> *(a)* to take specified action to prevent pollution of the water supply within such time as the authority specifies in the notice;
>
> or
>
> *(b)* to desist from the activity.

The metropolitan watersheds have been an area of controversy, concern and Government regulation for the whole of the time that the Minister and I have been in this House, which is now quite a few years. The views of people responsible for the purity of water quality in this State have changed over that period.

Rural producers were being blamed for water pollution in the main. The thinking in vogue early in the 1970s was that we should herd Hills dwellers into sewered townships so that we would have no problem with water pollution. The latest presentation by the E&WS which I attended last year indicated that this theory has now been exploded and that an enormous load of pollution is coming into Mount Bold in particular from the major towns that have developed, more so in the electorate of my colleague than in my own.

Conventional wisdom now indicates that broadacre grazing and farming is the least polluting of the activities in the Hills. However, I share the concerns of my colleague, particularly about horticulture and vegetable growing. There needs to be a regime of regular spraying of fruit to come to grips with the pests that now abound in our horticultural regions. There needs to be the same regime with vegetable growing. A number of the onion growers to whom the honourable member referred reside in my electorate. Uncertainty is what worries these people—the rules seem to change. We have had some controversy in this House about being allowed to chop up land and cut off houses, but it is all in the interests of prevention of water pollution.

I am particularly concerned about the implication of these draconian powers that could put those people out of business overnight. Certainly, I seek clarification of clause 21. It is just not good enough to let that clause stand without our knowing the full implications. As I said, people in those fertile valleys—the Piccadilly Valley, particularly for vegetable growing, and in the Uraidla, Summertown, Piccadilly area, and the fruitgrowing areas of Lenswood, Paracombe (where I reside), Kersbrook, and so on—are all in watersheds.

People who have lived there for generations are being closed in more and more by prohibitive regulations. If these people were to read clause 21 they would be very concerned. Therefore, I support wholeheartedly the remarks of the member for Heysen, and reinforce his concerns and ask the Minister to explain what it is all about.

The Hon. G.F. KENEALLY (Minister of Transport): I thank members who have addressed themselves to this important Bill, and I congratulate them on the contributions that they have made. One or two initial responses that I would like to make to the second reading debate may assist members if they want to pursue these matters later.

The point was made strongly by the member for Hanson that this Bill was subject to extensive discussion in another place. It was certainly widely amended and ultimately agreed to in that place. There did not seem to be any contentious matter coming from the other place to this Chamber. One thing that did disturb me about the member for Hanson's speech was that he alleged that there was no discussion between the bodies which would be affected by the Bill. I suspect that he meant the local government authorities.

However, when I was Minister of Local Government I discussed the preparation of this legislation with the Minister of Health. It had been subject to extensive discussions

prior to that. We set up a committee that included what I consider adequate representation from local government in the form of Des Ross, who I would like to state publicly here has served this State in a significant way in a whole number of areas as President of the Local Government Association. He was a member of that committee. Mrs Jennifer Strickland, Mayor of Prospect, was on the implementation committee, again having direct input from local government.

So, local government has been involved. It has not always agreed with what was happening particularly in the early stages when there was some disquiet about what local government thought was happening. That was able to be overcome because of the committee that was established and the work that it did, and I think it should be complimented for that.

There was wide discussion in the community and in another place, so the Bill comes to this Chamber having had remarkable amount of input. I would say that it is democracy working at its best and one would hope to see that followed through. The member for Hanson made a very strong point about one of our penal institutions—the Adelaide Gaol. He was very critical of what he saw as being the Government's neglect of the health standards within that institution. I do not think that anyone is prepared to stand up here or elsewhere and say that the Adelaide Gaol is an ideal place. It is not; it is disgraceful, and has been disgraceful for a long time.

This Government has made quite considerable efforts to move out of the Adelaide Goal so that it can be returned to what it ought to be, that is, a museum or some such facility. The Mobilong prison that is being constructed in the member for Murray-Mallee's electorate is designed—

The Hon. E.R. Goldsworthy: In my electorate.

The Hon. G.F. KENEALLY: Sorry, in the member for Kavel's electorate. It was designed, along with the other penal facility—the Remand Centre—to take away the need to stay in Adelaide Gaol. Certainly, the levels of hygiene at the Adelaide Gaol are not as good as they should be. In fact, they are most unsatisfactory. However, I believe that this Government has done more than most to try to contain what is potentially a difficult situation from the point of view of health and hygiene. I believe that the Government is doing this in very difficult circumstances.

The honourable member drew attention to the problem of measles. I think that that is one point with which the Government would agree. Only last year measles was declared an infectious disease, as there is an effort by all Governments in Australia to completely eradicate from the community this very dangerous disease, as rightly pointed out by the honourable member, hopefully by the end of 1988. The honourable member did well to point to the serious repercussions of what, on the face of it, seems to be a rather minor infectious disease—and I am not sure whether there is such a thing as a minor infectious disease. The member for Murray and the member for Kavel quite rightly—

The Hon. D.C. Wotton interjecting:

The Hon. G.F. KENEALLY: Pardon me. I live in the past; it is an indication of how long I have been here. The member for Heysen and the member for Kavel rightly referred to clause 21 and wished to obtain an assurance from the Government that the implementation of this clause would not impact on their constituents and like constituents in other parts of South Australia—those people who live in the water catchment area of the Adelaide Hills. This point was raised elsewhere, and I would want to reply in a similar fashion to my colleague. I draw the attention of the House to clause 3 of the Bill which defines 'pollution' as follows:

'Pollution', in relation to water, connotes a degree of impurity that renders the water unfit for human consumption.

Clause 21 is not intended to apply to a collective group of people, that is, a whole number of farmers who are involved in a legitimate farming exercise (whether vegetables, dairying or whatever) that collectively may have some impact on the purity of the water. It is designed to control the one-off situation—and I think that the member for Heysen drew attention to this—the industry that might, through negligence, pollute water, or a single farmer who, through negligence or otherwise, might pollute water. The legal definition as I understand it clearly shows that people acting in a collective way, that is, groups of farmers acting in a similar way, are not liable to be affected by clause 21.

The assurance I can give to the House and members is that clause 21 would deal with the specific event of a single person who, through intent, accident or negligence, acts in such a way as to seriously pollute the water and make it unfit for human consumption. The honourable member's constituents can be reassured on that point. My colleague the Minister of Health said that he could stress to members that he had received very unequivocal legal advice that a court would interpret clause 21 as being capable of application only to actions by individual persons and not capable of application to the collective actions of a group of people. I think that that is a very clear and unequivocal statement of the intent of clause 21.

The member for Elizabeth raised a matter about the amount of time that he and other members had available to them to consider this measure, which did come down from another House widely amended. All I can say by way of explanation is that at this time of the parliamentary year unfortunately these things are prone to happen. I suggest that the honourable member, in a previous role, was well aware that occasionally legislation does arrive here and needs to be dealt with quickly; so quickly that the normal time available to members may not be available.

I think that any disquiet that the honourable member may have felt about that should be overcome by the knowledge that it was very thoroughly debated and agreed to in another place. I thank all members who have spoken to this measure and seek their support for the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 29 passed.

Clause 30—'Notification.'

Mr BECKER: I desire information in relation to a certain notifiable disease. Will the Minister advise the Committee what the Marburg disease is?

The Hon. G.F. KENEALLY: I thank the honourable member for that question. I just happen to have that information. When pressed, it is surprising how much information Ministers know or at least have access to. The Marburg disease is a viral haemorrhage fever first caught by humans from laboratory monkeys in a research institute at Marburg, West Germany. It is a very infectious and serious disease. It can be fatal, though not always. It has been listed in South Australia since 1980 as an infectious disease on the recommendation of the Commonwealth Department of Health.

Clause passed.

Clauses 31 to 41 passed.

New clause 41a—'Confidentiality.'

Mr M.J. EVANS: I move:

Page 18, after line 35—Insert new clause as follows:

41a. Where a person, in the course of official duties, obtains—

(a) medical information relating to another;

or

(b) information the disclosure of which would involve the disclosure of information relating to the personal affairs of another,

the person shall not intentionally disclose that information unless—

(c) the disclosure is made in the course of official duties;

(d) the disclosure is made with the consent of the other person;

or

(e) the disclosure is required by a court or tribunal constituted by law.

Penalty: $2 000

I believe that an additional protection for the confidentiality of medical information and other personal affairs of persons who fall within this legislation is essential if we are to protect the rights of those people in these circumstances. Unfortunately, the Health Commission Act provides a confidentiality section relating to all health commission officers and employees. That is quite substantive, and I do not believe that there has ever been any concern about those officers releasing information that they should not release. I say that because of the highly professional nature of their duties and of the officers themselves.

This Bill casts a somewhat wider net than simply the Health Commission, and it is always possible for the commission to delegate some of its extensive powers under this Act to any other person. I believe that this Bill also requires a confidentiality section, given the nature of the matters that are dealt with in it, so that the Parliament may be assured that, wherever this information may reach, the confidentiality provisions respecting the information relating to individuals will also be covered. I have moved this amendment to secure that provision perhaps from an abundance of caution in some respects. However, I believe that the wide net of this Bill makes the amendment necessary, because the existing legislative provisions cover only Health Commission office employees, and I would like to ensure that wherever this legislation comes into effect, and wherever people are involved as employees, whether on a local council, in other Government departments, or whatever, we are sure that these provisions extend to them as well as to Health Commission officers.

Mr ROBERTSON: What is the intent of subclause (3) *(b)*, which relate to information the disclosure of which would involve the disclosure of information? I should have thought that any information would be information. That seems to be a lovely example of verbosity and redundancy, and I ask the member what is the intent of the subclause? Does it mean information relating to the personal affairs of another and, if it means that, why does it not say so?

Mr S.J. BAKER: I rise on a point of order. It is unusual for one member of a Committee to address his questions to another member of that Committee.

The CHAIRMAN: There is no point of order. The member's action may be unusual, but it is quite within Standing Orders.

Mr M.J. EVANS: If the honourable member had used his influence on his group in this House to have this Bill put back to a time schedule that would have been more acceptable, I would not have had any difficulty in drafting an amendment which did not contain such redundancy. However, I was forced, with Parliamentary Counsel, to put these provisions together in substantial haste and at significant inconvenience. I regret that it appears to contain that kind of redundancy, but if it does I suggest that greater time is needed to enable us to study this Bill and its amendments.

The Hon. G.F. KENEALLY: I believe that the honourable member has moved this amendment from, as he put it, an abundance of caution. The Government is very conscious of the need for confidentiality when dealing with matters of this kind. However, the Government considered that appropriate protections were contained in various Acts or statutory bodies, and the honourable member has mentioned some of these.

The South Australian Health Commission Act provides for a duty of confidentiality under section 64 on any employee of the commission, and the penalty for breaches of that confidentiality is $2 000 and six months imprisonment. Any medical practitioner who improperly discloses information obtained by him or her in the course of their work is subject to disciplinary proceedings by the Medical Board, and the same is true for any nurse or dentist who breaches that requirement.

Any council employee, for example an authorised officer, who improperly discloses information in the course of his or her work will be subjected to disciplinary action by the council. Any person who obtains information while administering the Act is already subject to a duty of confidentiality. The Government therefore believes that adding this further clause will not add any greater protection in ensuring confidentiality. Nevertheless, if it is the will of the Committee (and I suspect that it probably will be) that this amendment be included in the Bill so that it is quite apparent to anyone who wishes to make reference to it that confidentiality is provided, the Government is prepared to accept the amendment.

The honourable member understands that the protections exist in other Acts and in the statutory requirements of other bodies. It will not detract from the Bill in any way and, as the honourable member has pointed out, it might clarify matters for those who wish to refer to this individual piece of legislation rather than having to refer to other pieces of legislation to have the assurance about confidentiality. On that basis, the Government is prepared to accept the amendment.

Mr BECKER: The Opposition sees no reason to incorporate the amendment in this legislation, but if the Minister is prepared to accept it that is all right by us.

New clause inserted.

Clauses 42 to 45 passed.

Clause 46—'Regulations.'

Mr BECKER: I seek information from the Minister relating to bird aviaries and the keeping of birds on private property in the metropolitan area. There is a particular problem in part of my electorate where a person looks after birds that are brought to her by the National Parks and Wildlife Service and the RSPCA. There have been complaints from residents to local government authorities, the local board of health and the Health Commission, and it seems that no-one can do anything about this. Neighbours have had enough because, although the generosity of this person in caring for distressed birds is commendable, it is, unfortunately, because of the number of aviaries and birds involved, creating a nuisance to neighbours by attracting birds to the area—so much so that her neighbours are unable to use their rainwater tanks and are plagued with bird droppings on their roofs. What can be done in a residential area to control the number of birds that any one person can keep in an aviary or to protect the residential environment? Will this legislation give local councils more authority in this area, or will the Health Commission have authority, or whatever?

The Hon. G.F. KENEALLY: The honourable member has raised an important point. There are regulatory powers under clause 46 *(d)*, which provides:

prohibit or regulate the keeping of animals of a particular class;

Birds would come under the definition of 'animal'. Clause 46 (3) provides further:

(b) the inspection of any place where the animals are kept;

(c) the maximum number of animals that may be kept per unit area;
(d) the storage of animal food;
(e) the control of vermin;
(f) the disposal of wastes.

Under those regulatory powers I believe it would be possible for a regulation to be drawn to deal with the problems to which the honourable member has alluded.

I suspect that while he has a particular problem which seems to be well known, many other local members in this House would have similar neighbour-type difficulties through the keeping of a large number of animals, birds, etc. I can assure the honourable member that I am not unaware of such problems.

Clause passed.

Schedules and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (PUBLIC AND ENVIRONMENTAL HEALTH) BILL

Adjourned debate on second reading.

(Continued from 7 April. Page 3914.)

Mr BECKER (Hanson): This Bill is consequential on the Public and Environmental Health Bill and amends five pieces of legislation—the Building Act, the Cremation Act, the Drugs Act, the Housing Improvement Act and the Local Government Act. Many of the amendments effected by the Bill replace references to the Central Board of Health and, therefore, have been given quite a bit of consideration and generated lengthy debate in the Legislative Council. We are prepared to accept that the shadow Minister of Health (Hon. Martin Cameron) has thoroughly investigated the legislation and that appropriate amendments have been made to his satisfaction. We therefore support the legislation.

Bill read a second time.

In Committee.

Clauses 1 to 11 passed.

Clause 12—'Employment of diseased persons in handling food and drugs.'

Mr M.J. EVANS: I do not expect that the Minister will want to respond totally to this tonight, but the use of the words 'loathesome disease' is in my view a little anachronistic, and it may be that, in considering this legislation in the future, the Government may wish to devise an alternative form of wording to 'loathesome disease' which is more in keeping with 1987.

The Hon. G.F. KENEALLY: The term 'loathesome disease' will be used in the legislation temporarily until we repeal the Drugs Act. The honourable member is right in drawing attention to some of the more critical diseases which were described as loathesome diseases, I think, most improperly. But it is an historical term and will be changed when the Drugs Act is amended.

Clause passed.

Remaining clauses (13 to 45) and title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That the House do now adjourn.

Mr INGERSON (Bragg): I raise again the handling by the Trotting Control Board of two positive swabs last year. I do so because further information which has come forward since this matter first became public has only added to the justification for a full, independent inquiry.

I refer first to the comments of the board's appeals committee when it handed down a decision on 24 February this year in relation to the Batik Print positive swab. Referring to a meeting of the Trotting Control Board on 1 July last year which decided to take no further action on this swab, the appeals committee stated:

> There simply is no evidence before this committee to indicate what decision was made by the board or, in fact whether the board made any decision at all. The lack of evidence and the information available to this appeals committee is a matter of some concern to us.

I suggest that if the Attorney-General was presented with a situation in which a Supreme Court judge found that a lower court judge had made a decision on a controversial matter without the appropriate evidence, the Attorney-General would be very concerned. The same principle applies in this case, yet all the Minister of Recreation and Sport has done time after time is come into this House to defend the board and abuse the Opposition.

Let me deal further with this meeting of the board on 1 July. The board has justified its decision not to take further action in the Batik Print case and also in relation to a positive swab returned by Columbia Wealth on the basis of uncertainty about the reliability of a second analysis of these two swabs. The board, speaking through the Minister, has advised Parliament as follows:

> Whilst the official notification of the second test may not have been communicated until late July or August, the board did receive verbal advice of the result prior to its meeting on 1 July 1986.

Here, the board is claiming that it had the total information before it about a similar case in Victoria on which to justify the decisions that it made on 1 July. What was the nature of that information? It apparently came forward as follows, and here I quote the Minister:

> Mr Demmler (trainer of Keystone Adios) rang Mr Justice (trainer of Columbia Wealth) who in turn advised the Trotting Control Board.

But Mr Justice was the trainer of one of the horses which had returned a positive swab. I find it staggering, to say the least, that the board would accept information in these circumstances from a trainer facing the possibility of suspension following the return of a positive swab from one of his horses. It is akin to someone accused of murder ringing up the judge claiming he has new evidence, and the judge giving an acquittal without continuing the trial. The board also reported to Parliament that it had also read about the Victorian case in the *Trotting Weekly* of 27 June. These lame excuses only beg further questions: why did not the Trotting Control Board seek official information about the Victorian case from the Victorian Harness Racing Board? What was the urgency of proceeding with its meeting on 1 July when it was clear that further information could and should have been obtained?

In the case of Columbia Wealth, the Trotting Control Board had a positive swab obtained immediately after the race in question, and a negative swab was taken from an analysis 42 days later. In the case of Batik Print, it had a positive swab taken immediately and then made arrangements to have a second analysis made. This second analysis was, however, not carried out.

The board decided instead not to proceed with the case. The Minister has supported this decision on the basis of information about the breakdown properties of the drug in question, dexamethasone. The Minister has said that the board's decision not to have the second analysis made was correct following advice from Dr Batty of the Institute of

Drug Technology 'that the possibility of the second sample of Batik Print being positive would be remote'.

A number of points need to be made about the breakdown of dexamethasone. It was not until 14 August 1986—fully six weeks after the board's decision—that it received a report from the Institute of Drug Technology on this matter. In his letter to the Minister dated 24 March, Dr Graeme Blackman explained the institute's position as follows:

I.D.T. investigated the stability of dexamethasone in frozen urine. This study revealed that, even when stored at minus four degrees centigrade, dexamethasone degrades with a half life of less than four weeks. This study provided a clear explanation of the apparently inconsistent results of the analysis, and copy of the report was forwarded to the SATCB on 14 August 1986.

Contrary to what the Minister has said about advice to the board from Dr Batty, Dr Batty has informed me that at no time did he indicate to the board, 'that the possibility of the second sample of Batik Print being positive would be remote'. Rather, as Dr Blackman has told the Minister:

The fact is that we could not know whether the sample had degraded to below our limit of detection unless we actually performed the analysis.

If the board had taken the trouble to contact the Institute of Drug Technology before deciding not to proceed with the Batik Print case, it would have been provided with a compelling argument for proceeding with this second analysis. Why did not the board do that, and why does it now come up with pathetic excuses for this astounding decision? The board has claimed:

It follows that either an error was made in the first testing of the above cases or the effluxion of time (40 days in the Victorian case; 46 days with Columbia Wealth; 44 days with Batik Print) dissipated the drug, if such drug existed in the split samples.

I suggest there was no error made in the first samples. Rather, the Trotting Control Board is simply using this as an excuse because the board did not do its job conscientiously or responsibly in the first place. It is impossible for the Minister to argue with the Institute of Drug Technology's contention, in its letter to him dated 3 April, that the second analysis should have proceeded, and again I quote from Dr Blackman, as follows:

In this case, the board or the stewards determined, for whatever reason, not to seek appropriate advice from IDT. Our advice at the time would have been to proceed with the analysis or the reserve sample, notwithstanding any information the board may have had in relation to the results of analysis of reserve samples from Columbia Wealth and Keystone Adios. Indeed, we made the view known to the Chairman of Stewards following the instructions we had received on 1 July 1986 that the reserve sample from Batik Print was not to be analysed.

Of course, we know that not only did the board not seek advice from the Drug Institute: it also ignored the Chief of Stewards in this matter.

I can also reveal to the House that in discussion with Mr Broadfoot (the then Chief Steward), the stewards asked the board to continue the case and were unanimously opposed to the action taken. Among other things, they wanted to investigate betting on Batik Print. While the board refused, it tried to appease the stewards and to excuse the irresponsibility of its 1 July decision by agreeing on 7 July that in future the stewards should be included in all future such inquiries. By then, of course, the horse had well and truly bolted. In their recent attempts to justify this fiasco, the board and the Minister have also criticised the professional integrity of the Institute of Drug Technology and tried to put some distance between the board and the institute.

It has been claimed that the institute was employed as an analyst by the Chief Steward without the board's knowledge. However, the institute undertook analyses for the board for 18 months. In that time it was paid, by cheques drawn on the board, $19 695. On at least one occasion, in May 1985, the board discussed a positive swab from an analysis undertaken by I.D.T.

In these circumstances, either the board is completely irresponsible financially, in that it does not know where its money is going, or this is just another episode in the cover-up. As all the institute's bills were paid without question, I suspect it is the latter.

The Minister has said on several occasions that the board made 'an error of judgment' and that he is now satisfied. He slapped them with a feather when the board over-rode its stewards in relation to two positive swabs and failed in its duty to seek and consider evidence in a proper and responsible way. Everything the Minister has said and done since this matter was first raised only compounds his failure to act in the interests of trotting by setting up an independent inquiry.

Mr HAMILTON (Albert Park): I preface my remarks tonight by saying that it is not my intention to unnecessarily alarm people about the matter that I now bring to the attention of the House. Recent reports coming out of Japan indicate that deadly traces of radioactivity have been found in foodstuffs imported into Japan from France and Turkey. This is supported by an article headed 'Shipments found to be deadly' in a Western Australian newspaper dated 30 March 1987, as follows:

Japan has found deadly traces of radioactivity in spices imported from France and Turkey, government health authorities have reported.

They said the contamination appeared to be linked to the 1986 Chernobyl nuclear power plant explosion which cast a radioactive cloud across Europe.

The Health and Welfare Ministry ordered that both shipments—one of thyme, the other of sage—be returned to their countries of origin.

Ministry officials believed that radioactivity from the reactor leakage might have seeped into the soil as the spices were growing.

It was the fourth case in Japan this year of radioactive substances being found in imported food products.

After further research I found an article in the *Economist* of 3 May 1986, as follows:

According to the criteria employed by Britain's Atomic Energy Authority, up to 150 square miles of farmland have probably been affected bady enough to render bread, vegetables or milk from them dangerous—

this refers to West Germany—

Only about a tenth of this would be dangerous a year later, but it would remain dangerous for decades unless stripped of topsoil. Poland has banned the sale of milk from cows which had been grazing on fresh grass; Russia has not.

If one looks at a map to see where Chernobyl is located, it can be seen that Turkey, West Germany and then France and Italy are not very far from the Ukraine.

In seeking further information on the amount of foodstuffs imported into Australia from France, I was surprised to find that we import something like $10.4 million worth of foodstuffs from that country. The main exports from France include cherries, chocolate and cocoa goods, mineral water, prepared mustard, baker's yeast, biscuits and bread, jellies, pastes, purees, pastries and shallots. Sage and thyme are spices that we also import into this country, along with dried fruits, also. Half of the foodstuffs we import from France are dairy products, mostly in the form of cheeses such as Camembert and processed cheese. I am reliably informed that about $11 million in odoriferous products are also imported into this country from France, and I refer to products such as eucalyptus oils, spirits and perfumes (and I will return to that later, if time permits).

We import something like $5.3 million worth of goods from Turkey, mainly in the form of figs, hazelnuts and dried apricots. I am also reliably informed that a percentage

(which I have not been able to determine) of meat products are also imported into this country from France and Turkey. I raise this matter because I am concerned as a result of the reports I have read about the effects of Chernobyl on countries such as France and in particular Turkey, adjacent to the Ukraine.

Japan has returned at least four shipments because radioactive substances have been found in their food products. In raising this matter in Parliament, I believe that it is incumbent on the Federal Government to investigate these claims in order to ascertain to what extent food products are imported from France and Turkey and what effect, if any, they have on the health of consumers here.

There are many Europeans in Australia, especially in South Australia, who purchase imported cheeses. Without wishing to alarm people in the community, I must say that I have a fair knowledge of the attitude that Japanese people have, understandably, towards radioactive substances. Indeed, they are certainly far from being fools on this subject and are sensitive to the whole matter of radioactivity and how it affects people's health. As one who has visited Japan and been involved with Japanese people for many years, I am aware of their concern and I believe that this matter should be investigated.

I am also concerned when I consider the quantities of wine that are exported from France. Unfortunately, in the short time available I have been unable to obtain figures on the quantity of such wine imported into Australia but, once again, one must ask what effect, if any, the Chernobyl disaster has had on wines that have been exported from France. Although I may be drawing the long bow, I believe that this matter must cause concern when one reads about the effects of radioactivity and its impact on people until the end of this century and beyond.

For example, according to Western estimates, on an average day about 5 000 people could have been working at the plant and on construction of two reactors nearby. Those up to six miles downwind probably received at least 50 rems, causing them to vomit and have difficulty breathing. Between 10 and 40 years later the number of cancer deaths among people living in the contaminated area will begin to rise in direct proportion to the dose that they have received. As a general rule, of 10 000 people exposed to one rem of radiation, one will die of radiation-induced cancer.

The effect of radiation and the leaking of it into the atmosphere caused me considerable concern, and it must also cause concern in European countries. From my recollection of the Chernobyl disaster, I believe that most of the surrounding countries such as the Ukraine, Rumania, Hungary, Yugoslavia, Czechoslovakia, Poland, East and West Germany, France, Italy and Turkey were all affected. I hope that the State Government will, together with the Federal Government, ensure that cheeses and other food products imported into this State, as well as into Australia as a whole, are safe. Surely people are entitled to know. The fact that this matter has been referred to in the press, not only in Japan but also in Western Australia, marks this as a matter of concern which should be investigated thoroughly so that, hopefully, the fears not only of consumers but also of all those associated with the importing of these products might be allayed.

The Hon. D.C. WOTTON (Heysen): The subject to which I wish to refer in this debate has caused me considerable concern for a long time. It relates to what can be described as the apparent ease with which children or young people under the age of 18 years can be accommodated outside the family home by those who could be described as welfare officers and organisations. I believe that this practice has caused considerable heartbreak to many genuine parents in this State in recent times I have had this matter drawn to my attention both in my capacity as a father of four children and as a local member.

I wish to read to the House a letter that I have received from a constituent who lives in Mylor. I have already sent a copy of this letter to the Minister and asked for his comments in reply. Although I do not intend to refer specifically to names on this occasion, I shall relate the fundamentals that are brought forward in this letter.

When this gentleman came to see me, he was particularly distressed about the situation in which he found himself regarding his own family, and we discussed at some length the overall problem to which I refer. The letter states:

> Further to our conversation re the apparent ease with which under 18-year-old children are able to be accommodated outside the family home by apparently Department of Social Welfare supported organisations, I refer directly to 'Trace-a-Place'.

'Trace-a-Place' is referred to in an article in the Adelaide *News* of Monday 9 February, in which it is stated that 'at Trace-a-Place the accommodation facility of the Service to Youth Council is only too familiar with the desperation of teenage househunters'. The article goes on to describe their side of the argument and some of the situations in which they find themselves.

The letter from my constituent refers to his 16-year-old son who left home. As a result of his visit to 'Trace-a-Place', the son was sent to an establishment, which I suppose could be described as a refuge, in the suburb of Prospect. The letter states:

> The manager received my son on the strength of my son's statement, 'I don't wish to live at home under my father's rules of the house,' and that was sufficient for his organisation to find accommodation for the son.

The letter continues:

> A subsequent interview with the manager revealed the following:
>
> (1) All he was interested in was whether the child was mature enough to go into self-contained housing.
>
> (2) If the child was old enough to pay his way, that is, eligible for the dole.
>
> (3) If he in fact had no money the Department of Social Security or similar would forward an amount of money until the dole benefit became available.

I am talking about a 16 year old youth. The letter goes on:

> At no time whatsoever did he consider that it was his responsibility to contact the parents to substantiate the child's story or in fact to establish whether the child was in fact a true 'desperate homeless individial.' I appreciate the fact that some children for varying reasons are unable to live under the same roof as their parents, but surely it is not the decision of a so-called social worker to break down every home environment of every child without a substantiation of the facts.
>
> I do not believe a person should be kept against their will under their parent's roof if there are genuine reasons, but I strongly object to the ease in which an under age juvenile can for no other reason than for its own personal dislike of conforming to the family unit and respecting the rest of the persons about it, can walk out and obtain such assistance from the likes of the abovementioned, at the expense of most importantly those who are genuine and of the taxpayer—also the very fact that my son was assessed as mature and capable enough by those people to go into the type of housing in which he has been accommodated, surely bears testimony to his upbringing and in turn is not the indication of an uncaring parent.

The letter states:

> I put it to you that the system as it stands is open to abuse and the immediate result is a destroyed family unit. The effect on the parents is far too complex to put into words at this time, and in the end result the community as a whole.
>
> In summary, I would point out I have faith in my son as being able to stand on his own two feet, but it has been by his parent's efforts, not by a social worker who more than likely has never had to raise his/her own children, and appears only interested in

processing a system rather than getting to the real basis of the individual's needs.

My concern has been expressed by other parents also, who are battling against the deterioration of human principle. The younger generation need the guidance of experienced parent adults in order to succeed. If a juvenile or minor can in our present tough society be left to do its own bidding, then legislation itself and those who draft it can only be held responsible.

Since that time I have received another letter from the same constituent, who states:

I further enclose an extract from a recent newspaper for your information. It seems, as the lady explains, times haven't changed...

He refers to a letter to the Editor and, if I have time, I will refer to it. He says that he supports the person who wrote the letter to the Editor, he refers to that letter, and goes on to state:

Who vets what these underage children do with their time? How can a social worker devote the time necessary in the upbringing of a juvenile: the ramifications are far reaching. During the Vietnam crisis the voting age was lowered from 21 to 18 years for reasons, I believe, to be politically motivated. Now the age of responsibility looks well set to be lowered to the age of 14 years. I wonder how many politicians saw the movie *Wild in the Streets*. A moving encounter of how things can get out of hand if not controlled properly.

On a recent *Four Corners* program it was interesting to note that even though some parents have shortcomings, the system did not support any disciplinary measures where children as young as 11 and 12 were under the influence of alcohol and flaunting themselves publicly. Even police intervention apparently had no real impact on the children interviewed and portrayed on this program. What hope have parents of bringing up their offspring when the Government allows them to thumb their noses at discipline and parental control?

The enclosed letter to the Editor states:

I would like to comment on homeless children. The welfare helped me get on to the streets. They believed a young stupid 14 year old girl's lies about my father without giving him a chance to defend himself. I didn't like his discipline. I was never abused, but I knew I could get out and do what I wanted if I blackened my parents names. I succeeded.

I stayed in a hotel for a couple of weeks then I just went my own way. I used to receive $25 a week but the strange thing was they didn't inquire where I was living or what I was doing. I ended up a hopeless drug addict wandering around Hindley Street. But I was lucky back in those days. All of us street kids stuck together and always found a house or somewhere to go. The kids these days don't trust each other.

They haven't got survival skills. The times have changed so much in 10 years. Please, someone, look into the welfare system before all our kids are on the streets. My greatest regret is the way I lied about my father as he only wanted good for me and he is a great man.

This matter is of particular concern to many parents at the present time. I have referred the matters that I have brought to the attention of the House to the Minister. I await his comments on those matters and I again express my concern about this situation.

Motion carried.

At 9.45 p.m. the House adjourned until Thursday 9 April at 11 a.m.