HOUSE OF ASSEMBLY

Thursday 1 March 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 11 a.m. and read prayers.

MAREEBA COMPLEX

Mr S.J. BAKER (Deputy Leader of the Opposition): I move:

That this House strongly opposes the concept of stand-alone abortion clinics in South Australia, demands that the Government halts its plans to establish the Pregnancy Advisory Centre at the Mareeba Complex and believes that pregnancy terminations should only be undertaken within the confines of nominated hospitals.

It is not my intention in this debate to question the matter of abortion, because we in this House know well and truly that people have a wide spectrum of views, ranging from those who believe that abortions should be limited only to extraordinary circumstances to those who believe that they should be available without question. This is not the time or the place, and nor is it appropriate, to go through that debate. I intend to concentrate on one issue, namely, Mareeba. The Government has clearly expressed its intention to establish:

(a) a pregnancy advisory clinic, or centre;

(b) away from the mainstream of medical services;

(c) with its own board of management;

(d) adjacent to a day hospital which involves itself in rehabilitation.

Every member of the Opposition is fundamentally opposed to this concept. Importantly, it runs counter to—

An honourable member: Is that what you think?

Mr S.J. BAKER: Every member of the Opposition.

An honourable member: I thought it was a conscience issue.

Mr S.J. BAKER: Well, of course, it is a conscience issue. I think the most important factor in this matter is that everyone in the Opposition is opposed to Mareeba, on conscience. Importantly, it runs counter to the findings of a comprehensive Government working party report that reviewed existing services for the termination of pregnancy in South Australia, which conducted hearings in 1985 and 1986. I was personally disappointed with this report, because it did not go into any in-depth analysis of the women involved. However, it did contain a number of very important references. I want to use this report because it is the Government's report. It does not contain the views of the Opposition. It contains the views expressed, the statistics collected and the information provided on a whole range of clinical matters and circumstances related to the establishment of pregnancy advisory centres.

Before doing that, I would like to quote some statistics from the Government's report (page 27), which records the number of abortions that have taken place in South Australia. In 1973, 2 845 abortions were performed—and that formed 12.2 per cent of total pregnancies. In 1983, 4 034 abortions were performed—and that represented 16.9 per cent of total pregnancies. I have the figures for the past four years, and the 1988 statistics show that there were 4 255 abortions, which represents 18.3 per cent of total pregnancies. I seek leave to have this table inserted in *Hansard.*

The SPEAKER: Is it purely statistical?

Mr S.J. BAKER: Yes, it is.

Leave granted.

BIRTHS

The following table summarises pregnancy and birth statistics for the most recent four years of statistics:

	1985	1986	1987	1988
Miscarriages	n.a.	n.a.	n.a.	na.
Abortions	4 079	4 327	4 229	4 255
Stillbirths	145	124	89	131
Confinements	19 510	19 564	19 030	18 898
Live births	19 790	19 741	19 235	19 155
Per cent Pregnancy Terminated	17.1%	18.0%	18.1%	18.3%

Sources: ABS Perinatal deaths 3 304.0.
ABS Births 3 301.0.
South Australian Health Commission, Health Statistics Unit.
Annual Report of the Committee Appointed to Examine and Report on Abortions Notified in South Australia for the Year 1988.

Mr S.J. BAKER: I would like to table this report because it is a very important document. As I mentioned, I have some reservations because the people who had been through an abortion had not really been consulted in the formulation of this report. I would have liked to see some analysis of how they felt about the situation, but that was not contained in the report. I shall make one or two observations on that matter. I will read from a news release of 6 June 1986:

The creation of Pregnancy Advisory Centres at the Queen Victoria, Queen Elizabeth and Lyell McEwin Hospitals and the Flinders Medical Centre. The centres should be physically and administratively separate from existing Departments of Obstetrics and Gynaecology and provide services including pregnancy termination, diagnosis and counselling, family planning advice and instruction, outreach work, and referral to antenatal services.

Clearly, the Government believed, as a result of that report, that pregnancy terminations should take place within the mainstream of the medical hospital service delivery and not as a separate entity. There are a number of reasons for that. The report is quite compelling, and I will mention a number of matters that have been raised in it. I note that on page 7 of the report the committee was of the view:

Unplanned pregnancy is not the problem. The problem is unwanted pregnancy.

That raises some very serious issues about what is wanted and what is unwanted, people's feelings about themselves and the choice they are making. It is a very critical statement that bears further analysis. Time will not allow me to go into that further analysis, but it is important to understand that it is people's feelings about themselves and the future of the children that they may or may not bear which is utterly critical. No member in this House could possibly believe that we are doing very well if we have 4 255 abortions. Over the past 20 years we have talked about education, birth control, and all the mechanisms necessary to stop abortions so that we do not have unplanned pregnancies; yet the statistics are getting worse. Another comment that is made in the report, on page 13, is:

For most women, however, it is there as a last resort—

referring to abortion—

when other methods of fertility regulation have, for whatever reason, failed.

We come back to this problem that for far too long people have said that the answer is education. It has not worked. That is important. On page 15 the report contains the executive summary and recommendations, and we have a number of working party findings and assumptions. I will take just three of them selectively. The three which strike a chord in the debate are as follows:

1. That service provision is geographically inequitable.

I recommend that everybody read the report because of the problems with waiting times, counselling services and being able to enter the hospital of one's choice. That is referred to in the report. Considering what is geographically inequitable, we should look at the situation of what would transpire if we had Mareeba. The next point is:

5. That the quality of the service received varies according to a patient's ability to pay (private patients are considerably better served than public patients).

It is talking about the counselling that goes on in the private sector. The next point is:

That termination of pregnancy is often provided in isolation from other components of a comprehensive pregnancy advisory service, e.g. counselling—

and that is critical to the whole process—

follow-up, family planning advice and instruction.

I trust that members do not mind my reading selectively from the report. I do so not in any way to take my argument out of the report because the report is full of the argument presented here today. Page 20 of the report, in part, states:

Pregnancy Advisory Centres should not be established as part of existing departments of obstetrics and gynaecology. They should be separate from the departments, both physically (if at all possible), and administratively.

There is a very good reason for that—women who are trying to make a decision about their pregnancy do not benefit if they are in close proximity to birthing areas. And, later, the report is also very critical with respect to the well-being of staff. I have already mentioned the statistics that are outlined on page 27 of the report, and indeed they have become worse. Page 39 of the report, in part, states:

Information about the kinds of services available is a necessary but not sufficient prerequisite when making a decision on whether or not to terminate pregnancy. Counselling can play an important role in giving women the chance to explore important issues and to clarify thoughts and feelings so that they may arrive at a decision with confidence.

This paragraph is very important. It is my opinion that far more can be done for women who are in this dilemma. It is not for me, a male, to try to talk about the feelings of women. However, it is important that members of the community understand that abortion is very unfortunate—and some people would say much worse. However, I say that it is very unfortunate in anyone's life.

We have already heard about the depression and grieving that follows a termination of pregnancy. That information has been provided by psychologists and by my colleague, the Hon. Dr Ritson in another place. So, even if a woman decides to terminate a pregnancy, she pays a big price. Therefore, it is utterly critical that counselling services are of the highest order. Also, they should not in any way pressure the woman who is making the decision but should explain, in a caring way, her options.

Members would all be aware of the need to provide children for adoption in this State. Many thousands of young couples go overseas to adopt children because they cannot have them themselves. I believe that counselling is a very important component in this whole issue. With separate boards of management there are no guarantees as to the level of counselling or support that would occur in an institution outside the mainstream medical services. Page 59 of the report, in part, states:

Partly because some second trimester terminations require greater skill, partly because access to prostaglandins is restricted to teaching hospitals and partly because of the great reluctance of all but a few doctors to perform terminations in the second trimester, it has been normal practice for those seeking later termination to be referred to those specialists who operate at the Queen Victoria Hospital, The Queen Elizabeth Hospital or Flinders Medical Centre.

And, the report covers a number of other aspects. Complications do occur at births, but they also occur when pregnancies are terminated. It is important that, if a pregnancy is to be terminated, the best medical staff should be available. I will go through the level of complications later. It is important for the well-being of everyone concerned that the best medical advice—the top surgeons—be available if something goes wrong. How will that occur at Mareeba? They have to be on hand. Page 62 of the report refers to the stress inherent in staff. It states:

For staff, the strain appears to derive from several different sources:

1. the wider context of community attitudes towards abortion generally;
2. the moral dilemmas raised by their own involvement in the abortion procedure; and
3. the behaviour and attitudes of abortion patients as perceived by staff.

Again, I believe that is a very important matter. We do know, from studies in Australia and overseas, that there is a high burnout rate and that nursing and medical staff do not wish to be involved in this as a full-time occupation. It is a very draining experience, as I can imagine. The staff are literally around death day after day. So, one can understand the stress and trauma suffered by people dealing with this situation. Therefore, I believe to have a dedicated clinic which does very little else will not only be counterproductive for a whole range of other reasons but also, more importantly, for staff. How do we ensure that staff are looked after under those circumstances, because there are no alternatives? They cannot do another shift somewhere else. In relation to the location, page 62 of the report states:

The location of abortion patients within the obstetrics/gynaecology units of the major hospitals can lead to real problems for nursing staff.

The report expands on that, if anyone wishes to read page 62. Certainly, the point is made that there should be a separation. Page 63 of the report states:

Nursing staff are employed in these units on the understanding that part of their work will involve caring for abortion patients. Some nurses find, however, that they are unprepared for the strains which this work imposes in practice, and find the resolution of their own conflicts regarding termination difficult, if not impossible. In several of the submissions we received from nurses, it was acknowledged that abortion patients in the large public hospitals rarely receive the level of care to which they are entitled.

I believe this is an important matter so, if we are going to do it, let us do it properly, and not set it aside and put it in a separate institution or a separate location.

Page 75 of the report deals with the major complication rates by gestational age. It is quite clear that the risks are relatively low at less than six weeks after conception: the termination complication rate is 0.36. So, that is less than half a person with a complication per 100 abortions. However, by the time we move up the scale, for example, in the 13-14 week period, it has risen to 1.37, and by the time we reach 21-24 weeks, the major complication rate—this is serious complications—is 2.26. So, that is over 2 per 100, which is 22 per 1 000. It works out to be close to 100 terminations per year with serious complications. These serious complications arise and quite often are not known about at the time.

I believe the issues are straightforward in this matter and that the House has a responsibility to reject the Mareeba concept. We believe that the best facilities—and I would stress the counselling services—give women who are placed in this invidious situation a feeling of well-being about themselves, and about the choices they have to make, without short cuts being made in those services. These women should not run the risk that decisions will be made at an internal board level which is quite separate from the normal

stream of medical and health services which could, in some way, reduce the capacity of women to make the right decision. The report admits, time and again, that the counselling services are not adequate.

That means that women placed in this situation do not necessarily have the capacity to deal with it—and it is a traumatic experience. And they need all the help they can get. They should not be subjected to any short cuts; rather, full counselling should be available to them. Without any weighting being put on one factor or another, they should be told about the decision-making process. Women should be allowed to make up their mind on the available information, including information about complications. The very important after-termination assistance should be available if they decide to terminate the pregnancy. Many cases have come to our attention where women have not gone through a grieving process and, as a result, for 10 to 20 years they have felt almost unclean.

I stress that none of the important issues that I have talked about today can be satisfied under the auspices of a separate clinic. A separate facility will ensure the failure of a guarantee to provide, first, top medical services; secondly, other areas in which nursing staff can work (rather than being concentrated in one area); and, under the guidance of the full range of medical services, proper counselling services. I believe that this is a very important issue, and I commend it to the House.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

CONTROLLED SUBSTANCES ACT AMENDMENT BILL

Mr INGERSON (Bragg) obtained leave and introduced a Bill for an Act to amend the Controlled Substances Act 1984. Read a first time.

Mr INGERSON: I move:

That this Bill be now read a second time.

The purpose of the Bill is twofold: first, to reduce the limits to one-tenth of the current limits under the Controlled Substances Act for the manufacture, production, sale or supply of the drug cannabis—a prohibited substance—before the penalties of the major offence of trafficking apply; and, secondly, to remove from the Act the process of expiation notices for simple cannabis offences and revert the process to the courts, involving the relevant conviction for an offence, if applicable.

The current provisions of the Act are a result of the Bannon Labor Government's attempting in 1985 to partially decriminalise the use of marijuana (cannabis) and to trivialise the penalties. We believe that there is a need for these provisions to be amended now. We have recommended these amendments several times previously, thus the Bill before us today.

We expect the support of some members opposite as they have previously expressed concern about this legislation and its effect. Before I discuss the Bill, I remind this House of some of the research done on the effect of cannabis when used by humans for recreational or habitual purposes. I cite a research paper prepared by scientists from the Addiction Research Foundation of Ontario entitled 'Cannabis: Adverse Effects on Health'. We should all be reminded every now and again of the problems associated with the use of marijuana. Regarding the effects on humans from the personal use of marijuana, the report states:

> Even though low doses of marijuana can be taken, they adversely affect driving performance.

That is a fairly significant point, when we are so concerned about deaths (of young people in particular) on our roads. It is in this experimental stage, when the effect of expiation fees, in particular the provision of some leniency, is being tested that we need to remember that low doses of marijuana produce an adverse effect on driving performance. In relation to behavioural and mental effects, the report states:

> A single dose of cannabis can produce adverse reactions ranging from mild anxiety to an acute psychosis . . . Some marijuana users do not recover fully when the drug is discontinued . . . Experimental evidence of brain damage is consistent with clinical observations in humans.

These scientists point out that, clearly, there is a significant effect on behavioural and mental attitudes of humans from the use of cannabis. Probably one of the most interesting points, particularly in light of the current movement for the extension of tobacco legislation right across the country, relates to the respiratory system, as follows:

> Two to three cannabis cigarettes a day may well carry the same risk of lung damage as a pack of tobacco cigarettes.

That is very interesting, and a very strong comment. In relation to sex hormones and reproduction, the report states:

> Decreased sperm counts and abnormal sperm cells have been reported in heavy cannabis users . . . Components of cannabis smoke can cause genetic mutations.

It also states:

> Heavy use of cannabis may interfere with the immune system.

As we all know, there is a significant problem with AIDS in our community, and this report clearly states that the heavy use of cannabis may interfere with the immune system. It further states:

> Heavy use of cannabis is associated with psychological dependence, including sustained drug-seeking behaviour.

There is a compounding effect of the use of marijuana, particularly in terms of the effect of alcohol on young drivers. This Government has spent a considerable amount of time—and rightly so—attempting to improve road safety, yet it has taken this quite unrealistic position in relation to cannabis. I remind the House that the use of cannabis is illegal: that is an important point for us all to understand.

I turn now to the Bill. The Bill relates, first, to the regulations covering penalties for the trafficking and growing of cannabis and, secondly, to the removal of expiation notices. I wish to amend section 32 (5) by striking out subparagraph (1) of paragraph *(a)* and substituting the following:

(i) If the offence relates—
  (A) to the cultivation of 100 or more cannabis plants;
  (B) to production (other than cultivation), sale, supply, administration or possession of 10 kilograms or more of cannabis;

  or

  (C) to the production, sale, supply, administration or possession of 2.5 kilograms or more of cannabis resin,

  a penalty of both a fine not exceeding $500 000 and imprisonment for a term not exceeding 25 years;

The current Act provides:

> . . . the quantity of the cannabis or cannabis resin involved in the commission of the offence equals or exceeds the amount prescribed in respect of cannabis or cannabis resin for the purposes of this subsection—a penalty of both a fine not exceeding $500 000 and imprisonment for a term not exceeding 25 years;

The corresponding regulations state that, before the most severe penalties apply, there must be cultivation of 1 000 or more plants; production (other than cultivation), sale, supply, administration or possession of 100 kg or more of cannabis; and possession of 25 kg or more of cannabis resin. Our proposal is to reduce the amount 10 times. In other words, the penalties will come into force with the cultivation of 100 plants instead of 1 000, and possession, etc., of

10 kg instead of 100 kg of cannabis, and 2.5 kg instead of 25 kg of resin.

Approximately two years ago the member for Elizabeth suggested a street value of between $1 million and $2 million for fully grown plants. I am informed today that that figure may be significantly higher—approximately 50 per cent higher. There is no justification for such high quantities to be involved before the severe penalties apply. We do not seek to change the penalties, because we believe that trafficking is a very serious offence and that Parliament has recognised that by placing the severe penalties in the legislation. However, what has not been recognised by Parliament is that, because such excessive amounts of cannabis can be produced before the high penalty is imposed, trafficking is being encouraged. I do not believe that was intended, so in this Bill I seek to reduce dramatically those amounts. It must be realised that 100 fully grown plants have a street value of the order of $100 000. This Bill seeks to reduce the quantities that will attract the severe penalties.

Clause 3 deals with expiation notices, which apply to simple cannabis offences. The Opposition opposed this proposition in 1985 and on several occasions since then. Our belief is that the Bannon Government has trivialised the illegal use of marijuana with the imposition of expiation notices or, as they are commonly called, on the spot fines. By removing those cases from the courts and by removing the conviction of the offence, the matter has been trivialised. As I suggested earlier the use of cannabis creates serious problems, and that is well documented and well understood by society.

The Act requires that an expiation notice must be issued and, if paid, no offence is recorded; thus, there is no noting of any subsequent offences. If an expiation notice is issued to a motorist, demerit points are recorded and a driver may lose his licence if he continues to offend. The use of marijuana, which is a prohibited substance, has one set of rules, whilst a motorist who breaks the law, which is also a prohibited action, is governed by another set of laws, which have more extreme consequences. The Opposition wants the simple offence of cannabis use to be dealt with by the courts, with a maximum fine of $500 plus a conviction. I call on the House to support this Bill, and I seek leave to insert the explanation of the clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 puts the reduced restrictions into the Act instead of in the regulations to the Act. These levels of restrictions have been reduced to a tenth of the current Act provisions. Clause 3 repeals section 45a which deals with expiation notices for simple cannabis offences.

Mr FERGUSON secured the adjournment of the debate.

BRIGHTON ROAD TRAFFIC

Mr MATTHEW (Bright): I seek leave to amend the motion as it appears on the Notice Paper by inserting the words 'and south' after 'Brighton' and changing the following word 'road' to 'roads'.

Mr FERGUSON: On a point of order, I believe it is the practice of the House that all amendments should be provided in writing, and I would seek your opinion on that.

The SPEAKER: The honourable member is not moving an amendment. He is seeking leave to move an amendment, and the member may object by refusing leave. Is leave granted?

An honourable member: No.

The SPEAKER: Leave is not granted. The honourable member must move his motion in the original form.

Mr MATTHEW: I move:

That this House notes the concern of local residents about increasing traffic volumes on Brighton Road and calls on the Government to bring forward the construction schedule for the third arterial road to help alleviate southern traffic problems.

This is a motion that should not have had to be placed before this House. However, in the absence of appropriate allocation of funds for road building in the southern and south-western suburbs, I have moved this motion to make the State Government aware of their dismal failure to alleviate traffic problems in the south.

In August 1984, after having scrapped the north-south corridor and later realising the mess they had made of southern transport, the State Government announced a $45 million road plan to cut the Darlington bottleneck. The plan was to include a two stage 9 km road running between Reynella and Sturt Road at Tonsley, and the road was to run parallel between South Road and Ocean Boulevard, with the first stage between Sturt Road and Majors Road at O'Halloran Hill costing $30 million.

The $15 million second stage was to be between Majors Road and the northern end of the Reynella bypass. In the *Advertiser* of 16 August 1984 the Premier was quoted as saying:

The Government, through the Minister of Transport, would direct the Highways Department to start immediately with the design work and pre-construction work.

In the same article the Minister of Transport was quoted as saying that he hoped that the road, 'a pretty high priority project, would be open in about 10 years'. Soon after, all went quiet. But then, in January 1986, in a bid to make the community believe that something really was happening, the Government released a bulletin entitled 'Third Arterial Study—Third Arterial Road Bedford Park to Reynella'. The bulletin was letterboxed to households in the affected area.

I wish to draw the attention of members to a number of statements made in the Government bulletin. Under the heading, 'Why is a third arterial road needed?' the following is written:

There has been a steady growth in population in the suburbs south of Darlington in recent years, and this growth will continue with more housing developments planned for the future. However, the majority of employment opportunities for people living in the southern area lies north of Darlington, and will remain so for the foreseeable future. Even allowing for improvements to public transport and increased patronage, north-south road traffic will continue to grow.

South Road carries the bulk of traffic to and from the southern area, but is limited in how much extra traffic it can carry. The completion of Lonsdale Road in 1980 provided a second arterial road, but traffic forecasts show that these two roads will not be able to cater for the large growth in traffic expected in the future. Already there is severe congestion at Darlington in the morning and afternoon peak periods. Some intersection widening at Darlington is planned to reduce the congestion, but this can only give short-term relief.

The widening of South Road from Darlington to Reynella and overpasses on the existing roads at Darlington were investigated but these would be very costly, have severe impact and be highly disruptive. The report continues:

Bypassing the Darlington area with a new road (the third arterial) is the most practical way of overcoming present and future traffic problems.

So far all the Government statements seemed to tie together. The Minister had stated that the high priority road project would be completed in about 10 years. The Government Bulletin to households in the vicinity of the proposed road

stated that bypassing the severely congested Darlington intersections with a new third arterial road is the most practical way of overcoming present and future traffic problems.

So far, so good, or was it? The Government bulletin provided room for concern for the most observant readers under the heading 'When will it be built?', which introduced the following text:

There is a considerable amount of work to be done by the team, following which final road design, bridge design and land acquisition will be undertaken. A construction date in the early 1990s is currently planned.

These words started to make the Transport Minister's statement in 1984 of a completion in 10 years start to look just little bit shaky. But let us not forget that the Minister's statement was made before the November 1985 election, and now that that election was over, it was time to start to come clean with electors, for, after all, there would not be an election for another four years.

More was revealed in another Government bulletin letterboxed yet again to householders in the affected area in October 1987. I remind members that there was not to be another election for two more years, when electors might have forgotten what the Government had told them. So perhaps a little honesty could take place on that occasion. The opening paragraph to the bulletin was almost apologetic, and for the benefit of members I will read it to the House:

The South Australian Government recently confirmed its commitment to building the third arterial road, but announced that construction would now not commence before 1993. The reason for the deferral was that, in the present tight economic climate, the State cannot afford to program the $60-$70 million it would cost to build the road.

Naturally the Government bulletin did not mention that the State Government continues to rip fuel tax from the pockets of motorists and returns less than one-third of the tax to roads—the rest going into general revenue. In the meantime, Brighton and South Roads continue to choke under the daily congestion of heavy traffic with no relief in sight in the foreseeable future. I hope I did not offend the member for Henley Beach in mentioning South Road. I have now been muzzled by not including that in my motion. I also note that the honourable member has departed the Chamber after having muzzled me in that way.

Residents of the southern and south-western suburbs are fed up with being treated with such contempt by the State Government. They demonstrated their anger for this contempt by throwing out the Labor members for Fisher, Hayward and Bright; the member for Mawson was taken to preferences; and the member for Baudin also had a massive swing against him. The message is there, and this Government must listen.

Figures from the RAA travel surveys on peak hour traffic show that in April 1986 the average speed along South Road between Majors Road at O'Halloran Hill, and Anzac Highway was 36 km/h. The most recent figures I have show that the speed is now only 29 km/h. The time taken for a trip along South Road from Majors Road to Anzac Highway in peak hour traffic in 1986 was 24 minutes and 21 seconds. Currently the same trip takes about 30 minutes.

I have not been able to obtain time travel figures for Brighton Road, but I have obtained traffic volume figures which show some interesting results: for example, 1987 Brighton Road traffic volume figures showed that, each day, an average of 25 500 cars travelled between Ocean Boulevard and Seacombe Road. By 5 December 1989 this figure had increased to 29 000, a 14 per cent increase in traffic volumes in just two years. The 1987 figures for traffic between Seacombe Road and Sturt Road show that an average of 30 000 cars per day used that section of Brighton Road, increasing to 33 400 by 5 December 1989—an 11.3 per cent increase.

Clearly, the situation is becoming intolerable. Groups such as the RAA, the Local Government Association and the Australian Automobile Association have been continuously calling on the Government to increase spending on roads. It is now time for the State Government to listen and to act. The Government must acknowledge the concerns of local residents about increasing traffic volumes on Brighton and South Roads and respond by bringing forth a construction schedule for the third arterial road. I commend this motion to the House.

Mr HOLLOWAY secured the adjournment of the debate.

ATHELSTONE WILDFLOWER GARDEN

The Hon. JENNNIFER CASHMORE (Coles): I move:

That this House notes the badly degraded condition of the Athelstone Wildflower Garden in Blackhill Conservation Park, condemns the failure of the Government to fund the National Parks and Wildlife Service sufficiently to enable it to maintain the garden in the condition in which it was received from the Blackhill Native Flora Trust, and calls on the Government to take urgent action to restore the area and maintain it properly for the purposes for which it was acquired.

The Athelstone Wildflower Garden is much loved by the people of the north-eastern suburbs. I am sure that the member for Hartley and the Minister of Mines and Energy and their predecessors can attest to that—I certainly can. This garden is loved not only by the people of the north-eastern suburbs: its fame is well known throughout the metropolitan area—in fact, known to the extent that the Liberal Party in its 1985 tourism policy undertook to promote the Athelstone Wildflower Garden as a destination for international visitors.

We all know that Adelaide is unique in that international visitors have access to native fauna at Cleland Conservation Park, within 15 or 20 minutes of the GPO. We believe that the Athelstone Wildflower Garden and the Blackhill Conservation Park could be promoted in the same way, thus creating a very important attraction for international and interstate visitors.

The background to the development of this garden began with the development by its private owner, Mr Payne, of Rostrevor, who recognised the unique native flora and cultivated some of the plants himself. He made the garden available to local people, and in the latter years of his life started to sell native seedlings to raise money for overseas missions. In the late 1960s the garden finally became too much for him and he wanted to sell it. The Campbelltown council recognised that if it were sold it would probably be developed and subdivided and so it purchased the garden. Shortly afterwards, in the early 1970s, the State Government stepped in, and on 17 September 1973 the then Minister for Environment and Conservation (the Hon. G.R. Broomhill) wrote to the council asking whether the State Government could acquire this area to add to the area being used for the establishment of a native flora park and bird sanctuary on Blackhill. In that letter Mr Broomhill said:

I consider that it would be desirable to include the wildflower garden and abutting council reserves within the project and would be pleased if you would advise me if your council is agreeable to selling these areas.

Council's response to the Minister advised of its agreement in principle to his proposal subject to a number of conditions which included:

Continuation of the present concept of the garden, including access to the public on at least the present basis of 9 to 5 Sundays to Thursdays.

The Dunstan Government indicated that this proposal was successful, and on 7 May 1975 the then Premier dedicated Blackhill Conservation Park and spoke glowingly of the Athelstone Wildflower Garden. I understand that it was a project in which Mr Dunstan took a very close personal interest, and in his speech he said that Professor Lindsay Pryor of the Australian National University's Department of Botany had recommended, first, that the Athelstone Wildflower Garden, with its rare collection of Australian plants, shrubs and flowers, be acquired by the Government and be slightly expanded to serve as a nucleus and basic botanical collection of the new Blackhill park.

Mr Dunstan gave every indication that the Government would nurture this garden and that it would be identified as a very important part of the Blackhill wilderness area, and used as a major recreation area by the people of the northern suburbs. It is important to note that at the time the garden was transferred to the Government it was in excellent condition, very well maintained and frequently enjoyed by gardeners and nature lovers from all parts of the metropolitan area.

Subsequently, under the Tonkin Government, the Blackhill Native Flora Park was administered by a trust established under statute for that purpose. The Chairman of the trust, Mr Max Amber, is now the Mayor of Campbelltown. Under that trust the whole of Blackhill was beautifully developed and was maintained in immaculate order. When I say 'immaculate', I mean immaculate in so far as the public facilities were concerned. Obviously, the wilderness areas were kept as such, and the wildflower garden was an absolute delight to visit.

That is not the case today. Under the present Labor Government the Blackhill Native Flora Trust was dismantled, the park transferred to the administration of the National Parks and Wildlife Service, and since then it has been downhill all the way. It is well-known that the cuts to the recurrent budget of the Department of Environment and Planning have been of the order of 2 per cent to 3 per cent in real terms for at least the past five years. This means that the National Parks and Wildlife Service simply has no hope of maintaining even the most basic services in some of the parks.

It is a fact that the National Parks and Wildlife Service has not been able to pay its water bills in the Blackhill park, nor has it been able to pay electricity bills for the electricity required to pump the water. As a result, many of the rare Australian plants, shrubs and flowers to which Mr Dunstan referred in his speech in opening the garden have gone—they have simply died. I have seen them die over the past three or four summers. The unique water feature and associated plants have just disappeared. The water feature dried up when the service could not pay the water and electricity bills, and the plants, of course, died very quickly after that.

The SPEAKER: Order! Will the Leader of the Opposition please resume his seat—he is between the speaker and the Chair.

The Hon. JENNIFER CASHMORE: What was once a truly beautiful garden is now a squalid sight. One enters the gates surrounded by heaps of rubbish and dead weeds: the gates are never closed. There is no security whatsoever. Contrary to the sign at the entrance gates, which states that the garden is open during office hours Monday to Friday, the gates are simply left open at all times. This means that anyone who wants to vandalise the garden after hours has more or less an open invitation to do so.

The circumstances of the acquisition of this garden by the Government, in my opinion, place a particular responsibility on the Government to upgrade the standard with which the garden has been administered. We all know that national parks throughout the State are in a relatively degraded condition, but particular parts of particular parks which have a local association, special significance, role or function should not be allowed to deteriorate in this way.

I believe that the Government stands condemned for what it has allowed to happen at the Athelstone Wildflower Garden. I urge members who have a local interest in the matter—particularly the member for Hartley and the Minister of Mines and Energy—to do what they can to persuade the Minister for Environment and Planning to visit the park. It would be easy for her to have access to photographs of what it was once like, and I would be surprised if the Minister was not shocked to see its present condition. I urge the House to support the motion and thus to prod the Government into action.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

BRIGHTON HIGH SCHOOL

Mr BRINDAL (Hayward): I move:

That in the opinion of the House, the Government should immediately undertake the development of phase three of Brighton High School.

In moving this motion, I record an accolade to this Government for its satisfactory completion of stages one and two. Stage two was completed in 1989 at a cost somewhat in excess of $7 million. All those people who had a hand in its design, planning and construction—I deliberately include the school council, staff, the school community, along with the Education Department, Sacon and other Government instrumentalities—are to be highly commended for their efforts. Indeed, the Government is to be unreservedly praised for a facility that goes a long way towards fulfilling the educational needs of many of the youth in my electorate during the decades ahead.

It is only a pity that one blight remains on such a creditable achievement; I refer to the need to undertake the development of stage three immediately for the reasons that I will now outline. For the benefit of members who are not aware of Brighton High School, stage three involves the re-development of, first, existing buildings that front Brighton Road; secondly, the home economics centre; and, thirdly, the technical studies centre. With the latter two buildings in particular there is some urgency. Both buildings are of that modular type construction which was typified by many of our schools in the 1960s, consisting of ferroconcrete support beams with external concrete slabs decorated with gravel.

I am advised that both these buildings are in a dangerous state of repair. Specifically, in respect to the home economics centre, the guttering has deteriorated very badly and has now been removed, with the consequent result that whenever it rains the water runs down the internal walls. I should not have to record here the possible danger to students who are daily being instructed in the use of many domestic electrical appliances.

The fabric of the technical studies building is even more suspect. In respect to this structure, water has seeped into the upright supports, causing rusting of the steel rods and a consequent fretting away of the concrete. As these are major structural supports, I cannot overemphasise my concern. Additionally, throughout all the buildings, white ants

are a problem. I am told that this applies to all the buildings, but I can vouch personally for two.

While there might be some amusement about the poor deputy who went to answer the phone and had her leg disappear down the hole in the floor, there would be nothing amusing if one of the lathes shifted on its base while a student was working at that lathe, with the consequent potential danger to that student at that time.

When stage two was undertaken, the school also had a photographic studio that it currently does not have. The reasons for this are quite simple: the photographic studio is to be part of stage three of the redevelopment. Until stage three is undertaken, the school has the equipment but no facility to undertake a course, which was important for the school.

None of the facilities are totally adequate to allow the flexibility of curriculum which a school of its size and success deserves. Technical studies is offered up to year 12 but consists mainly of graphics and woodwork. Members of my age will know that that technical studies offering dates back to the 1950s and 1960s and is out of step with what happens in many other secondary schools. There are no courses in electronics, plastics, photography, metalwork or welding; and fitting and machining and welding capabilities are inadequate. In the interests of safety and of the current and future needs of students at Brighton High School, I commend the motion to the House.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

NURSING HOME ACCOMMODATION

Mr BRINDAL (Hayward): I move:

That this House urge the Premier to make the strongest representations to the Prime Minister and his Federal colleagues in an attempt to find an immediate solution to the problems related to the Commonwealth funding of nursing home accommodation.

Members would be aware that Hayward is one of the oldest electorates in the State. Its residents, as in neighbouring electorates, are well served by a number of excellent nursing homes and elderly citizens complexes. In this regard I place on record my commendation to the three complexes with which I have regular contact: Alwyndor, Resthaven at Marion and the Oxford Nursing Home. The commitment and dedication of the nursing staff is beyond question and the problems to which I allude today are beyond their control.

The problems, as I am given to understand, arise from the way in which nursing home accommodation is funded by the Commonwealth Government. Patients in nursing homes are all categorised from one to five, whereby one is the highest level of care and demands the most nursing whilst five is the lowest level of care and demands the least. When somebody enters a hospital they must have a form signed by their doctor to allow them to be admitted and, upon admission, the nursing staff is required to fill out another form which places them in one of these categories.

Generally, people enter nursing homes as category four patients. I am assured by senior management of one nursing home that it is almost counterproductive to have a category five patient, because the level of care that is allowed is such that it renders the nursing home less viable. Therefore, nursing homes have to take patients in at about category four level. Having been assigned to a category, a review takes place only once every 12 months. Therefore, nursing homes are taking in people who are not well enough to stay at home but are relatively well. They are allocated a relatively low level of nursing home care but their progress is often such that they degenerate quickly.

The Hon. Jennifer Cashmore: They might become incontinent a month after admission.

Mr BRINDAL: As the member for Coles says, they might become incontinent a month after admission. Alternatively, they might enter the hostel for respite care and then go home a month later. They might then suffer a stroke and, because they return to the nursing home in less than three months, the category allocated for respite care must be the level of care recorded upon admission. In fact, a nursing home patient can be admitted at category four level and, if they go home and then return to the nursing home, say, two months later as a category two or category one patient, they are still classified at only category four because a review can take place only once every 12 months.

I do not need to tell members opposite or members on this side of the House that that is inadequate. Basically, they are saying that this is the level of care that these people can have. However, as the health of these people degenerates, and as they require more and more help, no more funding is allocated for nursing care. One would not have to be a genius to see that. This means that extra care can be taken only from other patients, and it is taken primarily from the area of rehabilitation. There is supposed to be an 8 per cent allowance for patient rehabilitation, but the first thing that often suffers in providing someone with the level of care required is the rehabilitation allowance for other patients. It is a real case of the system cheating everyone involved in order to provide adequately. It is a real Catch-22 for the professional caregivers who genuinely care about the people with whom they are dealing. Members opposite will know that it happens time and again, and it happens in many professions. I really feel for these people who are trying to do their best with inadequate provision of funds.

Respite beds is another casualty of this type of system. I am told that to survive, nursing homes need an occupancy rate of 98 per cent. For a variety of reasons, respite bed occupancy rates in quite large and very well run facilities never exceed 60 per cent by much. Therefore, they cost nursing homes money. Some of the larger institutions have, in fact, abandoned respite beds. This makes it very difficult for people who wish to keep their elderly and infirm relatives at home. They keep their relatives at home and want to give them respite care, but they are finding increasingly that beds are not available because nursing homes are saying that they cannot afford to provide respite beds.

Additionally, we have a real problem as a result of the death of patients. The system is set up so that the Government funding always gains a day. If someone dies, the nursing home can count the first day but not the last day. Even if a nursing home manages to get a new patient into the bed of the deceased patient on the day of death, it is still not possible to count the bed twice on that day. Therefore, a day of funding is lost. That creates an awful situation for the nursing staff, the relativies of the deceased and for the other patients. Very often, because of a long association, the nursing staff and the other patients will be grieving for the deceased patient. Yet, the nursing staff are faced with the rather horrendous job of trying—within 24 hours—to get the undertaker in and the body out and to get the prospective new patient's family in to have a look at the facility and make a decision.

It is dehumanising to have elderly people grieving for someone who has died, sitting in a room watching others come in and look at the empty bed to see whether it is suitable for their relative. If members think they would like that when it comes to their time to meet their Maker, I do

not. I do not want to face that situation. Therefore, I speak up for those who are presently facing it. It is a problem, as I hope I have emphasised, of the way in which the financial system is structured.

I would also emphasise that the Commonwealth Government, which puts constraints on the way that nursing can be staffed, is, quite rightly, very strong on residents' rights, and it is continually requiring greater standards of care. It sends people to nursing homes to ensure that patients have an adequate standard of care, but what they do not look at is the provision of nursing time which the Government originally allowed for the patient. If they see a patient who requires total care, they expect that patient to be given total care, even though the allocation originally was far less than adequate.

I see a level of hypocrisy in a Government which, on the one hand, demands certain standards and, on the other hand, is not prepared to pay for them. I know that money is not unlimited; I know that we all have a responsibility in this regard; but I see it as a problem. I hope that members opposite will concur, because part of the problem arises as a result of the very high standards that South Australia has always enjoyed in this area. As this Government has been in power for so long, I suppose, rightly, it can take some credit for that. We have higher standards than most of the other States, but we are being forced to lower our standards because other States have not measured up to them.

An honourable member: Certainly in the Housing Trust.

Mr BRINDAL: It is happening everywhere. I find this unacceptable. If the Government has something of which to be proud, it should stand up and be proud of it. It should not allow the Federal Government to bully and cajole us into accepting something less. We should be saying, 'South Australia has a record. Let the rest of Australia come up to our standard.' We should not allow the Commonwealth Government to bully us into reducing the standards that we want for elderly people to the standards that the Commonwealth says it wants for all Australia. This sovereign State should act like a sovereign State and not allow the dollar to demean the last days of people's lives. I commend the motion to the House.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

OPAL MINING

Mr GUNN (Eyre): I move:

That this House call on the Premier to establish a select committee to investigate the requests of the opal mining community at Mintabie to extend the opal field and to resolve outstanding difficulties with the provision of public utilities which are necessary for the community's orderly development.

The House would be aware that the difficulty facing the community at Mintabie and the opal mining industry is a direct result of the passing of the Pitjantjatjara legislation which places restrictions on the area available to the opal mining industry and the method by which people can occupy the town area at Mintabie. At the time that the legislation was passed, the Government believed that good will would prevail on both sides. Some of us were doubtful about that exercise. We were concerned, because the Department of Mines and Energy had at that time done a considerable amount of work and drawn a map where it believed opal existed, namely, down towards Walatina where opal mining had been carried out many years earlier.

The situation has since developed where there has been a refusal to allow for the orderly extension of opal mining in a southerly direction from the existing fields. Unfortunately, those people who have been in charge of the Pitjantjatjara community have taken it upon themselves to deny any access. However, they have continually demanded that more and more Government facilities be provided on the Pitjantjatjara lands for the benefit of that community.

The only way Aboriginal communities will have any form of economic independence is by responsible and adequate development taking place within their lands. The mining industry is one such industry that can assist these communities because many Aborigines, on a regular basis, noodle and mine in the Mintabie area, and they receive considerable financial benefit from that activity. That activity cannot continue if mining at Mintabie is curtailed or eventually ceases because of a lack of adequate land on which the industry can continue to develop.

It is a quite simple fact: unless commonsense prevails, no further mining will occur at Mintabie in the not too distant future. Then, those Aborigines who rely on that area for an income will be denied the opportunity of making a living. To me that appears to be a quite ludicrous situation. Unfortunately, the control of that area is no longer in the hands of people who reside in South Australia; it is in the hands of a group based in Alice Springs, because Alice Springs obviously has a far better social life. Of course, most of this group are Europeans—and they are calling the shots. I hope that under the new chairmanship of Mr Donald Fraser that will change.

This problem highlights the urgent need to ensure that the administration of these lands returns to those in the lands. A clear undertaking was given by those who negotiated on behalf of the Pitjantjatjara when the legislation was before this Parliament that the office and the administration would be in South Australia. Technically, that has been complied with in that the Aboriginal Legal Aid office in Adelaide is used. However, the actual day-to-day decisions are made in Alice Springs, where these professional Aboriginal representatives reside. Many of them go from one section of Aboriginal administration to another; people become advisers and then move into administration on the Pitjantjatjara Council or on other associated groups. They have established a very large organisation in Alice Springs—not on the lands where it should be so that the Aboriginal community at large has access to it. It is a very cosy and neat arrangement for those who administer, but not for the Aborigines.

From my discussions with Aborigines I personally believe that those with knowledge about and access to Mintabie have little or no opposition to the extension. However, those people who are calling the shots—the people who took the place of Mr Toyne and others—want to maintain the power in their hands. They want the taxpayers to continue to bankroll their operations, but they do not want to let the Aborigines gain a semblance of economic independence because they know that, if that occurs, they will lose control.

It is a deplorable state of affairs. On behalf of that community I have consistently endeavoured to get the Government to come to its senses and to take some firm decisions to deal with these people. If they do not come to their senses, this Parliament has the authority to amend the legislation and extend the opal field. I understand that this can be carried out simply by amending the proclamation. It is about time the Minister showed a bit of courage. I took up this matter with the Premier and received a reply dated 6 November 1989, as follows:

I refer to your letter dated 11 September and letters dated 23 August and 5 September 1989 to the Hon. T. Hemmings, Minister of Aboriginal Affairs, concerning the Mintabie Review Committee.

I am aware that the Mintabie Review Committee has had a protracted lifespan and can assure you that action has been taken to ensure that the committee meets in early November 1989. I have been advised that staff of the Department of Lands have contacted the Anangu Pitjantjatjara, the Mintabie Progress Association and the Office of Aboriginal Affairs to resolve an agreed meeting time.

With regard to your specific questions:

(a) The extension of the Mintabie precious stones field requires direct negotiation between Anangu Pitjantjatjara and the miners at Mintabie in accordance with the Pitjantjatjara Land Rights Act. Agreement needs to be reached between these two groups before any legislative action is taken by the Minister of Mines and Energy to proclaim a precious stones field in this area.

I think there is other advice in relation to that matter. It continues:

(b) The Outback Areas Community Development Trust has been consistently advised that the establishment of an electricity supply is not dependent on the report or recommendation of the Mintabie review. The establishment of this facility is supported.

But nothing has happened. The letter continues:

(c) The question of health facilities has also been considered to be outside the terms of reference of this review, and the Health Commission has been advised of this. I understand an agreement on the provision of health care facilities has been signed by Anangu Pitjantjatjara, the South Australian Health Commission, and Pioneer Health.

That is the Uniting Church. It continues:

I have also written to the Secretary of the Mintabie Progress Association advising of my complete support for an early resolution of the review. I believe we have a common objective in ensuring there are no further delays which will disadvantage both the people of Mintabie township and the Anangu Pitjantjatjara, and I will ensure you are kept advised of progress.

At least, the Premier has taken an interest in this matter, and I appreciate that. However, it is time for action. I believe the delays and nonsense which have taken place over the health facility and the electricity undertakings are shameful and disgraceful. I believe that those individuals who are administering these decisions on behalf of the Aborigines have a great deal to answer for, because it is not for them to determine what should take place in those areas: it is for the local Aboriginal community to have an input. I believe the whole problem with the land rights legislation is the same as that in the Northern Territory, where powerful groups have been established such as the Northern Land Council which is interested only in maintaining its own power base. It will take whatever course of action is open to it to manipulate, exaggerate and confuse. But one thing it will never relinquish, if it haves its way, is its control.

This is a complex and a highly emotive issue. I sincerely hope that after I have completed my remarks, the Government will, on a future occasion, see the light and take positive action to help maintain the mining industry in that part of the State. A large number of people have a considerable investment at Mintabie and want to maintain a mining industry there. The overwhelming majority of them have been responsible and hardworking citizens. In view of the importance of this matter to the South Australian economy, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

PORT THEVENARD UPGRADING

Mr GUNN (Eyre): I move:

That this House calls on the State Government to immediately start upgrading the Port of Thevenard to ensure that the produce from the area can be shipped through the port without the necessity to have it transported to Port Lincoln.

In recent times, the House would be aware that a considerable amount of media attention has been focused on the need to upgrade the port facilities at Thevenard so that no delay occurs in shipping the considerable amount of produce which comes from that part of South Australia—namely, upper Eyre Peninsula—and which benefits all citizens of this State. The House probably would not be aware that Thevenard is one of the profitable ports in South Australia. It is the port for a large grain growing area, involving wheat, barley and oats, as well as gypsum and salt. Well in excess of 100 million tonnes of gypsum and considerable amounts of salt are handled per year. A new gypsum operation is about to be set up which will increase the amount of gypsum that is shipped out through the port.

It has been suggested to me that it will be difficult for the Wheat Board and Barley Board to make arrangements to have all the wheat which was delivered to the port of Thevenard and the surrounding silos shipped through Thevenard before the next harvest. I understand that at least two ships a week will need to berth and load at Thevenard. I have looked very closely at the charts and other information available to the Government regarding what must take place at Thevenard. This matter should not become the subject of political controversy but, rather, it should be addressed in the interests of all South Australians.

During some of his responses the Minister indicated that the Government has to be able to recoup the money that it expends on this exercise. I wonder where the Government will start and finish that proposal because, if it has to be cost effective, will the Government apply that criterion to the Entertainment Centre which is to be built on Port Road? We all know that that centre will cost $50 million and I understand that it will lose $6 million a year, so will it apply in that case? Will it apply to the Festival Theatre? The second amount of expenditure has already been applied to the tank trap in the plaza. Will it apply to the Playhouse, the State Opera, the Jam Factory, or the operations of the State Transport Authority? So one could mention a number of other State Government operations which do not pay.

Why is it that this important area of the State must always run second? I am particularly concerned that, unless the Government faces up to its responsibilities in this matter, it could place many grain producers in serious economic difficulties, because the cost differential of transporting the grain to Port Lincoln is excessive. Therefore, it is essential that this Parliament and this Government fully appreciates and understands the need to deepen the port, at least to allow those boats that currently service the area to be fully loaded and to avoid their having to go to Port Lincoln or Port Giles. Action should be taken to upgrade the belt so that the ships can be loaded more quickly and a quicker turnaround can be effected. I think that those things should be done.

I fully appreciate that some years ago there was some confusion: the Government budgeted to spend $5 million but that exercise did not take place. However, that does not, nor will it, resolve the current difficulties. We must understand the urgent need to upgrade the port. An editorial headed 'Double Jeopardy' in the *Stock Journal* of 25 January 1990, which clearly sums up the situation, states:

South Australia's most profitable port, Thevenard, is in urgent need of upgrading.

And two of the West Coast's other export earning industries are also in jeopardy unless the port is deepened and the unloading facilities improved.

The export of gypsum and salt through Thevenard directly employs 40 people with huge spin-offs to the local economy.

Yet export markets for salt are in danger and other gypsum export opportunities have been lost because of limitation on shipping.

In addition, the multi-million dollar wheat growing industry on the West Coast is dependent on Thevenard having terminal port status.

The Minister of Marine, Bob Gregory, literally holds the lifeline of the West Coast in his hands.

He must decide if export opportunities on the West Coast are more important than subsidising city housing or providing . . . for the metropolitan masses.

His response to the deputations requesting a hearing on the future of Thevenard will be watched with interest.

It will also be interesting to observe the harvest post-mortem which is bound to take place across the State during the next few months.

Many cereal growers are venting their spleen about the inability of the grain marketing boards to organise harvest shipping.

Why weren't incentives offered to buyers to take South Australian grain at harvest time instead of having SACBH erect bunkers for temporary storage?

It is clear that SACBH and the grain marketing boards have done all they can to cope with this massive and unexpected record breaking harvest.

However, grower meetings and UFS conferences in the next months will devote a lot of time going over old ground in questioning the various marketing boards about this harvest—and how such a backlog can be avoided in the future. Australia's reliance on export income has never been greater. South Australian farmers need many more bumper harvests and while the modern management technology is available to achieve that, it will be double jeopardy if the warning signs from this year are not heeded.

Two things to come out of that editorial should be clearly understood. The gypsum from Kerin, which is shipped through Thevenard, is some of the highest quality gypsum in the world; it is 99 per cent pure. It is easy to mine and there are large quantities of it there. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ELECTORAL SYSTEM

Adjourned debate on motion of Mr D.S. Baker:

That—

(1) a Joint Select Committee be appointed to consider and report on—

(i) the fairness and appropriateness of the existing electoral system providing for representation in the House of Assembly through single member electorates;

(ii) other electoral systems for popularly elected legislatures with universal franchise including multi-member electorates;

(iii) whether or not criteria for defining electoral boundaries are necessary and if they are regarded as necessary, to determine whether or not the criteria the Electoral Districts Boundaries Commission presently is to have regard to when making a redistribution of electoral boundaries for the House of Assembly result in a fair electoral system and what changes, if any, should be proposed to those criteria to ensure electoral fairness is achieved; and

(iv) to make recommendations on the most appropriate form of electoral system for the House of Assembly and its implementation;

(2) the House of Assembly be represented thereon by three members of whom two shall form a quorum of House of Assembly members necessary to be present at all sittings of the Committee;

(3) the Joint Select Committee be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the committee prior to such evidence and documents being reported to the Parliament;

(4) the Legislative Council be requested to suspend Standing Order No. 396 of the Legislative Council to enable strangers to be admitted when the Joint Select Committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating;

and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 22 February. Page 344.)

The Hon. D.J. HOPGOOD (Deputy Premier): The Government opposes the motion. However, before getting into that, I want to explain one matter of procedure, which is not altogether irrelevant to some of the negotiations that have proceeded outside this Chamber in relation to bringing this matter on. When the Deputy Leader of the Opposition and I had a discussion before the convening of this Parliament, the Deputy Leader put to me a proposition which seemed to be, with one or two minor modifications, eminently reasonable. That was that, in the scheduling of the business of the House, I should try to ensure that any piece of legislation brought on by the Government in, say, week one of the sitting, should not actually be brought on for debate until week three, because that would give a clear week or more for members of the Opposition or Government backbenchers to have an opportunity to look at the legislation in detail, to consult with people in the community and to come back better informed to debate the matter. That seemed to me to be both a reasonable and an achievable proposition because, after all, we begin a parliamentary session with two weeks of Address in Reply.

During that time, the Government could build up the notice paper and some legislation would already be in place for debate in week three, once the Address in Reply had been disposed of. While I am explaining to members the exact nature of the discussion, I point out that I did make the point that first, in relation to matters from the Upper House, perhaps we need not be quite so fastidious because those matters have already been through half the Parliamentary process and it would seem a little artificial to allow them to sit on the notice paper for that considerable period of time. I think that that has been agreed between us.

Secondly, I would have thought that there was an opportunity, where a two week adjournment was coming up, for the Government to be able to circularise a Bill and a second reading speech during that time, with a view to, say, if we go back in week four, debating it in week five, not allowing for that week's break. That has generally been conceded as well. It has also been conceded that from time to time we would want to discuss particular matters with a view to waiving these, as long as that is done by agreement.

So, I was a little disturbed yesterday when it was suggested that the Opposition would insist that there be a Government response to this matter today, because it breaches the understanding since there has not been that one clear week. Having discussed the matter outside the Chamber, I now understand that the Opposition's concern was merely that the Government might be trying to avoid having a vote on this matter before this session ends. I have given my understanding and assurance that that is not the case, and I see no reason why this debate cannot be concluded very early in what remains of this session and a vote taken, if that is the will of the mover of the motion. I make absolutely clear that, during that time, the Government will bring a Bill before the Chamber. It seems to me that there is an advantage in doing that: whether or not it is the desire of the House that anything be referred to a select committee, at least there will be a very specific piece of legislation, which would give the select committee and/or the House something rather more to chew over than the very broad ambit of the motion currently before us.

Mr D.S. Baker: Are you going to introduce it today?

The Hon. D.J. HOPGOOD: No, it will not be introduced today.

Mr D.S. Baker interjecting:

The Hon. D.J. HOPGOOD: I have indicated the other possibility that the Bill could be available during the break, which would enable it to be introduced when the House gets back and to be debated in private members' time the following week. That certainly ensures that there would be a vote on both the Bill and on the honourable member's motion during that period. For these various reasons, rather than canvassing in full the gravamen of the motion now, I will seek leave, shortly, to continue my remarks and return to the matter when we have an opportunity to further consider it on the first private members' day after the two week break. I take the opportunity now to save a little bit of time in that week by putting one matter before members, so that when we refer to the historical background of this matter there can be no misunderstanding as to what people are saying.

A lot has been said about the debate which occurred in this place and in the general community in the late 1960s and early 1970s and which led, really, to the form of the Electoral Act as it is now. It must be made clear that the problem that was addressed at that time concerned inequality between voters. It is hardly necessary for me to canvass in detail the situation that faced us in the mid 1960s prior to the reforms that were instituted under Mr Steele Hall's Government, although even that did not altogether eliminate the concern that was expressed—the enormous disparity in enrolments between electorates.

As an example I cite two electorates, both of which were held by the Labor Party. The electorate of Enfield had an enrolment at its peak of about 44 000 and the electorate of Frome got down to about 4 000 or 5 000, something of that order. The potency of the vote of an elector in Frome was ten-fold that of an elector in Enfield. It seemed to people at that time that, irrespective of the impact on political Parties of that matter, something needed to be done and, furthermore, there were international examples of the way in which those things could be redressed. In the famous case of *Baker v Carr*, before the US Supreme Court, it was held that legislation that was passed by legislatures that had that sort of disparity in their enrolments could be declared as being unconstitutional. Certain calculations were developed to measure unrepresentativeness, the famous Dauer-Kelsay index being one of those—the calculation of the minimum percentage of the electorate that could actually control the legislature. In Louisiana, I think it got down to about 7 per cent. I remember someone saying publicly that we should bear in mind what sort of company we keep.

That was the basic concern: that, before all electors go into the polling booth, they should be placed on an equal footing. That could only be addressed by ensuring that, within certain tolerances, there was an equality of enrolments between all electorates. That is a matter which, subject to the problem which has arisen because of the movement to four year terms, seems to me to be reasonably addressed by the present legislation.

There was the second matter whether it was also pertinent to consider a bias against political Parties, quite apart from inequality of the potency of the voting of individual electors. At that time, it was argued fairly potently that, in our two Party system in this State, we have the situation in which, for the most part, there is a Party which draws its electoral support from the metropolitan area and there is another Party which, for the most part, draws its electoral support from the country. That has existed since the emergence of the two Party system.

It is a fact of historical record, for example, that in the 1930 State election—I know the electoral system was rather different because there were multi-member electorates—the Liberal Party had one metropolitan member, and the rest of its strength was derived from the country. Currently the Labor Party has two extra metropolitan representatives. There could be no better illustration of the point I am trying to make than simply those two examples I have given which, of course, are 60 years apart.

In an electoral system where the country electorates have a much smaller enrolment than the metropolitan electorates, not only is there a possibility of there being a bias in the system for the political Party which draws its electoral support for the most part from the country but it almost ensures that that will be the case. Against the background of the present system of electoral boundaries, that can no longer be the case. If, in fact, a disparity in enrolments has developed, it is possible to ascribe some sort of bias to that, but there is a remedy in the system which now needs to be corrected because the four-year term has put a dent in that remedy and clearly it ought to be corrected.

But the argument, as I understand it, goes further than that. The argument goes as far as to say that there is always the possibility that in a system of single-member electorates, even though there may be an equality of enrolments between those electorates, nonetheless there is the possibility of bias to one Party purely because of the way in which the boundaries are drawn. That argument has to be approached with a good deal of caution.

First, there is no way in which one can argue that there will be a permanent entrenchment of the one Party or the other as a result of that system in the way that one can argue that the rural bias clearly advantaged a rural based Party, unless one can argue that one set of politicians or the other is actually drawing the lines on the map. However, Don Dunstan made darn sure that that would not happen by the extraordinary lengths to which steps were taken with the Constitution and Electoral Acts to ensure that the Commissioners were utterly independent of Party bias. So, even if one can argue that from time to time that may emerge, it does not seem to me that in any way one can argue that it is guaranteed or predictable that it will emerge in favour of one Party or another, that indeed the swings and roundabouts theory will apply.

Secondly, when one looks at Party support one cannot set aside the impact on that of certain individuals having a personal vote. I look around this Chamber and I see people who clearly have a personal vote in their own electorate. Let me not be biased at this point. It is quite clear that the member for Mount Gambier has quite a considerable personal vote in his electorate. There are people who vote for him who, in other circumstances, would vote for my Party or some other political Party.

Mr Speaker, your very presence in this Chamber is an underlining of the fact that there is the phenomenon of the personal vote. What the Liberal Party has not been able to overcome in the electoral contest, of course, is that the Labor Party has certain individuals in certain electorates who attract a personal vote and personal support, and I refer specifically to the members for Unley and Norwood. One cannot set aside those particular matters when trying to work out the fairness or otherwise of the situation. The response to that, of course, is for other political Parties to be able to ensure that they have well placed individuals in those particular electorates. I will have an opportunity very briefly to expand that argument a little more when we return to this matter. I seek leave to continue my remarks later.

Leave granted: debate adjourned.

MINISTERIAL RESPONSIBILITY

Adjourned debate on motion of Hon. Jennifer Cashmore:

That this House notes with dismay the progressive failure by Ministers to adhere to Westminster traditions of ministerial responsibility to Parliament, the increase in the power of the Executive and the Public Service and the consequent decline in the power of Parliament and thus in the democratic rights of the people and calls on the Premier, the ministry and the Parliament to uphold all those customs and traditions which strengthen the role of Parliament and the rights of citizens.

(Continued from 22 February. Page 346.)

The Hon. JENNIFER CASHMORE (Coles): When I sought leave to continue my remarks last week on this motion, I had not at that stage come to the specifics of one aspect of ministerial responsibility, that is, the obligation for a Minister to resign or be dismissed if he or she has misled Parliament. It was ironic that that very week a Minister in this Government, the Minister of Water Resources, had quite clearly demonstrated not only that she had misled Parliament but that she was totally unrepentant about doing so and intended to tough it out regardless of the consequences and regardless of the reality.

On 20 February, when asked to advise the House why she had authorised the suppression of bungled negotiations for financing the seawall associated with the proposed Zhen Yun development at West Beach, the Minister responded by saying, 'I have no knowledge of any such proposal.' She went on, 'I am not aware of any seawall proposal.' The following day, after she had been exposed in another place, with documented evidence that she had in fact not only been very well aware of such a proposal but had authorised and recommended it, it was laid on the record in the House of Assembly that no fewer than four times between August and late October last year the Minister had signed documents regarding the seawall.

Mr Lewis: Of which she had no memory.

The Hon. JENNIFER CASHMORE: The Minister claimed that she had no memory of such documents. However, she also told the house that the proposal in question was a pioneering proposal, one of which we should all be very proud and one about which she had been specially briefed by one of her departmental officers. Everyone in this House is aware of the level of intelligence of the Minister of Water Resources. Whatever we may think about her other qualities, none of us would deny that she is an intelligent woman and a woman with a quite remarkable memory. Time and time again she has demonstrated her ability to grasp and retain information. There is no one in this House who could credit that the Minister did not remember signing four documents over a period of three months and of being briefed about a proposal about which she denied all knowledge.

Not only was that a completely unconscionable thing for a Minister to do but it was equally unconscionable for her Leader, the Premier, to defend her action. When asked if he would defend the Minister's action, instead of condemning it the Premier attacked what he described as the childish behaviour of the Opposition, saying that it was quite common under the Westminster system that Ministers who did not have the relevant documents before them when questioned told Parliament that they would seek an answer. Of course it is a common place thing to do. It is the sensible thing for a Minister to do if there is not a precise awareness of the problem or if indeed there is any doubt in the Minister's mind as to whether a recollection is accurate. It is the sensible and responsible thing to do, but the Minister did not do that. She denied quickly, absolutely and without qualification any knowledge of the matter.

It is a matter of extreme gravity and concern to the House that the tradition of ministerial responsibility in respect of resignation or dismissal if the House is misled has not only been completely swept aside but that it has been swept aside with the connivance, agreement and active support of the Leader of the Government and, we can only presume, of every member of the Labor Caucus.

If we are to return to a situation where this House has some meaning in terms of its representation, where it has some moral authority in terms of its adherence to standards of honesty and ethical conduct, it is essential that this House carry this motion, and in doing so recognise that standards in the past have been less than those we are entitled to expect and that standards in the future must improve. This motion, if passed, will give notice to every Minister of this Government and to any aspiring Minister on the other side, and indeed on this side of the House, that we can no longer tolerate the failure of Governments to adhere to Westminster standards of ministerial responsibility.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

STURT CREEK

Adjourned debate on motion of Mr Brindal:

That this House deplores any suggestion that the Government further degrade one of this State's natural waterways, the Sturt Creek, by turning it into an O-Bahn carriageway and that it applauds the efforts of the Marion council to develop the creek's environs as a linear park.

(Continued from 22 February. Page 347.)

Mr BRINDAL (Hayward): In continuing my remarks on this motion which relates to Sturt Creek, I remind the House that previously I addressed the desirability of retaining the creek as a natural waterway by making particular reference to its cultural significance both to Aborigines and Europeans since our settlement of the area and to its desirability as an aesthetic domain.

Today, I would like to concentrate on some conservation reasons for the retention of Sturt Creek as a natural waterway. As I have previously stated, since the beginning of settlement of this area Sturt Creek has been, and has continued until quite recently to be, an important waterway for this area of Adelaide. The problem with Sturt Creek was that European settlement occurred along its banks and as a consequence flooding increased. This was particularly noticeable, I believe, after the Second World War when close settlement of the area meant much more run-off and a considerable increase in flooding.

As a result of this increase in flooding and planning laws which were inadequate at that time to cope with the burgeoning Adelaide metropolitan area, a number of Governments were forced into action. Retrospectively, the problem went back much earlier. It is interesting to note that in the very early days the Sturt Creek was particularly notable when the Commissioner of Crown Lands (in fact, the Hon. Thomas Playford, the grandfather of the later great Premier of this State) was involved in a very interesting wrangle. At that stage, the land—some seven acres between Morphett and Brighton Roads—was owned by an English doctor who wanted £80 an acre for it. That was 80 times more than the price originally fixed by the colonisation commissioners. He then demanded £100 and the placing of a bridge over the drain so that his land would not be divided; £60 for legal costs, including telegrams; and a number of other sundry expenses, which he claimed he had incurred.

As a result, a Bill was introduced into Parliament giving the Government power at any time to take land for drainage purposes on payment of fair compensation. That Bill was passed by the South Australian Parliament in 1878. This fact alone makes Sturt Creek interesting because of its historic drainage problem.

After the Second World War, a succession of Governments looked at the problem. It is difficult to decide when the matter was acted upon, whether in 1957 or in 1959, since one can point to the Drainage Works Irrigation Act of 1957 or to the 1959 report of the Public Works Standing Committee, to which the matter of drainage of that area had been referred. Either way, Sir Thomas Playford was Premier at the time, and stage 1 was substantially completed on 28 November 1968, during Mr Steele Hall's time as Premier.

From questions found in the records of this place, it seems that stage 2 was completed in 1975-76 during Mr Dunstan's time as Premier, and smallish amounts of money continued to be appropriated for some time thereafter. So, it is not a problem that can be laid at the feet of one political Party in this State; rather, it has been an ongoing problem that has warranted the attention of this House for more than a century.

However, in dealing with the problem, as was perhaps our wont at the time we could have been guilty of overkill, since the dam which was constructed at the head of what is now known as Sturt Gorge was built 40 metres high at the western end of Craigburn Road, Blackwood, and about four kilometres upstream from the bridge on the Main South Road. As well as the dam being constructed, the creek was straightened out, lined with concrete, and extensive underground drains were added.

The reason for concrete lining the creek, and I shall quote here from the *History of Marion on the Sturt* by Alison Dolling, was 'to make assurance doubly sure'. Since the time the dam was added there has not really been a flooding problem in the area. The dam itself has been adequate to cope.

Mr Ferguson: It has messed up the ecology, though.

Mr BRINDAL: It did mess up the ecology and it has now caused the problems we must deal with. I contend that time has moved on: we are now in the 1990s and in a unique position to turn that area into a linear park. It has many advantages. I believe that it has some advantages over the very creditable Torrens linear park, which was initiated by members on this side of the House when in Government. It goes from a highly desirable tourist area (the Patawalonga and Glenelg) along a very flat course until it reaches the scenic area in the Sturt Gorge. It would be ideal for day hikes, people on bicycles, and families—even for people in wheelchairs as a day outing. The E&WS Department advises that it could be progressively ponded and turned into environmental wetlands such as were found there when we settled the area.

Mr Ferguson: The stormwaters need to be cleaned up though—they're too dirty and there are too many things in them.

Mr BRINDAL: That is true, but in ponding the area and putting in some sifting mechanism the natural ecology will clear up much of that problem. It will also remove the present danger, of which members will be aware, of creating a race of water, in which someone nearly lost his life last year. The water gets into the drain and accelerates down the drain. That in itself is an environmental problem since it tends to sweep much larger polluting objects before it than would otherwise be the case if the area were naturally ponded.

For that reason, if the concrete were gradually removed and the area ponded and made a natural wetland, we would have an aesthetic and desirable precinct for the people of South Australia to enjoy over the next 50 years. The issue is environmental; it is not Party political and I accept that members on both sides of the House are increasingly concerned that what we should leave to our children is a better environment than that which we inherited.

Mr S.G. Evans: You know it's only effluent that runs down during the summer.

Mr BRINDAL: Yes—it probably comes from your electorate. The natural flora and fauna of the area are still there and capable of re-establishment. One lady in my electorate is the absolute curse of her neighbours, because she currently feeds 40 native ducks on her lawns every evening, much to everyone's chagrin, since it does awful things to their lawns, cars and various parts of their houses. However, those ducks are there and, if the area were re-ponded and returned to its natural environment, we would have something which would be very valuable to South Australia. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

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

PETITION: FREE STUDENT TRAVEL

A petition signed by 42 residents of South Australia praying that the House urge the Government to extend free student travel on public transport to all students, and allow private bus operators to participate in the scheme was presented by the Hon. B.C. Eastick.

Petition received.

PETITION: HALLETT COVE AND KARRARA

A petition signed by 134 residents of South Australia praying that the House urge the Government to amend the common boundary of the suburbs of Hallett Cove and Karrara was presented by Mr Matthew.

Petition received.

PETITION: ABORTIONS

A petition signed by 1 006 residents of South Australia praying that the House urge the Government to prohibit abortions after the twelfth week of pregnancy and the operation of free-standing abortion clinics was presented by Mr Matthew.

Petition received.

MINISTERIAL STATEMENT: AL MUKAIRISH AUSTRALIA

The Hon. LYNN ARNOLD (Mininister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. LYNN ARNOLD: Yesterday, I was asked a question by the member for Goyder relating to the impact of the suspension and possible cancellation of the export licence for the company Al Mukairish Australia. I have today been advised by my officers that the suspension status has been confirmed. The member suggested that this suspension meant South Australia had lost a $30 million indus-

try and asked whether I or my department had initiated efforts to correct this situation. The facts are that, while its licence has been suspended—which was confirmed as of today—the company has the capacity to reapply for a licence. The company is currently concentrating its operations in New Zealand, but this is the result of the availability of suitable sheep for export, not a direct consequence of the suspension.

The current major demand in the Middle East associated with its religious festivals is for young lambs not older sheep and, as shadow Minister of Agriculture, the member would no doubt be aware that we do not have anything like the number of lambs in our paddocks in South Australia at the moment to meet the demand. Due to prevailing conditions, suitable sheep are available at cheaper prices and in sufficient quantities in New Zealand. If the sheep were available in Australia, Al Mukairish could still obtain sheep and export them through an agent. And, despite the fact that the company has put its Dublin feedlot on the market, there are still more than adequate feedlot alternatives available in this State to meet the needs of our producers.

In short, the loss of an export licence by a single company does not seriously threaten our State's export capacity. The future of the industry clearly has more to do with the creation of stable markets than preserving the market share of individual exporters, particularly where they have been found to have breached our export conditions. Al Mukairish has acted purely as a commercial marketing operation and there is nothing unusual about its New Zealand preference at this time of year. As I have said previously, it is not appropriate for my department to reproach the AMLC for its action, which was in response to a breach of export conditions relating to a sensitive and volatile market. Clearly, the AMLC actions are aimed at preserving the long-term market for our live sheep producers. The Government stands ready to promote the interests of South Australian producers within the national trade parameters, but interference is not justified or needed in this case—there are plenty of other companies ready and willing to export our sheep if and when they are suited to the market. There certainly is nothing to support the suggestion that we have lost a $30 million industry.

MINISTERIAL STATEMENT: SENIOR POSITIONS

The Hon. R.J. GREGORY (Minister of Labour): I seek leave to make a statement.

Leave granted.

The Hon. R.J. GREGORY: Some sittings ago the member for Bright asked a question regarding the use by the South Australian Government of headhunters. In reply to that question, I advise the House as follows.

From time to time the South Australian Government engages the services of a personnel or, as they are commonly called, 'head hunting' firm to assist with identifying suitable candidates for senior positions. Normally this is done with chief executive officer positions in the South Australian Public Service where particular expertise is required to identify the widest possible field and it is thought that internal resources are not sufficient to identify a suitable list of candidates.

In the case of the Chief Executive Officer, Engineering and Water Supply Department, it was decided that the widest possible field should be sought for this extremely important position. In reviewing the skills of various personnel firms that are available, it was decided to ask for the assistance of Brauer Galt and Co., of Melbourne, since it had particular experience in the identification of candidates for senior positions in the water resources industry. In particular, the principal of the firm working on this assignment had assisted the Victorian Government with identifying a Chief Executive for the Melbourne and Metropolitan Board of Works.

It is not the practice of the South Australian Government to favour any particular firm locally or nationally based. The particular circumstances of the job and the track record of the firm are taken into account in each instance. It should be noted that local firms have been used for some recent senior positions, notably that of the General Manager of the Pipelines Authority and the General Manager of the South Australian Urban Land Trust.

In respect of tendering for personnel services in relation to a single position, it is not the South Australian Government's practice to put such jobs out to tender. As explained above, a judgment is made about which firm is appropriate, depending on the position that is to be filled. Furthermore, if each individual job were put out to tender, it would be a lengthy and costly process for the Government. An alternative means of engaging a single firm for such services for a given period of time, say, a year or two years, would be very difficult to organise as it would be impossible to predict the amount of service required from the firm and the specific areas of expertise required would vary so the value to the Government would be reduced.

In all instances the firm assists in identifying candidates; it does not choose the appointee. In respect of chief executive officers, the final decisions are made by the Governor in Executive Council as provided for in the Government Management and Employment Act.

I am confident that the process that has been set up to identify candidates for the position of Chief Executive Officer, Engineering and Water Supply Department, will produce the best possible field for this highly significant position.

QUESTION TIME

CURRENT ACCOUNT DEFICIT

Mr D.S. BAKER (Leader of the Opposition): My question is to the Premier. In light of today's current account deficit figure for January of over $1.95 billion, or $20.3 billion for the past 12 months, does the Premier agree with the Federal Treasurer and Prime Minister that demand is slowing and that mortgage rates of banks, such as the State Bank, will soon fall?

The Hon. J.C. BANNON: The figure that the Leader of the Opposition has mentioned of $1.95 billion is certainly at the upper end of market expectation.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is at the upper end of market expectation. In fact, I read this morning that it was expected that the balance of payments deficit would be $1.9 billion. That was reported in this morning's paper before the figures were published. I am simply making the point that market expectation—

Members interjecting:

The SPEAKER: Order! The Opposition will come to order. Interjections are out of order. If they continue, some action will be taken. The honourable Premier.

The Hon. J.C. BANNON: I do not know about the Leader of the Opposition, but his colleagues certainly do not seem to understand that there is a link between market expectation in relation to the balance of payments, and the

effect on interest rates, referred to in the Leader's question. Perhaps they ought to listen to their own Leader before they start chiacking.

It is also worth noting that included in the imports figure—which was very high—was $322 million for two Qantas aircraft. There were no aircraft imports in December. The point to be made about them—

Mr Ingerson interjecting:

The SPEAKER: Order! The member for Bragg is out of order.

The Hon. J.C. BANNON: —as about any imports that are capital equipment aimed at increasing productive capacity in Australia is that, in the longer term, they will earn money for this country. In other words, if Qantas aircraft are not up to standard, or if Qantas does not have enough aircraft, then the international earnings that Qantas makes on Australia's behalf, which runs into millions and millions of dollars, obviously will be choked off. So, therefore, I would suggest that in analysing the figures we must always be careful to distinguish between what one might call purely consumption imports as opposed to capital imports, which will lead to greater productive capacity in this country, and either import replacement or exports.

So, a superficial examination of these figures which says '$1.9 million is an enormously high figure and is a disaster' should be qualified by that point. Indeed, a number of economists would argue that the overall balance of payments and debt problem of Australia has been overstated if one relates it to the productive capacity of this economy.

Mr S.J. Baker: That is rubbish!

The Hon. J.C. BANNON: The learned Deputy Leader of the Opposition says it is rubbish. I suspect that confirms that what I am saying is probably absolutely right. However, I was not going to go that far. If it had not been for the interjection, making me think these people must be totally right, I would have said that one must qualify that by accepting that it is still a very high level of debt. There is no question that that is keeping the interest rates high.

There is also no question that demand has been falling off in this country and that economic activity has been subsiding in certain areas. Indeed, the Deputy Leader would have conceded that in his own analysis of the situation and some of the questions that have been asked. Incidentally, I would hope that in that situation South Australia can hold its own and that we do not get buffeted around to the same extent as have some of the other States. There is some evidence that that is happening, but let me not underestimate the problems that we face in this coming year.

Having said all that, let me also say that, given figures such as these, depending on the market and international reaction to them (and that is an important qualification—and I understand that so far the value of the Australian dollar has been relatively steady—I do not know what has happened to rates, but we will see what emerges over the next two or three days), there is no question that continued pressure will remain on interest rates. I am not in a position to pontificate about their direction. Indeed, as I have said in this House on a number of occasions, I rather rashly attempted to do so a couple of years ago; I have not repeated that mistake, because the market is volatile.

An honourable member interjecting:

The Hon. J.C. BANNON: The fact is there are many views on this and many different analyses but, ultimately, we must wait and see how the market responds.

What I do say is that I believe there have been enough deflationary forces set in motion in this economy and that interest rates have remained high as long as they should remain high; we ought to be bending all our efforts to get them down, or we will find even greater adverse consequences than a bad balance of payments figure.

Members interjecting:

The SPEAKER: Order!

HOMESURE SCHEME

Mr HAMILTON (Albert Park): Will the Minister of Housing and Construction tell the House what action the Government is taking to promote Homesure? In my office I have received a number of inquiries in relation to what action the Government is taking to ensure that the thousands of people in the community are well aware of what is available under Homesure.

The Hon. M.K. MAYES: I thank the member for Albert Park for his question. His compassion for all those people under financial stress is well known, and I think it is also well known that he always takes up these issues on behalf of his constituents. I notice that the Opposition is dealing with this issue with a degree of levity, but I think it is important that we indicate to the House and the community that the Government is concerned that the Homesure message is not reaching those eligible and needy families. The Government believes that many families can be assisted by the Homesure scheme. From the point of view of increasing awareness, yesterday I launched a Buspak scheme, which has basically doubled the advertising budget and which is a unique process whereby some 45 buses—

An honourable member interjecting:

The Hon. M.K. MAYES: Members know about the Leader of the Opposition's efforts and struggles to purchase his first home—that is why he is always so prepared to interrupt. Our scheme is not a cynical exercise; rather, it is an endeavor to help people suffering from financial stress. That contrasts with the Opposition's scheme, which was to change in January 1990-91, with different criteria to be met. Once people had voted for the Liberal Party, it would disregard their future financial commitments.

The Hon. H. Allison interjecting:

The Hon. M.K. MAYES: Handsomely; I did almost as well as you.

The SPEAKER: Order! The Minister will direct his remarks through the Chair.

The Hon. M.K. MAYES: I apologise, Mr Speaker, but I could not resist the interjection from the member for Mount Gambier. It is important that we get the message across to the South Australian community. The scheme offers assistance to families under financial stress and, as a Government, we are committed to assisting those families and helping them repay their mortgages, so that they can keep their homes. I invite them to make inquiries with Homesure. They can do that through the hotline, the number of which is (008) 018428 and I encourage the South Australian community to make any inquiries they wish through Homesure, so that we can assist them. We know we will be able to do so.

MARINE POLLUTION

Mr S.J. BAKER (Mitcham): Will the Deputy Premier confirm that he received a memorandum from a departmental officer in June 1988 alleging collusion with the Department of Environment and Planning to cover up marine pollution caused by discharges from the Port Pirie lead smelters; will he say what action was taken to inves-

tigate that most serious allegation and what was the outcome of that investigation?

This matter was referred to on ABC radio this morning by Mr Jack King, a chemical engineer now employed in the Engineering and Water Supply Department. In 1988 Mr King was employed in the marine branch of the Department of Environment and Planning while the Deputy Premier had responsibility for that department. At that time, Mr King went by the name of Mr Jack Ruler.

In a memorandum dated 6 June 1988, Mr Ruler, as he then was called, complained to the Deputy Premier about the lack of progress in implementing marine pollution legislation he had been directed to prepare. He stated that a draft submission he had prepared for Cabinet had been 'arbitrarily and capriciously rejected by this department without any explanation'. Again, quoting his words, he stated:

> One wonders what next will be decided re marine pollution legislation and what obstacles and unnecessary delays will obstruct marine pollution legislation in the future. A description of the attitudes, behaviour and disruptive influences towards marine pollution legislation by departmental management and others would read more like a script for the 'three stooges' than reveal any genuine effort, cooperation or constructive approach to achieve legislative goals. Achievement of legislation and pollution control has been particularly adversely affected by poor management and lack of support by G. Inglis and also by I. Kirkegaard (an ex-director from Fisheries), who has brought with him a negative and contrary attitude which has led to unnecessary disruption. Mr Inglis, although the main advocate of marine pollution controls, has generally avoided legislation policy decisions and more recently has refused to be involved in legislation discussion—a ludicrous situation.

Mr Ruler also referred specifically to the Port Pirie lead smelters in telling the Deputy Premier:

> I am concerned about the influence of G. Inglis, who has negated an effort by me to look into the matter (to assess what waste treatments could be applied to reduce the discharges) and who seems to have come to some arrangement with BHAS to protect them from having to take early action. I was told late last year by M. Madigan not to include the BHAS heavy metal discharge issue in my submission to Cabinet (previously referred to). That direction amounts to cover up and censorship of possibly the worst case of point source marine pollution in this State.

As the person who made these very serious allegations remains an employee of the Government, it is assumed his allegations were investigated and considered to have had at least some justification.

The SPEAKER: That was an excessively long explanation to the question. The honourable Deputy Premier.

The Hon. D.J. HOPGOOD: I was Minister for Environment and Planning for nearly seven years and in that time I received, I guess, hundreds and hundreds of memoranda from my officers. I am not in a position to recall every memorandum that I receive, so I am not in a position to either confirm or deny whether I received that memorandum if, indeed, it is a memorandum that was addressed to me. I cannot comment on it at all. However, I was aware for some time that there was a degree of personal rancour between several officers working in that particular area.

I was aware, unfortunately, that the attitude that they took towards certain problems that arose in that area was by no means unaffected by that degree of personal rancour that existed at that time. I was aware that people like Dr McPhail and Mr Madigan, the Director and Deputy Director of the department, were working very hard to ensure that the correct policies were arrived at notwithstanding that degree of unfortunate bitterness which existed. That is all I can say.

BUILT HERITAGE

Mr HERON (Peake): My question is directed to the Minister of Housing and Construction. What is Sacon doing to conserve the State's historic built environment?

The Hon. M.K. MAYES: The work done by the South Australian Housing and Construction Heritage Unit is important to record and, as all South Australians—particularly those people in public life—recognise, the work that has been done to preserve our historic buildings and our historic assets in this State is very significant. It is one of the characteristics that we appreciate when people visit Adelaide and see what it has to offer. The benefits and the beauty of this city are often understated and, indeed, many South Australians do not appreciate what they have here until they have actually been overseas and had an opportunity to make a comparison.

It is important to note the work done and how it is coordinated. In 1986 the Heritage Unit was established to develop and manage historic buildings and conservation programs, and a supervised restoration work has been conducted. It also provides advice to Government agencies, industry and external bodies. For example, St Peters Cathedral is one particular building requiring Heritage Unit consultation, as also is the Institute of Technology's Brookman Hall.

The unit works very closely with the Heritage Branch, and that is very desirable. It is headed by a senior heritage architect who has experience from around the world and a knowledge which has proven, with the restoration work undertaken, to be first grade. The construction, maintenance and service branch of Sacon provides a core of tradespeople to conservation areas of work but also, of course, other trades and other experts are brought in. The private sector is very much engaged in the work that the Heritage Unit does, with professionals who undertake conservation studies for the unit and specialist contractors who support the work being done by the unit in the conservation process.

Some of the areas currently receiving attention and, more particularly, some of those recently completed include Struan House, the Adelaide Magistrates Court complex and Parliament House, with respect to the external cleaning. Projects on the drawing board for the Heritage Unit include the State Library and external repairs to the Institute of Technology building. When people tour the city, it is important that, when they see the quality of restoration work being undertaken, they acknowledge that Sacon's Heritage Unit is behind that work and is coordinating it.

MARINE POLLUTION

The Hon. H. ALLISON (Mount Gambier): My question is directed to the Minister of Water Resources. In view of allegations made on ABC radio this morning by a chemical engineer in the Engineering and Water Supply Department, Mr Jack King (formerly Ruler) that the Minister was being misled by departmental officers about marine pollution issues, and that he has evidence that the department was being pressured by the Broken Hill Associated Smelters Company to exempt the company from proper treatment of its wastes, and that the Government's response to the growing problem of marine pollution was 'weak and inadequate', has the Minister sought further information from Mr King and, if not, what action does she intend to take?

The Hon. S.M. LENEHAN: I thank the honourable member for his question. Without going into all of the details of the claims by Mr King (formerly Mr Ruler) today

on the ABC, I indicate that I received a letter from him (the one that had already been sent to various media outlets). I remind the House that last year this Chamber passed the Marine Environment Protection Act Amendment Bill which was supported by both sides of the House. I undertook to have some minor amendments implemented should the Bill reach the Upper House. Unfortunately, that did not occur before the election was called. However, I have already introduced a new Bill into Parliament, and it does all the things referred to in the honourable member's question.

I am not totally *au fait* with Standing Orders and I do not know how far I can go in terms of canvassing the issues contained in that Bill. The amendments agreed to by Parliament at the end of last year have been incorporated into the new Bill. The Opposition supported—and I would have to say enthusiastically—the provisions of the Marine Environment Protection Act Amendment Bill which sought to license those who wish to discharge waste materials into the environment. The new Bill covers all Government departments (including my Engineering and Water Supply Department) and major companies.

It is inappropriate for me to canvass the matters contained in the Bill because it is already at the second reading stage. We will be debating the Bill very fully at which time I will be very pleased to canvass all of those matters. The Deputy Leader did allude to some of the issues that may well underline the raising of this matter at this time. It is interesting that none of these matters were raised by the said gentleman when the Bill was being fully debated in the House at the end of last year.

PIPE SYSTEM DUPLICATION

Mr FERGUSON (Henley Beach): Will the Minister of Water Resources inform the House whether any effective costing has been made by the E&WS Department in respect of the duplication of our present pipe system for water delivery? I have been approached by environmental groups within my electorate with a view to saving filtered water. It is their view that every household should be supplied with two water delivery systems: one containing untreated water from the Murray River and/or other sources for use on home gardens, and the other to be used purely for drinking and bathing purposes. It has been put to me that a considerable amount of money would be saved by filtering only the drinking and bathing water.

The Hon. S.M. LENEHAN: I understand that a number of the honourable member's constituents have raised this matter with him, so I am pleased to canvass the points he has raised. As a means of reducing the overall costs associated with the filtration of our water supply, the proposal has merit. However, I should like to remind the House that, in the early 1970s when filtration was introduced into this State for a metropolitan distribution system, it was decided to have only one water supply network of mains. The cost of duplicating the system, which now stretches from Moana to Gawler, would be extremely expensive and is not considered warranted or economic on practical grounds.

In addition, as the honourable member would be aware, filtered water is available to some of the country areas from the State's filtration plants situated at Morgan and at the Barossa Reservoir. Duplication of the supply system, as well as incurring additional costs to the Government, would incur additional costs to householders who would need to duplicate internal piping so that contamination of the drinking water did not occur.

While this is the situation with regard to the present distribution system, it would seem that a dual supply system is worth investigating for new areas which are to be provided with reticulated mains. In respect of a new city, for example, the planning could take place from the ground up in terms of water use and efficiency and could include not only a dual supply system but, possibly, would be able to reuse effluent from lawns and gardens and even reuse what we refer to as grey water, the water that comes from bathrooms and laundries.

I guess if one were able to go back and plan from the very beginning, such a system would have merit. I should like to assure the honourable member that the Engineering and Water Supply Department is always very keen to investigate any opportunities to introduce economic measures which will assist in the conservation of our most precious resource—water.

ETSA STAFF

Mr INGERSON (Bragg): Will the Minister of Mines and Energy confirm a further reduction of 350 in ETSA's work force in addition to the 350 already being planned to improve efficiency and make the trust's tariffs more competitive with those of other States?

The Hon. J.H.C. KLUNDER: The trust will be working to increase its efficiency in all manner of areas, and one of those is the number of people it employs.

DEPARTMENT OF MARINE AND HARBORS

Mr De LAINE (Price): Will the Minister of Marine advise the House how recent changes to the organisation of the Department of Marine and Harbors will affect the commercial operation of the State's ports and of the State's finances?

The Hon. R.J. GREGORY: That is a very important question, and illustrates that the Government is doing something to turn a department into a net contributor to the State's funds. On Monday the Department of Marine and Harbors established a new organisation which places greater emphasis on commercial operations. This is occurring under a corporate plan that has been circulating in the department since October 1989 and, as from Monday, it has been organised into two business units: the Port Adelaide Division and the Regional Ports Division.

The Port Adelaide division will cover Port Adelaide and Outer Harbor, with the regional ports covering Wallaroo, Port Giles, Thevenard, Port Lincoln, Port Pirie and Port Bonython. There will also be four support divisions: commercial, marine safety, technical services and corporate services, plus a small strategic planning unit. The business units will be totally accountable and responsible for their own customer service and financial performance. Port users need approach only one unit within the department regarding their service requirements. That unit will have the power to act and its performance will be reported and assessed on a commercial basis.

All of this means that the commercial operations of the department will be even more sensitive to the needs of port-users and more competitive. Only in this way can we see more of this States' imports and exports coming across our wharves. It will also guarantee our exporters ready access to overseas markets. All of these actions will benefit the State. The department has also been identified as a Government profit centre. We will be aiming for genuine profits from the department, profits that will free funds for other areas of Government expenditure. In short, it will have a

very positive affect on our port operations and the State's budget.

EMPLOYMENT OUTSIDE THE PUBLIC SERVICE

Mr BECKER (Hanson): As Minister responsible for the Industrial Supplies Office, will the Minister for Industry, Trade and Technology say whether the Director of that office, Mr Graham Sutton, has received the appropriate permission under the Government Management and Employment Act to engage in outside business activities and, if so, what specific action has been taken to avoid any conflict of interest?

According to the last annual report of the Department of State Development and Technology, the Industrial Supplies Office is established to act as an intermediary between major purchasers and local suppliers of all kinds of goods, machinery and services. The Opposition has been approached by the principals of an Adelaide company who recently had contact with the office about a venture they wished to pursue. On discussing this venture with the Director, Mr Sutton, he advised them to seek further advice on a paid consultancy basis from a company called Project Services of Australia. According to Department of Corporate Affairs records, Project Services began business on 13 September 1989 as a representative for local and overseas traders and manufacturers. The address of the company is Suite 30, 61/63 Carrington Street, Adelaide, and the records list three directors, one of whom is Graham John Nigel Sutton. I am advised that this is the same Mr Sutton who is Director of the Industrial Supplies Office.

The company principals who have approached the Opposition are concerned that Mr Sutton is in a clear conflict of interest position in seeking to use his public sector position to direct business to a private company in which he holds a directorship. They question whether Mr Sutton sought permission to hold this business interest, as he is required to do so under the Government Management and Employment Act Regulations and, if so, on what basis was the permission given to avoid any possible conflict of interest.

The Hon. LYNN ARNOLD: First, I will obtain a detailed report on the allegations that the honourable member is raising. I need to correct a few misapprehensions that the honourable member seems to be under at this stage. Employees of the Industrial Supplies Office are not, in fact, public servants: they are employees of the ISO. That is, in the direct instance, sponsored by the Engineering Employers' Association of South Australia, which hosts that organisation on behalf of the Manufacturing Advisory Council of South Australia. Of course, that is a tripartite body bringing together Government, unions and employers. It is true that financial provisions for the ISO come from the State Government. But at all stages, it had been felt very important in establishing a body such as that, that it be seen to be at arms' length from Government, hence, the way in which it is organised. Therefore the provisions of employment do not come under the OGMB arrangements, or any Public Service arrangements at all. Nevertheless, the honourable member has raised a number of allegations and I will have them investigated.

PUBLIC SECTOR EMPLOYMENT IN SOUTH AUSTRALIA

Mr GROOM (Hartley): Will the Minister of Labour say whether the level of public sector employment in South Australia is decreasing or increasing? The Commissioner for Public Employment's 1988-89 annual report showed that the total number of State public sector employees at June 1989 was 96 026.1 full-time equivalent employees, representing a 0.8 per cent increase since June 1988. I also understand that the South Australian situation with regard to public sector employment compares favourably with that in other States.

The Hon. R.J. GREGORY: I thank the member for Hartley for that very important question. It is true that the Commission for Public Employment's recent annual report, which was tabled in this Parliament, indicated that at the end of June we had 96 026.1 full-time equivalent employees, which is a .8 per cent increase. That works out to just over 107 000 people—a 1.3 per cent increase since 1988. The proportion of people in employment in State public sector agencies in South Australia was 16.6 per cent as at June 1989 compared with 17.3 per cent as at June 1988. That indicates that, whilst there has been considerable employment growth in South Australia, as a percentage of those people employed State employment has dropped. It also indicates that Government departments—

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. R.J. GREGORY: The member for Victoria's mother should have taught him some manners when he was a little boy.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. R.J. GREGORY: It indicates that the growth, which has been quite small, has been in the enterprise areas of our State activity. It also indicates that there has been a .3 per cent increase between September 1988 and September 1989, and it illustrates the decreases that I mentioned earlier. It also shows that, from September 1988 to September 1989, State public sector employment increased in Victoria, Queensland, Western Australia, Tasmania, the Northern Territory and South Australia while it decreased in New South Wales. I would point out that the increase in South Australia has been minute compared with that in other States.

MULTIFUNCTION POLIS

The Hon. JENNIFER CASHMORE (Coles): My question is to the Premier. Following last night's ABC programs on the multifunction polis on the *7.30 Report* and the Peter Couchman show alleging that laundered Japanese gambling money is being used to finance the establishment of a multifunction polis, will the Premier advise the House whether the Government is, or has been, aware of these allegations, whether the Government is still actively pursuing South Australian involvement in the multifunction polis, and whether he endorses the view expressed in the minute of the MFP Joint Steering Committee meeting held in Sydney in March 1989 that, as far as the Australian side is concerned, 'it is necessary to control the consciousness of public and related organisations very carefully' if the project is to succeed?

The Hon. J.C. BANNON: I am surprised at the honourable member's question, because she has already given notice of a motion that she intends to move in which this matter will be fully canvassed and, obviously, questions like that will be raised, because I presume the motivation of her giving notice was the *7.30 Report* to which she referred.

Members interjecting:

The Hon. J.C. BANNON: One of her colleagues interjects that there is more urgency. I suggest that it would be better if he leaves it to the member for Coles to explain why, having moved a motion on the topic, she then asks a question about it.

In relation to the question, I am not aware of these allegations of Japanese gambling money being involved in the multifunction polis. I would say that at this stage there is no money involved in the sense of actually going to the construction or development of such a proposal, because it is still in the feasibility stage, and the source of funds for the feasibility have been contributed from a number of declared areas: the Japanese Ministry of Industry and Trade, the Australian Government, all the Australian States, including South Australia, and Australian and Japanese industry. There has been nothing underhand or in any way suspicious about the source of funds for the feasibility work. They have been openly declared, and those companies which are interested and involved in the multifunction polis concept have obviously declared their interests.

I would be very surprised if this allegation is correct. However, I have not heard anything about it. This concept has been subjected to a considerable underhanded racist attack, a whispering campaign, the type of chauvinism and racism that I would have thought we had abolished in this country—this country of all, a multicultural society. Many of us have been working for the past 30 or 40 years in public life, and some going well back before that, to try to change the old attitudes. My Party was in the forefront of that at the turn of the century, involving the White Australia Policy, for example. In fact, it was not until the late 1950s and early 1960s that we realised that (and former Premier Dunstan took a leading role in this) what a bad and immoral policy that was.

I would have thought that the rest of Australian society had caught up with those changes. I know that Mr Howard, in a fit of expediency and self-survival, grasped onto the racist weapon some time ago. I would have thought the reaction in the country generally would approve the changes to which I refer. I know this matter reared its ugly head in this last election. I know my colleague, for instance, the member for Bright was subject—

Mr Meier interjecting:

The Hon. J.C. BANNON: I know something about the background of the member for Goyder and his beliefs, and I am amazed that he is interjecting in such a hostile manner. I would prefer that member to join me in denouncing people who put posters around Bright saying 'No Jap City' and all that sort of thing. The former member for Bright was subjected to a scurrilous racist attack. It was not supported by the member who is now the member for Bright, I am delighted to say. I wish that more of his colleagues could have stood up and said something about it as well. That is really the core of what the honourable member is implying. There is a nasty streak of racism in this. However, let me address the substance.

The Hon. Jennifer Cashmore interjecting:

The Hon. J.C. BANNON: The honourable member knows very well that that is the case. If she wants to get into bed with the National Front and people like that, good luck to her. She knows very well that that is the case.

The Hon. JENNIFER CASHMORE: Mr Speaker, the Premier has imputed improper motives to me in asking my question, and I ask that he withdraw.

The Hon. J.C. BANNON: I accept the honourable member's statement, and withdraw any implication about her motives. I will simply say that she and others who want to adopt this line should be very careful to dissociate themselves from those who are pushing racist views.

The Hon. JENNIFER CASHMORE: Mr Speaker, I asked the Premier to withdraw: he has not done so, and I repeat my request for him to withdraw.

The SPEAKER: I did hear the withdrawal. The Premier did withdraw that statement.

The Hon. J.C. BANNON: I made it quite clear: I accept what the honourable member says, but I suggest that every time she raises this matter she make it very clear that she is dissociating herself from these people. Let me address the substance of the question.

Mr S.J. BAKER: I rise on a point of order. The Premier has not withdrawn unconditionally: he has put conditions on it. Normally the procedure of this House is that if a member does not withdraw unconditionally that member is asked to withdraw without any additional remarks. The Premier has gone on with the same argument.

The SPEAKER: That is not a point of order. The honourable Premier.

The Hon. J.C. BANNON: The honourable member then asked whether we are continuing our interest in the multifunction polis. The answer is 'Yes': we are part of the feasibility, along with all other States. We are currently assessing the consultant's report which was issued some weeks ago—the Arthur Anderson report, which was also commented on in the news item to which the honourable member refers. We are assessing that report's findings, some of which, incidentally, are quite erroneous in terms of South Australia's capacity involving population growth and other aspects.

Having done that, we must then consider in what way we approach this project. At this stage we have made no decision about how we will take it to the next phase. I can assure the honourable member, and every other member, that in doing that there will be nothing furtive or secretive about it. This is an up-front, the object and aims of which need to be declared. It needs to be explained fully to people. They need to understand what the implications of it are. We are fully aware of that and that is certainly the approach we will take.

DESERT LIMES

Mrs HUTCHISON (Stuart): Can the Minister for Environment and Planning tell the House whether the stand of desert limes, which has been found on Corraberra Station just outside Port Augusta, is protected under any provisions of the National Parks and Wildlife Act?

The Hon. S.M. LENEHAN: I thank the honourable member for her question and, as she clearly pointed out, a stand of desert limes exists on Corraberra Station. I understand that the native desert lime in South Australia is classified as vulnerable and it occurs in only three regions of the State—the Flinders Ranges, Eyre Peninsula and Lake Gairdner regions. It is under long-term threat of extinction and it does not occur within any of the national parks within the State. However, as the honourable member has indicated she is concerned about the future preservation of what is a vulnerable native species, I will be very pleased to refer this matter to my department to see what means we can instigate to ensure the preservation of this stand of native desert limes outside Port Augusta.

GOLDEN GROVE TRANSMISSION LINE

Mr MATTHEW (Bright): Will the Minister of Mines and Energy confirm that the Electricity Trust has been

instructed not to proceed with further work on erecting a 66 kV transmission line through the Golden Grove area until after the Federal election? Prior to the last State election, the Electricity Trust was instructed that pylons for this transmission line running through the now prestigious Golden Grove development should not be erected until after that election. The foundations for the pylons are now laid and the towers have been manufactured. The Holden Hill office of the Electricity Trust was ready to begin erecting the towers, and schedules were prepared for the work when last week an order was given to stop the project until after the Federal election. ETSA workers at Holden Hill are angry about this decision to defer a project in the marginal Federal seat of Makin.

The Hon. J.H.C. KLUNDER: I thank the honourable member for his question. At this stage I do not have any particular information—

The Hon. H. Allison: The member for Makin has had his bacon.

The SPEAKER: The member for Mount Gambier is out of order.

The Hon. J.P. Trainer interjecting:

The SPEAKER: The member for Walsh is out of order.

The Hon. J.H.C. KLUNDER: As I started to say, I do not have any details about this situation but, as the honourable member is interested in this matter, I can get him a considered response from ETSA as soon as possible which will be provided before the Federal election.

POLICE FORCE

Mr HOLLOWAY (Mitchell): Will the Minister of Emergency Services report to the House on the educational qualifications of members of the South Australian Police Force? In a recent speech the Commissioner of Police is reported as saying that, in the future, police officers will still use sledgehammers and handcuffs but, more importantly, computers, accountancy and legal skills: what is needed is a thinking intellectual response using new tools.

The Hon. J.H.C. KLUNDER: I can assure the Opposition that sledgehammers and handcuffs will be used only in cases of necessity. This was the subject of a speech the Commissioner made some weeks ago, I think during a luncheon at the Tattersalls Club. Clearly, the prevention and detection of crime requires much more than just a tough policeman on-the-beat approach.

With the advent of this technological age, the Police Force must have officers who are skilled in computers and the various areas of science, law, business, teaching skills and other areas. My understanding (and it is only in the back of my mind) is that the person who is accepted into the South Australian Police Academy requires qualifications at least as high as if not the highest qualifications of any State in this country.

I did seek some information as to the degree of qualifications and, of course, one can argue that every police officer, having completed a post-secondary year at the Police Academy, will have post secondary qualifications. Apart from that I am informed that the Police Force actively encourages its police officers to obtain higher qualifications. I am advised that, at the moment, four officers have post-graduate qualifications, about 80 have tertiary qualifications and about 500 have post-secondary qualifications. It is anticipated that a further 53 will continue their tertiary studies in 1990, and currently 188 members of the Police Force are enrolled in the first semester of the 1990 police studies certificate at TAFE.

TEACHER SALARIES

Mr SUCH (Fisher): Does the Minister of Education accept teacher union claims that there has been a substantial decline in the status and relative pay level of teachers, and will the Minister indicate the Government's attitude to current SAIT salary claims?

The Hon. G.J. CRAFTER: I thank the honourable member for his question. He may be aware that teachers have had considerable salary increases in the past 12 months or so; a 4 per cent productivity salary increase last year, and 3 per cent prior to Christmas last year. That will be followed by a further 3 per cent which is currently being negotiated with the Institute of Teachers. When they are all added together there is an expenditure in this State of around $50 million in addition to teachers' salaries.

There is a fallacious argument in our community—perpetuated to some extent by the teachers' union—that increasing teacher salaries will improve the quality of education. The very real challenge in the field of education between teachers, their representatives and the Education Department is to increase the status of teachers in society. That may well mean an increase in teachers' salaries, but it also means a lot of other things. It means that our ability, through the current national wage guidelines and the award restructuring principles, to achieve trade-offs in that sense will enhance the status of teachers and their work environment and will enrich their jobs and convey to the community the importance of the role of the teacher in our society. They are very real challenges indeed.

Undoubtedly we do face a good deal of industrial pressure to increase salaries to an extent even greater than has been achieved and are currently being negotiated and I understand that today, after school hours, there will be a national link-up to discuss these matters across the nation. Indeed, I understand the Federal Minister for Employment, Education and Training (John Dawkins) will address that national link-up through Sky Channel. All Governments around this country face a similar challenge. Very intense negotiations are going on between all States, the Commonwealth and the industrial organisations representing teachers to ensure that we can provide the very best education system possible for this country.

It is an enormous area of expenditure, and it is very important if we are to place this country in a position where it can face the challenges of the next century—and I am sure that we all regard education as fundamental to that objective. I am sure that South Australia will not in any way shirk those challenges. In fact, South Australia was the first State to negotiate the award restructuring principle to pay the first 3 per cent, which was embodied in our curriculum guarantee package. As a result, South Australia is regarded around Australia as achieving the best outcome with respect to teachers and the education system as a whole. We were the first State to pay that, and we paid it at the end of September last year. The last State to pay it was New South Wales, which did so on 22 December last year.

A marked contrast can be seen between the approach taken in this State and in New South Wales with respect to industrial relations and, particularly, the priority it gives to education. I believe that we have a very bright future. It is not a future that will be dominated by simply how much money can be paid to teachers, but it embraces all of those issues that we must embrace if we are to achieve a better education system.

NEIGHBOUR DISPUTES TRIBUNAL

Mr De LAINE (Price): My question is also directed to the Minister of Education, representing the Attorney-General in another place. Will the Minister investigate the possibility of establishing a neighbour disputes tribunal in South Australia to give some teeth to proceedings for resolving disputes between neighbours?

Mr S.G. Evans interjecting:

Mr De LAINE: That is a mediation service. In my electorate, and probably the electorates of many other members, there seems to be an increasing number of disputes between neighbours. Members of Parliament, police and, in many cases, the Housing Trust are not equipped to deal with this type of situation. In many cases, problems remain unresolved for very long periods. A neighbour dispute tribunal with some teeth may be the answer.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. It raises a very important point and one which no doubt all members are confronted with from time to time in their electorate work. Unfortunately it is true that an increasing number of people cannot get access to a dispute resolution mechanism to resolve neighbourhood disputes of one form or another, some of which can have quite dramatic effects upon their lives and their enjoyment of living. Access to the law for all should be a hallmark of a civilised and democratic society. It is of concern that there is that bar to access to the law and to a dispute reconciliation mechanism of the type to which the honourable member refers.

I believe some important and interesting work is going on within this State and in other jurisdictions to develop some mechanisms that are able to meet this problem. Last week the Attorney-General spoke at the 'Improving access to justice' conference and commented on and outlined some of his concerns and some of the approaches that this State is taking in this area. In my own electorate, the community legal service has established a mediation service which is a form of dispute resolution mechanism which has proved to be very successful and, indeed, some matters of a peace complaint nature have been adjourned within a formal court setting and referred to the mediation service for resolution. That thereby saves the time of the courts, the expense of various litigants, the time of the police officers and so on. That has often resulted in satisfactory dispute resolution. So, there are several ways of approaching this matter and obviously they will be mentioned in the Senate select committee which recently gained some publicity and which is looking generally across this notion of access to the law. I will be pleased to refer this matter to my colleague in another place.

SPORTS INSTITUTE SCHOLARSHIP

Dr ARMITAGE (Adelaide): Will the Minister of Education remove the threat of expulsion from holders of South Australian Sports Institute gymnastic scholarships whose parents do not want them to attend Ascot Park Primary School for their schooling? Constituents of mine have been told that, unless their son returns to Ascot Park Primary School, he will be expelled from the Sports Institute gymnastics scholarship scheme provided through special training at Ascot Park. When their son first accepted the scholarship, the parents were told that the only criterion for entrance was gymnastic talent. Both the parents and the son's present primary school are completely happy with current arrangements under which the boy's scholastic and gymnastic commitments occur at two different schools. Arrangements similar to this apply elsewhere in Australia, including New South Wales and the Australian Institute of Sport in Canberra, and my constituents justifiably are asking why they should be denied a similar choice.

The Hon. G.J. CRAFTER: When this school was established it was very clearly stated—by me, in particular—that students had to attend at that school for the ethos of the program to be established. Unfortunately, there seems to have been a misunderstanding on the part of some people involved in the program whereby they believe that now, some time after the course has actually started, they can enrol their children at another school—Government or non-government—attend the special gymnastics program and continue their studies on some pre-arranged basis at another school.

The ethos of this whole school was to incorporate a program of studies for those younger children and their courses in gymnastics—a very intensive gymnastics training course. The whole of the school program was established. Incredible cooperation was received from the school community, from the Gymnastics Association, the South Australian Institute of Sport and from officers of the Education Department to create a school with that ethos.

It is an experiment: it has not been tried before in this State and, if there is a breakdown of this type, unfortunately the school will have to fold, which would be a tragedy. We have taken on something very exciting, innovative and important for a group of very talented young people in our community. These young people have to make a very difficult choice in a number of areas of sporting activity and as to whether they continue their formal education or reduce their commitment to the fulfilment of their dreams and the exploitation of their talents in a particular sporting field.

So, we have brought that together within the confines of that school. It is a fragile exercise and, if it is broken down in the way in which the honourable member is recommending, it will become a very ineffective program. It was never designed to do what the honourable member is recommending, and I believe that in these early years of the program we need a composite program within the confines of that school. To move away from that concept at this stage would put at risk the very program we are all concerned to achieve.

HEART SURGERY

The Hon. T.H. HEMMINGS (Napier): I direct my question to the Minister of Health. When is it anticipated that the current arrangements with the State of Tasmania for heart bypass surgery will come to an end?

The Hon. D.J. HOPGOOD: Some members may not be aware of the fact that there is an arrangement with the State of Tasmania for its bypass surgery to be performed at the Royal Adelaide Hospital. I do not know how long this arrangement has been in existence, but it has been for some time. Tasmania has been working towards the development of its own unit, and it was anticipated that that unit would open some time in the first half of this year. That seems no longer to be the case.

The Tasmanian Minister was in this State and had lunch with me about three weeks ago, and the latest information I have been able to get is that it may be January or February of the next calendar year when the arrangement will come to an end. That will provide some surplus capacity in the Royal Adelaide Hospital's unit of, perhaps, 200 surgical procedures per year. No doubt, there will be the opportunity

to take up that slack as and when it arrives. We can only wish the Tasmanians well in the development of their own centre of excellence.

PERSONAL EXPLANATION: MULTIFUNCTION POLIS

Mr MEIER (Goyder): I seek leave to make a personal explanation.

Leave granted.

Mr MEIER: During Question Time the member for Coles asked a question of the Premier which, as members will recall, related to last night's ABC *7.30 Report* on the multifunction polis and the allegation that laundered Japanese gambling money was being used to finance the establishment of a multifunction polis and whether the Premier would advise the House whether the Government is or has been aware of these allegations.

The question went on to deal with two other parts. During the Premier's answer, the Premier decided, in contravention of Standing Order 98, to debate the issue and brought in matters relating to John Howard and his 'One Australia' policy. At that stage, I interjected with words to the effect, 'what relevance has this to the question?' because the Premier decided he would expand the answer beyond the scope of the question. In response to that interjection—which I realise was out of order but which, nevertheless, the Premier heard—he accused me of racial overtones or some wrong thinking on this issue. I take severe exception to that, because I was simply drawing the Premier's attention to the fact that he was transgressing Standing Order 98. He should not have been digressing from the question at hand and I would hope that that is clearly understood.

CRIMES (CONFISCATION OF PROFITS) 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 which was introduced but not debated in the last parliamentary session is designed to enhance the effective operation of the confiscation of profits of crime legislation currently operating in this State.

The Crimes (Confiscation of Profits) Act came into effect in March 1987. Since that time the Act has shown the potential to be an effective means of depriving criminals of the profits of crime. Just over $116 000 has been confiscated in a total of 11 cases, and a further seven restraining orders over real property are in place.

In order to ensure that this potential is fully realised it is necessary to provide those who are responsible for the Act's day-to-day operation with the means to carry out their responsibilities as effectively as possible. This Bill incorporates some features of equivalent interstate legislation not currently found in the Crimes (Confiscation of Profits) Act, as well as addressing some deficiencies pointed out by those who administer the Act.

The major provisions of the Bill are as follows:

1. Definition of Property and Effect of Forfeiture on Third Parties

   The definition of 'property' is extended to include any interest in any real or personal property. This will enable a specific interest held by a person liable to forfeit property (for example, a leasehold interest) to be forfeited, and brings the South Australian definition into line with that incorporated in interstate Acts.

   Where the interest of a person liable to forfeit property cannot be severed or realised separately from other interests (for example, a joint tenancy) in the same property, provision is made for the whole property to be forfeited and the third party interests to be paid out. At present it is not possible to forfeit property in which an innocent third party has any interest. This has meant that in a number of instances the Crown has not tried to obtain forfeiture orders because the existence of the other interest made forfeiture impossible.

2. Proceeds of Crime

   The definition of 'proceeds' of an offence has been expanded to include property derived directly or indirectly from the commission of the offence which is converted to another form in one or more transactions. In this way the intention of the act cannot be subverted by a person who undertakes a series of transactions to hide the proceeds of crime. Property converted in this way will remain liable to forfeiture.

   In addition, a person who receives property or proceeds of crime knowing of its origin or in circumstances that should raise a reasonable suspicion as to its origin will also be liable to forfeit that property.

3. Notoriety for Profit Provisions

   A new provision is included in the Bill to ensure that a person who commits or is a party to the commission of an offence and who obtains any benefit through the publication or prospective publication of material concerning his or her exploits or opinions or the circumstances of the offence or in any other way exploits the notoriety of the offence will be liable to forfeit that benefit or its equivalent value.

   These provisions should serve as a useful deterrent to those persons who seek to sensationalise criminal activity.

4. Forfeiture in Relation to Serious Drug Offences

   The Bill provides that a person who commits or is a party to a serious drug offence is liable to forfeit all property except property that the court is satisfied (on evidence from that person) was not the proceeds of offences against the law of this State or any other law. The effect of this provision is that the onus will be on the person to prove that items of property were legitimately obtained, not on the Crown to prove that property was the proceeds of crime. The Government considers that such a provision will hit hard at serious drug traffickers and will provide a significant weapon for attacking the profit motive of such crime.

5. Administrator of Forfeited and Restrained Property

   The Bill makes provision for the appointment of a person to administer forfeited and restrained property. The Deputy Crown Prosecutor advised that she considered it appropriate for an officer to be appointed both to manage property which has been restrained and to supervise the sale and distribution of proceeds of forfeited estates. It is her view that such an officer should be located in the Attorney-General's Department and should work closely with prosecutors and solicitors who handle proceedings under the Act. The Administrator's

salary will be paid from the proceeds of confiscated assets and it is hoped that such an appointment will facilitate the further and better utilisation of the Act in the future.

6. Information Gathering Powers

The present Act contains no information gathering powers other than provisions relating to search warrants. The Acts in operation elsewhere contain extensive information gathering powers. The Bill includes wide ranging and effective powers to allow law enforcement officers and investigators to gain access to documents relevant to following the money trail and the transferring of tainted property. The Supreme Court will be able to order the production of documents relevant to identifying, tracing, locating or qualifying forfeitable property; order the seizure of such documents; or order that a person appear to answer questions relevant to identifying, tracing or locating such property.

A further significant power is provided by the introduction of monitoring orders which will be issued by the Supreme Court and will require a financial institution to report on transactions affecting an account or accounts. These orders should significantly improve the chances of tracing the proceeds of crime.

7. Registration of Interstate Orders

Full recognition is given to forfeiture and restraining orders made by the courts in other States under corresponding laws.

In summary, this Bill should significantly enhance the State's ability to locate and confiscate the proceeds of crime.

Clause 1 is formal.

Clause 2 provides for commencement on a day to be fixed by proclamation.

Clause 3 amends section 3 of the principal Act which is an interpretation section. The amendment inserts definitions of 'Administrator', 'drug', 'financial institution', 'forfeitable property', 'gift', 'party', 'serious drug offence' and 'tainted property', amends the definitions of 'appropriate court' and 'prescribed offence' and strikes out the definitions of 'proceeds' and 'property', substituting new definitions of these words.

The definition of 'proceeds' incorporates money which has been laundered. Subsection (3a) is inserted after subsection (3). This clarifies when a person is involved in a commission of an offence for the purposes of this Act. Subsection (4) is struck out and a new subsection (4) is substituted. This deals with tainted property. A new subsection (4a) is inserted immediately after subsection (4). This deals with determining who is in effective control of property for the purposes of this Act.

Clause 4 repeals section 4 of the principal Act and substitutes a new provision concerning liability to forfeiture. Subsection (1) deals with the forfeiture of tainted property or of an accretion of property in anticipation or in consequence of the commission of an offence. There is provision for the prevention of double forfeiture. Subsection (2) deals with forfeiture of any benefit by anyone profiting from publication, in any form, of events leading to notoriety if the notoriety is a result of being the principal, or party to, the commission of an offence. Subsection (3) states that all property of a person who has committed or is party to the commission of a serious drug offence is liable to forfeiture unless that person can satisfy the court that the property was not derived from the proceeds of offences against any law. Subsection (4) deals with forfeiture by any person of a gift of tainted property. Subsection (5) allows property that is in the effective control of a person involved in the commission of a prescribed offence to be treated as the property of that person for the purposes of forfeiture proceedings.

Clause 5 amends section 5 of the principal Act by striking out subsections (1) and (2) and substituting subsections (1), (2), (2a) and (2b) dealing with the making of forfeiture orders by the court. Subsection (2a) enables the court to make a forfeiture order in respect of property in which persons, other than the person liable, may have an interest. Subsection (4) is struck out and a new subsection (4) substituted. This states that an allegation that a person was involved in the commission of a particular offence, must be proved beyond reasonable doubt where that person has not been convicted of that offence or another offence establishing the person's alleged involvement. Subsections (6) and (7) have been inserted. These vest forfeited property in an administrator.

Clause 6 amends section 6 of the principal Act. 'Sequestration orders' are now 'restraining orders' and subsection (1) grants the court power to make restraining orders. Subsection (3) is struck out and a new subsection (3) is substituted, setting out what may be done by a restraining order. There is provision to confer on the Administrator certain power, to control and manage the property, for management or control of the property, for payment of a specified kind to be made out of the property, to allow the owner to use the property as security for raising money in a manner allowed by the court, and to make any other necessary provision in respect of the property.

Clause 7 amends section 7 of the principal Act by striking out subsection (1) and substituting a new subsection (1). This allows a member of the Police Force to apply to a magistrate for a search warrant where there are reasonable grounds to suspect that a search would reveal forfeitable property or documents relevant to tracing or identifying forfeitable property.

Clause 8 amends section 8 of the principal Act by striking out subsections (4) and (5) and substituting new subsections (4) and (5). These deal with the powers conferred by a search warrant.

Clause 9 inserts section 9a into the principal Act following section 9. This deals with applications for orders to obtain information, which may be made by the Attorney-General, the Administrator, or a member of the Police Force on application to a judge of the Supreme Court sitting in chambers. The court may make a monitoring order requiring a financial institution to report certain transactions, an order for a person to appear before the court to be examined, or an order to produce documents to the court. The monitoring order must specify the name of the account, the kind of information the financial institution is to divulge, and the manner in which and to whom the information is to be given. It is an offence for an officer of a financial institution to disclose the existence of the monitoring order except under certain circumstances. The penalty is either a fine not exceeding $1 000 or up to three months imprisonment.

Clause 10 amends section 10 of the principal Act by striking out subsection (1) and substituting a new subsection (1) and inserting subsections (3) and (4) after subsection (2). Subsection (1) states that certain money obtained under this Act is to be paid into the Criminal Injuries Compensation Fund. Subsections (3) and (4) provide that the costs of administering this Act may be paid from that fund.

Clause 11 inserts section 10a after section 10 of the principal Act. This deals with registration of interstate orders on application by the Administrator to the Supreme Court.

The court is then granted certain discretions to modify or adapt the order to enable it to operate effectively in this State.

Mr INGERSON secured the adjournment of the debate.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

RETIREMENT VILLAGES 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

The purpose of this Bill is to make a number of amendments to the Retirement Villages Act 1987. As a result of consumer concern being expressed in respect of some aspects of the retirement village industry in August 1988, the Justice and Consumer Affairs Committee resolved on 26 September 1988 to establish a task force. The terms of reference of the task force were limited to consideration of the introduction of a Code of Practice, statutory implied terms for residence contracts and the inclusion of a statutory warning in residence contracts. The task force was to report back to the Justice and Consumer Affairs Committee within six months of establishment.

To ensure a proper balance between all parties involved in the retirement village industry, the task force was chaired by the Commissioner for the Ageing, and was comprised of three other Government officials and four non-government people. The other Government officials were comprised of the Commissioner for Public and Consumer Affairs, a representative of the Commissioner for Corporate Affairs and a representative of the Crown Law Department. The South Australian Council for the Ageing ('SACOTA') nominated a resident from a 'church' administered village and another resident from a commercially administered village. The retirement village operators were represented by a representative from the Voluntary Care Association and a representative from Cooperative Retirement Services Pty Ltd. The composition of the task force was announced on 28 November 1988.

The task force considered the draft Codes of Practice developed by Western Australia and New South Wales. These draft Codes of Practice covered disclosure information, contract documents, village management and dispute resolution. As the latter two items are matters presently covered by the Retirement Villages Act 1987, the task force decided to focus on adequate disclosure of information to prospective residents.

The task force sought to develop a draft Code of Practice, based on the Western Australian and New South Wales drafts, requiring disclosure of specified information in a formal disclosure document.

However, the draft Codes of Practice developed by Western Australia and New South Wales in essence contained little more than a number of philosophical statements which were virtually unenforceable.

Consequently, the task force prepared only one document, a disclosure statement, to be completed by all retirement village administrators and given to all prospective residents prior to the execution of a residence contract. The form of the document would be set out in the Retirement Villages Regulations as Form 6.

The Form 6 is a disclosure statement only and essentially warns the prospective resident, prior to signing a contract, about various provisions in the contract such as:

(a) the services they will receive for the money they pay to the administering authority;

(b) the circumstances in which they will receive a refund and the amount of the refund; and

(c) the nature of their tenure in the retirement village.

In order to give effect to the Form 6 the Retirement Villages Act 1987 would need to be amended, *inter alia*, to:

(a) deem the information provided by the administering authority in the completed Form 6 to be part of the contract and further, in the event of any inconsistencies between the contract and the Form 6, the information provided in the Form 6 is to prevail and override the inconsistent provisions of the contract; and

(b) prohibit the administering authority and its agents from providing any promotional or sales material, whether in written or oral form, to a prospective resident that is inconsistent with the information contained in the completed Form 6.

The Government has decided that section 3 of the Retirement Villages Act 1987, the definition of 'the commission' should be deleted as the administration of the Retirement Villages Act 1987 is to be taken on by the Department for Public and Consumer Affairs.

The disclosure statement such as Form 6 will not satisfy many of the complaints that are found in this industry. The development of Form 6 is the Government's second stage in dealing with retirement villages, the first being the passage of the Retirement Villages Act 1987. A third stage will involve a very careful analysis of processes within the industry and will focus on providing better protection for residents and prospective residents of retirement villages. The third stage is the subject of a study presently being conducted by the Commissioner for the Ageing and the Commissioner for Consumer Affairs. In the course of this study the Commissioners will consult with interested parties and any submissions that members of the community may wish regarding amendments to the Retirement Villages Act 1987 will be considered by the Government.

On 28 March 1989 the Justice and Consumer Affairs Committee approved the Form 6. The Form 6 was released for public comment until 30 June 1989, with all public comments to be directed to the Commisioner for the Ageing.

As a result of the public comments received by the Commissioner for the Ageing, a few minor amendments were made to the Form 6.

On 28 August 1989 the Justice and Consumer Affairs Committee considered the redrafted Form 6 and recommended that the Form 6 and the necessary legislative amendments by urgently implemented.

The Justice and Consumer Affairs Committee also approved the issue of extending the cooling-off period from 10 business days to 15 business days recommended by the Commissioner for the Ageing, in response to consumer submissions on this point. The extension of the cooling-off

period is a fundamental change to the Retirement Villages Act 1989. It has not been exposed for public comment. The Form 6 released for public comment referred to the 10 business days cooling-off period presently prescribed by section 6 (4) of the Retirement Villages Act 1987.

The present provisions of section 9 of the Retirement Villages Act 1987 seek to ensure that residents who are entitled to be repaid their premium, either in whole or in part, under the terms of their contract, will have a legally enforceable charge against the retirement village property, with the exception of units owned by other residents.

However, there is some legal opinion to the effect that the present provisions of section 9 (6) do not empower the Supreme Court with sufficient power to enforce the charge over any previously registered charges on a certificate of title. In order to overcome the possibility of this view being upheld in the Supreme Court it will be necessary to amend section 9 of the Retirement Villages Act 1987, in order to give full effect to Parliament's intention that the charge in favour of residents should rank before any first registered mortgages. Accordingly, the Government proposes to amend section 9 (6) to specifically state that the charge could be treated as if it was a first registered mortgage. This amendment will also need to be retrospective to 30 June 1987.

The Retirement Villages Act Amendment Bill 1989 will also amend section 6 (1) of the Retirement Villages Act 1987 to make it an offence for a contract not to be in writing. This will compel all residence contracts to be in writing. It is proposed that the penalty be $20 000. This amendment is considered necessary as some administering authorities are not entering into written contracts with their residents.

Clause 1 is formal.

Clause 2 provides that the measure will come into operation on a day to be fixed by proclamation, other than the amendment to section 9 of the principal Act (clause 7) which is to be taken to have come into operation on 30 June 1987.

Clause 3 inserts into the principal Act a definition of the Commissioner for Consumer Affairs.

Clause 4 enacts a new section 5. Section 5 presently provides that the Corporate Affairs Commission is responsible for the administration of the Act. It is proposed to transfer this responsibility to the Commissioner for Consumer Affairs.

Clause 5 proposes various amendments to section 6 of the principal Act. Subsections (2) and (3) are to be revised and amalgamated. In particular, an administering authority will be required to give a prospective resident a statement in the prescribed form setting out information relating to the proposed residence contract and the rights that the person would have as a resident of the particular retirement village. A residence contract will, on the signing of the contract, be taken to include a warranty on the part of the administering authority of the correctness of information contained in the statement, and the warranty will prevail over any inconsistent contractual term. It will be an offence for the administering authority (or an employee or agent of the administering authority) to make a representation to a resident that is inconsistent with information contained in the statement, or to include in the statement information that is inconsistent with representations made by the administering authority (or an employee or agent of the administering authority).

Furthermore, it is proposed to change the 'cooling-off' period under the legislation from 10 days to 15 days. Finally, new subsection (6) will provide that any breach of section by the administering authority will be an offence.

Clause 6 is consequential on the proposal to transfer the responsibility for the administration of the Act to the Commissioner for Consumer Affairs.

Clause 7 amends section 9 to clarify that a charge under section 9 will rank in priority before any other mortgage, charge or encumbrance over the relevant land.

Clauses 8 and 9 are consequential on the proposal to transfer the responsibility for the administration of the Act to the Commissioner for Consumer Affairs.

Clause 10 includes an amendment to section 22 of the principal Act to facilitate the introduction of evidence to prove that a person who has commenced proceedings for an offence against the Act has been duly authorised to do so by the Commissioner.

Clause 11 includes an amendment to section 23 of the principal Act so that regulations will be able to prescribe the kind and size of print to be used in a residence contract or other document used under the Act.

Clause 12 and the schedule provide for a revision of the penalties that apply under the principal Act.

Mr OSWALD secured the adjournment of the debate.

PERSONAL EXPLANATION: MEMBER'S REMARKS

The Hon. J.C. BANNON (Premier and Treasurer): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.C. BANNON: I certainly will not detain the House at all. However, I would simply like to say, first, that I appreciate the personal explanation made by the member for Goyder and I completely accept what he said. I did mishear his interjection. In fact, I did not hear the actual words he used. I must say that I obviously wrongly interpreted the point I thought he was making. Although I have not checked the *Hansard* record, I believe it would show that I went on to say that I was not sure that that was the point he was making because I would be surprised if he was making such a point. I apologise to the honourable member for misconstruing his interjection.

SUMMARY OFFENCES ACT AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Summary Offences Act 1953. Read a first time.

The Hon. G.J. CRAFTER: 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 provides for the establishment of road blocks by police. It also clarifies police powers with regard to entry into premises where someone has died or is believed to be in need of assistance.

At present, the police have no general power to stop and search a vehicle. However, they do have legislative power to stop vehicles in limited circumstances as set out in the Road Traffic Act, the Motor Vehicles Act, the regulations under the Highways Act and section 68 of the Summary Offences Act.

By virtue of these provisions, police powers to stop a vehicle are limited to:

(i) road traffic and licence purposes; and

(ii) where there is reasonable cause to suspect that the vehicle contains stolen goods, an offensive weapon or evidence of an offence.

The power to search a vehicle is confined to the latter category.

In 1987, the New South Wales Law Reform Commission released a discussion paper on police powers of arrest and detention. One of the proposals in that paper is that, where reasonable grounds exist, a police officer should have the power to stop and search a person or a vehicle in a public place.

A general power to establish road blocks has been provided for in the United Kingdom in section 4 of the Police and Criminal Evidence Act 1984. The Act arose from a Royal Commission Report and was the subject of significant community debate.

The United Kingdom Royal Commission was of the view that, in general, the use of powers for road blocks should not be used in connection with crime. However, the Commission did recommend that an exception should be made for special emergencies. The UK legislation authorises and provides special rules for road checks in relation to serious arrestable offences.

The Bill before Parliament authorises the establishment of a road block by a senior police officer where the officer believes on reasonable grounds that the road block would significantly improve the prospects of apprehending a person suspected of having committed a major offence, or a person who has escaped from lawful custody. A major offence is defined to mean an offence attracting a penalty or maximum penalty of life imprisonment or imprisonment for at least seven years. The establishment of a road block would allow the police to stop and search vehicles passing a given point. Any person who, without reasonable excuse, fails to stop at a road block or fails to comply with a requirement would be guilty of an offence.

A record of all authorisations must be maintained and reported to Parliament annually. This provision is aimed at establishing a control mechanism to guard against the indiscriminate use of road blocks and to restrict infringements of civil liberties.

The Bill also provides for a senior police officer to declare an area to be dangerous because of conditions temporarily prevailing. Where such a declaration is made a member of the Police Force may warn a person against proceeding towards the area. The officer may also require a vehicle to stop for the purposes of issuing a warning.

A person who ignores the warning, or fails to stop his or her vehicle, may be guilty of an offence. In addition, the Crown may seek compensation for the cost of operations reasonably carried out for the purpose of finding or rescuing a person who has ignored the warning.

This provision seeks to clarify the powers of police officers in protecting life and property and preventing entry into unsafe areas. An area could be declared dangerous for reasons such as widespread flooding, the presence of an activated detonating device or because a disaster has occurred or is expected to occur. By virtue of the provisions of the Highways Act the Commissioner of Highways has power to close main roads when they are unsafe or where vehicles are likely to cause damage to the roads. However, this power does not go far enough to prohibit access or to allow cost recovery where rescue operations are required as the direct result of a person ignoring a warning.

The Bill also clarifies the police powers with respect to entry into premises in the case of suspected medical emergencies and in order to ascertain particulars relating to a deceased person.

Police officers are frequently contacted by concerned persons regarding the non-appearance of relatives, friends or neighbours. Often the person in question is elderly and has not been seen for some time. If, on attending, police find that the missing person's residence is locked, they are confronted with a decision as to whether or not to break into the premises to ensure that the occupier has not come to any harm. No legislative authority exists to authorise or protect police officers in these situations.

Such a situation calls for direct police action and may involve breaking into a person's residence. In the case of a suspected medical emergency, quick action can be vital. While it is unlikely that undue criticism would be levelled against police officers acting in good faith in such circumstances, it is more appropriate for the powers of police officers in such situations to be clearly delineated. The Bill requires a senior police officer to authorise entry to premises in such situations.

In addition, it is common for police to be contacted where a person has died intestate and has no known next of kin. The primary avenue of inquiry is to search the deceased's place of residence for information which may give some indication of a relative or the existence of a will. If neither the next of kin nor a will can be located the police take possession of the deceased's property for safe keeping. There is no legislative authority for police to perform these functions. The Bill provides for the Commissioner to issue a warrant in the prescribed form to a member of the Police Force authorising the member to enter and search the premises of the deceased.

In addition, the member of the Police Force may remove property of the deceased into safe custody. The Commissioner is responsible for ensuring that a proper record is kept of property taken from premises by police officers. I commend this Bill to members.

Clause 1 is formal.

Clause 2 provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3 amends section 4 of the principal Act which is an interpretation provision. 'Senior police officer' is defined as a member of the Police Force of or above the rank of inspector.

Clause 4 inserts new section 74b into the principal Act to empower the police to set up road blocks.

Subsection (1) defines 'major offence' as an offence attracting a penalty or maximum penalty of life imprisonment or imprisonment for at least seven years.

Subsection (2) provides that, where a senior police officer believes on reasonable grounds that the establishment of a road block at a particular place would significantly improve the prospects of apprehending a person who is suspected of having committed a major offence or who has escaped from lawful custody, the officer may authorise the establishment of a road block at that place.

Subsection (3) provides that an authorisation to establish a road block operates for an initial period (not exceeding 12 hours) specified by the officer granting the authorisation and may be renewed from time to time for a further maximum period of 12 hours.

Subsection (4) provides that an authorisation may be granted orally or in writing. Where it is granted orally a written record must be kept of certain details.

Subsection (5) sets out the powers of the police where a road block is authorised. A road block may consist of any appropriate form of barrier or obstruction preventing or limiting the passage of vehicles. A member of the Police

Force may stop vehicles at or in the vicinity of the road block, may require any person in any such vehicle to state his or her full name and address, may search the vehicle and give reasonable directions to any person in the vehicle for the purpose of facilitating the search and may take possession of any object found during such a search that the member suspects on reasonable grounds to constitute evidence of an offence by the person for whose apprehension the road block was established.

Subsection (6) provides that, where a member of the Police Force suspects on reasonable grounds that a name or address stated in response to a requirement under subsection (5) is false, he or she may require the person to produce evidence of the correctness of that name or address. provision is identical to exiting section 74a (2).

Subsection (7) provides that a person who, without reasonable excuse, fails to stop a vehicle at a road block when requested or signalled to do so, fails to comply with a requirement or direction under subsection (5) or who, in response to a requirement under subsection (6), states a name or address that is false or produces false evidence, is guilty of an offence. The maximum penalty is $2 000 or imprisonment for six months. This provision is identical to existing section 74a (3) except for the level of maximum penalty.

Subsection (8) is an evidentiary aid.

Subsection (9) requires the Commissioner of Police to submit an annual report to the Minister stating the number of authorisations granted during the year, the nature of the grounds on which they were granted, the extent to which road blocks contributed to the apprehension of offenders or the detection of offences and any other matters the Commissioner considers relevant.

Subsection (10) requires the Minister to table the report in Parliament.

Clause 5 inserts new sections 83b and 83c into the principal Act.

Section 83b empowers the police to declare certain areas to be dangerous.

Subsection (1) provides that, where a senior police officer believes on reasonable grounds that it would be unsafe for the public to enter a particular area, locality or place because of temporary conditions, the officer may declare the area, locality or place to be dangerous.

Subsection (2) provides that a declaration comes into force when it is made but should be broadcast as soon as practicable after that time by public radio or in any other manner the officer thinks appropriate in the circumstances of the case. A declaration remains in force for a period (not exceeding two days) stated in the declaration.

Subsection (3) provides that, where a declaration is in force a member of the Police Force may warn any person proceeding towards, or in the vicinity of, a dangerous area against entering it and may require or signal the driver of a motor vehicle to stop so that a warning can be given to persons in the vehicle.

Subsection (4) provides that a warning lapses when the relevant declaration expires or at some earlier time specified by a senior police officer.

Subsection (5) provides that a person who enters a dangerous area contrary to a warning or fails to stop a vehicle when required or signalled to do so is guilty of an offence. The maximum penalty is $2 000 or imprisonment for six months.

Subsection (6) makes a person who enters a dangerous area contrary to a warning liable to compensate the Crown for the costs involved in finding or rescuing him or her.

Subsection (7) is an evidentiary aid.

Section 84c confers special powers of entry of premises on the police.

Subsection (1) provides that, where a senior police officer suspects on reasonable grounds that an occupant of premises has died and his or her body is in the premises or that an occupant of premises is in need of medical or other assistance, the officer may authorise a member of the Police Force to enter the premises to investigate the matter and take such action as the circumstances of the case may require.

Subsection (2) requires an authorisation under subsection (1) to be in writing unless the authorising officer has reason to believe that urgent action is required. In that case, the authorisation may be given orally.

Subsection (3) provides that, where a person has died and the Commissioner of Police considers it necessary or desirable to do so, the Commissioner may issue to a member of the Police Force a warrant authorising the officer to enter the premises in which the person last resided before his or her death and search the premises for material that might identify or assist in identifying the deceased or deceased's relatives and take property of the deceased into safe custody.

Subsection (4) empowers a member of the Police Force to use reasonable force if necessary for the purpose of obtaining entry to premises or carrying out a search.

Subsection (5) makes the Commissioner of Police responsible for ensuring that a proper record is kept of property taken from premises and requires the Commissioner, if satisfied that a person has a proper interest in the matter, to allow the person to inspect the record.

Mr INGERSON secured the adjournment of the debate.

CORONERS ACT AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Coroners Act 1975. Read a first time.

The Hon. G.J. CRAFTER: 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 amends the Coroners Act 1975 to provide for the mandatory reporting of deaths of persons detained in custody or accommodated in institutions established for the care or treatment of persons suffering from mental illness, intellectual retardation or impairment or drug dependency.

Section 12 (1) *(da)* and *(db)* of the Act authorises the Coroner to hold an inquest into the death of a person whilst detained in custody or accommodated in institutions established for the care or treatment of persons suffering from mental illness, intellectual retardation or impairment or drug dependency. However, there is no requirement for such deaths to be notified to the Coroner, unless they appear to be of a violent or unusual cause.

Although it is unlikely that any death which occurred in prison would not be reported to the Coroner, the Government considers that a specific provision should be made requiring all deaths to be reported.

Similarly, although the holding of an inquest is not mandatory in the circumstances where the death occurred in an institution referred in section 12 (1) *(db)*, nevertheless these deaths, even if from natural causes, come within the jurisdiction of the Coroner. Therefore the Coroner should be

notified of the death, in order that he or she can determine whether or not an inquest is warranted.

The Bill also places a requirement on a police officer receiving a notification of the finding of a body or the death of a person apparently by a violent or unusual cause, to advise the coroner of the finding or death.

The Bill also provides an opportunity for a review of the penalties in the Act. The penalties have been increased and are now expressed in Divisions as provided for in the Acts Interpretation Act 1915.

The Bill and Schedule also contain a number of statute law revision amendments. I commend this Bill to members.

Clause 1 is formal.

Clause 2 provides for commencement on a day to be fixed by proclamation.

Clause 3 amends subsection (3) of section 13 of the principal Act by modernising the language used and increasing the penalty for an offence against this section from a maximum fine of $500 to a division 6 fine (maximum of $4 000).

Clause 4 amends subsection (3) of section 16 of the principal Act by increasing the penalty for an offence against this section from a maximum fine of $500 or imprisonment for up to three months to a division 6 fine or division 6 imprisonment (maximum fine of $4 000 or a term of imprisonment not exceeding one year).

Clause 5 repeals section 31 of the principal Act and substitutes a new provision. Subsection (1) of section 31 deals with the offence of failing to notify a coroner or police officer (who must, pursuant to subsection (3), notify a coroner) of the finding of a dead body or of the death of a person apparently by violent or unusual cause. Subsections (4) and (5) make it mandatory for the person in charge of a person in custody or in charge of an institution (or part of an institution) established for persons suffering from mental illness, intellectual retardation or drug dependency, to immediately report, or cause to be reported, to a coroner, any death that occurred, or a cause of death, or a possible cause of death, that arose, or may have arisen while the person was detained in custody or while the deceased was accommodated in an institution (or part of an institution). It is a defence to an offence under this section, if the person charged can prove that he or she believed on reasonable grounds, that a coroner (or, in respect of an offence against subsection (1), a police officer) was aware of the finding or death.

The schedule makes amendments to the principal Act of a statute law revision nature without making any substantive changes.

Mr INGERSON secured the adjournment of the debate.

AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Aged and Infirm Persons' Property Act 1940. Read a first time.

The Hon. G.J. CRAFTER: 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 deals with a number of amendments to the Aged and Infirm Persons' Property Act 1940 ('the Act').

The Bill empowers the District Court to make a protection order in certain circumstances. It also clarifies the relationship between the Act and the Mental Health Act, 1977.

The Bill provides for the District Court to make protection orders when dealing with an action for damages for personal injury. The Public Trustee has advised that the inability of the District Court to make protection orders in terms of section 8a can cause difficulties in certain cases. The Judge may direct that the money be paid to the Public Trustee to be held pursuant to section 88a of the Administration and Probate Act 1919. However, the Public Trustee considers that some of these matters should properly be regarded as 'protected' estates. Therefore, the Public Trustee must then consider making an application on his own initiative to the Guardianship Board for an administration order or to the Supreme Court for a protection order. The proposed amendment will streamline the procedure and enable the District Court to make a protection order in appropriate cases, pursuant to section 8a of the Act.

As currently drafted section 30 (2) provides that a protection order made in respect of a person determines when that person becomes a patient under the Mental Health Act 1977.

The section was appropriate when the Mental Health Act, 1935 was still in operation, as under that Act, when a person was received into a mental hospital (as they were then called) the superintendent of the hospital gave notice in writing to the Public Trustee who automatically became administrator of the patient's affairs.

Under the Mental Health Act 1977 the position changed and a person may be admitted to an approved hospital within the meaning of that Act without the knowledge of the Public Trustee. The Mental Health Act 1977 does not provide for the Public Trustee to become the administrator of an estate automatically upon a person entering an approved hospital. The Act sets up a procedure whereby the Guardianship Board may appoint an administrator where it is of the opinion that a person is incapable of managing his or her own affairs. The Guardianship Board must appoint the Public Trustee to act as administrator unless special reasons exist for the appointment of another person.

If a protection order under the Aged and Infirm Persons' Property Act 1940 automatically ceases upon a person entering hospital, there could be an hiatus in the management of the affairs of the patient until an administrator is appointed under the Mental Health Act 1977. This is clearly undesirable.

This Bill provides for a protection order to be taken to have been rescinded when an administrator has been appointed under the Mental Health Act 1977 and notice of the appointment has been filed with the court. The provision requires the former manager of the protected estate to file accounts, statements and affidavits to finalise the matter.

The Bill also provides that a protection order cannot be made in respect of a person for whose estate an administrator has been appointed under the Mental Health Act 1977.

Parliamentary Counsel has taken the opportunity to make a number of amendments to revise and modernise the Act. Section 5 of the Act is repealed. This provision is not necessary as the Supreme Court is able to make rules pursuant to the Supreme Court Act 1935. References throughout the Act to the Master have also been removed. These

references are no longer necessary as the Supreme Court Act makes it clear that the term, 'the court', includes the Master of the Supreme Court. The division of jurisdiction between the Judges and the Masters of the court can be adequately dealt with by the rules. I commend this Bill to members.

Clause 1 is formal.

Clause 2 provides for commencement on a day to be fixed by proclamation.

Clause 3 amends section 3 of the principal Act, an interpretation provision, by amending the definition of 'court' to include the District Court in relation to a matter in which it has jurisdiction and to strike out the unnecessary definition of 'Master'.

Clause 4 amends section 4 of the principal Act to empower the District Court to make a protection order under section 8a in an action brought in that court for damages for personal injury and to give that court or another District Court jurisdiction to hear and determine any consequential or related proceeding under the Act where a District Court has made a protection order.

Clause 5 repeals section 5 of the principal Act, a rule of court-making power which is unnecessary because of the provision in the Supreme Court Act 1935 which gives the Supreme Court power to make rules of court in respect of any jurisdiction conferred on the court or a Judge of the court by an Act of Parliament whenever passed (section 72 (2)).

Clauses 6, 7 and 8 amend, respectively, sections 6, 10 and 24 of the principal Act to delete references to the Master.

Clause 9 repeals section 30 of the principal Act and substitutes a new provision.

Subsection (1) provides that a protection order cannot be made under this Act in relation to a person for whose estate an administrator has been appointed under the Mental Health Act 1977.

Subsection (2) provides that if an administrator of an estate of a protected person is appointed under that Act the administrator must file a notice of the appointment in the Supreme Court within one month of the date of appointment.

Subsection (3) provides that where such a notice is filed, the protection order will be taken to have been rescinded as from the date of the appointment of the administrator.

Subsection (4) provides that the former manager of the protected estate has the same obligations in relation to the filing of accounts, statements and affidavits as if the protection order had been rescinded by the court.

Subsection (5) provides that except as provided in this section, the Mental Health Act 1977 does not derogate from this Act.

Clause 10 amends section 38 of the principal Act to remove reference to the Master.

Clause 11 amends section 40 of the principal Act to remove the unnecessary reference to 'a Judge'.

Mr OSWALD secured the adjournment of the debate.

WAREHOUSE LIENS BILL

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to provide for a lien on goods stored in a warehouse. Read a first time.

The Hon. G.J. CRAFTER: 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 seeks to reform and simplify the law relating to the provision of a lien on goods deposited and stored in a warehouse.

In doing so it seeks to repeal the Warehousemen's Liens Act 1941 and express the language of the law in conformity with contemporary drafting principles. The Bill is similar to the Bill introduced into Parliament in August 1989.

In summary, the Bill—

- repeals the 1941 Act
- establishes the right of an operator of a warehouse to have a lien on goods deposited for storage in his or her warehouse
- describes the lawful charges covered by a lien
- protects the rights of persons who may have an interest in the goods deposited

and

- prescribes procedures in respect of the sale, and disposition of proceeds of sale, of goods covered by a lien.

The major difference between the Bill and the 1941 Act is as follows.

Under the 1941 Act the warehouseman was obliged, within three months after the date of deposit of the goods, to give notice of the lien to:

(a) persons who had notified the warehouseman of their interest in the goods;

(b) the grantee of a Bill of Sale over goods (that is, in effect the mortgagee of goods); and

(c) any person of whose interest in the goods the warehouseman had knowledge.

By contrast, the Bill abolishes the requirement of a notice of lien. There appears to be no useful purpose for it and it is an extra obligation on business. It seems absurd that the lien is completely lost if the notice is not given within three months.

Instead, the Bill provides for the giving of notice only where the lien is to be enforced (that is, by sale). In that event anyone who has an interest in the goods (of which the warehouse operator is aware) must be notified, as well as anyone who has a registered interest in the goods. Thus, the warehouse operator would need to search the Bills of Sale Register and the Goods Securities Register.

The Bill differs from the one introduced into Parliament last year. The wording of clause 10 (1) *(c)* of the earlier draft, has been criticised for giving the impression that there is an absolute obligation on the warehouse operator to notify persons with a registered interest in the goods of the intention to sell, even if there is no reasonable means of ascertaining whether the goods are the subject of any security. Although it is possible that the earlier provision would have been read down to require notice only to persons reasonably ascertainable by the operator, the revised wording clarifies the operator's obligation to make an ordinary search of the registers.

Clause 7 has also been modified slightly to make it clear what costs are recoverable by the warehouse operator—that is, the costs incurred in selling the goods, the costs associated with the giving of notice and advertising.

The Bill is less regulatory than the 1941 Act and, if passed, would require considerably fewer regulations to be promulgated under it.

In nearly all other respects the Bill reproduces the existing law on the topic.

The Bill, if it becomes law, will come into operation only after the Senior Judge has prepared appropriate rules of court which will regulate proceedings in Local Courts under the new Act. I commend this Bill to honourable members.

Clauses 1 and 2 are formal.

Clause 3 repeals the Warehousemen's Liens Act 1941.

Clause 4 defines 'operator of a warehouse' to mean a person lawfully engaged in the business of storing goods as a bailee for fee or reward.

Clause 5 provides that the measure does not limit or derogate from any civil remedy.

Clause 6 establishes that the operator of a warehouse has a lien on goods deposited for storage in the warehouse.

Clause 7 sets out the charges covered by the lien, namely—

(a) lawful charges for storage and preservation of the goods;

(b) lawful claims for insurance, transportation, labour, weighing, packing and other expenses in relation to the goods; and

(c) reasonable costs incurred in selling the goods pursuant to this Act and in giving notice of intention to sell, and advertising the sale, in compliance with this Act.

Clause 8 requires a person depositing goods for storage in a warehouse to notify the operator of the warehouse of the name and address of each person who has an interest in the goods, to the best of the depositor's knowledge. The penalty provided for non-compliance is a division 8 fine (maximum $1 000).

Clause 9 provides that goods stored in a warehouse may be sold to satisfy the warehouse lien on those goods if an amount has been owing in respect of the goods to the operator of the warehouse for at least six months.

Clause 10 requires the operator of a warehouse to give notice of intention to sell to the debtor, to any person who has served on the operator written notice of a claim to an interest in the goods, to any person who has a registered interest in the goods and to any other person who has an interest in the goods of which the operator is aware. The clause also requires certain matters to be contained in the notice and makes provision for the manner in which the notice may be given.

Clause 11 sets out further procedures required for the sale of goods to satisfy a warehouse lien. If the amount owed remains unpaid, the operator of the warehouse must advertise the sale of the goods in a South Australian newspaper at least once a week for two consecutive weeks. The sale can be held after 14 days have elapsed since the first publication of the advertisement. The mode of sale is to be by public auction unless the regulations specify otherwise. Provision is also made for the opening of packages containing the goods where necessary.

Clause 12 enables any person with an interest in the goods to apply to the Local Court for an order prohibiting any further steps being taken for sale of the goods.

Clause 13 provides that no further proceedings for sale of the goods may be taken if the amount owing to the operator is paid in full. If payment is made by a person other than the debtor, provision is made for it to be recovered by that person from the debtor.

Clause 14 sets out the manner in which the proceeds of sale must be distributed. The lien is to be satisfied and the surplus (if any) must be paid to persons who put in written claims. If the validity of any claim is disputed or if there are conflicting claims, the surplus must be paid into a Local Court. If no claims are made within 10 days after the sale, the surplus must be paid to the Treasurer. If the operator of the warehouse does not comply with the provision, the operator is guilty of an offence, the penalty for which is a division 11 fine (maximum $100) per day of continued default.

Clause 15 makes it an offence to furnish false or misleading information for the purposes of the Act. The penalty provided is a division 7 fine (maximum $2 000).

Clause 16 provides that offences against the Act are summary offences.

Clause 17 contains regulation-making powers.

Mr OSWALD secured the adjournment of the debate.

EXPLOSIVES ACT AMENDMENT BILL

The Hon. R.J. GREGORY (Minister of Labour) obtained leave and introduced a Bill for an Act to amend the Explosives Act 1936. Read a first time.

The Hon. R.J. GREGORY: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Explosives Act 1936 provides for the safe manufacture, carriage, storage and control of explosives. The Act authorises the making of regulations and provides for penalties up to a maximum of $200 for offences against the Act and $500 for breaches of the regulations.

The proposed amendment will allow for a maximum penalty of $30 000 for an offence against the Act by a body corporate and $4 000 for a breach of the regulations.

The penalties provided for offences against the Act have undergone little change, apart from a conversion to decimal currency, since the Act was assented to in 1936. Penalties in other Acts addressing safety matters are set at a level that reflects the potential for injury to persons and damage to property associated with the activities they regulate.

The penalties for offences against the Explosives Act should reflect the very high potential for injury to persons and damage to property associated with the transportation and keeping of explosives.

Increasing the fines in line with CPI is inappropriate, as is arbitrarily selecting a level that may seem adequate. A more valid approach is to set maximum fines in accordance with those accepted and operating under other Acts for similar offences.

A comparison between the penalties under the Explosives Act and those under the Dangerous Substances Act 1979 reveals that fines for similar offences under the Dangerous Substances Act are of the order of 150 times greater for a body corporate and 20 times greater for an individual.

Many of the offences which incur heavy penalties under the Dangerous Substances Act are similar to offences under the Explosives Act. These include keeping without a licence, breaching a condition of a licence, transporting without a licence and hindering an Inspector in the course of his duty. The level of penalty adopted in the Bill for these cases is similar to that under the Dangerous Substances Act.

Where offences are not of an equivalent type then the potential for harm and the seriousness of the offences have been assessed and the penalty set accordingly. The penalties have been expressed as divisional penalties, as listed in the Acts Interpretation Act, in accordanced with current policy. I commend the Bill to members.

Clause 1 is formal.

Clause 2 amends section 11 of the principal Act. Section 11 requires the owner of an explosives factory to make special rules, with the approval of the Minister, for the regulation of the employees of the factory in order to secure the observance of the Part of the Act relating to the manufacture of explosives and the safety of employees and the public. Clause 2 increases the maximum fine that can be imposed for a breach of those rules from $4 to a division 9 fine ($500).

Clause 3 amends section 12 of the principal Act, increasing the maximum penalty for the offence of manufacturing an explosive in an unauthorised place. The existing penalty of a $200 fine for each day of manufacture is replaced by a penalty of a division 6 fine ($4 000), division 1 imprisonment (1 year), or both (or a division 3 fine ($30 000) in the case of a corporation). Clause 26 then provides for a further penalty for each day of manufacture. The existing additional penalty of forfeiture of the explosives concerned is retained.

Clause 4 amends section 13 of the principal Act, increasing the maximum penalty for committing an act tending to cause fire or explosion in an explosives factory or failing to take due precaution to prevent accidents in, or unauthorised access to, such a factory. The existing $4 fine is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 5 amends section 16 of the principal Act, increasing the maximum penalty for carrying an explosive (other than a small amount of explosive carried in accordance with the regulations) from a $200 fine to a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 6 repeals section 18 of the principal Act, which makes it an offence (penalty $200) for a person wilfully to cause a carrier to commit an offence against the Act, and substitutes an equivalent provision with an increased maximum penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 7 amends section 19 of the principal Act, increasing the maximum penalty for carrying explosives without a licence from a $200 fine to a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 8 amends section 21 of the principal Act, increasing the maximum penalty for breach of the Act or of a magazine licence by the holder of the licence. The current $20 fine for each day the breach continues is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation), with provision in clause 26 for a further penalty for each day the breach continues. The existing additional penalties of forfeiture of the explosives involved and revocation of the licence are retained.

Clause 9 amends section 22 of the principal Act, increasing the maximum penalty for breach of the Act or of an explosives storage licence by the holder of that licence. The current $20 fine for each day the breach continues is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation), with provision in clause 26 for a further penalty for each day the breach continues. The existing additional penalty of revocation of the licence is retained and the possibility of forfeiture of the explosives concerned is added.

Clause 10 amends section 23 of the principal Act, increasing the maximum penalty for keeping explosives contrary to the section from a $200 fine to a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation). The present additional penalty of forfeiture of the explosives concerned is retained.

Clause 11 amends section 27 of the principal Act, increasing the maximum penalty for removing explosives from a Government magazine without first paying inspection and testing fees from a $20 fine to a division 9 fine ($500).

Clause 12 amends section 28e of the principal Act, creating a maximum penalty of a division 8 fine ($1 000) or division 8 imprisonment (3 months) for entering the Broad Creek explosives reserve without permission.

Clause 13 amends section 29 of the principal Act, increasing the maximum penalty for failure by the master of a ship that is carrying explosives to display a warning flag or light on a conspicuous part of the ship when the vessel is approaching a port or is within a port. The existing penalty of a $40 fine is replaced by a division 6 fine ($4 000).

Clause 14 amends section 31 of the principal Act, increasing the maximum penalty for bringing a ship that contains explosives into a prohibited area or contravening a condition of an authority to bring such a ship into a prohibited area. The existing fine of $200 for the master of the vessel is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both.

Clause 15 amends section 33 of the principal Act, creating a maximum penalty of a division 6 fine for failure by the master of a ship that is carrying explosives to give the prescribed notice of intention to land the explosives.

Clause 16 amends section 34 of the principal Act, creating a maximum penalty of a division 6 fine for discharging explosives from, or loading them into, a ship outside of the hours appointed by the Minister for that purpose. It also creates a maximum penalty of a division 6 fine for failing to convey explosives directly from a ship to the place appointed for landing them.

Clause 17 amends section 35 of the principal Act, increasing the maximum penalty for bringing a ship that contains explosives alongside a wharf without the authority of the Minister from a $200 fine for the master of the vessel to a division 6 fine, division 6 imprisonment, or both.

Clause 18 amends section 36 of the principal Act, increasing the maximum penalty for landing or shipping explosives in a port other than at the landing or shipping places appointed by the Minister for that purpose. The existing $200 fine is replaced by a penalty of a divison 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 19 amends section 37 of the principal Act, increasing the maximum penalty for taking on board a ship large quantities of explosives within a prohibited area without the authority of the Minister. The existing fine of $200 for the master of the ship is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both.

Clause 20 amends section 38 of the principal Act, increasing the maximum penalty for failing to comply with the Minister's directions as to the times at which and manner in which vessels carrying large quantities of explosives may be navigated within a port. The current $200 fine for the master of the ship is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both.

Clause 21 amends section 39 of the principal Act, increasing the maximum penalty for conveying explosives on a boat that has not been approved by the chief inspector or does not have appropriate coverings. The current $20 fine is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation).

Clause 22 amends section 43 of the principal Act, increasing the maximum penalty for failing to facilitate any entry,

inspection or examination that an inspector is authorised by the Act to conduct and for failing to facilitate the taking of samples or seizure or disposal of material in accordance with the Act. The existing fine of $40 is replaced by a division 6 fine.

Clause 23 repeals section 44 of the principal Act, which makes it an offence to hinder an inspector, interfere with a lawful exercise of power under the Act by an inspector, disobey a lawful direction of an inspector or refuse to answer an inquiry made by an inspector under the authority of the Act. It replaces section 44 with an equivalent provision which increases the maximum penalty from a fine of $40 to a division 6 fine and does not require questions to be answered if the answer would tend to incriminate the person asked. The additional penalty in the existing provision of revocation of licences is retained.

Clause 24 amends section 48 of the principal Act, increasing the maximum penalty for contravening a proclamation under the Act relating to the manufacture, keeping, conveyance or sale of explosives. The present fine of $200 is replaced by a penalty of a division 6 fine, division 6 imprisonment, or both (or a division 3 fine in the case of a corporation). The current additional penalty of forfeiture of any explosives concerned is retained.

Clause 25 amends section 50 of the principal Act, increasing the maximum penalty for trespassing in a magazine or explosives factory from a fine of $10 to a division 8 fine ($1 000) or division 8 imprisonment (3 months). It also increases the maximum penalty for doing an act tending to cause an explosion or fire in or about a magazine or factory from a fine of $100 to a division 6 fine, division 6 imprisonment, or both.

Clause 26 inserts two new provisions, sections 51a and 51b. Section 51a provides that where a corporation is guilty of an offence against the Act, each member of the governing body of that corporation is also guilty of an offence against the Act (and liable to the same penalty as if the offence had been committed by a natural person) unless the member proves that he or she did not know and could not reasonably have been expected to have known of the commission of the offence, or exercised due diligence to prevent the commission of the offence. Section 51b provides that where an offence against the Act is committed by reason of a continuing act or omission an additional penalty of not more than one-fifth of the maximum penalty for that offence may be imposed for each day during which the act or omission continues. It also provides for a similar additional penalty if the act or omission continues after conviction for the offence.

Clause 27 amends section 52 of the principal Act, increasing the penalty that may be provided in regulations for breach of those regulations. The maximum fine that may be prescribed at present ($500) is increased to a division 6 fine.

Mr INGERSON secured the adjournment of the debate.

ABORIGINAL LANDS TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 147.)

The Hon. D.C. WOTTON (Heysen): The Opposition supports the Bill. This is something of an historic occasion, because I understand that this is the first Bill that the new Minister has dealt with and it is also the first Bill that I have dealt with in my new responsibility as the shadow Minister. I look forward to many other occasions when we can debate such legislation while this Government is in office.

The purpose of the Bill, as was explained in the Minister's second reading explanation, is to provide the opportunity for regulations to be set down to:

> ... restrict or prohibit the consumption, possession, sale or supply of alcoholic liquor on specified parts of Aboriginal Lands Trust lands; by regulation, prohibit the inhalation or consumption of any regulated substance (such as petrol) on specified parts of the lands; by regulation, prohibit the possession, sale or supply of any regulated substance on specified parts of the lands for the purposes of inhalation or consumption; by regulation, provide for the confiscation of alcoholic liquor or any regulated substance used in contravention of the regulations; by regulation, provide for the treatment or rehabilitation of any person affected by the misuse of alcoholic liquor or any regulated substance; by regulation, prescribe penalties for contravention of or non-compliance with the regulations; under certain circumstances to provide for the confiscation of vehicles used in the distribution and supply of alcohol or a regulated substance.

The Minister went to some length in his second reading explanation to point out to the House that this is a self-regulating piece of legislation. We realise, of course, that it does not necessarily cover every Aboriginal community. I have enjoyed the opportunity to speak to a number of Aboriginal community councils which support this legislation. In fact, I might say at the outset that I have very much enjoyed the opportunity I have had in the past few weeks to speak to a number of the traditional people and to learn more about some of the issues about which they are concerned. It has been made very clear to me that, on the whole, they are very supportive of this legislation.

I suppose we could say that the problems that this Bill seeks to overcome were foreshadowed at the time that the then Premier, Mr Dunstan, introduced the free attitude policy (and, through that policy, legislation) to Aborigines in this State. At that time there was concern about some of those policies. Now, as a result of the Aboriginal people requiring that this legislation be introduced, we hope that some of those problems will disappear.

There is only one matter, which has been brought to my attention by one of my colleagues who I believe will refer to it later in the debate, on which I seek clarification. I refer to proposed new regulation 21 (3), which empowers a member of the Police Force, which includes a special constable authorised by a member of the Police Force, to seize and impound any vehicle reasonably suspected of having been used in connection with the supply of alcoholic liquor in contravention of a regulation. It has been put to me that it may be necessary to consider other prohibited substances in this regulation. I am not quite sure—this is why I seek clarification from the Minister—whether other drugs or prohibited substances may already be included in the legislation or come under the Controlled Substances Act. Initially, I sought to put down an amendment on this matter, and I thought it might be appropriate to clarify the situation during the second reading stage so that, if necessary, some further action can be taken later.

As I said, in the discussions that I have had with people who will be given the responsibility of determining whether or not such regulations should be introduced it was made quite clear to me that they are supportive of and have supported such a move for quite some time. I have also appreciated the opportunity of hearing some of their concerns, some of which are not directly related to this legislation. However, there are obviously a number of issues that these people are keen to have clarified with the Government. I look forward to further opportunities to discuss a number of these issues with them.

One of the issues that was raised—and I will mention it at this stage, because I have referred it to the Minister previously—relates to the Southern Community Apprenticeship Training Scheme (SCATS), which has been recognised as one of the best organised schemes of its type. Many of the Aboriginal communities and their councils are concerned that this scheme may be brought to a halt as a result of a reduction in or complete withdrawal of funding by the Federal department. The Minister has indicated that he will look into that matter for me, and I have made other inquiries at the same time.

There are many other issues to which I could also refer, but I wish to return to the health issue and some of the information that I have received and some of the publications that I have taken the opportunity to read. Having been given the shadow portfolio, I have emphasised a number of concerns relating to health, because it is quite clear to me that the Australian Aboriginal population is burdened with a far shorter and unhealthier life than its non-Aboriginal counterparts. The studies that I have noted have shown that, among Aborigines, death in middle age is common. In fact, more than 40 per cent of Aborigines are dead by the age of 44. In general terms, the life expectancy of Aborigines is 20 years less than the national average of 73 for male Australians and 79 for Australian women.

The Hon. Ted Chapman: How do you arrive at that statistic?

The Hon. D.C. WOTTON: If my colleague had been listening, he would have heard me refer to one of a number of reports that I have taken the opportunity to read in more recent weeks. Another such study, mainly of Adelaide Aboriginal people, clearly indicated concern at the very high rate of excessive drinking compared with the white population.

I hope that this legislation will help overcome that problem. However, the Opposition supports the Bill. It will give the police much wider powers to take action against persons who consume, sell or distribute alcohol—or other regulated substances on prescribed sections of the land, and it will also enable the courts to impose realistic penalties for offences committed against the regulations. The Bill is also supported by those whom the legislation will help.

Mr GUNN (Eyre): This is an important Bill, which from my inquiries has the full support of the communities which will be affected by its provisions. I am pleased to see that it covers not only alcohol but also petrol, and I understand, from the way in which the clause dealing with regulations is drafted, it would also refer to controlled substances, as well as substances such as glue or any other product which is liable to cause problems in those communities.

Of course, this legislation will implement the same provisions that currently apply in the Pitjantjatjara and Maralinga lands. That legislation was enacted after consideration by the select committee in which the member for Chaffey and I were involved at the time of the amendments proposed to the Pitjantjatjara Lands Act. It was the clear desire of those Aboriginal communities to have strong provisions in place so that they could attempt to control the supply and consumption of alcohol on their lands. There have been some difficulties, but the legislation has worked reasonably well; it is the desire of those communities to be dry, and I find no problem with that.

I think that one of the problems facing not only the Aboriginal communities but the whole of the Western world is the over-consumption of alcohol. In my view, it is a social problem that we are not addressing in a very practical way. Far be it from me to want to stop people from enjoying other people's company and a few convivial ales, but I am concerned that throughout society there is an excessive consumption of alcohol. Of course, this is particularly so in Aboriginal areas. From time to time, we have requests from those communities to have dry areas created, and that has taken place at Ceduna.

The Minister might be reminded that there are always people who, with devious intent, try to get around regulations of that nature. In recent times I have been advised that the police are having difficulty enforcing those regulations dealing with dry areas because the people who are attempting to get around them have been told that, unless the police actually observe them consuming the alcohol—even though they have a bottle in their hand with the top off it—they are not breaching the law. In my view, that is making the law look foolish, and something should be done to correct it.

I hope that the Minister can assure us that this legislation is watertight and that there are no provisions which people with devious intent can set out to circumvent, otherwise that will destroy its effect and also the ability of local communities to control the consumption of alcohol. The Minister and I know that people have been coming across the border in the north of the State, and in the past people have been involved in using taxis as a front for sly grogging. In my view, such people need to be dealt with severely.

The Aboriginal police aides have acted effectively in the Pitjantjatjara lands, and I sincerely hope that they will be appointed in the near future in other areas, because they will be more effective in controlling the situation and bringing this legislation into effect than the South Australian Police Force. From my experience and my observations in the north-west, I believe that these people have been able to stem the flow of alcohol. There has also been considerable cooperation from some of the licensed premises in those areas in coming to an arrangement with the tribal elders to ensure that certain actions are taken to restrict the inflow of alcohol.

I strongly support this measure. I sincerely hope that it can be administered effectively, and I hope that something is done urgently about the matter of people contravening the dry areas legislation because, otherwise, it will make the law look foolish. I also hope that extra police aides from the State can be appointed to assist with the administration of these provisions, because I believe that they will be effective in that respect. I support the Bill and look forward to its passing into law. From time to time, this legislation may need to be reconsidered as difficulties arise. Obviously, the Minister has given himself and his successors ample powers under the regulations to deal with any difficulties that arise of an administrative nature, and I think that is wise. There are problems that must come before the Parliament to be examined.

I look forward to seeing the legislation enacted and to having further discussions in relation to the Aboriginal communities, particularly in the Pitjantjatjara and Maralinga areas in my electorate. I sincerely hope that all communities will be made aware, as soon as this legislation is brought into effect, that these new powers exist and that the Government will be able to assist in implementing them, if so desired.

Mr S.G. EVANS (Davenport): I support the legislation. Some members may not know that I have some Aboriginal land in my electorate. It is that land about which I wish to speak, in particular, the land on which Colebrook Home previously stood. I know that we do not have any trouble with alcohol in that area, but I take the opportunity of

asking the Minister to examine this area, which I believe the Aboriginal Lands Trust is happy to relinquish so long as it can obtain some other land or benefit equal in monetary terms. I believe that the Mitcham council is happy to buy it because certain community groups wish to use it.

I know that the Aboriginal people themselves have been trying to negotiate and get some feedback from all of their groups throughout the State. I would ask the Minister whether he could do the community a favour by trying to speed up the process that has been going on for a couple of years to enable that land to be acquired by the Mitcham council and to reimburse the Aboriginal people concerned. I realise the difficulty that the Aboriginal leaders have in obtaining opinions throughout the State.

As I have indicated, I support the Bill. I believe that we are giving the responsibility back to these communities. I briefly visited the areas in 1974, when the member for Eyre was kind enough to take us through settlements such as Ernabella, Amata, Yalata and Koonibba, etc. The elders said on that occasion that they would like to have the responsibility. I think that the Government has taken a good and responsible approach in this regard, and I hope that this Parliament will now endorse that approach and pass this legislation.

Mrs HUTCHISON (Stuart): I rise with a great deal of pleasure to support the Bill. Like the member for Eyre, I have a great number of Aboriginal electors in my electorate. The Minister recently visited my area and also the rest of the State. I believe he discussed this topic with people in that area. I know from my own experience and from discussions I have had that people from the communities were pleased to have this sort of legislation come before the Parliament. I think it is very important to give the responsibility back to the Aborigines.

I support also what the member for Eyre said about Aboriginal aides. I think that if this legislation works in concert with that concept we can probably have a very effective method of controlling the use of alcohol in the various communities. I believe also that it is extremely important that the Aboriginal communities be left to make these decisions for themselves, and this legislation gives them that facility. I must applaud the Minister on the work he has done on this legislation and on the discussions that he has had: he has tried to give as many people possible the opportunity to comment on the matter. I support the Bill.

Mr BRINDAL (Hayward): I support the Bill and I commend the Minister on this initiative. In my previous job I was privileged to be granted entry to the Pitjantjatjara tribal lands and prior to that, when I was teaching, I had a lot to do with the lands around Yalata and Koonibba and the settlement around Nepabunna. Like other members in this House, I am interested in the intent of this Bill.

While this is possibly a matter of semantics, I point out that we are not giving responsibility 'back to the Aborigines'; rather, we are assisting them to accept a responsibility that they want to accept. I think that when we say we are 'giving' something back to them we are being a little patronising—and I mean this sincerely—because we are really, in this Bill, assisting them to accept a responsibility that they want to accept. I applaud them for what they are trying to do.

I want to make a number of points to the Minister about this Bill which I believe may have been covered briefly by my colleague, the shadow Minister. Paragraph *(b)* of proposed section 21 (1) prohibits:

> ... the inhalation or consumption of any regulated substance on a specified part of the lands;.

Proposed subsections (3), (4) and (5) empower a member of the Police Force to seize a vehicle and to take subsequent actions thereafter. Paragraph *(b)* of proposed subsection (9) provides that 'any other substance declared by the regulations to be a regulated substance for the purposes of this section' may be declared.

While I think that this legislation is admirable, I wonder why no provision has been made to seize a vehicle because of possession of any substance which may be declared a prohibited substance in the future. I realise that extensive consultation has occurred and that the will of the communities in this instance is paramount. I also realise, along with other members in this House, that the paramount needs of those communities at this time involve having some form of regulation of themselves in connection specifically with alcohol and petrol.

However, I put to the Minister that legislation that we enact in this place should be not for one year but, rather, for as many years as we can make it and that perhaps future problems in those lands may relate to kava, marijuana, or even designer drugs and that, if subsections (3), (4) and (5) of proposed section 21 provided for seizure of a vehicle for possession of a prohibited substance, it would allow for vehicle seizure to be effected more easily, whatever substances might be designated to be prohibited in the future. I think that would tighten the legislation because, as I understand the legislation at present, while other substances, upon the request of the Aboriginal communities, can be prohibited in the future, the legislation would have to be amended again before seizure of vehicles could take place for carrying those then prohibited substances. It is only a point, but I commend it to the Minister. I congratulate him on the legislation and I hope that all the legislation which he brings into this House is equally enlightened.

The Hon. TED CHAPMAN (Alexandra): This subject is not one in which I have involved myself to a great extent since becoming a member of Parliament but, on this occasion, I am prompted to rise because it would appear that, no doubt with good motive and good reason, the Minister has introduced legislation which seems to me to be blatantly discriminatory in at least one element. I refer in particular to the making of regulations. I know of no other Act of Parliament (and there are some 1 400 Acts on the statute book as a result of their passage through this place) where a section of the community—and in this instance an identified section of the community—is the only section that can promulgate regulations under the law.

There may well be others, and I invite the Minister to identify which other Acts specifically give this selected privilege to a section of the community, thereby limiting the opportunity to promulgate, or at least introduce, regulations into this place.

I repeat that it may well be for good reason that this is done, but no doubt the Minister will explain why that apparent element of discrimination is incorporated in the Bill. However, assuming and hoping that such good reasons are available, can the Minister, at the appropriate time in this debate, indicate to the House (and therefore have on the public record) any knowledge that he may have about a desire within the Aboriginal community and within the boundaries of this albeit restricted arrangement to have regulations that declare dry areas in the City of Adelaide, including Victoria Square, Whitmore Square and possibly other places?

If the Minister is not aware of a desire being cultivated or present within that community make such regulations, will he consider a sensitive approach to that community for

the purpose of having such a declaration made ultimately? Having been to Ceduna in recent times (that is, the district identified earlier in the debate by the member for Eyre) and having seen the improvements in behaviour and witnessed the satisfaction that prevails in that township following the declaration of dry regions, I believe it is a very desirable step to take in other places.

Having had very little, indeed extremely limited, experience with the Aboriginal community other than in the few places I have mentioned, and having observed on an embarrassing number of occasions the behaviour that takes place within the square of the City of Adelaide (and this is quite apart from the publicity that has emanated on that subject in recent times), I believe that disgraceful behaviour still takes place from time to time—indeed, too often—and I hope that the Minister takes my remarks seriously and deals with them in the sensitive way that they deserve.

Mr S.J. BAKER (Mitcham): I believe that this form of legislation is totally acceptable and, more importantly, long overdue. I make that observation because I know that, when we debated the Maralinga Tjarutja Land Rights Bill in 1983—and I refer members to pages 2155 and 2156—I made comments to the effect of giving responsibility to these people.

I made the point that Canada had a system that operated on reserves which is something that we should embrace here. I just repeat the fact that that matter was raised. We are now 7 years further down the track and the problems have become far more compelling, the diseases have become far more rife, the desolation of these areas, the alcoholism and the abuses have become greater and we still have not done anything. I refer back to that contribution because there is one element of it in this Bill and there is far more to come. The Indian reserves have a total population of 320 000 as opposed to the 10 000 or less who may be affected under this legislation. In 1983 I said:

> For example in Canada the regulations that govern reserves includes protection of animals and those species which may be at risk; it demands that the destruction of noxious weeds be undertaken. It includes the control of speed and parking within those reserves; the control of dogs; conducting of entertainment; the control of diseases; access to medical treatment; inspection of premises; compulsory hospitalisation; sanitary conditions; and maintenance. Provision is also made for the protection of sacred sites. Alcohol is banned from the reserves and, as has been said, the Indian development in Canada has far surpassed expectations because the authorities have said, 'We are interested in your welfare. We want to see you progress as part of this nation; for many years you have been disadvantaged.'

That is the way I felt about it in 1983. There are no simple solutions. We must look at developing methods whereby people can take pride in what they have and what they do. Lack of pride is part of the problem—a problem that must be addressed. The Bill gives these people some rights of self determination.

I mentioned the situation in Canada because I looked around the world for an equivalent arrangement. I believe that the Canadian arrangement is a very productive way of at least addressing the problem. Let us all be assured that it has not eliminated the problem, and it never will. In 100 years we will still be debating some of the real problems facing Aboriginals. I am sorry; that just happens to be a fact of life. We can only try to take productive steps to overcome horrendous problems such as glaucoma, chlamydia, alcohol abuse, drug abuse and petrol sniffing. We can make inroads in these areas only if there is a community commitment to say that it will be done and the communities enforce the regulations that they themselves make.

This measure has been introduced as a result of representations, and I am absolutely delighted. We might make a few mistakes along the way, but I hope we can take this particular principle and extend it to all the other areas that are important and then provide the education and health back-up that is so necessary so that the Aborigines, as a race, and the people on the reserves can grow and achieve without being blighted by their history and having no hope for the future. I commend the Bill to the House and I would ask the Minister to think about extending it. This is a small step forward but, in five years, I hope it will mean that we have taken a giant leap forward.

The Hon. M.D. RANN (Minister of Aboriginal Affairs): I thank all members for their contribution. All of us are aware of the conditions that Aborigines live in throughout the State. Indeed, it is fairly true to say that Aboriginal people—our nation's first Australians—are very much the last Australians when it comes to a whole series of outcomes—whether it is health, employment, training and, as has been mentioned by members opposite, longevity and so on. There is a great deal we can do. There is probably no more important area in terms of a bipartisan commitment as the area of Aboriginal affairs. I am certainly very heartened by the response to this legislation today.

For the past year or so I have been a member of the select committee on Aboriginal lands issues—the Maralinga and Pitjantjatjara select committee—and I acknowledge the contribution by all members of that committee, particularly the Member for Eyre, whose electorate covers a vast area of the State, including Aboriginal lands. That committee, like committees such as the Public Works Standing Committee, acts very much in a bipartisan way to look at issues in a practical hands-on approach rather than an ideological way. We are dealing with issues not of left or right but of right or wrong. I certainly appreciate what members have said here today.

A number of things have been raised. First, I assure members that there has been an enormous amount of consultation by my predecessors and in the brief time that I have been Minister. In fact, I have tried to visit four Aboriginal Lands Trust communities. This legislation deals with seven communities: Koonibba, Yalata, Davenport, Point McLeay, Point Pearce, Nepabunna and Gerard. I have visited four of those communities, and members of the Aboriginal affairs office have been canvassing opinions. I recall one particular meeting late last year at Yalata where the strong will of the people attempted to come to grips with a situation crisis point for members of the community, staffers, support people such as nurses and teachers. The clear will of these communities is for this legislation to pass.

I went to Davenport, as the member for Stuart mentioned before, and asked the people whether they really wanted this legislation, this power. The overwhelming response was that it was needed urgently. People are asking that the Aboriginal Land Trust communities be given the same powers as both the Pitjantjatjara and Maralinga lands communities. We are basically putting in the same provision as mentioned by the member for Eyre in respect of the Pitjantjatjara legislation and the 1987 admendment to create police aides, which was particularly successful. Again, as was recognised by various speakers there can be no quick fixes. We are trying to move forward and tackle a very serious and sensitive issue.

I am pleased to inform the House that Yalata, following a recommendation from that bipartisan select committee, is now in the process of engaging a police aide. I understand that Davenport has also made a submission for a police aide and that consideration will be given to that by the Minister of Emergency Services. In the meantime a security

patrol is currently being used at Davenport to ensure that that community is protected from a whole range of violence and vandalism that is a spin off from alcoholism.

There has been some controversy in recent times about that security patrol and whether it will continue. I recently secured a commitment from the Federal Minister, Gerry Hand, to continue funding until the end of this financial year. However, the problem is that some people who have criticised this Bill—and there have not been many (and I am not talking about members)—have said, 'What is the point, because the Aboriginal Lands Trust gives communities the power to ban alcohol?' In fact, that is true but there is no sting in the tail. There is no effective way of enforcing that ban, but there is in terms of the Pitjantjatjara and Maralinga communities in terms of confiscation, fines and so forth. So, we are not only helping the communities to do the job but we are also helping the police to do their job in terms of those communities. At the moment, when the police are called to a situation their hands are tied unless the criminal law is being contravened.

We are helping the police to help the communities, and that is very important. This has the strong support of the police and health and education agencies. Questions have been raised about the scope of the Bill. One of the things I want to point out is that, with many of those concerns relating to other drugs and marijuana, there is existing legislation under various Acts of Parliament providing the police with adequate powers to deal with prohibited substances. Therefore, at this stage there is no need to incorporate that in this Bill.

We are dealing with communities that are saying, 'We want your Parliament's help in terms of tackling the grog problem.' We are giving them the means to do the job because they have asked for it. The member for Davenport raised some concerns, although they are not exactly related to this Bill, and I will be very happy to meet with him to discuss them. The member for Alexandra, my distinguished colleague, raised a number of concerns about whether any prejudice was involved in this Act in terms of giving special powers. We are introducing legislation through an amendment which provides the same powers as the Pitjantjatjara and Maralinga legislation.

The power to grant dry areas is given to not only Aboriginal communities. Indeed, only yesterday in this Parliament I answered a question from the member for Price in relation to drinking problems in Port Adelaide, where the Liquor Licensing Commissioner has declared two dry areas under section 132 of the Liquor Licensing Act: part of the Semaphore foreshore and the Port Adelaide mall. That has also occurred at Ceduna and Port Augusta, following requests from local councils. Aboriginal people are simply saying, 'If these communities have the right to declare dry areas, why can't we have that same right in terms of our communities?'

We are talking about a small community of people in a distinguishable area of the State who are actually asking for the right of their community council (which is the equivalent of a local government body) to have that power. The community council has certain powers to recommend that areas become dry. That recommendation is passed on to the lands trust, which then passes it on to me and, obviously, I would want to act to comply with their wishes to help them come to grips in a practical way with a serious problem.

Issues in relation to other areas have been mentioned. Just prior to Christmas, on 20 December or thereabouts, the Deputy Premier and I announced that the Aboriginal Sobriety Group would be given funding to run a mobile assistance patrol to assist intoxicated people throughout the metropolitan area and Murray Bridge, rather than getting them involved in that cycle which involves the police and the courts. The group takes intoxicated people back to their homes, sobering up centres or hospitals.

Commissioner Muirhead, who is inquiring into Aboriginal deaths in custody, makes the point repeatedly that, if we are to come to grips with this problem, for which there can be no quick fix, it must involve Aboriginal people managing issues that concern themselves. Without the support and backing of Aboriginal people, these reforms cannot work. I am currently involved in talks in order to try to secure a sobering up centre run by Aboriginal people in the City of Adelaide. Again, I emphasise how important I believe it is that we tackle these issues in a bipartisan way, and I thank all members for their contributions.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Regulations.'

The Hon. D.C. WOTTON: We are told that the Bill we are debating today mirrors the Pitjantjatjara and Maralinga lands legislation fairly closely. We have heard that that legislation has been very effective, as I hope this legislation will be. Regulation 21 (2) provides:

> A regulation under subsection (1) may not be varied or revoked except on the recommendation of the Aboriginal community . . .

Has it been found necessary by the Aboriginal councils to revoke any regulations brought forward at this stage? Further, some people I have spoken with have been a little concerned about vehicles being seized and, that being the case, the matter would need to be referred to a magistrate. Has there been any difficulty in the administration of the other legislation I have mentioned?

The Hon. M.D. RANN: As far as I am aware, that has never been the case. We have to emphasise that this would only be revoked on the recommendation of the council, and that has never happened. In terms of the confiscation of vehicles, that is not a regular occurrence. If someone was selling alcohol repeatedly, or grog running—and this had happened on a number of occasions (and these people are beneath contempt in my opinion, seeking to exploit Aboriginal people in this way)—the police would seize the vehicle and, at the first available opportunity, seek a ruling from a magistrate in order to perhaps confiscate the vehicle for a certain period if that was necessary. Thankfully these events occur rarely. The important thing is that the police have that power.

Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

The Hon. M.D. RANN (Minister of Employment and Further Education): I move:

That the House do now adjourn.

Mr HAMILTON (Albert Park): For many years now I have raised concerns with Ministers in relation to pollution in the western suburbs. One of the areas of pollution that I have endeavoured to address on behalf of my constituents is air pollution. For many years prior to my entry into Parliament, my constituents and thousands of other people in the western suburbs had to contend with the stench emanating from the Port Adelaide Sewage Treatment Works. I must say that this Government, in particular, has spent

millions of dollars on that problem. It is not one that will easily go away. However, that is not what I want to discuss today. I refer to the question of air pollution.

Last year a West Lakes constituent brought to my attention the question of 'the strange white mist' over West Lakes. It was laughed off by a number of people in the western suburbs and in other parts of Adelaide, but I do not believe that it is a laughing matter. I believe it is very serious, and I have written to the Minister about it. The response I received indicated that there was no information or research to confirm what this white mist was or its source. In discussion with other residents of my electorate my attention was drawn to the study that has been carried out in Western Australia by the Department of Conservation and Land Management and the Department of Health at Kwinana. That study is called 'The Kwinana Air Modelling Study'. Late last year I went to Western Australia and spoke to a number of people in the EPA on this matter.

An honourable member interjecting:

Mr HAMILTON: No, I did not walk there, as my colleague suggests, but I would accept the challenge for something like $500 000. I was very interested in the introductory chapter of this document. Living in the western suburbs, I see many analogies to the situation applying around Kwinana. The document talks about a fertiliser plant, a power plant, a cement works and other large operations such as a bulk grain terminal, smaller support industries and shipping access: those and many other industries operate in and around the western suburbs of Adelaide. The study talks about the monitoring of meteorological parameters, atmospheric sulphur dioxide concentrations, smoke and dust levels, and emissions of sulphur dioxide from industry, and states:

> Based on these data, a simple atmospheric diffusion model was developed in an attempt to simulate the dispersion of pollutants. The mathematical modelling work gave good results for winter months, but consistently under-predicted ground level concentrations of sulphur dioxide in the summer sea breeze regime. Lack of knowledge of the vertical structure of the atmosphere constituted the main difficulty when modelling dispersion in these conditions.

What interests me, and I have raised this with the Minister, is the question of what studies have been done in the western suburbs. As I have indicated, many industries in the western suburbs match very closely to those located in Kwinana. One of the very interesting things I have noted over the years while travelling around Australia is that with many industries we see very large chimney stacks. Perhaps I am no Rhodes scholar, but I believe that there is one main purpose for these large chimney stacks, and that is to disperse the pollutant into the atmosphere as far as possible. Whilst I do not wish or intend to name different organisations, I believe that in the western suburbs, in particular, the Government should be actively encouraged to undertake a study similar to that undertaken in Kwinana.

I should like to know which model, if any, has been determined in relation to air pollution in the western suburbs; what sort of instruments are used; what procedure has been adopted to detect various types of emissions from industry; what sort of pollutants are found in and around this area; and how were these studies carried out? I believe that we should be looking at what the sorts of emissions occur in that area and the impact upon health. Representing the electorate of Albert Park, I have had the view that for many years the western suburbs were neglected. As the member for that area I am not prepared to sit back and allow this to happen. I do not believe that this Government has allowed it to happen; nevertheless, I believe that a definitive statement must be made in relation to the amount of pollution, the industries from which that pollution emanates, the short-term and long-term action that has been taken and—probably most importantly—the impact upon the health of people in that area.

As you, Sir, and I know, in many cases in the past—and I am not suggesting it in this case—industry has been set up in areas in which the working class earn their bread and butter. Those people in the working class areas are in many cases too busy earning their bread and butter to become involved in environmental issues. Today I think that people are becoming more and more aware of environmental issues—and correctly so—and the multiplicity of factors that impact upon people's health.

A group that will meet in the western suburbs within the next few weeks will be looking at the impact upon the health of people in the western suburbs. The impacts on health from air pollutants include the irritation to eyes, nose, mouth, throat and bronchial tubes. Carbon dioxide and lead, of course, are absorbed into the body. Unfortunately, because of the lack of time, I cannot give a broader description of the impact upon the respiratory system and how foreign material impacts upon people's health; nevertheless, I believe that the Minister, with his social conscience, will address this issue.

The ACTING SPEAKER (Hon. T.H. Hemmings): Order! The honourable member's time has expired. The honourable member for Hanson.

Mr BECKER (Hanson): I wish to refer to the West Beach hotel development. This hotel is aimed at an international, national and local market, and it is proposed that a 300-bed, 3.5 star hotel with a 550-seat reception-convention centre be constructed. As we all know, if one builds an international standard convention centre, one needs to provide a bed for every seat in that centre. So, the proposed 550-seat convention centre will not be fully catered for until the proposed accommodation. The building will consist of three wings of up to five storeys. It encroaches on part of the noise area and would be affected by the flight deviations of the proposed alternative runway, if and when it is ever built. The hotel will also consist of a specialty restaurant, lounge bar, coffee shop, entertainment area, swimming pool, tennis court and accessory retailing with an executive bar area and lounge area.

Over the years, several attempts have been made to build a hotel at West Beach. For the life of me I could never understand the stupidity of anyone wanting to build a hotel on that site. A proposal for a hotel on Burbridge Road was soundly defeated by local residents 23 years ago. But, unfortunately, due to the very poor planning of the Henley and Grange council, we have inherited several rectangular blocks of flats of a pretty poor standard. They have now been improved and have been sold off of late as units. Of course, this prices out the average person who needs rental accommodation.

However, we have this blessed proposal for a hotel development. Then, of course, the Government puts up another proposal to redevelop the Glenelg foreshore and environs. This is probably the most misleading piece of information that has been given to the local people. I recently received a letter from more than 100 people who are playing members of the Patawalonga golf course. They are very concerned about what is happening there. No-one seems to be able to provide them with any answers to the questions that they have put to me or to anyone else.

The prospectus, which was issued recently by the City of Glenelg and the South Australian Government and which outlines the development of the Glenelg foreshore environment describes an area, including the Glenelg foreshore,

that may extend north as far as West Beach reserve. It did not go any further than that. However, we find that the Department of Environment and Planning has produced a document 'Patawalonga/West Beach development'. This is the first time that this document has been seen publicly. There have been rumours and whispers that the Department of Environment and Planning has a proposal.

At the top of the document there is a statement pointing out that 'this report has no Government status'. This means that the Government has not made a decision, it has chickened out or it is not too sure what the hell to do with it. In any case, it is floating about now and the idea is to fill the mouth of the Patawalonga at the weir—that would be no great loss—and then to cut a channel just north of the Glenelg North sewage treatment works, out to sea. Again, no-one is concerned about the last freestanding sand-dune. The Department of Environment and Planning has a lot to answer for in relation to preserving this sand-dune.

An honourable member interjecting:

Mr BECKER: No-one is worried about that—Henley and Grange just disappear off the map as far as the Department of Environment and Planning is concerned. The proposal is to build an embankment near the upper reaches, north of the Patawalonga. A weir will also be sited there as well as a trailer park, a boat marina, marina facilities, and a huge breakwater landfill. A permanent sand bypass gantry will be sited out in the gulf, where there is some of the roughest and most exposed water along our coastline. As far as I can recall, we have lost more than 100 metres of that sand-dune over the past 15 years because of the arrogance of the previous Minister of Water Resources who would not continue the riprap walling. The scientists and all the experts at the University of Adelaide will advise that, if riprap walling was constructed there, sand would be lost: it would do more damage than it is worth. That is arguable, but certainly it protects the coastline.

The sand movement program that the Coast Protection Board has undertaken has worked to some degree. However, I still believe that once a groyne is installed—and there is a groyne at Glenelg—we are then committed to further small profile groynes to build up the sand again. But if this action is taken, what has been done at Henley Beach South, must be done in this case, that is, to build up the sand, to plant natural grasses and to preserve that area. We will gradually move along the coast; it will take 20 years to get half a kilometre along the beach line, but at least one can rebuild the coastline.

That is the only way I can see that we will ever restore the part of our coastline that has been destroyed. More importantly, this proposal that seems to have been floating around tacks in with the proposal for the West Beach Hotel redevelopment, and some have suggested that it will make the Zhen Yun resort hotel viable.

If that is true, then somebody has not been telling the public the truth, because the lease for the Zhen Yun hotel (which really I do not object to; what I do object to is the secrecy of the whole deal) provides for part of the car park to encroach on the golf course. The Patawalonga Golf Course was one of the best public golf courses in the western suburbs. It was a beautiful course, used by over 100 000 people annually. It has deteriorated, but with the Patawalonga-West Beach development proposal we will lose about half the golf course. It is understandable that members of the Westward Ho Golf Club and those who play on the course are upset to think that the overflow car park from the Zhen Yun hotel will encroach on it.

The whole proposal is starting to look very sad and sorry. Someone has to make some decisions pretty quickly. As the local member, I am not all that fussed about the issue. However, I would like someone to make a decision and then we can proceed one way or the other. In regard to the basic proposal, I am inclined to say 'No' to the whole deal. That land was given to the people of South Australia as a recreation area; it is the last sand-dune in the area; there is the existing beautiful golf course; and the area should all be entirely for recreation—golf courses and other facilities—for the people.

I believe that the original plan of the West Beach Trust for caravans and holiday cottages was to provide affordable accommodation for the average working family. Even that is starting not to be possible now when one considers some of the charges and fees that are levied in the area. That is a tragedy. No-one objects to caravans, tents or the use of on-site caravans or the cottages. I think that the area was being slowly, but positively, developed and it needed something else to kick it along.

Of course, Marineland was the background of the whole thing; that was part of the success. People staying in the area could spend a day at Marineland, a day playing golf and were handy to all the other facilities. But, if this proposal to cut out a channel goes ahead, it will cut access to Glenelg and make it very difficult for people to go anywhere except into the city.

The area that needs to be developed is that which is encompassed by the council of Henley and Grange, and that is where the opportunity exists. Yet, it is not getting opportunities for developments on this huge scale. We are talking about $30 million, $40 million and $50 million. Those are the types of proposals that would be wonderful in Henley and Grange so that it can remain a viable council.

The ACTING SPEAKER (Hon. T.H. Hemmings): Order! The honourable member's time has expired. The honourable member for Henley Beach.

Mr FERGUSON (Henley Beach): During this grievance debate I wish to raise, once more, the question of my dissatisfaction with the lack of control so far as the releasing of genetically engineered micro-organisms into the environment before a whole range of things, including plant growth, pesticides, and growth hormones, eventually find their way into the food supply. One of the difficulties for me, as a legislator in this area, is that I have not been trained in science.

I am a compositor by trade. My experience in the world has been, first, in the printing industry; secondly, in industrial relations; and, thirdly, in politics. None of my past experience allows me to talk with any great confidence in this field of biogenetic experimentation but I do have a feeling, or a fear, which is obviously a layman's fear, of what may or may not happen in the event that we get a rogue organism entering the food supply or ecosystem.

I know, as I have raised this matter as a backbencher with very little power, that there are other large and influential organisations which are willing and prepared to defend the non-regulatory nature of this industry. I feel, as a legislator raising this question, somewhat helpless in the face of this opposition which has already meant, and will continue to mean, the raising of large fortunes for individuals and companies involved in this type of experimentation. Not only that, but the new biotechnologies give hope for healthier people, cheaper food, better medicines, and a whole host of important advances that can be of assistance to human endeavour.

All sorts of choices may well be available to future generations, who may choose their own growth rates by the introduction of growth hormones, and parents may choose

the sex of their babies, and so on. But what I am talking about is not new. Experiments in bio-technologies and gene selection production have been going on for more than 30 years in Australia, and probably longer than that. However, we have reached the advanced stage in experimentation where both wonderful and wierd things may occur.

So far as the jurisdiction of this Parliament is concerned, it is certain that it is within the jurisdiction of the State to introduce and implement legislation for the control of recombinant DNA procedures and their application. In fact, this appears to be an area within the exclusive jurisdiction of this State.

We, as legislators, should be asking ourselves whether in fact there should be regulation in this area. It is not an easy question to answer. We must remember, however, that there has been rapid development in the bio-technological field, and there is the potential for public and media misunderstanding, the potential for, and consequences of, errors, and the lack of any regulatory controls, except in the area of civil liability, being determined by the court system in the event of negligence. In my view, this is a totally unsatisfactory form of control.

The other area that we must remember is the commercial motivation of potential and actual large profits through patenting and marketing and, finally, the competitiveness of the scientific community that does, in my view, point to the need for regulatory controls. Australian scientists are at the forefront of biotechnology work. They are cloning human hormones, making vaccines for malaria, cholera and typhoid and are even developing genetically engineered animals whose growth can be switched on and off.

That all means that we will be faced with the same regulatory problems that the United States faces if we do not learn from their mistakes. In my view, regulation has been untouched because of two almost insoluble questions. First, what criteria do we want to establish for good and bad genes or useful and 'unuseful' genes for the entire living kingdom of plants and animals on this planet? Secondly, to which institutions do we want to delegate the ultimate authority to decide which genetic engineering is possible and which is not? Should the Government be entrusted with the authority of deciding genetically to engineer microbes, plants, animals and the human race? Should a corporation, the marketplace or scientific establishments make these decisions?

Some scientists are deciding what are good and bad genes, but I ask everyone who is watching this situation whether we really feel that we have the ultimate authority, the presumption and the wisdom to design a genetic code for future generations of living things on this planet. These are all difficult questions. However, at the moment and in many ways, the decisions are being left to the marketplace. This very serious question is in need of further discussion. Many of the decisions are being left to the membership of biohazards committees in our various institutions, and that is not good enough. My own view is that experimentation in bio-technology is of national importance and that we need national agreement for legislation in every State on this subject.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

At 4.38 p.m. the House adjourned until Tuesday 20 March at 2 p.m.