LEGISLATIVE COUNCIL

Tuesday 18 November 1980

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Appraisers Act and Auctioneers Act Repeal,
Appropriation (No. 2),
Crimes (Offences at Sea) Act Amendment,
Criminal Law Consolidation Act Amendment,
Crown Lands Act Amendment (No. 2),
Foreign Judgments Act Amendment,
Loans to Producers Act Amendment,
Motor Fuel (Temporary Restriction),
Planning and Development Act Amendment (No. 3),
Prices Act Amendment,
Public Purposes Loan,
Railway Agreement (Adelaide to Crystal Brook Railway),
Real Property Act Amendment,
South Australian Ethnic Affairs Commission,
Statutes Amendment (Change of Name).

OMBUDSMAN'S REPORT

The PRESIDENT laid on the table the report of the Ombudsman for 1979-80.

GLENSIDE HOSPITAL REDEVELOPMENT

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Glenside Hospital Redevelopment (Multi-Purpose Hall, Canteen and Industrial Therapy Workshop).

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

Pursuant to Statute—

Public Service List, 1980.

Real Property Act, 1886-1979—Regulations—Solicitors and Land Brokers Charges.

Superannuation Act, 1974-1979—Regulations—Allowances.

By the Minister of Local Government (Hon. C. M. Hill)—

Pursuant to Statute—

Dog Fence Board—Report, 1979-80.

River Murray Commission—Report, 1979-80.

Building Act, 1970-1976—Regulations—Various Amendments.

By the Minister of Community Welfare (Hon. J. C. Burdett)—

Pursuant to Statute—

Planning Appeal Board—Report, 1979-80.

Institute of Medical and Veterinary Science—Report, 1978-79.

Marketing of Eggs Act, 1941-1980—Report of Auditor-General for year ending 28 June 1980.

Stock Diseases Act, 1934-1976—

Regulations—

Canine Parvovirus Vaccine.

Tail Tagging.

Proclamation—Section 6—Prohibition in Introduction of Cattle into South Australia.

Community Welfare—Department for—Report, 1979-80.

QUESTIONS

PRISONS ROYAL COMMISSION

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about the Royal Commission into the prison system.

Leave granted.

The Hon. C. J. SUMNER: It is now quite clear that the terms of reference of the Royal Commission appointed by the Tonkin Government to look into the South Australian prison system are too narrow. The members of both industrial organisations subject to the inquiry, the Public Service Association and the Australian Government Workers Association, believe that the terms of reference are too limited and have made submissions to the Government to that effect.

Certainly, if there have been any improper or illegal actions in the prisons system, these should be exposed, and I am sure that the unions concerned would want this. Indeed, that is clear from the fact that they want an extension of the terms of reference. However, there is a feeling that prison officers and members of these associations will be made scapegoats for the system in general. This would be most unjust.

To ensure that this does not happen, they have called for an extension of the terms of reference to ensure that not only the prisons themselves but also the Department of Correctional Services and other matters generally relating to correctional services are investigated. The Government has refused to allow this extension, and the Premier has duck-shoved the issue. The Royal Commisioner said, when the Commission opened its hearing, in answer to a request from counsel about the terms of reference:

> That is not within my power, of course.

The Premier said:

> We have determined that the best way to deal with this problem, since there seems to be such a diversity of opinion in the community, is to leave it, as I believe it should properly be left, in the hands of the Royal Commissioner.

In other words, the Royal Commissioner says he has no power to alter the terms of reference, and the Premier says, "I am going to leave it to the Royal Commissioner." It is clearly a matter for the Government, which set up the Royal Commission and established the terms of reference, and it can amend or enlarge the terms of reference. If there is some doubt about the coverage of the Royal Commission inquiry, the terms of reference should be widened, especially as there is a feeling that injustice may be done to members of the unions concerned.

It is clear that the Government is scared and is trying to do what it can to protect and shield the Chief Secretary (Mr. Rodda), as it has done in this matter right from the beginning. I ask the Attorney-General whether the Government will accept its responsibilities and enlarge the terms of reference as requested by the A.G.W.A. and the P.S.A.

The Hon. K. T. GRIFFIN: In 1978 there was a Royal Commission into the sacking of Mr. Harold Salisbury, and I remember quite clearly that an application was made to the Government both directly and through the media for the widening of the terms of reference of that Royal Commission. There was also an application to the Royal Commissioner for widening the terms of reference but the Royal Commissioner indicated that she was not prepared at that stage to make any representations to the Government to widen the terms of reference. In that case it was quite clearly established that the Government of the day was not going to move unless the Royal Commissioner indicated that she believed that it was appropriate to recommend a change in the terms of reference.

The point that the present Government has consistently made during the past few weeks when representations have been made by letters to the Government and in the media about widening the terms of reference is that it is really a matter for the Royal Commissioner to hear submissions and, if necessary, evidence on, and then to make recommendations to the Government if he believes it appropriate for the terms of reference to be widened. Consistently we have said that, if he makes that recommendation, it will be most carefully considered and a decision taken. It is quite premature for the unions or anyone else to be crying out in the media that the terms of reference are too narrow until evidence has been heard and some indication given—

The Hon. C. J. Sumner: He'll have to hear all the evidence again then.

The Hon. K. T. GRIFFIN: He will not. The Leader of the Opposition knows quite well that if new facts are raised during a court trial it does not mean recalling the witnesses to go through all the evidence-in-chief and cross-examination. It means only calling the witness for the purpose of pursuing the evidence on that particular topic. The same applies to the Royal Commission but, until the Royal Commissioner hears some evidence and makes his own assessment as to whether or not the terms are far too narrow, we are not really in a position to make a balanced judgment based upon substantive material as to whether or not the terms of reference should be widened. The Government has consistently held itself open to receiving submissions and recommendations from the Royal Commissioner about the terms of reference and has indicated that it will be prepared to give prompt and careful consideration to any such recommendation.

The Hon. C. J. Sumner: It's your responsibility.

The Hon. K. T. GRIFFIN: Ultimately, the Government has the responsibility under the Royal Commissions Act to make the final decision, because the commission to the Royal Commissioner is issued by the Governor-in-Council. But the procedure is quite proper and reasonable: the Royal Commissioner, because he will hear submissions and evidence, is in the best position to assess whether or not the claims of those who have an interest in the matter are well based or not well based. When he is in that position he can then make recommendations.

What he has said so far is that, on the material that has been presented to him only in submissions, he is not prepared at this stage to make a recommendation about the terms of reference. That does not preclude him from making a recommendation to the Government at any stage during the course of the Royal Commission. In fact, the door has been left open for that course if, in fact, those who are interested and want to take a genuine interest in this matter read the transcript of the proceedings on the day on which he delivered his judgment. We believe that the terms of reference are very wide, but if the Royal Commissioner, after hearing evidence and submissions, determines that they are not wide enough to get to the facts then we are certainly prepared to consider it most carefully.

WOOD CHIPS

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Forests, a question on the export of wood chips.

Leave granted.

The Hon. B. A. CHATTERTON: On 11 November this year in the *Financial Review* a short press story described the activities of two Japanese corporations—Marubeni and Hitachi. An extract from the article states:

> The United States Attorney's office announced last week that Marubeni America Corporation, a unit of Marubeni Limited, the big Tokyo-based conglomerate, was convicted in a Federal court in Los Angeles of 63 counts of racketeering, conspiracy, wire fraud, mail fraud and interstate travel to commit bribery.
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> Another concern, Hitachi Cable Limited, a subsidiary of Hitachi Limited, of Tokyo, pleaded guilty to 50 counts of similar violations. Both companies were indicted in November 1978 on charges that they bribed Richard McBride, an assistant manager of the Anchorage, Alaska, telephone utility, to rig competitive bids for $8 800 000 of telephone cable contracts from 1970 to 1978. A Marubeni employee, Mr. Leigh Raymond Tamura, was convicted of racketeering and fraud.
>
> The U.S. Attorney's office said Marubeni faces a maximum fine of more than $230 000, and Hitachi a maximum fine of about $185 000. Mr. Tamura faces a prison sentence of five to 20 years and fines of $1 000 to $25 000 on each of the 59 counts of which he was convicted. Federal judge William Byrne scheduled sentencing of all the defendants for 8 December.

Members of the Council will be aware that Marubeni is the Japanese company that has been closely involved with the South Australian Government in the development of export markets for surplus pulpwood. In addition, last night the Premier revealed on *Nationwide* that he had been holding discussions with Marubeni about the utilisation of l.p.g. from the Cooper Basin. There have also been discussions between the Minister of Forests and his officers and representatives of Marubeni about Adelaide Hills pulpwood, and the Minister has indicated that a trial shipment of logs will be made from the Adelaide Hills to Marubeni and that Marubeni is also interested in the South-East now that the Minister has decided to cancel the contract with H. C. Sleigh and Punalur Paper Mills.

Can the Minister of Forests say whether Marubeni was involved in the production of forged documents that were sent from Japan in an attempt to discredit Mr. Dalmia and Punalur Paper Mills in the eyes of the South Australian Government? Secondly, has the Minister of Forests initiated a police inquiry into the executives of Marubeni as he did into the Punalur Paper Mills? If not, in the light of this information, will he do so? Thirdly, has the Minister of Forests taken any special precautions to ensure that the assessment of proposals for the utilisation of surplus pulpwood is carried out with complete impartiality? If he has, what precautions have been taken?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

RYE GRASS TOXICITY

The Hon. M. B. DAWKINS: I seek leave to make a brief statement prior to asking a question of the Minister of Community Welfare, representing the Minister of Agriculture, about rye grass toxicity.

Leave granted.

The Hon. M. B. DAWKINS: I have noticed recent publicity referring to the probable incidence of rye grass toxicity in this State this year. This problem could be very serious indeed in rural areas. This matter is not new, and I discussed it, I think two years ago, with the then Minister of Agriculture. I was gratified to see due reference to this matter in the country edition of today's *Advertiser*. However, it is a fact, unfortunately perhaps, that quite a number of rural producers do not get that paper regularly. In view of that fact, has the Minister of Agriculture taken steps to have this matter widely publicised in rural papers and through branches of the Agricultural Bureau throughout South Australia? If he has not, will he endeavour to do this?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring back a reply.

DISTINGUISHED VISITORS

The PRESIDENT: I notice in the gallery members of the United Kingdom Parliamentary delegation. I extend to them a very cordial welcome on behalf of honourable members. I ask the Attorney-General and the Leader of the Opposition to escort Mr. John Osborn, Leader of the delegation, to a seat on the floor of the Council to the right of the Chair.

Mr. Osborn was escorted by the Hon. K. T. Griffin and the Hon. C. J. Sumner to a seat on the floor of the Council.

LAND COMMISSION

The Hon. J. R. CORNWALL: Has the Attorney-General answers to a series of questions I recently asked about the South Australian Land Commission?

The Hon. K. T. GRIFFIN: The manner in which the Land Commission is presently operating is within the Land Commission Act and the Commonwealth-State Financial Agreements. As previously announced, the State Government is restructuring the South Australian Land Commission in accordance with its election policy and public statements by the Government arising from its review of the Land Commission. Legislation will be introduced by the Government to direct the Land Commission to operate as a land bank as it was originally intended to be.

The commission's investments and cash in hand as at 30 June 1980 totalled $18 160 000. Market value of developed land held in stock at 30 June 1980 was estimated by the commission as $24 000 000. Details of the financial position of the commission as at 30 June 1980 are set out in both the report of the Auditor-General and the commission's 1979-80 annual report, as recently tabled in Parliament. Details of the renegotiated Financial Agreement can only be announced when negotiations have been completed. There has been no indication that the Commonwealth will have requirements along the lines suggested by the honourable member. The financial agreement covering the Land Commission is between the Commonwealth and the State. It is not between the Commonwealth and the Land Commission. In the event that the commission is not able to generate sufficient revenue to repay debt, the State would still be bound by the obligations set out in the financial agreements.

The Hon. J. R. CORNWALL: I wish to ask the Attorney-General, representing the Premier, a question about the Land Commission.

Leave granted.

The Hon. J. R. CORNWALL: In yesterday's *News*, on page 5, there was an article headed "Cheap land costs State $10 000 000". That was a scurrilous and blatant lie, and it is part of the on-going campaign to denigrate the Land Commission, apparently to create some sort of impression—I might say very successfully—among the community at large that the Land Commission is in some sort of financial difficulty. However, there is real doubt about that; in fact, the commission is alive and well and would be much better if it had not been tampered with for purely ideological reasons by the present Government.

The fact is that the Attorney in his reply has significantly failed to acknowledge that in the financial agreements, which I am well aware were between the Commonwealth and the State Governments and not between the Commonwealth Government and the commission, it was clearly established that, even though the commission might incur book losses from time to time, it could not make any call at all on the finances of the State. That is clearly written into the financial agreements, and the Attorney-General and the Premier certainly should know that, if they do not already know it. The fact is, as the Attorney has said in his reply, that at 30 June the commission held $18 000 000 cash in hand; it held developed land to the estimated value of $22 300 000, even allowing for a write-down of $1 700 000; and it held undeveloped land which had been written down by $9 000 000, but even after that write-down it still had a value of $42 500 000. In Tea Tree Gully alone the commission holds 1 349 hectares of urban land for development. That project could proceed if the Government would only give the green light. If that land were developed and sold as blocks, it has been conservatively estimated that the commission would make a profit of $70 000 000 on that land alone.

I simply cannot understand why, in those circumstances, the Government persists with the denigration of the commission, ensuring through its own propaganda that the commission has to be unsuccessful and, in doing so, the Government deprives the citizens of South Australia of tens of millions of dollars. Why is the Government persisting with this propaganda campaign against the commission to wipe off millions of dollars from the market value of its assets? By whom have negotiations been conducted with the Commonwealth Government, and what stage have negotiations reached?

The Hon. K. T. GRIFFIN: The fact is that the Land Commission is a failure and, far from making the contribution that the honourable member suggests it has made and is likely to make to the South Australian community, it is in fact a hindrance, as in the case of the Monarto Development Commission. This Government has been saddled with an instrumentality which costs the people of South Australia a monstrous fortune.

The Hon. J. R. Cornwall: It's costing them nothing, and you know it.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: There is no doubt about that. The fact is that the South Australian community cannot afford the luxuries foisted upon us by the previous Government—the monsters of State instrumentalities which cost this State substantial sums that it can ill afford.

In regard to the detailed material, I will refer the matter to the Treasurer.

The Hon. J. R. CORNWALL: I desire to ask a supplementary question. How much has the Land Commission cost the taxpayers of South Australia through the State Treasury?

The Hon. K. T. GRIFFIN: I will refer that question to the Treasurer.

LEIGH CREEK ROAD

The Hon. J. A. CARNIE: Has the Attorney-General a reply to the question I asked on 6 November about the Leigh Creek road?

The Hon. K. T. GRIFFIN: The Highways Department has no intention of sealing the road from Parachilna to Blinman before continuing sealing works north to Leigh Creek.

HEROIN

The Hon. J. E. DUNFORD: Has the Attorney-General a reply to the question I asked on 22 October about heroin?

The Hon. K. T. GRIFFIN: Drug offences generally, including the illicit use of heroin, are on the increase in South Australia, as they are in other States of Australia. However, there is no evidence whatsoever to substantiate the claim that heroin is more easily obtained in Adelaide than in Melbourne or New York. Very little heroin is illegally produced within Australia, and the main source of supply therefore comes from overseas countries, principally those in the South-East Asia zone. Consequently, the point of entry of supplies into Australia is largely through the international airport terminals in other capital cities, and it is at these locations that the main thrust of activity against smuggling must therefore be concentrated. It naturally follows that Sydney and Melbourne are the main supply points for heroin in Australia but, of course, the internal distribution chain is broadened from these cities to satisfy the demands of other parts of Australia, including South Australia.

In South Australia, the efforts of drug law enforcement officers have been directed mainly at those people in the drug scene who sell heroin or other illicit drugs for profit. Additional resources have recently been applied to the drug detection function of the Police Department for the specific purpose of countering the activities of the major drug traffickers and the movement of illicit drugs in this State. As a consequence, some considerable success has been achieved recently in the detection of various drug-trafficking offences.

At a national level, there is close co-operation between State Police Forces and the Federal Police, and a number of co-ordinated operations against movement of drugs across territorial borders have been mounted. The recent announcement by the Commonwealth Government of the establishment of an Australian Bureau of Criminal Intelligence, a concept which is fully supported by the South Australian Government, will result in the development of a national strategy to combat crime generally and will improve the capacity of the Police Forces to deal in particular with the drug-trafficking problem.

Statistics relating specifically to heroin traffickers are not identified from the overall drug-trafficking figures, and to provide this information would entail considerable expenditure of manpower and computer time which cannot be justified.

PETROL

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to asking the Minister of Consumer Affairs a question about petrol prices.

Leave granted.

The Hon. C. J. SUMNER: The petrol industry in Australia, and the oil industry generally, has been in a state of confusion for some time. I believe that the responsibility primarily for this confusion and disorder rests squarely with the Fraser Government. In 1976 a Royal Commission into the oil industry, having been set up by the Whitlam Government, issued its report, but the Fraser Government rejected its recommendations. In October 1978 the Fife proposals were put forward by the Minister of Business and Consumer Affairs at that time (Mr. Fife) on behalf of the Fraser Government.

Those proposals dealt with price discrimination by oil companies and contained provisions to protect resellers. No action was taken to implement those proposals until a few weeks before the last Federal election and, indeed, in the dying days of the Parliament that preceded that election. At that time an amended version of the Fife proposals, known as the Garland proposals (Mr. Garland was the then Minister), were passed rapidly through Federal Parliament. However, as the Minister would realise, that has resolved neither the problem faced by petrol resellers nor the relationship between resellers and oil companies. It was a matter of doing too little too late. It has resulted in the State Government feeling compelled to act to reduce the wholesale price of petrol in South Australia by 3c in accordance with some parts of a submission received from the South Australian Automobile Chamber of Commerce. That submission has been referred to in this Council previously.

There is no question that some action was needed on behalf of petrol resellers. However, according to the newspapers, consumers have been hit by increases in petrol prices of 5c per litre and in some areas up to 8c per litre, as a result of the Government's action. I believe that the Government should have left the market to settle down to some extent following the distortion in petrol prices that occurred as a result of the recent strike, which was settled last week. I believe that some action should have been taken months ago when this issue first raised its—

The PRESIDENT: Order! The Leader must not debate, but should be more specific about his question.

The Hon. C. J. SUMNER: I appreciate that, Mr. President. Had the Government not procrastinated, this matter could have been resolved some months ago. The Government's delay has caused a problem. It was suggested at the time that the Government should impose a 3c reduction in the wholesale price of petrol and that the retail price in the metropolitan area would increase by about 1c.

The Hon. J. C. Burdett: Who said that?

The Hon. C. J. SUMNER: It was reported in the press. I did not say that the Hon. Mr. Burdett said it. It is quite clear that the oil companies have decided to take the Government on, despite the high profits made by oil companies in this country over the last few years. I refer to a question I asked in the last period of sittings of Parliament in relation to profits made by oil companies in this country. In that question I particularly referred to the Shell Company, which in 1979 made an increased profit of 102 per cent over 1978. No doubt the Government took that into account when deciding that the wholesale price of petrol was artificially high and decided to reduce it by 3c. In other words, the Government obviously accepted that

there was some fat in the recommended wholesale price.

The Government has retail price control powers, but those powers are not being used, although they could be used if the Government so desired. It has also been brought to my attention that the reduction in the wholesale price of petrol has not had the desired effect in country areas, and I have received information, albeit anecdotal, that the price of petrol has not come down, certainly in some areas. What steps does the Government intend to take to monitor the price changes that have occurred following the reduction in the wholesale price of petrol? Secondly, what action does the Government intend to take if the price does not come down? Thirdly, will the Government use its powers under the Prices Act to fix the retail price of petrol?

The Hon. J. C. BURDETT: The Government will use its ordinary monitoring powers. Of course, the Government cannot say at the present time what steps it will take if the market does not settle down. Following the New South Wales experience, we believe that the market will settle down. To use the retail price powers would be stupid. When the Leader asked his question in the last period of sittings he referred to the submission made by the Automobile Chamber of Commerce and he appeared to have some interest in small business.

The Hon. C. J. Sumner: I said that something had to be done.

The Hon. J. C. BURDETT: This Government has clearly acted to support small business.

The Hon. K. T. Griffin: We have done something.

The Hon. J. C. BURDETT: Yes, we have. To fix the retail price of petrol would not help small business at all.

The Hon. C. J. Sumner: If there was a fixed margin, it would.

The Hon. J. C. BURDETT: It would not. If the Hon. Mr. Sumner will keep quiet for a moment I will explain. This Government has fixed the maximum wholesale price of petrol and, while it differs from company to company, because it has been fixed on the basis of a margin above the P.J.T. justified price, the average is 30c. For some time in the past when retail prices were fixed by the Prices Commissioner, 4·5c was about the maximum justified. The Automobile Chamber of Commerce in its first submission asked for 5c and has now asked for 7c. The price has now come down to below 34c. Therefore, if a maximum of 4·5c was fixed, the price would be above the price being charged and would not help at all. That is the reason why that will—

The Hon. C. J. Sumner: Didn't they fix the retail price in New South Wales?

The Hon. J. C. BURDETT: Yes they did, but it did not help there, and it would not help here. If the Government fixed the maximum retail price at a figure that would allow a reasonable margin to the resellers, it would be above the price that is currently being charged. That could not possibly be beneficial to anyone. The Leader says that he is concerned for small business, and so is this Government. If we fixed a maximum retail price which allowed a reasonable margin, it would be higher than the retail price currently being charged. The same phenomenon that has happened here occurred in New South Wales when the maximum wholesale price was reduced. First, retail prices went up, which is quite paradoxical, but it happened. The prices went crazy and then settled down. At the present time prices are fast settling down, and that is why monitoring is important. Of course, the problem was not brought about by Government delay, but through the chaotic situation in the oil industry.

The Hon. C. J. Sumner: Why didn't Mr. Fraser do something about it?

The Hon. J. C. BURDETT: I cannot answer for Mr. Fraser. While the Leader said that someone said that the price would not be increased by more than 1c, he did not nail down who actually said it. However, Mr. Bannon, the Leader in the other place, said that that was what I had said. I did not say that at any time, but Mr. Bannon was reported in the *News* as saying that. I steadfastly refused to make any prediction about what would happen to the metropolitan retail price. I said that that was in the hands of the industry, and it is. Regarding the country, generally speaking the price there has come down by 3c.

URANIUM

The Hon. BARBARA WIESE: Has the Minister of Local Government a reply to my question of 22 October regarding uranium information in South Australian schools?

The Hon. C. M. HILL: There is no knowledge of organised distribution of uranium literature to schools as a joint Department of Mines and Energy/uranium producers venture. This has been confirmed in discussion with Dr. Messenger, Director, Energy Division, Department of Mines and Energy. Literature can reach, and has reached, schools by the following methods: students writing to the Department of Mines and Energy for information on uranium; teachers visiting the department; and invited guest speakers (this has happened at one school only). With few exceptions, materials now enter schools after direct negotiations between producers/distributors and principals.

ART AND CRAFT COURSES

The Hon. BARBARA WIESE: Has the Minister of Local Government a reply to my question of 30 October about art and craft courses?

The Hon. C. M. HILL: The Department of Further Education has no plans to discontinue any of the vocational art and craft courses. The department does plan to rebalance its course offering throughout the State and has recently initiated steps in this direction. The department plans to offer a craft certificate, a new 360-hour course, at several locations. This certificate is practically orientated and is designed to meet the majority of vocational student needs. The Art and Craft Certificate is to be offered at strategic locations where a proven vocational need exists (Croydon Park, Elizabeth, Tea Tree Gully, O'Halloran Hill and Mount Gambier). Successful students may then study, subject to counselling, the Advanced Art and Craft Certificate at Croydon Park College of Further Education. It is planned to implement the above changes over a period of time and in such a way as to minimise the effect on present students.

PRISONER EDUCATION

The Hon. BARBARA WIESE: I ask the Minister of Local Government whether he has a reply to my question of 30 October regarding prisoner education.

The Hon. C. M. HILL: The Government's intention has been to transfer from the Education Department to the Department of Further Education the responsibility for prisoner education. This does not imply an increase in staffing, at least in the first instance. No additional funding has been allocated to the Department of Further

Education for this purpose. There are negotiations in hand to transfer appropriate funding from the Education Department to the Department of Further Education. When this is completed, along with other funding contingencies, the implementation of prisoner education in South Australia (Tasker Report) will have commenced.

SOLDIER SETTLERS

The Hon. B. A. CHATTERTON: Has the Minister of Local Government a reply to the question I asked on 28 October about Kangaroo Island soldier settlers?

The Hon. C. M. HILL: The Minister of Lands has a copy of Mr. Sinclair's reply to Senator Cavanagh's question in Federal Parliament on 9 March 1977 dealing with war service land settlement on Kangaroo Island. Mr. Sinclair said, in part:

> They were offered the choice of selling or voluntarily surrendering their leases; in either case, they would receive assistance for re-settlement. The assistance included the writing-off of their war service land settlement debt . . .

The offer to write off settlers' war service land settlement debts was conditional upon the settlers voluntarily surrendering their leases.

COUNCIL RATES

The Hon. N. K. FOSTER: Has the Minister of Local Government a reply to my question on council rates?

The Hon. C. M. HILL: The reply is as follows:

1. This information is not held by the Department of Local Government, as details of rates forwarded to the department each year are only in general terms and a detailed survey of councils would need to be undertaken to ascertain the relevant details. The general information is not yet available for 1980-81.

2. The Local Government Act does not require the provision of any information for a council to consider a rate deferral application. What information is sought by each council is a policy decision of that council.

3. This information is sought by the department from councils as soon as rates are declared. However, very few returns to date have been received from metropolitan councils.

RAILWAY CARRIAGES

The Hon. C. W. CREEDON: Has the Attorney-General a reply to my question about railway carriages?

The Hon. K. T. GRIFFIN: I am informed by my colleague the Minister of Transport (Hon. Michael Wilson) that the State Transport Authority needs 130 railcars each week day to handle the peak period commuter traffic. There is no current proposal to acquire additional new railcars following completion of the existing contract. However, consideration is being given to the possibility of upgrading the "red hen" rail cars. A "red hen" railcar is being refurbished to assess the extent of upgrading required to meet present-day standards of passenger comfort and safety.

ROADWORKS

The Hon. C. W. CREEDON: Has the Attorney-General a reply to my question about roadworks, asked on 29 October?

The Hon. K. T. GRIFFIN: The Minister of Transport advises that, in order to achieve maximum economy, only small margins of overdesign are provided by the Highways Department in the construction of road pavements where the result of a local failure would not be catastrophic. A proportion of such failures is considered to be consistent with sound engineering practice in achieving maximum economies and, in most cases, the failures are rectified before the final wearing surface is applied. The failures which the member referred to in metropolitan Adelaide represent only a small proportion of the many miles of pavements which have been constructed. They all occurred following penetration of water into the base course after heavy and prolonged rainfall. Steps are being taken to remedy the problem.

SIGNALLING DEVICES

The Hon. L. H. DAVIS: Has the Attorney-General a reply to the question I asked on 21 October regarding signalling devices?

The Hon. K. T. GRIFFIN: I am informed by my colleague the Minister of Transport that signalling devices fitted to motor vehicles are considered to have a number of advantages when compared with the use of hand signals. However, in the case of motor cycles, hand signals are easily seen and often clearer than turn signal indicators. In some cases, such devices fitted to motor cycles are not always located in a position where they are easily visible to other road users.

Included in National Draft Regulations prepared by the Advisory Committee on Vehicle Performance (A.C.V.P.) is a requirement which makes it mandatory for motor cycles to be fitted with turn signal indicators. This and a number of other proposed changes to motor cycle legislation in this State have been referred to a number of motor cycle organisations, such as the Motorcycle Riders Association and the Federation of Australian Motorcyclists, for comment. In addition, officers of the Road Traffic Board have had discussions with representatives of these organisations. Following consideration of comments received, the Government will be in a position to make a decision on the adoption of this and other legislation in relation to motor cycles.

MEDICAL TREATMENT

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation prior to directing a question to the Minister of Community Welfare, representing the Minister of Health, on the subject of consent to medical treatment.

Leave granted.

The Hon. FRANK BLEVINS: Of late we have heard a fair bit about the right of patients to consent to medical treatment, and I am certain that we will hear more. Whilst what the Council has been discussing is very important, there is also another side to this that I think the Government should consider. I state that I am not sure that there is a problem. However, we should find out. My attention to this important aspect of medical consent was drawn by a report in the *Australian* of 15 August, and I will read briefly from the article. It states:

> A senior medical administrator has called for a standard system of treatment consent forms for the protection of doctors and patients.
>
> The administrator, who is a doctor and who is at one of Melbourne's major public hospitals, refused to be named.

He said yesterday that consent forms filled out by patients before they had any treatment which involved a general anaesthetic varied from hospital to hospital.

They often were not used at all by private medical practitioners.

He said doctors were being sued more often for malpractice.

"This is showing up more and more in the records of doctors defence unions and the insurance companies they use to handle claims against them," he said.

Consent forms were essential "because the very fact of having signed a consent form reduces the liability of a damages claim against a hospital", he said.

The issue became controversial late last month when a Sydney man, Barry Hart, sued a psychiatrist for damages and was awarded $60 000 in the New South Wales Supreme Court.

Mr. Hart, 44, claimed he had suffered brain damage after deep-sleep treatment and electric-shock therapy was given without his consent at a private hospital while under the psychiatrist's care in 1973.

It was agreed in court that Mr. Hart did not sign a consent form.

Spokesmen for the medical profession have called on the New South Wales Government to clarify the issue of consent.

The administrator said Victoria had no legislation to regulate patient consent.

It appears that the position in New South Wales and Victoria is not very satisfactory. When reading the article I wondered what the position was in South Australia because if, as is claimed by that particular administrator, doctors are being sued more and more for malpractice, I think that it is something that the Minister of Health should look at.

Do South Australian hospitals require a written consent form from patients before administering a general anaesthetic? If so, is the form a standard form and is it used in all South Australian public and private hospitals? Is the consent form used in all cases? If not, in what circumstances is general anaesthetic administered without a consent form having been signed? What is the position in South Australia regarding consent forms for medical treatment by private medical practitioners?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague in another place and bring back a reply.

PRE-SCHOOL FACILITIES

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to my question on pre-school facilities for 3½-year-olds?

The Hon. C. M. HILL: The Government has made some funds available from within the Childhood Services Council budget to provide pre-school facilities for 3½-year-olds in areas of most need in the present financial year. Implementation is being planned in conjunction with the Childhood Services Council, the Kindergarten Union, the Education Department and the Catholic Education Office.

EQUAL OPPORTUNITIES ADVISER

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to my question of 6 November on an Equal Opportunities Adviser for the Department of Further Education?

The Hon. C. M. HILL: No additional manpower positions will be created immediately in either the Department of Education or Department of Further Education to service these positions. The officer will be responsible to the Deputy Director-General (Operations) and so will have access to all high-level committees. Decisions about serving on committees will be made after the person has been in the position for sufficient time to gather relevant information and experience.

INSTANT MONEY

The Hon. N. K. FOSTER: Has the Attorney-General a reply to my question of 22 October on Instant Money?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. Tickets for the current Instant Money Game were printed by Dittler Bros., Atlanta, Georgia, U.S.A. However, an agreement was reached with Lottery and Promotional Games Pty. Ltd. and the South Australian firm of Sands and McDougall earlier this year for the printing of the tickets in Adelaide for a period of three years or to a maximum of 40 000 000 tickets.

2. Opax is a business name registered in Australia by Lottery and Promotional Games Pty. Ltd. This company represents in Australia the English firm of Norton and Wright, the principal of Opax Lotteries International.

3. See 1.

4. Three $10 000 prizes have remained unclaimed from the earlier stages of the Instant Money Game.

5. No. The prize identification system was introduced initially for reasons of security and as a means of reducing the incidence of wrongly discarded prize winning tickets. However, the commission has received increasing feedback from agents and the public that the lettering system removes the element of excitement from the game. The use of the colour coding system would have the same effect. As the security aspects of the game are now covered by other arrangements and the public's greater familiarity with the game has reduced the incidence of unclaimed prizes, it is proposed that the prize identification system be discontinued with the next game.

MENTAL HEALTH

The Hon. FRANK BLEVINS (on notice) asked the Minister of Community Welfare:

1. Will the Minister state how many persons have been detained under the provisions of Division II of Part III of the Mental Health Act, 1976-1979, for each consecutive six monthly period since the start of its operation?

2. *(a)* Will the Minister state how many persons have been placed under the guardianship of the Guardianship Board, whether in approved hospitals or not, for each consecutive six monthly period since the start of its operations?

(b) How many of the persons placed in guardianship during each consecutive six monthly period were—

(i) mentally ill;

(ii) mentally retarded?

3. *(a)* How many of the persons detained under Division II of Part III of the Act appealed to the Mental Health Review Tribunal against their detention?

(b) How many of the persons mentioned in question 3 *(a)* were released from detention—

(i) before a tribunal hearing;

(ii) after a tribunal hearing?

4. *(a)* Similarly, how many mentally ill persons under the guardianship of the Guardianship Board appealed to the Mental Health Review Tribunal?

(*b*) How many of the persons mentioned in question 4 (*a*) were released from guardianship—

(i) before a tribunal hearing;

(ii) after a tribunal hearing?

5. For each consecutive six-monthly period of its operation, how many times did the Guardianship Board use the powers of section 27 (*d*) of the Mental Health Act to order persons to receive—

(*a*) psychosurgery;

(*b*) electro-convulsive therapy;

(*c*) surgical procedures requiring a general anaesthetic?

6. For each consecutive six-monthly period since the start of the operation of the Act, how many persons have received—

(*a*) psychosurgery;

(*b*) electro-convulsive therapy under the provisions of section 19?

The Hon. J. C. BURDETT: I have not yet been supplied with an answer to the question and I ask the honourable member to place it on notice for Tuesday next.

The Hon. FRANK BLEVINS: I will accede to the request of the Minister.

POLICE GUNS

The Hon. C. J. SUMNER (on notice) asked the Minister of Local Government:

1. Is the Police Department proceeding with the proposal for police to wear hand-guns exposed on their hips?

2. If so, how far has this proposal progressed and particularly—

(*a*) how many police now wear these guns?

(*b*) for how long have they been wearing them?

(*c*) when is it proposed that all police will wear them?

3. What guns do plain-clothes police carry at present?

4. Is it intended that plain-clothes police should carry the Smith and Wesson hand-gun now proposed for uniformed police? If not, which gun will plain-clothes police carry in future?

The Hon. C. M. HILL: The replies are as follows:

1. Yes.

2. The issue of the handguns will coincide with the issue of a new police uniform. The proposal will be implemented progressively and is expected to commence sometime in January 1981.

(*a*) None.

(*b*) Not applicable.

(*c*) At this stage, it is not proposed that all police wear the hand-gun. Only police in an operational situation will be so equipped, and it could take up to two years from the date of initial issue for the proposal to be completed.

3. Plain-clothes personnel currently wear a Browning, model 10/22, .38 semi-automatic pistol.

4. It is not intended that plain-clothes personnel wear the Smith and Wesson hand-gun and a firm decision as to the type of gun they will carry has not yet been made.

PUBLIC SERVICE SELECTION PANELS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General:

1. What Ministerial officers have participated on selection panels for officers of the South Australian Public Service since 15 September 1979?

2. By whom are such Ministerial officers employed and what is their salary in each case?

3. In each case what were the positions in the Public Service in the selection of which the Ministerial officers participated?

The Hon. K. T. GRIFFIN: The entire matter about which these questions have been framed has been dealt with in considerable detail in this Council, in another place, and by correspondence, and no further expenditure of time and public money is considered warranted.

ROYAL COMMISSIONS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Royal Commissions Act, 1917. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

The Royal Commissions Act contains no provisions under which the Commissioner may order the suppression from publication of evidence given before the Commission, or of the names of witnesses, or persons alluded to in the course of the proceedings of the Commission. Royal Commissions of Inquiry are often established in relation to very sensitive issues, and unrestricted publicity would often prejudice the proper conduct of such inquiries. The present Royal Commission of Inquiry into prisons is, of course, a case in point. Unrestricted publicity would obviously gravely prejudice the effectiveness of that inquiry. The Government believes that Royal Commissions should have, in the public interest, or in order to prevent undue prejudice, power to suppress the publication of evidence and of the names of witnesses or persons alluded to in the course of the proceedings. The purpose of the present Bill is, therefore, to confer a power of this nature upon Royal Commissions.

Clause 1 is formal. Clause 2 enacts new section 16a of the principal Act. The new section provides that a Royal Commission may, in the public interest or in order to prevent undue prejudice or hardship to any person, exclude persons from the inquiry, or forbid the publication of evidence or of the names of witnesses or persons alluded to in the course of the proceedings. The Commission is empowered to vary or revoke a suppression order. Non-compliance with the order is an offence carrying a penalty not exceeding $2 000 or imprisonment for six months.

The Hon. C. J. SUMNER secured the adjournment of the debate.

WORKERS COMPENSATION (INSURANCE) BILL

Second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

Members will all be aware that workers compensation arrangements in this State are under review following the recent release for public comment of the report of the Tripartite Committee on the Rehabilitation and Compensation of Persons Injured at Work, and that any consequential action will be considered by the Government next year. Notwithstanding that position, there exists

a matter of considerable concern to the Government which requires immediate attention. This revolves around the protection of injured workers arising under the Workers Compensation Act in the event of the insolvency of an insurance company, or an employer.

At present, the Workers Compensation Act provides that no worker shall be employed unless the employer has obtained from an insurance office a policy of insurance for the full amount of his liability to pay compensation under the Act for all workers employed by him. However, the Minister of Industrial Affairs may exempt an employer from that requirement if, in his opinion, the employer has adequate financial resources to meet all probable claims under the Act. Although these compulsory insurance provisions have operated satisfactorily since their inclusion in the Workmen's Compensation Act in 1924, the collapse of Palmdale Insurance Limited in November last year has emphasised the inadequacies of these provisions in cases where an insurer is unable to meet its liabilities under workers compensation insurance policies.

It has been estimated that the outstanding workers compensation liabilites of Palmdale in South Australia are in the order of $2 100 000, although if reinsurance payments are applied by the liquidator to meet workers compensation claims, it is thought that the current liability will be reduced to about $500 000. It is expected that recoveries under the reinsurance policies held by Palmdale will take some considerable time, even years, to be finalised. In view of the magnitude of the outstanding liabilities of Palmdale, I held discussions in April this year with representatives of the Insurance Council of Australia, the Corporation of Insurance Brokers of Australia, the Chamber of Commerce and Industry S.A. Inc., the Master Builders' Association of S.A. Inc., the South Australian Employers' Federation, the Metal Industries Association of South Australia and the State Government Insurance Commission. The purpose of the discussions was to endeavour to reach agreement regarding action which could be taken to overcome the difficulties arising from the Palmdale collapse.

Concern was expressed during those discussions that, in trying to fulfil their obligations under the Workers Compensation Act, a number of employers could be forced into severe financial difficulties or even insolvency. It was agreed to set up a working party comprising representatives from the general insurance industry, State Government Insurance Commission, employer bodies and State Government Insurance to examine two alternative proposals:

(*a*) the introduction on a voluntary basis of a scheme which would ultimately be incorporated in legislation; or

(*b*) the advancement of funds by the Government to employees who have been unable to recover from Palmdale in respect of workers' compensation claims since that company went into liquidation. Such moneys would be recouped at a later stage through the setting of an appropriate level of contribution under the ensuing legislation.

The Working Party reported that it considered impracticable the introduction of a comprehensive voluntary scheme without complete accord among insurers and employers. It, therefore, recommended the adoption of the second alternative, that is, the establishment of a statutory fund. However, opposition to the second proposal was voiced in some quarters.

The Tripartite Committee on the Rehabilitation and Compensation of Persons Injured at Work was due to report on 30 June 1980. Accordingly, it was decided to await the recommendations of that committee prior to making any firm decisions in this area. The committee's report was subsequently presented in September and, in view of the fundamental changes proposed therein, the Government decided to seek further public comment. Discussions were, therefore, recommenced with relevant parties in the insurance and related fields concerning appropriate action in response to the liquidation of Palmdale Insurance Ltd. Following detailed negotiations, a scheme has now been devised with which there is general consensus. I wish to place on record my appreciation of the way in which all parties have co-operated with officers of my department in formulating the proposed legislation.

Before outlining the details of the proposed scheme, there are one or two matters I wish to cover. It has been suggested by way of letters to the Editor in our daily press that in his role as Minister of Industrial Affairs that Minister has conferred upon him by the provisions of the Workers Compensation Act the authority to scrutinise and in some way regulate the financial viability of insurance companies operating in the workers compensation field in this State. That is not the case. The insurance provisions of that Act relate only to an employer's obligation to insure, and my authority to exempt suitable employers from that obligation. The responsibility to monitor the financial viability of insurance companies is quite clearly the province of the Federal Insurance Commissioner under the powers vested in him by the Federal Insurance Act.

The Government has been concerned for some time about the inadequacy of safeguards relating to the fluctuating fortunes of insurance companies in Australia and its consequential effect upon employers holding workers compensation policies with those companies. Related to this is the lack of control of the activities of insurance brokers who place workers compensation insurance with almost any insurance company without bearing any financial responsibility if that insurance company should subsequently become insolvent.

These matters are currently the subject of examination at the Federal level, and it is understood that the Insurance Council of Australia is making representations to the Federal Government seeking to give the Insurance Commissioner greater powers with respect to setting industry standards and solvency requirements for insurance companies. It is also the intention of this Government to bring its concern to the attention of the Federal Commissioner, at the same time expressing its belief that any regulation of insurance companies is most properly vested in that Commissioner. Thus, no attempt has been made in this Bill to include any provisions to ensure the viability of insurance companies operating in the workers compensation sphere.

I turn now to a consideration of the main provisions of the Bill. Fundamental to the scheme is the protection under the Workers Compensation Act to workers injured in the course of their employment. The scheme contemplates the establishment of a Statutory Reserve Fund from which approved payments will be made in the event that:

(*a*) an insurance company becomes insolvent and is unable to meet its liabilities under the Workers Compensation Act;

(*b*) an employer exempted from the requirement to hold workers compensation insurance subsequently becomes insolvent; or

(*c*) an employer has failed to take out insurance in accordance with his obligation under the Act and is unable to meet any claims made against him.

Claims made against the fund will be handled by the State

Government Insurance Commission, which will assess whether a claim under the Act should be accepted and, if so, whether it should be met wholly or in part. Provision will be made for appeals against assessments by the S.G.I.C. to be heard in the Industrial Court.

It is intended that, as limited common law coverage is traditionally included within a workers compensation insurance policy (and this cover can be extended through the payment of an additional premium), such claims will be met by the fund to the extent to which the employer has been covered against common law claims with the failed insurer.

In all cases, the maximum amount payable of any claim which is met by the fund will be 80 per cent, with the employer meeting the remaining 20 per cent. Arrangements have been included in the Bill to enable an employer who has already personally met his liabilities under the Act arising from the collapse of Palmdale to make a claim against the fund. To finance the scheme, a levy will be placed upon:

(a) premiums paid by employers for workers compensation coverage; and

(b) an assessment by the Commissioner of Taxation of the premiums which would have been paid by employers, including the Crown, which are exempted from the requirement to insure under section 123 *(c)* of the Workers Compensation Act.

While the Bill places a statutory limit of 2 per cent on the levy, it is intended that, on commencement of the Act, a levy of 1 per cent will be imposed with a view to meeting anticipated Palmdale claims within a two-year period. Subsequent variations to the level of the levy will be determined by the Treasurer on the recommendation of the Public Actuary.

In order to avoid the fund growing to unnecessary proportions, the Bill imposes a $5 000 000 limit upon the extent of the fund at 31 December of any year. To enable the fund to operate immediately, a loan of up to $2 000 000, interest free, will be made by the Government to the fund to be subsequently recouped from its accumulated assets.

The fund will be self-supporting in that all administration costs will be met by the fund. In addition, the Bill provides for the recovery by the fund of amounts paid by way of re-insurance on workers compensation claims to the insolvent insurance companies. In commending this Bill to the Council, I point out that similar provisions are operating successfully in New South Wales, Victoria and Tasmania, and I reiterate the need for the protection afforded by such legislation to be extended to employees and employers in this State.

I seek the co-operation of the Council for a speedy passage of the Bill so that these people can be covered. I understand that that means that the Bill should be passed tomorrow. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out a number of definitions required for the purposes of the new Act. It should be observed that the definitions of "policy of workers compensation insurance" and "workers compensation liability" are expanded for the purposes of the new Act to include workers' claims against their employer at common law. Thus the ambit of the Act extends beyond statutory claims for workers compensation to include damages in tort.

Clause 4 establishes the Statutory Reserve Fund out of which claims under the new Act may be satisfied. It provides for a levy, by way of stamp duty, in respect of the premiums payable on policies of workers compensation insurance. The amount of the levy is to be fixed by the Treasurer on the advice of the Public Actuary. If the balance in the fund equals or exceeds $5 000 000 on 31 December in any year the levy is not to apply in the following year. Exempted employers and the Crown are to pay into the fund amounts for which they would have been liable by way of the levy, if they were not exempt from the liability of ordinary employers to take out workers compensation insurance. The Treasurer is empowered to advance moneys to the fund and to invest surplus moneys in the fund.

Clause 5 deals with claims against the fund. Subclause (1) sets out the nature of the claims that may be made. A claim may be made in respect of liabilities arising under a policy of workers compensation insurance that are unsatisfied by reason of the insolvency of the insurance company, or in respect of workers compensation liabilities that are not covered by a policy of insurance and are unsatisfied by reason of the insolvency of an employer. No claim may be made against the fund in respect of an employer or insurance company that became insolvent before 1 July 1979. The validity of each claim is to be assessed by the State Government Insurance Commission. A claimant who is dissatisfied with the commission's decision has a right of appeal to the Industrial Court. The Treasurer is required (subject to limitations that may be prescribed by regulation) to pay out of the fund 80 per cent of a claim to the extent that has been allowed. When the Treasurer makes the payment he is subrogated to the rights of the claimant against the employer or insurance company to which the claim relates and also to certain rights under contracts of re-insurance.

Clause 6 deals with the effect of insolvency of an insurance company upon policies of workers compensation insurance with the company. It provides that, after the expiration of 28 days from the date of insolvency, the policy shall not be regarded as a policy that satisfies the requirements of the principal Act, and prevents claims against the fund by an employer where the claims relate to injuries occurring after the expiration of that period. The purpose of these provisions is to ensure that an employer will take steps to obtain effective insurance as soon as practicable after the insolvency of an insurance company becomes known. Clause 7 is a regulation-making power.

The Hon. C. J. SUMNER secured the adjournment of the debate.

STOCK EXCHANGE PLAZA (REPEAL OF SPECIAL PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from 6 November. Page 1850.)

The Hon. J. R. CORNWALL: The Opposition supports this simple Bill, which is consequential on the fact that planning in the city of Adelaide is now conducted under the City of Adelaide Development Control Act. I understand from my colleague the member for Mitchell, who was the Minister of Planning in the previous Government, that this Bill was in preparation prior to the election in September 1979. Perhaps the only thing that

does afford the Opposition some amazement is the fact that it has taken the Government 12 months to introduce this simple piece of legislation. Having said that, we see no objection to the Bill, and we support it.

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

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 1774.)

The Hon. J. R. CORNWALL: The Opposition supports this Bill. It enables private owners of items important to the conservation estate of South Australia, particularly native vegetation, to enter into heritage agreements for fixed terms or in perpetuity. It will make a small but significant contribution to conservation in this State. As I understand it, the agreements will be enforceable even if properties change hands because covenants will be endorsed on the titles.

This was a commitment of the previous Government. As I have told the Council on previous occasions, the question of appropriate legislation for its implementation was a matter of discussion between the then Attorney-General (Hon. Chris Sumner) and myself when Parliament was prorogued in August 1979.

It is pleasing to note that the Government has set aside $150 000 in the first instance to provide monetary incentives for the first heritage agreements. As financial arrangements in these agreements represent a recurrent cost, their magnitude may ultimately be limited.

Nevertheless, this Bill is a reasonably significant initiative, and I welcome it. On the other hand, it is supremely ironical that it should be introduced at a time when one of the last significant areas of undedicated native vegetation in the agricultural zone of South Australia is under direct threat. It is threatened not because of the actions of some irresponsible fly-by-night private developer, but because of actions proposed by this Government. I refer, of course, to the unallotted Crown land on Kangaroo Island. This is the subject of a motion which I have before the Council, and I realise that I am not permitted to debate that matter in this contribution. However, I can and must point out the consequences if the Government persists with this abominable proposition. It will be the first time in a decade that any significant part of the State's conservation estate has been alienated or destroyed by public interests.

It is important that I should take the opportunity presented to me by this Bill to review the Tonkin Government's performance in environment, planning and related fields. In 14 months this is only the second Bill directly related to environmental matters to come before the South Australian Parliament. The other was a Bill to amend the membership of the Environmental Protection Council which gave the Government power to directly appoint all members. Previously, half of the E.P.C. were members *ex officio* regardless of the Government of the day. In practice, therefore, the net effect of the amendment was to downgrade the independence of the E.P.C.

All other announcements to come from the Minister's office have fallen into one of three categories. Most have been mind-boggling pieces of inconsequential trivia. Some have concerned the amalgamation of the Departments of Environment and Urban and Regional Affairs. Others have concerned the dismantling or downgrading of initiatives of the previous Government.

Previously, I have deliberately refrained from comment, critical or otherwise, on the merger of environment and planning. In other circumstances, under a competent and committed Minister, the merger could work. It could even result in an upgrading of environmental effort and planning procedures. Unfortunately, evidence to the contrary has been mounting, to the point where it is now beyond question. The whole thrust of the merger in the present political climate is to downgrade the State's environmental effort.

The climate for this was set within a few weeks of the Government coming to office. In what has now proved to be a carefully considered policy position, the Minister of Agriculture (Mr. Chapman) publicly expressed his opposition to the existing national and conservation parks. His position was not even one of uneasy tolerance. He made it clear that he believed significant areas of parks should be cleared and farmed.

Everyone expected the Minister of Environment to react with horror. Instead, he gave a credible imitation of the three wise monkeys. It was at that point that Mr. Wotton should have objected violently. It was then that he should have declared his absolute opposition and made his position clear to his colleagues. However, he sat quivering in his Cabinet corner. At that time, as in every controversial environmental matter which has come forward since, he showed neither courage nor shame. Is it any wonder his department refers to him as "the jellyfish" or that he is derided in the press as having "about as much muscle in Cabinet as a swamp parrot"?

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! I think the honourable member should get back to the Bill and not indulge in personalities.

The Hon. J. R. CORNWALL: Mr. Acting President, I assure you that the remarks that I am making can be tied in and are quite pertinent, particularly since we are discussing the heritage of the State of South Australia. At the same time, the Minister of Mines and Energy (Mr. Goldsworthy) was asserting his supremacy. In every matter of environmental concern the Deputy Premier has been antagonistic, abrasive and abusive. He spares no effort to downgrade and denigrate the Department for the Environment—

The Hon. J. C. BURDETT: Mr. Acting President, I rise on a point of order. The manner in which the Hon. Dr. Cornwall has referred to the Deputy Premier, using terms such as "abrasive", is obviously quite irrelevant to this Bill.

The ACTING PRESIDENT: I accept the point of order. I think the honourable member has transgressed Standing Order 193.

The Hon. J. R. CORNWALL: With great respect, Mr. Acting President, we are talking about the heritage of South Australia and matters related—

The ACTING PRESIDENT: If the Hon. Dr. Cornwall talks about the heritage of South Australia the Council will listen to him, but if he talks about personalities points of order may be taken.

The Hon. J. R. CORNWALL: It seems to me that the Deputy Premier's attitude towards environmental matters is very much germane to the debate, because quite frankly his aggressive approach to the whole question—

The Hon. J. C. BURDETT: Mr. Acting President, I rise on a further point of order. This is quite irrelevant. The Hon. Dr. Cornwall must confine his remarks to the Bill and not to the attitude of the Deputy Premier.

The ACTING PRESIDENT: I draw the honourable member's attention to Standing Order 185, which states:

No member shall digress from the subject matter of the

question under discussion, or anticipate debate on any matter which appears on the Notice Paper.

I ask the honourable member to observe that Standing Order.

The Hon. J. R. CORNWALL: Mr. Acting President, I will respect your ruling, but I must say that this Government, and I submit that this is entirely relevant to the Bill now before the Council, perceives environmental considerations, no matter how important or basic, to be incompatible with development. With your indulgence, Mr. Acting President, I will digress briefly to explain the Opposition's stand on this important issue. The conservative Parties have attempted, probably with some measure of success, to depict the A.L.P. as being anti-development. That must be nailed for the lie which it is.

The Hon. J. C. BURDETT: Mr. President, I rise on a further point of order. This Bill has nothing to do with development, anyway, and the matter raised by the honourable member is quite irrelevant and comes under the same Standing Order on which you just ruled.

The PRESIDENT: A point of order has been taken by the Minister of Community Welfare. On the information I have, I uphold the point of order.

The Hon. J. R. CORNWALL: Mr. President, we are talking about an environmental matter. I simply make the point that development and environmental protection should be seen as different sides of the same coin. Our clear position as the alternative Government in South Australia is that any development which is socially responsible should proceed. Social responsibility obviously involves a balance of economic, community and environmental considerations. Industry should note those simple and effective guidelines. We are talking about heritage agreements, as a result of which covenants or restrictions are placed on developments or proposals that may or may not proceed. Therefore, I submit that my remarks are entirely relevant.

The great majority of proposed developments can be made acceptable on environmental grounds if those considerations are taken into account from the outset. But in any major proposal they must not ever be a secondary or minor appendage of the planning process. For this reason, I reaffirm the Opposition's commitment to introduce environment protection and assessment legislation when returned to Government. That legislation will not be an unknown quantity. I introduced it as a private member's Bill in the last session of the present Parliament. After the Government eventually introduces its amendments to the Planning and Development Act, I intend to introduce it again.

It will be the subject of ongoing public discussion and consultation. It was produced after almost six years of the widest possible consultation with industry, conservation bodies, other Government departments, and the public. We do not intend to withdraw from our commitment to E.P.A. Let me repeat that socially responsible development is a basic tenet of the Australian Labor Party.

There is no doubt that under this Government environmental protection and conservation effort are continuing to be wound down. I have already outlined some major areas of concern. I will now enumerate further areas of omission or commission.

The Noise Control Act was applauded at the time of its introduction as a significant step forward for South Australia. Legislatively, it has worked well. However, administratively it needs more effort. The unit is understaffed. There are unacceptable delays in processing complaints. To overcome these delays it has been obvious for some time that it needs considerable input from local government. Many domestic noise areas in particular could be best administered by local councils. It is an immediate and effective way to decentralise these important areas of the Act.

Local councils can provide local knowledge, can apply the provisions of the Act throughout the State and can provide suitable staff, subject to satisfactory finance being made available from the department. Despite the Government's alleged close rapport and empathy with local government, no progress seems to have been made on the important task of devolving administration of the domestic noise problems to this area.

The Beverage Container Unit has been diminished in its influence. The review of the working of the Act, begun by the Labor Government, was completed earlier this year. Following protests from the packaging industry, the draft report was recalled on two occasions for further editing. The whole performance was reminiscent of a Charlie Chaplin movie. After much dithering, a watered-down version was eventually released. Suspension of the can legislation was resisted only because of strong public pressure. It was done tardily and without enthusiasm.

However, a few weeks later the Minister of Environment and the Government took a major environmental leap backwards by allowing the introduction of the P.E.T. bottle. This was a major break with the traditional bottle return system, which had operated successfully in South Australia since the last century. It gave an enormous fillip to the throw-away ethic and encouraged a further push towards one-trip containers.

The Aboriginal Heritage Act has not been proclaimed, although it is almost two years since it was passed by this Parliament. At a time when the Premier is trumpeting in characteristic fashion about his watered-down version of the Pitjantjatjara Land Rights Bill, Aboriginal heritage protection throughout the State is in limbo.

Air quality is being disregarded under this Government to a point approaching criminal negligence. Two weeks ago, I used this Parliament to bring the question of atmospheric lead—

The PRESIDENT: I do not think that the atmosphere or returnable bottles have much to do with our heritage. They may be part of our every-day environment but I remind the honourable member that he should keep within the bounds of the Bill.

The Hon. J. R. CORNWALL: With great respect, in the second reading debate it has always been traditional, in my time in the Chamber, for members to be allowed a fair degree of latitude. As recently as about two weeks ago, one of our members was speaking about wheat stabilisation on a Bill to amend the Local Government Act.

The PRESIDENT: That does not make the honourable member's position any better, and the point I have made now is that he should stay within the bounds of the Bill. If I made a mistake once, that does not mean that I will make another one.

The Hon. J. R. CORNWALL: I would have to seek your ruling. In speaking about the heritage of the State, is it not relevant to talk about the quality of air and water, and the sorts of things that our children will inherit because of action, or lack of action, by this Government?

The PRESIDENT: I should have thought that would be within the bounds of environment, not heritage, and I think the honourable member should start to speak about the contents of the Bill.

The Hon. J. R. CORNWALL: The contents of the Bill are very simple. Are you ruling that we must speak specifically—

The PRESIDENT: I am merely pointing out (and I do not want the honourable member to have an argument with the Chair) that it would be more appropriate if he confined his remarks to the heritage.

The Hon. J. R. CORNWALL: I am sorry, but I cannot really get your ruling on what "heritage" covers. I wonder whether you could give that to me.

The PRESIDENT: I do not wish to restrict the honourable member if he wants to speak on heritage. I am merely saying that he should speak on the matter on the Notice Paper, which clearly deals with heritage and the Heritage Act. I draw attention to the fact that, if a member persists in irrelevant or tedious repetition, the Chair may discontinue the member's right to continue his speech. I do not want to give such a ruling on the member, and I do not wish to continue the argument. I merely point out that he is straying from matters of heritage when he discusses air pollution and empty bottles.

The Hon. J. R. CORNWALL: I would have to point out that I now intend to speak about land resource management, and surely that is relevant, because it is one thing that this Bill would have to cover.

The PRESIDENT: I do not mind what the honourable member talks about within the points of relevance to this Bill but, if what he says is not relevant, I will have to rule again.

The Hon. J. R. CORNWALL: I submit that the most central conservation issue facing the Tonkin Government is land resource management and, as prominent local journalist Peter Ward has said:

> There is little evidence that it cares a damn.

It is significant that under this Administration the Department of Lands has been taken from the Minister of Environment.

The Hon. J. C. BURDETT: I rise on a point of order. Under Standing Order 185, no member shall digress. If one looks at this Bill, one will find that it relates to the register and to the registration of heritage items and heritage agreements. That is all. It does not relate to land resources, land management, the development of land, or anything else. It relates to the setting up of heritage agreements only, and I submit that what the honourable member is saying is outside the ambit of the Bill.

The PRESIDENT: I thank the Minister for making those points, and I hope that the Hon. Dr. Cornwall will take note of the contents of the Bill.

The Hon. J. R. CORNWALL: I have noted the contents of the Bill, and it seems to me that the Government is being unduly touchy about the whole matter. I understand that because of the Government's dreadful record. I submit that land resource management and retention of land are germane and that in the second reading debate members can speak about matters, provided they are relevant to the Bill.

The Hon. J. C. BURDETT: I would not want to be too restrictive, either. I acknowledge that it has been traditional in this Council to range fairly widely.

The Hon. J. R. Cornwall: You're trying to gag me.

The Hon. J. C. BURDETT: I am not. There must be some relevance to the Bill, which is about heritage agreements. The honourable member is trying to raise a general grievance debate about the whole issue of development, land resources, planned management, conservation, P.E.T. bottles, and a whole range of matters. There must be some staying within the bounds of the Bill.

The PRESIDENT: I uphold the point of order.

The Hon. J. R. CORNWALL: The whole Bill is about the conservation of the State of South Australia.

The PRESIDENT: I cannot agree with the honourable member that that is so. The Bill, as I see it, is dealing entirely with certain provisions of the Heritage Act. It is not a rewriting of the Act.

The Hon. J. R. CORNWALL: Do I have to go right through the Minister's second reading explanation to prove my point? It really is about conserving the State of South Australia; whether it be native vegetation or built heritage, that is what the Bill is about. Surely in those circumstances (and I do not want to be vexatious about it), it is entirely reasonable to talk about the management of our land resources and about our native vegetation.

The PRESIDENT: The honourable member can continue but I have received about as much advice on my decision as I need from him, and I do not wish to sit him down in this debate. I ask him to keep as close to the ambit of this Bill as he can.

The Hon. J. R. CORNWALL: I will try yet again, but it is the first time in my memory, in the 5½ years I have been in this Council, that any member has been restricted to this extent in a second reading debate. It may be that I will have to make my protest outside this Chamber.

The PRESIDENT: Order! The point of order was raised, and according to the Standing Orders before me I uphold that point of order. If the point of order had not been raised the matter would not be before the Chair. As it is before the Chair, however, I ask the honourable member to stay within Standing Orders.

The Hon. J. R. CORNWALL: If this Government is serious about trying to retain the small amount of native vegetation that we have in this State, and I have to submit that surely this is what the major thrust of the Bill is about, then it should stop further alienation of unallotted Crown Lands; resist any pressure to allow clearing or cultivation of areas subject to the Marginal Lands Act; rewrite the Crown Lands Act to ensure adequate administration of comprehensive and contemporary land resource management policies; upgrade and rationalise manpower and resources in the National Parks and Wildlife Division and the Land Resource Management Division in order to effectively manage South Australia's conservation estate; use the satellite technology of remote sensing (as a joint effort between the Land Resource Management Division and the ecological survey unit) to control overgrazing in the arid zone; investigate the feasibility of multiple land use, where appropriate, outside the national and conservation parks system; reintroduce a selective, but effective, ongoing policy of acquisition and dedication of further representative or significant areas of our natural heritage; and finally, but very importantly, expand public education programmes in ecology and conservation.

Since the Government has seen fit, in a manner unprecedented, to restrict the remarks that I wish to make in speaking at large on this Bill, I will have to accept your ruling, Mr. President. I did intend to take the opportunity to list more than 20 areas where the Tonkin Government has either deliberately run down environmental protection or has run away from planning issues. I had intended that this would be a summary of major disasters, all of which I have raised in public statements, through press releases or by questions in this Parliament in the past 12 months. Because of the course of action taken and the innumerable points of order taken by members opposite, I have been prevented from doing that in what I would submit—

The Hon. L. H. Davis interjecting:

The Hon. J. R. CORNWALL: I do not want to be interrupted by that light-weight cretin, and I would ask for some protection. I have been prevented, in an unprecedented way through points of order being taken, from making many of the remarks which I do believe and

still submit are pertinent to this Bill in the second reading stage. I had intended to use the occasion to present what could be regarded as the Opposition's annual report on environment, planning and land resource management in South Australia. In the second reading stage, those matters are pertinent to the Bill. However, I have been prevented from doing so.

Within two years, this Government will be called to give an account of its actions in the fields of environment, planning and land resource management. Unless there is a complete reversal of its present attitudes and policies, which seems unlikely, there is no doubt that the questions which I have raised today will be a major election issue. South Australians will not easily give up the major environmental gains of the 1970's for some spurious notion of small government. They will not relinquish environmental protection and adequate planning and development control on the pretence, the completely false notion, that they are imcompatible with development.

Today, within the extent that I have been allowed by the obstruction of the Government, I have spelt out what ought to be done in the fields of conservation and land resource management. Conservation will be a central concern for the next Labor Government in this State. We give the people of South Australia a firm commitment. A Labor Government will genuinely support the retention and conservation of native vegetation and not simply pay lip service to it in pre-election hand-outs. To a Labor Government nature conservation policy will mean more than an amendment to the South Australian Heritage Act.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Insertion of new Part IIIA."

The Hon. ANNE LEVY: This is the important clause, which relates to the heritage agreement and the terms which can be entered into in this agreement. If we are considering the case of a landholder who wishes to conserve a certain portion of his land as uncleared vegetation, under the powers of this clause the intention is to offer incentives to the landholder in return for the agreement which he will make with the Government or with the local council under the authority of the Government. There are three main incentives proposed: first, a rate remission or subsidy relating to the area under consideration which will remain as native vegetation; secondly, fencing materials to be supplied or paid for by the Government so that the area can be fenced off and protected from stock; and, thirdly, management advice regarding the area to be provided to the landholder if he so wishes, so that the area can be maintained in its natural state.

Furthermore, I understand that the Heritage Unit intends producing a pamphlet for the landholder on the significance of the area which he is retaining under native vegetation. That pamphlet is to indicate just what is the conservation value of the area so being maintained, what flora and fauna specimens of particular value can be found in that area, and other such information which will be of interest to the landholder and to anyone concerned with the preservation of that natural area. The agreement, of course, is a purely voluntary one which will be entered into between landholders and the Government. It is not any form of control.

The Hon. R. C. DeGaris: Is this Bill restricted to landholders?

The Hon. ANNE LEVY: It is certainly not restricted to landholders, but I was discussing it in connection with native vegetation areas which will be, if they are not on Crown land, on private or leased property. In that respect, I think it is logical to speak of the landholder, be he a lessee or owner in fee simple.

The Hon. R. C. DeGaris: On the one hand we have been talking around the area of land, but you are giving it a wider application than that.

The Hon. ANNE LEVY: I agree that the Bill does have a wider application, but I was considering that particular aspect of the Bill that I consider is a very important aspect, and that is the conservation of natural bushland which occurs on private property, and attempts to preserve this natural bush and prevent it being cleared. This, of course, was the subject of a report to the Government on vegetation clearance in South Australia. I am sure that that report was relevant in drawing up this legislation before us, in so far as it refers to natural bush. I think that it is certainly appropriate that those financial incentives should be offered to the landholder, because the whole community will benefit, if only indirectly, from the conservation of such areas. It is, therefore, appropriate that the whole community should contribute financially to some degree toward conservation.

I welcome the proposed incentives which have been suggested to encourage landholders to retain these natural areas of bush. One part which worries me, and about which the Minister may be able to respond, is that I understand a sum of close on $200 000 is all that has been allocated for these financial incentives in the current financial year. When one considers the price of fencing, this is not a large sum and will not go far if a large number of landholders wish to take advantage of the provisions in the Bill. I understand that the United Farmers and Stockowners of South Australia Incorporated is in full support of this legislation, but feels that there may not be sufficient financial resources available. It has been suggested that a greater sum should be allocated so that more efforts can be made to preserve the rapidly decreasing native vegetation remaining in private hands. I wonder whether the Minister can indicate whether further moneys could be allocated if it is found that the requests for agreements having financial implications are greater than can be accommodated within the $200 000 allocated. It would, indeed, be tragic if the number of applications received was such that some agreements could not be entered into because there were not sufficient financial resources for the incentive scheme suggested by the Heritage Unit.

I hope that the Minister can reassure us in this regard, that, if there are a great number of applications, sufficient finance will be made available to meet that demand. We do not know, of course, what the demand will be until the legislation has been passed and proclaimed, but there has been considerable interest and, furthermore, I understand that the Heritage Unit wishes to set up its own priorities in terms of areas which it is very important to conserve, although it will, of course, respond to any landholder who approaches it. I am sure we all realise that some areas of the State are far more important from a conservation point of view than are others, and if the Heritage Unit feels that a certain area is in urgent need of conservation it may well approach landholders and try to encourage them to apply for an agreement for their particular piece of land. If there is not sufficient money allocated, they may find that they are not able to encourage the agreements to be set up in areas where it is urgent, from a conservation point of view, that such agreements are set up.

I understand, too, that the Department for the Environment will be notified of intent to clear land which the Lands Department receives so that the Heritage Unit can then evaluate whether the land proposed to be cleared is of great conservation value or not. If the unit finds that it

is, it can then approach the landowner and discuss the clearance or non-clearance of this land with him and, if the unit feels that it is desirable, then try to persuade him to enter into a heritage agreement with the Government. Being a purely voluntary agreement, of course, there is no compulsion intended and, certainly, no compulsion will take place, but the Heritage Unit will be the group most concerned with conservation of such areas and most able to realise what it is important to preserve as part of our heritage. In view of these different approaches which the Heritage Unit proposes to adopt to preserve what is extremely valuable for our heritage, it may well be that the sum allocated is not sufficient and that very important areas may be cleared and so lost to the South Australian community. I would certainly welcome any comment that the Minister might make about the sum allocated for the incentives to make this scheme work.

The Hon. J. C. BURDETT: I thank the honourable member for her useful contribution, which was particularly refreshing, of course, because it was relevant to the Bill and, indeed, to the clause of the Bill to which she spoke. All allocations made by a Government in a matter such as this in a new Bill have to be based on estimates. It was necessary to allocate some sum so that the Government could have some idea as to what it had to set aside.

The amount was certainly an estimate, and I am certain that it is intended to see that finance is available to meet the demand. After all, the Government has invited the demand by setting up this voluntary procedure, as the honourable member has said, for entering into the registration of heritage agreements. I am certain that the sum allocated was simply an estimated amount. I am sure that the Government does not intend to restrict the applications.

The Hon. B. A. CHATTERTON: In regard to making heritage agreements, I understand that some of the land held in South Australia is leasehold land upon which there are conditions that it should be cleared in a certain period. To my knowledge, those conditions have never been enforced, or not in recent decades. Is there a necessity to amend the Crown Lands Act to remove those conditions before heritage agreements can be entered into?

The Hon. J. C. BURDETT: I will look at that matter and see that the honourable member gets a reply.

Clause passed.

Clause 8 and title passed.

Bill read a third time and passed.

LIQUEFIED PETROLEUM GAS SUBSIDY BILL

Adjourned debate on second reading.

(Continued from 6 November. Page 1847.)

The Hon. M. B. DAWKINS: I indicate my support for the Bill, which is necessary in order to provide a satisfactory system of payment of the subsidy from the Commonwealth Government to South Australian distributors of liquefied petroleum gas in order to enable them to pass on the subsidy to consumers of l.p.g. for domestic purposes.

The Bill provides a three-year period for the subsidisation of the use of l.p.g. by households, hospitals and non-profit making nursing homes and similar bodies. In his second reading explanation the Minister stated:

> Commercial and industrial liquefied petroleum gas users will be encouraged to convert out of liquefied petroleum gas by extension of the taxation concessions and allowances which apply to conversion of oil-fired equipment. The Commonwealth Act provided for grants to be made to the States to enable the States to pay to registered distributors of liquefied petroleum gas the subsidy of $80 per tonne on liquefied petroleum gas sold to consumers. The subsidy will also apply to distributors of reticulated gas derived from liquefied petroleum gas or naphtha, as currently applies with the South Australian Gas Company at Whyalla and Mount Gambier.

That statement summarises the situation concerning the Bill. It is also advisable, in my view, to increase the use of l.p.g. in South Australia, particularly as motor fuel, and reduce the use of ordinary petrol. I have recently asked a question in regard to the use of l.p.g. in Government vehicles, and I understand that attention is to be given to this possibility as soon as vehicles come forward that are already equipped and designed for the use of either fuel and as sufficient refuelling depots are available in strategic areas of the State. Many more such outlets are needed, particularly in country areas, and this will take time to achieve. In his explanation the Minister referred at some length to the clauses. I have examined them in relation to his comments, and I do not intend to go into any detail at this stage. I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 4.30 p.m. the Council adjourned until Wednesday 19 November at 2.15 p.m.