LEGISLATIVE COUNCIL

Wednesday 2 May 1984

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

PAPER TABLED

The following paper was laid on the table:

By the Minister of Consumer Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

South Australian Government Financing Authority—Report, 13 January-30 June 1983.

QUESTIONS

ANOP QUESTIONNAIRE

The Hon. M.B. CAMERON: I seek leave to make a brief explanation prior to directing a question to the Attorney-General on ANOP.

Leave granted.

The Hon. M.B. CAMERON: Yesterday, during a no-confidence motion on the Minister of Health, a copy of a letter from Mr Rod Cameron, Managing Director of ANOP to Dr John Cornwall dated 11 August 1983 was tabled. The Minister of Health in this place, and the Premier in another place, claimed that the letter, to which I will refer shortly, showed that a number of political questions, in total 11, which were asked in conjunction with the drug issues survey, were questions which could be legitimately justified as necessary in such a wide-ranging survey.

In other words, the Government argued that it is quite reasonable for questions regarding voting intention, Ministerial popularity, Government performance and so on, to be included as part and parcel of such a drug survey. The Minister of Health said there was nothing sinister in these 11 questions, which were of particular concern to the Opposition and to which we have drawn attention previously as part and parcel of the survey. The results of these 11 questions have never been made available.

Clearly, the results of the 11 questions were singled out for removal from the report tabled in this Parliament. One wonders why, if there was nothing sinister about these questions being asked as part and parcel of the survey, they were, in fact, removed from the final report presented to this Parliament. They were obviously included by ANOP in the costing of the poll, as evidence clearly indicates that $32 000 was not unreasonable for a 26-question survey but would have been for a 15-question survey.

Further, in the letter from Mr Cameron to Dr John Cornwall, it is plain in this letter, which was the proposal for the survey, that the matters concerning Government performance were part and parcel of the costing of the survey. They were included in the proposal put to the Minister and, at the finish of that proposal, the question of cost was put. We have had the answer to one question from Dr Cornwall when he, in fact, attempted to imply that it was a piggy-back question when, in fact, it was shown quite clearly in this letter that it was not: it was part of the costing of the original proposal. We have not had the answers to the other questions. My questions to the Attorney-General are as follows:

1. Does the Attorney agree with the Premier and the Minister of Health that it was reasonable and appropriate for 11 questions dealing with issues of a Party-political nature to be included in the health survey, and there was nothing sinister in this inclusion?

2. Where are the results of the 11 questions which the Government claims were quite justifiably asked about political matters?

3. To whom were the results made available?

4. When were they made available, if at all?

5. Why were they suppressed from the final report when they were clearly an integral part of the drug survey? In other words, why were they singled out for special treatment and hidden from Parliament and the public?

6. Will the Attorney-General obtain and provide the Council with the undisclosed results of the survey, which the public of South Australia has paid for, if necessary by requesting Mr Rod Cameron of ANOP to supply him with the results?

The Hon. C.J. SUMNER: I do not intend to comment on the first question. The other questions, as I understand it, are specific matters. The results of the survey tabled in this Council included reference to political affiliations of people who had been asked questions in relation to drugs. That is the context in which the survey was approved, not just by the Minister of Health but also by the Health Commission and the authorities in the Health Commission charged with the responsibility of assessing the proposal from Mr Cameron. If the Leader had referred to all of the documents tabled yesterday he would have indicated to the Council that the matter had been assessed by the Health Commission, by the appropriate authorities in the Health Commission, seen by the Chairman of the Health Commission and approved by him.

As I understand it, political attitudes were ascertained in relation to the drug survey carried out by the Minister of Health. That survey was important and the results were tabled. I believe that the survey was and will be an important document in determining the policy of Governments, Parliament and the community in relation to this matter.

The Hon. M.B. CAMERON: I desire to ask a supplementary question. In fact, I will repeat my last question, which the Attorney has clearly failed to answer. Will the Attorney obtain and provide the Council with the undisclosed results of the survey, which the public of South Australia has paid for, if necessary by requesting Mr Rod Cameron of ANOP to supply him with the results?

The Hon. C.J. SUMNER: That is not a general question that should be put to me. The question of the survey is not a matter within my Ministerial responsibility. I have indicated my position on a number of occasions in relation to the survey that was conducted, and I have advised the Council of my knowledge of it.

The Hon. M.B. Cameron: Not even on behalf of the Government?

The Hon. C.J. SUMNER: I am not in a position on behalf of the Government—

The Hon. M.B. Cameron: You're the Leader of the Government.

The Hon. C.J. SUMNER: It is not a matter within my Ministerial responsibility or, indeed, within my responsibility at all as Attorney-General or as the Leader of the Government in this Council.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: If the honourable member wishes to obtain an answer to this question, I suggest that he direct it to the Minister of Health or the Premier.

The Hon. L.H. Davis: You've sent him off on a holiday.

The Hon. C.J. SUMNER: That is not fair. The Hon. Dr Cornwall is in Canberra on Ministerial business. The Opposition granted him a pair to enable him to attend to Ministerial business involving the Commonwealth Government in Canberra. Apart from being out of order, the Hon. Mr Davis' interjection is completely offensive. The Hon. Mr Davis should withdraw his remark.

That is the reason for the Hon. Dr Cornwall's absence from the Council today. This is not a matter that I am able to deal with; it is as simple as that. If the honourable member wants further information about this matter I suggest he directs his question to other quarters.

The Hon. M.B. CAMERON: As the Attorney-General has failed to answer my question, will he refer it to the Premier?

The Hon. C.J. SUMNER: Yes, I am happy to do that.

LICENSING FEES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General a question about liquor licensing fees.

Leave granted.

The Hon. J.C. BURDETT: My question relates to liquor licensing fees paid by licensed clubs and, in particular, those paid under section 37 (1) *(aa)* of the Licensing Act, which provides that as far as is relevant the fee for a club licence (subject to a condition requiring the licensee to purchase the liquor required for the purposes of the club from the holder of the full publican's licence) shall be an amount not less than $100 or more than $500 fixed in accordance with the rules of the court.

It has been a practice (and this is quite clearly justified by the Act) that where clubs have direct purchasing rights (where they are entitled to puchase at wholesale prices) they pay the full 11 per cent; there is no argument about that. However, one club which purchased from two hotels that were nominated suppliers also purchased quite a large amount of liquor from another hotel, that other hotel not being a nominated supplier. That club had its licensing fee reassessed on the basis of 11 per cent of its purchases from the non-nominated hotel. The problem that that seems to me to raise is that of double taxation, because the hotel had already paid 11 per cent on the liquor it purchased. The club then purchased liquor from the hotel on which that 11 per cent had already been paid and has been assessed to pay another 11 per cent. That is a fee on a fee, or a tax on a tax, and appears to be a clear case of double taxation.

The Hon. C.J. Sumner: That is not an uncommon situation with the purchase of liquor from an hotel.

The PRESIDENT: Order! Let us hear the question and then we will hear the answer.

The Hon. C.J. Sumner: I understand the question.

The Hon. J.C. BURDETT: I think that the Minister does understand the question. However, the matter I am explaining is that under section 37 (1) *(aa)* in a case such as the one applying here there is a condition requiring the licensee to purchase the liquor received for the purpose of a club from the holder of a full publican's licence, the fee is to be between $100 and $500 as assessed by the Licensing Court.

The Hon. C.J. Sumner interjecting:

The Hon. J.C. BURDETT: That may well be, and that is what I will be asking the Minister in a moment. In this case, representations have been made to the licensing administration about the matter. I am informed that the club purchased from the two nominated suppliers and also from the third hotel and was assessed on the basis of 11 per cent on its purchases from that third hotel, purchases that were quite large. The total amount of the assessment came to very many times $500.

The Hon. C.J. Sumner: And that hotel was not nominated?

The Hon. J.C. BURDETT: No. That amounts to double taxation because the hotel had already paid a licensing fee on the basis of 11 per cent. Now the club has been required to pay that 11 per cent again. My questions are as follows:

1. Is the Minister aware of this situation (obviously, from his interjections, he is not)?

2. Will he check and bring back an answer as to whether or not this is true in regard to this particular licensed club and whether or not this is a general practice?

3. Does he agree that there ought to be this kind of double taxation and that a club should be assessed again on the basis of a licensing fee on which 11 per cent has already been paid by the hotel?

The Hon. C.J. SUMNER: I would not concede that it is a matter of double taxation. The situation appears to be that the club made purchases from a non-nominated hotel. Had the purchases been made from the nominated hotel by the club there would not have been any difficulty. The rationale for nominating hotels from which clubs should purchase their liquor is to ensure that hotels are not subjected to unwarranted competition, and therefore the loss of their custom and business, from clubs that are established in the area. If the club decides to go outside of that and purchase its liquor from some other area there may be policy reasons in applying the fee for the reasons that I have stated about the rationale of requiring clubs to purchase from particular hotels in the first place.

So it may be that no mistake has been made. I assumed when the honourable member was asking his question that he was referring to nominated hotels, but it is clear that he is referring to a non-nominated hotel. As I say, it may be that the policy reasons for the licence fee being imposed in relation to a non-nominated hotel are as I have outlined because of the history of the Licensing Act and the role of clubs *vis-a-vis* hotels in a particular locality, but I will have the matter investigated. Should the honourable member wish to give me specific details, which he does not wish to be made public, of the club concerned I will, after investigation, bring back a reply.

ELECTORAL LAWS

The Hon. K.T. GRIFFIN: I seek leave to make a brief statement before asking the Attorney-General a question about electoral laws.

Leave granted.

The Hon. K.T. GRIFFIN: In the *Advertiser* of Friday 13 April a report indicated:

> South Australia's voting laws will undergo extensive surgery following a confidential report to the Government pointing out 'gross inadequacies' in the system.

The report referred to is said to be that of the Electoral Commissioner, the statutory office holder who also happens to be the permanent head of the Electoral Department.

Last year I raised some questions in the Council in respect of the 1982 State election and, in particular, the electorate of Newland. At that stage I referred to a letter dated 23 March 1983, which I had received from the Electoral Commissioner, in which he indicated:

> In the near future I will be providing the Attorney-General with a comprehensive report on the conduct of the last State election.

The *Advertiser* report of Friday 13 April tends to suggest that the report that Mr Becker, the Electoral Commissioner, has now delivered to the Attorney-General is in fact the report that also deals with other areas for possible amend-

ment of the Electoral Act. As the report is made by an independent statutory office holder, responsible for the conduct of elections under the Electoral Act, it would be appropriate that it be made available to the public of South Australia. I notice from the newspaper report that the Attorney-General is reported to have said:

> The report says the present Electoral Act is grossly inadequate and needs comprehensive review. The Government had decided not to accept the two recommendations calling for banning of how-to-vote cards on polling day and for the separation of referendums and general elections.

That comment, if it is accurate, suggests that some decisions at least have been made by the Government on the recommendations of that report, but there was no detail of all the recommendations or of other recommendations that may or may not have been accepted. I have already indicated publicly that it is my view that there are a number of provisions of the Electoral Act, particularly those relating to electoral offences, such as bribery, corruption and illegal practices, which go back to the beginning of the century and which could well be overhauled in any further review of the Electoral Act. In the light of the newspaper report of 13 April, I ask the Attorney the following questions:

1. Will the report be made available publicly?
2. Is the report a comprehensive review of the 1982 State election as well as of the provisions of the Electoral Act?
3. What recommendations in that report has the Attorney-General accepted?
4. What recommendations have not been accepted?

The Hon. C.J. SUMNER: There seems to be some confusion. I understand that the report has been made public and that a copy has been sent to the honourable member.

The Hon. K.T. Griffin: No. I haven't got it. If it has been made public, that is all right.

The Hon. C.J. SUMNER: A copy has been sent to the Hon. Mr Cameron.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I take it that the honourable member is referring to the report of the Electoral Commissioner.

The Hon. K.T. Griffin: As reported on 13 April.

The Hon. C.J. SUMNER: That report was considered by Cabinet and made public when the press release was issued. To my recollection, a copy of that report was sent to the Opposition. I indicated in my letter to the Opposition that a working party had been established that would be chaired by Mr Becker; there would be a representative from the Premier's office, Mr Anderson; there would be a representative from the Attorney-General's office; and Mr Richard Kleinig has been appointed to form the working party. The working party will assess several matters.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: It seems that the Hon. Mr Cameron has ascertained from his Leader that the report has been received. Apparently, communications between the second floor, where House of Assembly members have their offices, and the basement, where the Legislative Council members have their offices, are not as efficient as they were when I occupied that role. I am pleased to note that my recollection has been confirmed and that we kept the Opposition fully informed of the Government's attitude in this matter by making available that report.

The report will be made available. No decision has been made on all the recommendations in that report except on the two recommendations specified in the press release. The working party will consider the report, it will also consider the matters raised by the honourable member early last year, and it will assess whether or not there is a need for amendment to the law relating to electoral offences, such as undue influence and bribery, to which the honourable member referred. Those matters will be considered by the working party, which will also consider the other aspects of Labor Party policy in the area of electoral reform.

No decisions have been taken on any of these matters, but other matters will be considered as well, such as the naming of political Parties on ballot papers, disclosure of political donations, public funding, and the like. No decisions have been taken on any of those matters, but what the honourable member had to say in March last year, what the Electoral Commissioner has had to say in his report (which has been made available to the Opposition), Labor Party policy in these matters as put to the people at the last election and, indeed, anything that the Opposition wishes to put on this topic will be considered in preparing a comprehensive review of the Electoral Act. Indeed, we may have to prepare a Bill in this regard, which will be introduced into Parliament during the next session.

So, the invitation has been made to the Opposition and, indeed, to anyone else in the public or Parliament to make a contribution to the deliberations of that working party in preparation for consideration by the Parliament of new legislation.

ABORIGINES

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Correctional Services a question concerning the imprisonment of tribal Aborigines at Yatala.

Leave granted.

The Hon. I. GILFILLAN: On Monday I visited Yatala and had an opportunity to speak with a newly formed Aboriginal group of inmates under the sponsorship of Ken Hampton, who is acting on behalf of the Anglican Church in Adelaide. I had the chance to discuss the particular plight of Aborigines sentenced to prison from a predominately tribal background. I ask the Minister questions in two parts, one in general terms, as I believe this particular case highlights certain needs. Andrew Kiltie, a pure Pitjantjatjara tribal Aboriginal from Indulkana, who has been in Yatala for some years, is a cause of great concern to all people who have had the control and care of him. Apparently, he has an estimated intelligence level of a 12 year old, and it seems that apart from any other justification for his requiring particular attention that, in itself, should stimulate a particular interest in his case.

Kiltie has repeatedly mutilated his body quite seriously and has expressed dramatic and traumatic objection to the social climate in which he finds himself. I believe that this is a very disturbing influence at Yatala. This is a particular case which highlights a general problem that will recur. I have had direct conversations with the Chief Correctional Officer at Yatala, Allan Marshall. I have spoken to the social worker, Patrick Greenrod, who has dealt with him, and I have also spoken to Aboriginal people who have been involved in this group.

Would the Minister take steps to expedite the release of Andrew Kiltie back into the care of his people at Indulkana? I have been led to understand that the people at Indulkana have indicated their willingness to have him back with them. If this procedure is not possible, would the Minister consider making the Northfield Security Hospital available for the long term containment of Andrew Kiltie? I believe that he receives attention there already and that it would be preferable to Yatala. Would the Minister also take a particular interest in the fate of Kiltie and perhaps report to this Parliament what he considers appropriate for his case? Secondly, does the Minister consider that Yatala is a suitable place for the confinement of tribal Aborigines and,

if not, what adaptation has the Minister made or does he intend to make to the prison system in South Australia for the imprisonment of tribal Aborigines?

The Hon. FRANK BLEVINS: I am absolutely appalled and disgusted that the Hon. Mr Gilfillan is so insensitive as to name in this Parliament a prisoner who, on his own statement, has a mental age of 12 years, and to discuss both his mental state and the actions that flow from it. I am absolutely appalled and disgusted. If the Hon. Mr Gilfillan was somebody who had been in this place for a few years, I would have promptly sat down. I hope that some day we will see the Hon. Mr Gilfillan grow up, but I do not expect to be here that long, although I intend to be around for a while. If it had been any other prisoner, whilst I would not have thought it appropriate to discuss a particular prisoner's case here, at least I would have assumed that the Hon. Mr Gilfillan had the authority of that prisoner to use his name and discuss his medical and social condition here. How can a person who, as Mr Gilfillan stated, has a mental age of 12 years, have the competence to give Mr Gilfillan any permission at all? I think Mr Kiltie and a few others need protection from the infantile antics of the Hon. Mr Gilfillan and some of his ilk.

Since I became Minister of Correctional Services, I have been dealing with this case. I have no intention of telling the Council any of the details of the case or of the prisoner. I can assure the Hon. Mr Gilfillan that the concern that he expresses and shows in quite an appalling and ignorant manner is held by myself and was held by previous Ministers in former Governments. It is a problem with which we are dealing in the best way that we are able, not just for the protection of Mr Kiltie but also for that of the community into which he may be released. Further than that, I have absolutely nothing at all to say on the question within this Parliament. I will certainly be saying something to the Hon. Mr Gilfillan immediately after Question Time.

As regards the general question of tribal Aborigines in Yatala, it is not totally satisfactory. I do not think that Yatala is totally satisfactory at the moment for anybody, let alone tribal Aborigines. I will be doing whatever I can whilst Minister of Correctional Services to see which alternative arrangements can be made. I believe that, in the past, certain schemes have been tried. At the time it was known as appropriate justice for tribal Aborigines where they could be kept in a community and perhaps punished or had their behaviour modified or corrected to what we arrogantly consider to be satisfactory within our own environment. I think, from memory, that that had some pluses but also some significant minuses. I am also aware of that problem, and it is one with which I will be wrestling for as long as I am Minister. My suspicion is that other Ministers of Correctional Services will be wrestling with it long after I am forgotten.

The Hon. I. GILFILLAN: I seek leave to make a personal explanation.

Leave granted.

The Hon. I. GILFILLAN: I wish to add that I was personally requested by Andrew Kiltie and Margaret Hampton, who has been taking care of him at Yatala, and also with the consent of others at Yatala, to bring his plight forward personally. I am not looking for any sensational reaction as a result of referring this to Parliament. I ask that the Minister realise that I have been requested to bring forward the matter in this place.

The Hon. FRANK BLEVINS: I seek leave to make a personal explanation.

Leave granted.

The Hon. FRANK BLEVINS: I do not want to turn this matter into a debate, and I am not arguing about the actions of Mr Kiltie, Mrs Hampton, or some other group with which the Hon. Mr Gilfillan met. It is not their actions about which I am complaining: I am complaining about the gross stupidity, ignorance and irresponsibility of the Hon. Mr Gilfillan. He cannot blame his actions on other people. He should stand and accept responsibility for his own actions.

EQUAL OPPORTUNITY MANAGEMENT PLANS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question on equal opportunity management plans.

Leave granted.

The Hon. ANNE LEVY: I understand that equal opportunity management plans are currently being worked on by the Equal Opportunity Unit of the Public Service Board. I understand also that such plans may be introduced in Government departments and statutory authorities in the not too distant future. As a first step, a sex by classification profile of each department has to be prepared. Can the Attorney-General say which departments and statutory authorities have so far prepared a sex by classification profile of their staff and which ones have developed an equal opportunity strategy as a result of this profile? Are the other departments and statutory authorities expected to complete this type of profile and, if so, by when for each department and statutory authority?

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

MIDDLE EAST TRADE

The Hon. L.H. DAVIS: Has the Minister of Agriculture a reply to the question I asked on 12 April regarding Middle East trade?

The Hon. FRANK BLEVINS: The shipment of plants for the Middle East to which I referred earlier fulfilled a contract awarded to the South Australian Timber Corporation by the Ministry of Public Works in Kuwait. That order was for 10 000 plants of *Carpobrotus* species commonly called Pigface, and supply was a joint effort between the Woods and Forests Department and SANPEC. In this case the species supplied were native to Australia and happened to fit within the contract specification. Evidence of the success of this business appears to be verified since the South Australian Timber Corporation has now been invited to quote again for a further 10 000 plants by the same authority, although the specification in this case precludes entry of Australian species.

The South Australian Timber Corporation is planning to invite SANPEC to be joint suppliers again in this order. Relevant officers in the Woods and Forests Department are in constant consultation with SANPEC in an effort to develop business opportunities involving all those South Australian nurseries that are genuinely interested.

At this stage I understand their combined efforts are aimed at securing a reputation for effective supply with a number of Middle East customers prior to any attempt at securing a large contract. A major difficulty in this market is that tenders are frequently called in such large volumes of work as to require total commitment of a major part of the South Australian nursery and landscape industry to be able to fulfil the contract obligations.

The South Australian Government is encouraging the necessary degree of co-ordinated industry effort through this

co-operative system of supply with the Woods and Forests Department and by offering financial industry group export incentives through the Department of State Development.

OVERSEAS LOANS

The Hon. R.C. DeGARIS: Will the Attorney-General, representing the Treasurer, inform the Council whether the Government, any Government authority or *quasi* Government authority (apart from the Electricity Trust of South Australia) is arranging for any overseas loans? If so, will the Attorney-General inform the Council of the nature of those loans, the currency in which they are being raised and the terms and interest rates of such loans?

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

STATUTORY AUTHORITY INVESTMENTS

The Hon. R.C. DeGARIS: Has the Attorney-General a reply to the question I asked on 3 April about statutory authority investments?

The Hon. C.J. SUMNER: The reply is as follows:

1. The Government expects the amount of funds invested by statutory authorities to be paid into Consolidated Account in 1983-84 to be at or near the Budget estimate of $127.5 million. It is possible that the exact figure could vary, depending on how other Budget receipts and expenditures, especially on the capital side, turn out relative to the Budget estimates. Decisions on this matter will be taken near the end of the financial year.

2. No. If there should prove to be any variation between the budgeted and actual amount, it will, as explained above, be relatively small and due to the overall Budget situation, not to any policies affecting the statutory authorities concerned. The fact that, to the end of February, only $25 million of the estimated amount of $127.5 million had been received into Consolidated Account reflects merely the Government's cash flow requirements over the course of the financial year. The Government has received full co-operation from the authorities concerned, and the timing of the payments has been decided in very close consultation with them.

DEPUTY PREMIER'S PERFORMANCE

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question about the performance of the Minister's duties.

Leave granted.

The Hon. R.J. RITSON: I wrote to the Minister of Labour (Hon. J.D. Wright) about 4½ months ago, drawing his attention to an opinion expressed by the Attorney-General in this Council to the effect that the Industrial Safety Health and Welfare Act bound the Crown and gave protection to all Government divers in terms of safety regulations. I received no reply, although my letter contained considerable technical information from which the Minister of Labour could have benefited. About three or four weeks ago I asked the Attorney-General in this Council whether he would ask his colleague in another place whether he had any intention of replying to my letter. Since then it has become a matter of common knowledge that I have been attacked in quite an ignorant way, that the Minister of Labour had still not read the letter, and I refer to the Hon. Mr Wright's personal attack on me in another place. I do not wish to go into that matter, but I will highlight the Minister's reply at that time.

In amongst the Minister's pages of chaff I notice a statement by the Police Surgeon. In fact, it is a grain of truth in the chaff on page 3598 of *Hansard*. The Minister read from a minute and quoted Dr Flock, the Police Surgeon, as follows:

> I agreed that a portable decompression unit was necessary for the management of serious diving problems and should be on site where elective deep diving is being carried out.

Later in his reply the Minister referred to Chief Inspector Wilkin, who agreed that a portable recompression facility (although he incorrectly calls it a decompression facility) on site is ideal.

In making his half apology the Hon. Mr Wright unwittingly gave the game away. Obviously his officers can see the virtue in being properly equipped in relation to safety. I have not yet received any indication that Mr Wright either understands that or intends to respond to my initial correspondence of nearly five months ago. Will the Attorney-General again ask the Minister of Labour whether or not he intends to answer my correspondence? I indicate that I would be happy to accept 'No' as an answer, because that would be consistent with the concern shown to date by Mr Wright. I think that the Minister should at least give me an answer, even if it is only to say that he does not intend to reply to my correspondence.

The Hon. C.J. SUMNER: I apologise for the problems that the honourable member seems to be having. I will refer the question to my colleague and see whether a reply can be provided for him.

PLANT PATHOLOGIST

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about the position of the Senior Plant Pathologist in the Department of Agriculture.

Leave granted.

The Hon. PETER DUNN: Midway through last year this Parliament passed a Bill that allowed graingrowers to voluntarily pay into a fund the sum of 30c a tonne. This fund is administered by the State Wheat and Barley Research Committee headed by Jim Teale. Last week that Committee allocated the considerable sum of $200 000 to the Department of Agriculture Plant Pathology Unit to carry out research on cereal root and leaf diseases, after considering these diseases to have a very high priority for the need of research.

It now appears that the Plant Pathology Unit in the Department of Agriculture is unable to take up this extra research money because there is no position for a plant pathologist available. The Plant Pathology Unit is headed by Dr Dube plus Dr Mayfield with a third researcher, Mrs Jenny Davidson, working with industry funds on barley leaf diseases. Over a year ago Dr Mayfield was told he could transfer to the Mid North as a plant protection officer and Mrs Davidson would take his position as Senior Plant Pathologist.

When Dr Mayfield transfers to plant protection he takes with him his position in the Department of Agriculture and the Pathology Unit does not get a replacement. In light of the fact that the Department of Agriculture has known since September last year (when the season appeared to be a bumper and a voluntary levy had been okayed by Parliament) that there would be an increase in funds to the State Wheat and Barley Research Committee, my questions to the Minister are as follows:

1. Why did the Department not endeavour to have Dr Mayfield's position of Senior Plant Pathologist replaced immediately, because it was quite obvious that extra funds should be available?

2. Is the Department of Agriculture wise in forcing Dr Mayfield to start building a project that looks at plant leaf and root diseases over a period of two or three years when he knows he shall have to leave midway through the project to go to the Mid North?

3. Can the Minister see that a position is immediately created in the Department of Agriculture for a Senior Pathologist to make use of grower contributed funds given in the hope of researching a serious disease problem?

The Hon. FRANK BLEVINS: I assume that the Hon. Mr Dunn received his information from a newspaper article.

The Hon. R.I. Lucas: A very good article.

The Hon. FRANK BLEVINS: The Hon. Mr Lucas, as is his wont, interjects and says that it is a very good article. I assure the Council that the article is incorrect in many ways, but I will not bore the Council with the details. I will be happy to make a full and extensive list of the inaccuracies of the article available to the Hon. Mr Lucas, which will perhaps short circuit some of the debate today. The additional funds mentioned by the Hon. Mr Dunn are not yet available to the Department of Agriculture and will not be available until, I think, July. I assure the Hon. Mr Dunn that whatever funds can be made available for research from the growers' levy and any other source will be taken up and will be used wisely by the Department of Agriculture, as has been the case in the past.

If the Council wants to be bored by the details of the movement of three or four Department of Agriculture staff throughout the State, I will be happy to oblige. However, I will try to precis the information by saying that Dr Mayfield is moving to Clare. Dr Mayfield wishes to take up a different position at Clare, which has only just become available. That position was not available 12 months ago, any more than we knew during the bumper season that we would win the debate for more funds, which will be available in July.

The position at Clare is now available. When we have a suitable replacement for Dr Mayfield's position with the Plant Pathology Unit, Dr Mayfield will transfer to Clare and a new person will take up his old position. The funds will be spent very wisely and will give value to the cereal producers of the State who do a first class job in assisting the Department with funds.

The little flurry and flutter that this particular newspaper item contained was totally unnecessary, a simple phone call by anybody concerned would have found out precisely what the position was. The position is very simple, nothing complex. If the Hon. Mr Dunn wants to know precisely the names, positions and classifications of individuals and the dates when applications for positions will be called I am happy to get all that detail for him. However, I hope that the Hon. Mr Dunn will accept that Dr Mayfield will not be going anywhere until a replacement is found. When the funds come to us in July I can assure him that everybody will be on deck waiting to launch the programmes that were put up to the barley and wheat research committee.

MARKET RESEARCH

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about market research.

Leave granted.

The Hon. R.I. LUCAS: One of the positive achievements of the Cornwall poll affair, I suppose, is the announcement by the Premier yesterday in the other place of guidelines for future market research being conducted by Ministers of the Government. This morning's *Advertiser* carries an article giving the guidelines announced by Mr Bannon in relation to market research as follows:

> All proposals for use of Government funds to commission market research surveys are to be referred to the State Statistical Priorities Committee.
>
> All proposals must detail the brief to the consultants on timing, cost, methodology and the form of report.

Most importantly, tendering will be required; the article continues:

> Agencies are to obtain at least three quotes for the survey where possible. (Dr Cornwall did not call tenders for the drug poll.)
>
> Survey firms must provide the Government agency with the questionnaire to be used. Details of the questionnaire must be included in the consultant's final report.

In general, I support those guidelines. I think that they are one of the positive achievements to come from the Cornwall poll affair. Certainly, the local Market Research Society from whose chairman, Ian McGregor, I have received a letter, refers to a number of other matters, but which states at the end:

> As a professional society, we do not want to be involved in political debate. We do believe that public funded research studies should be competitively priced and tendered, and we would like to see preference given to members of the Market Research Society in South Australia.

That last part is a separate matter. Certainly, there is support from the Market Research Society for competitive pricing and tendering. The Attorney may be aware that, on 9 August last year, I asked him a question about this matter. I will refresh his memory by reading that question, as follows:

> Will the State Government insist that all market research be put out to tender prior to any consultancy being appointed and, if not, why not?

To refresh the Attorney's memory further, I will quote his reply in bits and pieces but without seeking to distort his answer as it is clear what his response was, as follows:

> The honourable member's proposition verges on the absurd.

There are some things that are appropriate for public tender as the honourable member would realise—

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: The Attorney, I think, is a reasonably honest fellow. He continued—

> and there are other things that are not necessarily appropriate for public tender, such as market research and consultancies.

He continued later that he did not believe that the Government is obliged to insist on public tender for market research or for other consultancies. Certainly, the important part of the Attorney's response to a clear question about tendering was as follows:

> The honourable member's proposition verges on the absurd.

The Leaders on both sides seem to like that word 'absurd'. My questions to the Attorney-General are as follows:

1. Does the Attorney-General still believe that the proposition of tendering for market research verges on the absurd?

2. Were the guidelines announced by the Premier yesterday in another place discussed and approved by Cabinet?

The Hon. C.J. SUMNER: To answer the second question simply, I will adopt the approach adopted by my predecessors in this office as long as I can recall, and prior to that, of not indicating to the honourable member what matters were discussed in Cabinet or the nature of those discussions. Any decisions that Cabinet makes are announced in the usual way. I understand the honourable member's interest in this topic. It appears that the Premier does not agree with my remarks of August last year. However, we agree on most things.

The Hon. M.B. Cameron: You got it wrong.

The Hon. C.J. SUMNER: I got it wrong. The Premier has another view and the Government has another view

that has been made available by the Premier in the other place. He has made publicly available the guidelines that will apply in future for such market research surveys. I suppose that what I was saying last year was that because there are particular methodologies used and particular expertise is required in different areas of market research—

The Hon. M.B. Cameron: You're in trouble.

The Hon. C.J. SUMNER: I am not in any trouble—that there was a case for individual assessment of market survey proposals rather than issuing them for tender. I think that there are some problems with an absolute approach to tendering, particularly if that means that one gets the cheapest and not the best. Therefore, in any approach to tendering, clearly, I guess, it is reasonable now that the Premier has decided that it is reasonable for tenders to be called.

The Hon. Frank Blevins: He is very persuasive.

The Hon. C.J. SUMNER: He is very persuasive, but I think that it is important, particularly in this area, because of the different methodologies used (and I think that the honourable member would recognise that there is a difference in the degree of expertise of various market research firms) that they must be assessed. I imagine that putting them to tender will not necessarily mean that the lowest price will automatically be accepted. I have made my confession and the Government has now given guidelines that I will be perfectly happy to adhere to.

TELEVISION STATION 0/28

The Hon. C.M. HILL: Has the Minister of Ethnic Affairs a reply to the question I asked on 11 April about television station 0/28.

The Hon. C.J. SUMNER: The Minister for Communications, Hon. M.J. Duffy, has advised me that South Australia will have its own multi-cultural television station from June next year. South Australia will receive the same programmes currently being broadcaset to audiences in Sydney, Melbourne and the ACT. The Department of Communications and Telecom have advised me that Channel 0/28 may be telecast by terrestrial (land) bearers at first. However by the end of 1985 transmissions will probably be by satellite.

RADIOACTIVE MATERIALS: HEALTH RISKS

The Hon. I. GILFILLAN (on notice) asked the Minister of Health: In regard to health risks to transport and associated workers handling radioactive materials:

1. Will workers be given full medical examinations prior to handling any radioactive materials?
2. Will such workers undergo regular annual health checks?
3. Will records of such examinations be kept? If so, by whom, and will they be accessible to the workers or their legal representatives?
4. Will workers be provided with radiation monitoring devices? If so, how often will they be checked, and will the information be permanently recorded?
5. Will workers be educated about the nature and risk of radioactive materials; will there be training in appropriate work practices; will there be health and safety training; will there be training in emergency procedures?

The Hon. FRANK BLEVINS: On behalf of the Minister of Health, the replies are as follows: In all parts of this question the term 'workers' is used. Unless transport workers are also radiation workers (for example, borehole loggers and industrial radiographers) they are considered as 'members of the public'. Radiation workers are covered in the draft Ionizing Radiation Regulations.

1. Transport workers: no, as no useful information could be gained from a medical examination.
2. Transport workers: no, for the same reason.
3. Transport workers: not applicable.
4. Transport workers will not be supplied with radiation monitoring devices. The time spent by transport workers in close proximity to radioactive substances is minimal and so the radiation doses they are likely to receive are insignificant.
5. The consignor of the radioactive substances must provide the carrier (that is, the transport workers) with a statement regarding any actions to be taken with regard to each particular consignment. The statement includes emergency arrangements.

RADIOACTIVE MATERIALS: SHIPMENT

The Hon. I. GILFILLAN (on notice) asked the Minister of Health: In regard to shipment of radioactive materials:

1. Who has responsibility for deciding the routes to be used for the shipment of radioactive materials?
2. Are factors which could affect the risk of accident or efficiency of clean-up following an accident, such as the state of the road or obstructions like bridges and tunnels, taken into account when a shipment route is planned?
3. Who has responsibility for the timing of travel for shipments?
4. What consideration is given to minimising public risk by directing the timing of travel for radioactive shipments to take place between midnight and 5 a.m.?
5. Are the relevant emergency services notified in advance of a shipment of radioactive material passing through their area?
6. Do emergency services have any control over the timing of shipments through their area, or the route of travel in their area?
7. Have emergency services received appropriate training to cope with accidents involving radioactive materials?
8. Will local government areas be informed of the passage of radioactive material through their areas?
9. In the event of an accident, will records be kept of the accident, the workers involved, emergency service personnel involved, members of the public involved, and the decontamination techniques used?
10. Will vehicles be checked for contamination before and after use as a carrier of radioactive material?
11. Will vehicles be checked for their safety and suitability for carrying radioactive material?
12. Will vehicles carrying radioactive material also be able to carry other goods in the same shipment?

The Hon. FRANK BLEVINS: On behalf of the Minister of Health, the replies are as follows:

1. The consignor of the shipment of the radioactive substances.
2. Again, this is the responsibility of the consignor.
3. The consignor.
4. The timing of shipment is the responsibility of the consignor.
5. The Health Commission must be notified if any radioactive substance were to be transported under special arrangements (as defined in the regulations). This is expected to occur only very rarely and so the Commission would decide on a case by case basis whether or not to alert any emergency services. Prior notification of shipment of large quantities of radioactive substances is also required.
6. In theory, no, but should 'special arrangement' situations occur (see 5), the advice of the emergency services would naturally be considered.

7. The Metropolitan Fire Service has a contingency plan for dealing with dangerous substances. The section of this plan concerned with radioactive substances was prepared with the co-operation of the Radiation Control Section of the Health Commission.

8. No.

9. In the event of an accident, the driver is obliged to inform the Health Commission who would, as a matter of internal policy, dispatch an authorised officer to investigate the accident forthwith and present a full report to the Commission.

10. It is the carrier's responsibility to ensure that conveyances and equipment used routinely for the carriage of radioactive substances are periodically checked to determine the level of contamination. The frequency of such checks will be related to the likelihood of contamination and the extent to which radioactive substances are carried. In the event that a package is damaged or is suspected of leaking, the Commission is required to be notified forthwith, and Commission officers will carry out a very thorough survey in such cases.

11. Vehicle safety is the concern of the Motor Vehicles Department. The carrier is responsible under the Radiation Safety (Transport of Radioactive Substances) Regulations to ensure that the consignment of radioactive substances is securely stowed.

12. The regulations prescribe goods that cannot be loaded in the same vehicle, freight container, or hold, compartment or deck area of any vessel as radioactive substances, namely:

Class 1: Explosives
Class 2.1: Flammable gases
Class 3: Flammable liquids
Class 4.1: Flammable solids
Class 4.2: Spontaneously combustible substances
Class 4.3: Dangerous when wet substances
Class 5.1: Oxidising agents
Class 5.2: Organic peroxides
Class 8: Corrosives

The word 'class' used above has the meaning assigned to it in the 'Australian Code for the Transport of Dangerous Goods by Road and Rail'.

RADIOACTIVE MATERIALS: FINANCIAL ASPECTS

The Hon. I. GILFILLAN (on notice) asked the Minister of Health: In regard to the financial aspects of transport accidents involving radioactive materials:

1. Given that the consignor is not required to hold an insurance policy related to such risk, who will be responsible for the cost of decontamination?

2. What financial responsibility will the South Australian Health Commission have to take in the costs for such decontamination?

The Hon. FRANK BLEVINS: On behalf of the Minister of Health, the reply to both questions is that section 42 of the 'Radiation Protection and Control Act 1982' has provision for the Health Commission to recover any costs incurred as a result of its having to decontaminate after an accident, provided that the accident resulted from a contravention of the Act or regulations.

RADIOACTIVE MATERIALS: EMERGENCY PLANS

The Hon. I. GILFILLAN (on notice) asked the Minister of Health: In regard to emergency plans to cope with accidents involving radioactive substances:

1. Does the Health Commission have any such plans?

2. Does the Health Commission have the equipment to cope with such an emergency?

3. Have Health Commission personnel received appropriate training to handle an accident involving radioactive material?

4. In such an emergency, which hospitals would be used, and would the medical staff then be classified as radiation workers?

5. Do emergency plans include contingencies for all types of radioactive material, from low to high grade?

6. What decontamination procedures would be used in the clean-up of a spillage of, for example, a truckload of yellowcake?

7. Would workers involved in decontamination be classified as radiation workers? Have they, as yet, undergone initial health examinations?

The Hon. FRANK BLEVINS: On behalf of the Minister of Health, the replies are as follows:

1. Transport accidents involving radioactive materials are a very rare occurrence and the amount and nature of the radioactive substances involved could vary greatly. Contingency plans for specific incidents would therefore not necessarily be useful. The Health Commission does have general contingency plans to cope with such accidents.

2. The Health Commission does have the equipment to cope with an emergency of this nature.

3. The scientific and technical staff of the Radiation Control Section are trained in the principles and practices of radiation protection necessary to handle an emergency situation.

4. The choice of hospital would be made by normal methods. However, if time is not crucial, the Royal Adelaide Hospital would be preferred as it has the largest contingent of health physicists and it also has a whole body monitor. Other hospitals with nuclear medicine departments (the Queen Elizabeth Hospital, Flinders Medical Centre and Adelaide Children's Hospital) could also be used. Classifying the medical staff as radiation workers would depend on the circumstances, but in most cases the answer would be 'no'.

5. See the answers above.

6. The clean-up procedure would vary depending on the circumstances. Specially designed vacuum cleaners would probably be used if it were a spill of solids; for example, yellowcake. Surface contamination monitors would be used to assess the success of the clean-up operation.

7. If decontamination were required, persons who were already classified as radiation workers would be called in. Medical examinations are discussed in the main body of the draft Ionizing Radiation Regulations.

ART GALLERY

The Hon. C.M. HILL (on notice) asked the Attorney-General:

1. Since Mr David Thomas, former Director, left the Art Gallery of South Australia, have the curatorial staff decided to reduce the exhibition programme at the Gallery?

2. If the answer is 'yes', has the Board been advised and does the Board approve of this policy?

3. Did the curatorial staff decide not to bring to Adelaide the Turner Water Colour Collection, which was shown in Melbourne, and, if so, why?

4. Did the Board know of this decision and did the Board approve?

5. Did the curatorial staff make any endeavour to secure for Adelaide for the benefit of the South Australian public the Gunnenheim Exhibition, which has just finished being exhibited in Sydney?

6. Are the curatorial staff making any efforts to obtain the Holbein works from the Queen's collection for exhibition, whilst the collection is in Australia?

7. What overseas exhibitions can the South Australian public expect to see at the Gallery over the next two years?

8. When is a new Director going to be appointed at the Gallery?

The Hon. C.J. SUMNER: The replies are as follows:

1. No.

2. Not applicable.

3. The Exhibitions Committee of the Gallery decided not to recommend the proposed Turner watercolour exhibition to the Art Gallery Board because the Gallery was subject to an extensive review at the time the offer was made (November 1983).

4. No.

5. Yes.

6. Yes.

7. The exhibition programme for 1985-86 will be finalised in June 1984. Several overseas exhibitions are being examined.

8. It is hoped that a new Director will be appointed mid-year.

GRANGE VINEYARD

The Hon. L.H. DAVIS: I move:

That this Council condemns the State Government for its failure to match its pre-election promises in respect of the historic Grange vineyard at Magill.

It is with some sadness that I speak of the destruction of the Grange vineyard. The first 25 years of my life were spent at Hyland Terrace, Rosslyn Park, this terrace being named after Dr Christopher Penfold's son-in-law, Thomas Hyland, who was closely associated with the development of this famous wine company. In the 1940s and 1950s grapevines stretched well to the west of Penfold Road and to the south of Kensington Road. It was not difficult for young children with initiative to obtain a bunch of sweet grapes with some choice as to variety.

The Grange vineyard, as it is called, lies seven kilometres directly east of Adelaide, nestling in the foothills, and offering a splendid view of South Australia's capital city. Let there be no mistake as to its historic and economic importance. James Halliday, a wellknown writer of books and articles on wines in his recent publication, *Wines and Wineries of South Australia,* claims:

Penfolds stands unchallenged as the greatest maker of Australian red wines . . . Grange Hermitage alone would justify the number one mantle.

Andre Simon, a Frenchman, and one of the world's greatest authorities on wines, visited Australia in the late 1960s and subsequently wrote a book, *The Wines, Vineyards and Vignerons of Australia.* He noted that Adelaide was fortunate to have retained some urban vineyards, but that the existence of these veteran vineyards was threatened by bricks and mortar.

There can be no disputing the fact that the Grange vineyard was pre-eminent among the colony's wine growers. In 1881, for example, 485 000 litres of wines were stored at Magill—over one-third of the total wine stocks in South Australia. Penfolds was conducting a strong trade with all States and New Zealand, and was particularly strong in the production of port and sherry.

Penfolds is 140 years old in 1984. It began when Dr Christopher Rawson Penfold purchased 440 acres of Makgill Estate for 1 200 pounds before leaving England for South Australia in 1844. He brought vines from the Cape of Good Hope with their ends dipped in sealing wax to retain the sap. Dr Penfold built a white-washed stone cottage called 'The Grange', which in recent years had served as a wine museum. Fortunately for Australia, he reduced the time spent in his medical practice and increased his wine-making activities, although he did find a unique way to combine these two interests. He apparently recommended his own wine as a cure for anaemia!

Penfold was active in the community and served as first Mayor of Burnside. When he died in 1870 his daughter, who had been active in the business, took over the management with her husband, T.F. Hyland. The company continued to expand. In the 1950s plantings reached their peak. Magill was a centre for Penfolds' blending operations. In 1962 Penfolds become a public company and was regarded as Australia's premier wine producer. In 1968 its headquarters was moved to Sydney. In 1977 the Sydney brewer Tooth and Company launched a successful bid on Penfolds which had been weakened by the intensive competition developing in the wine industry. And, finally, Adelaide Steamship, an Adelaide-based company, which had had a dramatic change in fortune, recently gained effective control of Tooth and Company.

This of course is where the sorry saga begins. The historic Auldana winery dating back to 1854 and adjacent to Penfolds, and now a part of the group, had been subdivided. The subsequent Auldana Hills housing development was awarded a brickbat for visual outrage by the Civic Trust in late 1982. Such an award is sad irony for an area so rich in history.

The Grange vineyard had been listed for development by the Metropolitan Development Plan as early as 1962. Indeed, in 1972 Penfolds had indicated it would subdivide the whole vineyard for housing by 1977, although the company did not proceed, possibly because of the uproar that resulted from its announcement. Therefore, Adelaide Steamship was within its rights when in August 1982 it entered into an agreement with a consortium to sell the 63-hectare property to a group headed by Adelaide Development.

At the time this sale was announced, it was stated that Burnside council would receive about 3.2 hectares of the property as a reserve, the Grange Cottage would be given to the National Trust, and 10 hectares would remain under vines. As a result, a parcel of land in the north-west corner, including cottage buildings and vines, would be retained as a core totalling some 9.5 hectares, and the balance of the land would be given over to about 160 house blocks selling at up to $50 000 each.

In the weeks that followed, considerable publicity was given to the formation of a committee styled 'Friends of the Grange Vineyard Association'. One of the committee members, the President of the South Australian branch of the Royal Geographic Society of Australasia, Mr Brian Ward, argued that the Grange vineyard should be developed as 'a first rate, comprehensive and extensive living museum and information complex for the wine and viticultural industry'. It could be used for historical displays, conventions, as a reference library, bottling and tasting of wines—as a general tourist attraction and educational facility in a State which claimed to be Australia's premier wine State, boasting as we do some 60 per cent of Australia's wine production.

The Liberal Government in September 1982 had placed only 9 hectares of the vineyards on the interim State heritage list—the so-called core area. But in reaction to growing public concern, the core area and the development area were both placed on this list on 28 October so providing a valuable 12-month breathing space for the vineyard. Of course, it is not possible to discuss the 'Save the Grange' campaign without discussing the fact that, when the news of the sale first broke, a State election was in the wings and,

shortly after the Friends of the Grange Committee had been formed, the State election was announced.

At a meeting in early October 1982, the then shadow Minister for Environment and Planning, Dr Hopgood, was reported as saying it was vital the vineyard be saved, because the city needed more open space. The Hon. Anne Levy at a public meeting said that a Labor Government would undertake a feasibility study on retaining the Grange vineyard. The Hon. Anne Levy was asked, 'How will the Government fund the project?'; she replied that the funding would be covered in the feasibility study.

On 19 October, the Labor Party announced its environment policy, just ahead of a Save the Grange public meeting. The policy was not released at a media conference at Parliament House; it was not released at Dr Hopgood's office; it was released on location. The front cover of that environment policy featured a photo of Mr Bannon, and alongside was a photo of the Grange vineyard. Point 14 of that policy stated:

> A State Labor Government will continue to advance the former Labor Government's initiative in the identification, protection and restoration of the State's items and areas of European heritage. We will place the Grange Hermitage property on the interim heritage list.

The references to 'the former Labor Government's initiative' and 'the Grange Hermitage property' being placed 'on the interim heritage list' were quite clearly directed at giving the impression that the Grange vineyard was to be saved. Implicit in the launch of the environment—

The Hon. C.J. Sumner: We said that we'd do all we could—unlike what Tonkin was doing.

The Hon. L.H. DAVIS: The motion is not about what the Liberals were doing: it is directly attacking the Government for failing to match its pre-election promises in respect of the Grange vineyard.

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: The Hon. Mr Sumner believes that the Government did not make any promises, but he has a shock coming. Implicit in the launch of the environment policy at the Grange vineyard, in the photo of the vineyard on the front cover of the policy, in the wording of point 14 of the policy, and indeed in informed discussions by Labor Parliamentarians with supporters of the Save the Grange campaign, was the fact that if elected to Government the Labor Party would save the Grange. On 27 October 1982, the then Leader of the Opposition made a press release headed 'Save the Grange Vineyard Call', but the most dramatic evidence, which has not as yet seen the light of day, is a letter which I received recently and which is signed by J.C. Bannon, Leader of the Opposition, dated 28 October 1982. It is addressed to one of the members of the Save the Grange Committee, the Friends of the Grange Vineyard Association, and it states:

> Thank you for the copies of your proposals for a feasibility study on the future use of the Grange vineyard which you sent both to my shadow Minister of Environment and Planning and to me.

Quite obviously, the Save the Grange Committee was putting up a feasibility proposal directed at saving the Grange vineyard by using it in a very practical way. Mr Bannon further stated:

> We will examine your proposals sympathetically.

And then comes the crunch:

> I take this opportunity to again make clear that our commitment is to retain the open nature of this area irrespective of future use.

The letter was signed by J.C. Bannon, Leader of the Opposition and dated 28 October 1982. That was nine days before the election. There can be no question about the interpretation of the phrase 'to retain the open nature of this area': that would quite clearly suggest that the area was not to be given over for housing development, which is not retaining the open nature of the area.

Clearly, the then Leader of the Opposition (the now Premier, the Hon. Mr Bannon) was giving the impression—misleading as it turned out—that a Labor Government would find a way to retain the Grange vineyard in that form.

The Hon. Anne Levy: It did what it could.

The Hon. L.H. DAVIS: It didn't say that: it is quite unequivocal—'our commitment is to retain the open nature of this area, irrespective of future use'. There cannot be anything more unequivocal than that. On 6 November 1982 the Labor Party was elected to Government. Within six weeks there was a clear sign of a back-down. The Minister for Environment and Planning, the Hon. Dr Hopgood, on 21 December 1982 was quoted in the *Advertiser* as saying:

> People who wanted the Grange vineyard preserved should not rely on the Government to do the job for them.

That was six weeks after the Premier gave a commitment to retain the open nature of the area. Less than two months before, the Hon. Anne Levy, at a public meeting, said that the Government would undertake a feasibility study and would show how the project could be funded.

The Hon. Anne Levy: And put it on the Interim Heritage List, which we did, and which Tonkin refused to do.

The Hon. L.H. DAVIS: That is not true.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order! The Hon. Ms Levy will have an opportunity to speak.

The Hon. L.H. DAVIS: As this is some time ago I can understand the Hon. Anne Levy's memory being hazy on these events.

The Hon. Anne Levy: It is not the least bit hazy.

The Hon. L.H. DAVIS: The honourable member will have an opportunity to refresh her memory as we go through the chronological detail of this sad saga as it unfolds. To return, the Minister for Environment and Planning on 21 December said that it was not for the Government to save it, but for the people. He went on to say:

> The committee had to demonstrate its capacity to be able to raise funds from people who say they are concerned to save the area.

Immediately, the spokesman for the Save the Grange Campaign criticised the Government for its apparent turnabout. He said:

> The Government was quite reluctant to do or say anything to save the vineyard.

In January 1983 the Minister placed the entire Grange vineyard on the Interim Heritage List, whereas the Liberal Government had placed the vineyard on that list in two parcels: the development area and the core area. Of course, that had been done, as I previously explained (and, obviously, the Hon. Anne Levy did not hear me), on 28 October 1982. So, both parcels were put on the list, but separately. The action of the Minister meant that the vineyard remained under a protective umbrella for a period of 12 months. Eventually, the Friends of the Grange launched an appeal for $3 million in June 1983. Clearly, nothing had happened in those first six months of the Labor Government. That body had been led to believe, before the election, that the State Government would lead a campaign to save that vineyard. That campaign did not materialise and the Friends of the Grange eventually, in June 1983, launched an appeal for $3 million. That was long after the passions had been stirred regarding this issue. Members know that when emotion is hot that is the time to strike when fundraising.

To people familiar with professional fundraising in Adelaide, this target of $3 million was always an impossible dream. For the Government to insist on public financial support without ever setting a target or indicating the level

of its financial commitment, if any, was an exercise in political cynicism. I am unaware of any appeal, charitable or otherwise, except national disasters, which, in South Australia, has raised anywhere near $3 million.

An excellent recent example is the Art Gallery Foundation which was established to raise funds in 1981, the cententary year of the Art Gallery. This was an undeniably popular and worthy appeal that people could easily identify with. Most people pass the Art Gallery in the course of their business or leisure activities, unlike the Grange vineyard, which is located seven kilometres to the east of Adelaide. The Board of the Art Gallery Foundation found it necessary to ensure State Government financial support which, in turn, would provide added impetus to the public appeal. The Tonkin Government provided $500 000 for that appeal and after 12 months it raised $1.7 million. That amount of money was regarded as outstanding, but included the initial $500 000 promised by the then State Government.

It is clear that, when one is talking about library appeals, museum appeals, art gallery appeals and University of Adelaide appeals, if one is going to succeed one needs the State Government to put its imprimatur on it—to give it its blessing—to give the public a lead. Sadly in this case, the State Government, having made that commitment, did not honour it. In the case of the Grange vineyard, time was against the organisers. They did not have 12 months, as was the case in the Art Gallery foundation appeal, and Government support was lacking. There were pledges amounting to $140 000 as a result of the fundraising campaign launched in June 1983.

I make it clear that no opprobrium should be attached to the Burnside Council. Given the existing zoning, the Adelaide Steamship Company acted properly. They claimed that the area was no longer economic. The developers, in entering into the contract for development, likewise acted properly in the sense that it was a permitted use. Clearly, the saving of the Grange ultimately came back to the State Government.

The purpose of my moving this motion today is to focus attention on the fact that this was a promise unequivocally made, as has been demonstrated by the letter that has not seen the light of day in public before, and that that promise was broken. Of course, the cause was ultimately lost in October 1983 when the Planning Appeal Tribunal overturned the decision of the Chairman of the South Australian Planning Commission and ruled that the housing sub-division could proceed. A small consolation was that the core area, by agreement with all parties, was increased from 9.5 hectares to 11.5 hectares.

The Hon. C.J. Sumner: How much is that of the whole lot?

The Hon. L.H. DAVIS: It is very small. This preservation and conservation of the State's heritage should be above politics. There are many key organisations interested in heritage matters in South Australia ranging from local historical societies to umbrella organisations like the Conservation Council of South Australia, Government agencies and statutory bodies with specific interests such as the History Trust of South Australia and the Constitutional Museum. There is also the National Trust of South Australia, a member of the Australian Council of National Trusts. In recent times it has attracted mixed publicity. One critic has called the National Trust in South Australia a 'tea party organisation' and there have been suggestions that another heritage group will be formed to more actively canvass for the preservation of South Australia's heritage. On the other hand, the National Trust co-ordinated the very successful Heritage Week, a well established community event throughout Australia.

The Hon. C.J. Sumner: I was there.

The Hon. L.H. DAVIS: That is right. The Attorney opened it. There were over 250 activities and events in metropolitan and country areas during that week. The aim of the week was to broaden the community's view on the meaning of 'heritage'. To many people heritage begins and ends with the built environment—and even then they believe it only relates to old buildings. For example, many people would be surprised to hear that the 10-year-old Festival Centre is a heritage item. Our heritage covers obvious topical matters such as the Grange vineyard, Yatala Prison A Division, and a wide variety of natural and man-made objects; for example, significant trees, gardens, windmills, a plough, a phone box, a steam engine, the Hallett Cove glacier, Aboriginal artefacts, photos, books, maps, streetscapes, historic towns, mines, and so on.

It is not generally known that in South Australia there are 55 National Trust branches looking after over 130 properties owned or on lease from the Crown. The Millicent National Trust Museum was adjudged equal best regional museum in Australia in 1983. Although there is a large degree of self-help in such organisations, the professionalism and number of both administrative and field staff are severely limited if Government funding is inadequate. I should at this stage declare that I have an interest as a council member of the National Trust in South Australia, but I find it shameful that successive Governments in South Australia over many years have neglected to fund the National Trust in South Australia.

The annual grant from the State Government to the National Trust in South Australia is a paltry $5 000. Western Australia, with a similar population, provides a grant of $82 000 for its National Trust. Tasmania, with one-third of South Australia's population, allocates its National Trust a grant three times that received in South Australia. In Queensland, where the Premier is a public and vociferous opponent of the National Trust as I understand it, the Government made $67 500 available to the National Trust in 1983-84. In Victoria, the amount is $100 000; in New South Wales, the amount is $79 000; and in the Northern Territory, $45 000. Those amounts around Australia underline the disgraceful level of financial support for the National Trust in South Australia.

South Australian tourist development plans in recent years have emphasised the lack of man-made attractions in this State. Therefore, we have to work hard to maintain our heritage. Edmund Wright House was saved in 1971 as a result of the efforts of a few individuals.

The Hon. C.J. Sumner: What about the Government?

The Hon. L.H. DAVIS: I will give the Government some credit in a moment. It was saved in 1971 as a result of a few individuals generating public enthusiasm, although that enthusiasm was not matched by large public donations and then, of course, there was finally the 11th hour decision of the Labor Government to purchase the building. The cost of purchase was $750 000. If one takes into account the restoration cost, the amount spent on that project, adjusted for inflation, would undoubtedly have been in the vicinity of $3 million in 1984 dollar terms. Yet, this same Labor Government, which had a commitment to save the Grange and broke the promise, has apparently spent $1.2 million in acquiring the old D. & J. Fowler building for a living arts centre, notwithstanding the controversy and doubt surrounding the project.

The Hon. C.J. Sumner: We only bought the building.

The Hon. L.H. DAVIS: I know that the Government has only bought the building, but there has been considerable controversy surrounding it.

The Hon. C.J. Sumner interjecting:

The Hon. L.H. DAVIS: I did not know that the Labor Government was in the business of capitalistic pursuits, but

maybe some of the backbenchers have shown it the fruits of their labour through radio 5AA.

I return to where I began. A commitment was given at a public meeting by a member of the Labor Party representing the then shadow Minister of Environment and Planning who said that the Government would undertake a feasibility study, would examine funding for the saving of the Grange vineyard. Where is that feasibility study? It has not surfaced. That is the gravamen of the motion we have before us: that the election commitment has not been honoured. There have been other examples demonstrated in this Chamber and in another place of an election commitment that has not been honoured. Adelaide is said to be the city of ambience, the city that originated the term 'green belt', and the city of parks and gardens. Sadly, it appears that the views of the directors of the development company, in the case of the Grange, will prevail. One of the directors described the Grange vineyard as one of the last prestige sites for housing development in the Adelaide area. If the Government had honoured its commitment, the site could have been one of the fine examples of an historic vineyard in the world.

The Hon. Diana Laidlaw: Have you seen it since the vines have come down?

The Hon. L.H. DAVIS: Indeed, I have seen it. If anybody has not seen it since mid-April when the vines were destroyed, it is quite a shock because, although the previous Liberal Government and later the Labor Government had a commitment to a core, that core and the historic buildings in the centre of the whole Grange vineyard area will undoubtedly be dwarfed by the housing which will run up the hill.

The Hon. C.J. Sumner: Does the core come down to Penfold Road?

The Hon. L.H. DAVIS: Yes, it does. One can only hope that the architectural merit of the housing will be above that of the housing development of Auldana, which won the brick bat award from the Civic Trust. So, the Grange was quietly put down just before Easter—sadly, another broken promise of the Bannon Labor Government.

The Hon. ANNE LEVY secured the adjournment of the debate.

ACCIDENT TOWING ROSTER

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That regulations under the Motor Vehicles Act, 1959, re accident towing roster scheme, made on 8 March 1984 and laid on the table of this Council on 20 March 1984, be disallowed.

I indicate at the commencement of this debate that I personally strongly support a roster scheme. That was made plain when the original Bill to which these regulations are attached was put through this Chamber and through the Parliament by the former Government. The problem is that there are a number of parts of these regulations associated with the Bill which have, to my mind, very serious problems.

First, I understand that a number of people have indicated that they wish to give evidence on these regulations. At the present moment not all people who wish to do so have been able to give evidence. It has also been indicated to me that the Subordinate Legislation Committee is attempting to give everybody who wishes to do so the opportunity of giving evidence before the end of the session. The problem as I see it is that there has been insufficient time for proper recognition to be given to the evidence now being presented. It would seem that, in this case, there has been such a weight of evidence required to be given that the Subordinate Legislation Committee has almost been reduced to a Select Committee on the matter. That has made it extremely difficult for the members on that committee.

For the proper weight to be given to that evidence and for changes to be looked at that may be required—as there certainly will be—we do not have sufficient time between now and the end of the session. At the end of the session, unless these regulations are disallowed at this time, they automatically become law and there can be no other changes unless the Government decides to make changes. That cuts right across what I consider to be the proper role of the Subordinate Legislation Committee and I believe it is important that sufficient time be given. It would seem that perhaps this is a matter that should have been considered by a Select Committee, but I do not know quite where we would be able to go with that now. So, I indicate quite clearly that, whilst I support a roster scheme, I believe that changes are needed. The Government scheme of a roster is an administrator's dream but an operator's nightmare.

There are a number of areas where operators will be almost run out of business by the very regulations that are being put in to supposedly help them and the people who rely on tow trucks. It seems to me that the potential administrator of the scheme has simply decided to put in a scheme that suits the administration's purposes without giving any thought at all to the problems that may be created by the people who will be subject to the administrator's decisions. In most cases there is no right of appeal. It is a very dictatorial set of regulations that will provide an enormous problem for operators.

Some tow truck operators are not 100 per cent honest. I am fully aware of that. I sat on the original Select Committee that looked at this area. I was left in some doubt as to the absolute honesty of some operators. I do not wish to name anyone, but there is no doubt in my mind that some people associated with the industry really need some form of regulation. However, there is no point in attempting to catch up with those people and then applying a scheme that only creates problems for the honest people within the industry. I have no doubt that, at the present time, these regulations will do just that.

There are a number of problems with the regulations, including a requirement to display signs. I understand that evidence has been given (and it could well be accurate) that in many cases the signs displayed would not comply with council by-laws. Another requirement is that all tow truck drivers must be located in their relevant zone. I understand that that may well create a problem to the point where people will have to sell their homes and shift. Their business has a phone number assigned to a particular area and phone calls cannot be diverted to another area. If an operator sells his business or transfers it, I understand that the administration will have absolute power to say, 'No, you shall not go back.' Therefore, that person's position will be lost automatically, unless it is reinstated by the administrator. There is no right of appeal against the decision of the administration.

The Opposition accepts that a roster system will provide a more orderly method of regulating the industry. The former Government introduced the legislation for a roster system. However, I believe that the method adopted by the Government to implement the roster scheme is disastrous. Ideally, the regulations should be withdrawn by the Government. Quite frankly, I think that that would be the preferable course, because I do not think that any member on this side really wants to throw out a regulation dealing with rosters. We want to see changes. The only way that change can occur is either by withdrawing the regulations or by disallowing them and promulgating new regulations. In the process of doing that, appropriate consultation could take place between the Minister of Transport and the tow

truck industry so that we could have reasonable, fair and less bureaucratic regulations.

If the Minister does not withdraw the regulations, there is no doubt in my mind that at least in the interim they should be disallowed by Parliament. As they stand at the moment, the regulations will be detrimental to many companies, particularly small businesses. In fact, almost every company involved in the industry could be classified as a small business. The regulations could lead to these people, particularly those who chase accidents, losing a major portion of their accident towing work. Indeed, evidence has been given to suggest that at least five or six companies will, as a result of the Minister's actions, lose more than 60 per cent of their existing business. Many tow truck operators also conduct crash repair businesses and rely on obtaining a tow to solicit business for their crash repair operation. The regulations could mean that some businesses will lose a major portion of their crash repair work.

The regulations give the Minister power to alter the boundaries of towing zones and, as a result, dramatically alter an operator's business without his having any right of appeal against the Minister's actions. These regulations penalise small businesses unfairly. Any tow truck operator who does not already employ four or more people and operate two tow trucks is automatically excluded from being able to participate in the roster system. That is not fair. It undermines rather than strengthens small business. A person can have a one man operation and still constitute a small business. The Government has also substantially increased the fees associated with towing, some by as much as 10 times. I would like to further consider this matter, because I would hesitate if the regulations amounted to another form of backdoor taxation—something for which the Government has become quite famous.

The Minister should also give further consideration to the Victorian roster, which operates on a grid system. That system may not be suitable for South Australia, but it is certainly a much fairer means of allocating tows, and it should not be ignored. There are several regulations that I consider to be a problem. I cannot go through them all, because the document detailing the regulations is massive. However, as an example, I refer to regulation 32, which provides:

> No approved tow truck shall be sold, transferred, given away, lent, wrecked or disposed of in any other manner unless the Registrar has approved of such disposal.

That regulation will stop a person or company from disposing of the assets of their business, and it restricts the manner in which they can dispose of the assets of a business. It also grants the Registrar complete and unfettered discretion in the granting of approval for the disposal of an approved tow truck. Even if that regulation was regarded as being reasonable, there is still no right of appeal against the Registrar's decision. That is unfair. There should be at least some right of appeal for a person, because the Registrar could virtually wipe out a business overnight by saying, 'No, you shall not be able to transfer your tow truck.'

Regulation 38 gives the Registrar total power in relation to the number of positions on the register. Regulation 39 (3) provides:

> Notwithstanding subregulations (1) and (2) of this regulation, a tow-truck operator's position or positions on a roster shall lapse forthwith upon his leasing, selling, transferring or disposing of his business or the operation of his business to any other person or upon his ceasing to carry on business as a tow-truck operator.

That regulation severely restricts a tow truck operator in the sale of his assets. Once again, there is no right of appeal. It is perfectly clear that a business would lose a considerable amount of goodwill should a tow truck operator's licence be jeopardised in this way. In fact, operators have no control over goodwill—it is entirely in the hands of the Registrar.

I could go on and refer to further examples, but I believe that I have mentioned enough. I am sure that members of the Subordinate Legislation Committee are far more aware of the problems with the regulations than I. Frankly, I have not had time to look at the mass of evidence which has been tabled and which reflects the feelings of people in the industry. I understand that almost every operator within the industry has very grave concerns about various areas of the regulations. There are even some people in the industry who support the roster system but who now see that the system suggested has faults. I ask the Government to consider withdrawing the regulations. If it will not do so, I will seek the Council's support next week in moving for the disallowance of the regulations.

The Hon. G.L. BRUCE secured the adjournment of the debate.

YATALA LABOUR PRISON

Adjourned debate on motion of Hon. Diana Laidlaw:

That this Council registers its strong objection to the manner in which the Government used section 6 of the Planning Act to achieve the demolition of A Division, Yatala Labour Prison. And further that this Council believes the Government's action not only amounted to a grave misuse of the provisions of the Act but, by circumventing the Heritage Act, has set double standards for the community

(Continued from 4 April. Page 3162.)

The Hon. L.H. DAVIS: I commend the Hon. Diana Laidlaw for her contribution on this important subject. It is difficult to believe that we are, this afternoon, debating a unique heritage quinella—the destruction of the Grange vineyard and destruction of the historic Yatala Labour Prison A Block. It is true to say that during the 1970s the Labor Party in South Australia had well deserved support for its actions in heritage matters, for instance, the saving of Edmund Wright House, the restoration of Ayers House and heritage legislation. Those are initiatives that I unhesitatingly commend. As I said earlier, I would have thought that matters of importance in the heritage area would generally have bi-partisan support. However, this Government, since coming to office, has a shameful record in this area. It has, on the one hand, ignored its election commitment in respect of the Grange vineyard and has flouted its position with respect to heritage legislation by destroying A Division of the Yatala Labour Prison.

The Hon. Diana Laidlaw, in her very detailed contribution, made the point that A Division was the largest colonial building erected in South Australia. It was three storeys high and equivalent to 60 houses in volume. It contained 96 cells and three underground cellars or dungeons, which is perhaps a more accurate description because they were in total darkness. Floor joists were made of steel rails.

The Hon. C.J. Sumner: Have you ever seen it?

The Hon. L.H. DAVIS: Yes, I have. The stone for Yatala Labour Prison A Division came from Dry Creek and convict labour was used to construct the building a little more than a century ago. That labour was of the highest order. The building was, by anyone's judgment, one of tremendous significance—not only in the sense that it reflected colonial architecture of the time but because of its size and the use and quality of workmanship associated with it.

The argument put forward by the Government was a simple one, namely, the fire that destroyed the portion of the upper floor (a fire which was caused by a riot of prisoners in March 1983) had so damaged the building that it was

beyond repair. It stated that, because over a period of time the prison system in South Australia had been neglected, something had to be done. This Government was wanting to be seen as a Government of action in the area of prisons, so it asked what it could do to make an impact—it destroyed A Division.

There are 1.5 square kilometres of empty prison land on the other side of the wall at Yatala Prison, and I believe that there is a strong argument that what was erected in the place of A Division could easily have been accommodated elsewhere. The sadness of this situation is that the Government did not take a long-term view but took a short-term, easy solution. When we talk about heritage matters we are talking not about 1984 but about the year 2000 and beyond. The Attorney might well nod his head if I say that in 30 or 50 years there may be no prisons at all at Yatala because there has already been a move to relocate some prisoners at Monarto. And, of course, a new remand centre is being built in the city.

The Hon. Diana Laidlaw: And a new minimum security gaol at Yatala.

The Hon. L.H. DAVIS: Yes, and a new minimum security gaol at Yatala, as the Hon. Diana Laidlaw points out. Prisons throughout the world, by their very nature, attract curiosity. One has only to go to the old Melbourne Gaol, which is run by the National Trust of Victoria, to see the hoards of people that are attracted to such places. It creates great interest amongst tourists and there is a spin off from this by way of jobs. Taking a 20-year view, there is no question that in time South Australia's oldest colonial building would have been a wonderful attraction.

The Hon. C.J. Sumner: Oldest colonial building?

The Hon. L.H. DAVIS: Yes, the oldest and largest building of that kind. To say, as the Government did (admittedly rather limply), that the fire had left it with only three options, either to repair, destroy, or leave as was and that that was the only option it had, was no argument at all. Anyone knowing the solidity of such a building knows that its walls were over a metre thick and the floor joists made of steel rails so that the building would have stood for 100 years and beyond with very little attention. Certainly, it might fall into some disrepair. However, if one looks at Port Arthur and other heritage buildings, one sees that that has not been a deterrent to Governments and organisations associated with heritage in restoring buildings that have been damaged. However, to wantonly destroy a building of such significance for short-term political expediency is a tragedy, and that is why I commend the Hon. Diana Laidlaw for rightly drawing this matter to the attention of this Council.

I would like to commend the Enfield and District Historical Society for the work that it did in trying to save the Yatala Prison. I suggest that this society is a model of what a district historical society can achieve. It mounted a public campaign through the media with little media experience and had a series of public meetings; it organised petitions and had spokesmen who became expert on the subject and who put enormous pressure on the Government in relation to this building. I commend in particular the President, Alderman Ron Bonner, Mr Denis Robinson (a very active spokesman for the society who rightly described the destruction of Yatala A Division as 'historical vandalism'), and Mr John Lewis, the historian, for the part that they played in this matter. The *Advertiser* observed:

> The day Yatala died—7 February 1984—this building took four years to construct, just a few hours to destroy.

This is emotive stuff, but accurate. The Enfield and Districts Historical Society rightly highlighted the tourist significance, to which I have earlier referred. Given the development of the Stockade botanical park at the rear of the prison and the proposed linear park at Dry Creek, in time that area would have become a significant tourist attraction. The Government, as the Hon. Diana Laidlaw has already pointed out, was involved in a total act of cynicism when it sought to evade the provisions of the Heritage Act. The Government, in fact, was so keen to have the building destroyed that it exempted itself from the provisions of its own Act and, by doing so, effectively prevented the local council from taking action to appeal against the demolition.

I refer now to the efforts of the Enfield Council, which had registered a strong objection. It criticised the use of section 6 of the Planning Act to overcome the departmental blunder that effectively prevented it from lodging an objection. The shameful part of this whole sorry story, which, if it was not so sad, reflected gross incompetence and administrative bungling throughout the whole period of this Yatala affair, was that the Government made no application to the Enfield Council as it was required to do under the Planning Act for demolition and that it had to use a back-door method to overcome that difficulty.

One only has to remember the very pungent article by Peter Ward in the *Weekend Australian* of 11-12 February 1984 to see just how difficult the Government found this whole affair. In the last paragraph Mr Ward is quoted as saying:

> ... as far as the Government's reputation as a heritage conservator is concerned, it now has none. When questioned about the principles involved all a spokesman for Dr Hopgood could say was: 'We don't deny A Block's heritage integrity—that's why we won't remove the building from the State Heritage Register until it no longer exists.'

What an incredible statement! But, of course, it was an incredible and an incredibly sad affair. Not content with knocking over Yatala A Division, the Government also made a promise through Ms Irene Iwanicki of the Heritage Branch that there was a possibility that two warders' cottages on the end of a row of historic warders' cottages might be saved from demolition: that was in a letter sent to the Enfield and Districts Historical Society on 21 July 1983.

The Hon. C.J. Sumner: There was a possibility.

The Hon. L.H. DAVIS: There was a possibility. That was couched in the phrase, 'All the news is not bad; we could have some good news for you.' Needless to say, it should come as no surprise, even to the Attorney-General, to note that the warders' cottages were unceremoniously demolished just two weeks ago. I understand, also, that there was a fossilised stone in a fence alongside the warders' cottage, which may have had some geological interest and which has likewise disappeared. I am interested to know whether in respect of Yatala A Division the Minister, Dr Hopgood, and/or the Premier visited the site accompanied by members of the Heritage Conservation Branch and asked for their candid views as to the heritage merit of Yatala A Division. I would be interested also to know in respect of the recent motion that was debated whether that same exercise was carried out for the Grange vineyard. The Hon. Anne Levy made a brave attempt to defend the indefensible.

The Hon. Anne Levy: What would you have done?

The Hon. L.H. DAVIS: I am not in Government.

The Hon. Anne Levy: That is dodging the issue.

The Hon. L.H. DAVIS: I am not dodging the issue. I can assure the honourable member that if I had been in Government I would have been fighting very strongly for the preservation of Yatala A Division.

The Hon. C.J. Sumner: You would have lost.

The Hon. L.H. DAVIS: I do not know.

The Hon. C.J. Sumner: I do.

The Hon. Anne Levy: Your shadow Minister agreed.

The Hon. Diana Laidlaw: He worked on the basis that it was structurally unsound. That is what the Government originally told us all, too.

The Hon. L.H. DAVIS: That's right.

The Hon. C.J. Sumner: That is incorrect.

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The Hon. Diana Laidlaw has made a very telling interjection which has stopped the Government in its tracks.

The Hon. Anne Levy: Nonsense! It was the President's saying 'Order' that stopped us.

The Hon. C.J. Sumner: You would not have got any change from Roger Goldsworthy.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! We must not get into that thing.

The Hon. L.H. DAVIS: It is certainly true to say that there was some suggestion that the evidence given for the demolition of Yatala A Division was incorrect and that it revolved around the destruction caused by the fire. Those people who saw Yatala A Division, including some of the officers who anonymously rang the Historical Society, said, 'Don't take any notice of the argument that it has to be brought down because the fire has irrevocably damaged Yatala A Division.'

The Hon. Anne Levy, in a brave attempt, as I said, to defend the indefensible, said that the Heritage Conservation Branch had conducted a survey and recorded building plans and photographs, that 680 tonnes of bluestone had been held by the Public Buildings Department to be reused on the museum project and that a further 2 000 tonnes had been stored for general restoration work. I understand that the original estimate of the stone in that building was some 17 000 tonnes; it turned out that some 70 000 tonnes of top quality bluestone was brought down when Adelaide's largest colonial building came crashing to the ground. It is some small consolation to say that we have a record of it, but if we took that view we could go around knocking everything down and saying, 'But don't worry; we have photographs, plans and a bit of the rubble.'

Another highly ironic aspect was that the Hon. Anne Levy flagged the Government's intention to pass amendments to the South Australian Heritage Act, which would provide, for example, for stop work orders for urgent assessment of potential items of State heritage importance, during which period a development could not proceed. One would imagine that if a Government intended to bring down legislation of that nature it would have believed in it as of that time when it flagged that intention. If it did believe that, I should have thought that it would be arguable to say it should have been adopting the standards that it is seeking to implement in legislation right now, but it did not.

Secondly, the Hon. Ms Levy mentioned that there would be creation of protected areas, perhaps in the Heritage Act, which would provide a more efficient control of certain heritage sites. I am pleased to hear that amendments to the Heritage Act in South Australia are foreshadowed because, quite frankly, after the double standards adopted by the Government in respect of both the Yatala Prison A Division and the Grange vineyards, the Heritage Act has to be given teeth and, not least, the Government has to be made more accountable, if that is possible, for its actions in heritage matters.

It is worth remembering also that the Hon. Lance Milne some time ago in this Council asked the question, 'Has the Government considered alternative uses of Yatala A Division if it is preserved?' The answer was simply that it had. No detail was given as to alternative uses, and there was no frank and full disclosure of what the Department of Tourism thought about the potential.

The Hon. Diana Laidlaw: And the Minister of Correctional Services was the Minister of Tourism.

The Hon. L.H. DAVIS: As my colleague again rightly points out, the Minister of Correctional Services had an impossible conflict in that he was also the Minister of Tourism. Were the views of the heritage conservation branch in respect of the importance of Yatala Labour Prison A Division tabled anywhere publicly? In conclusion, I want to reaffirm my support for the motion proposed by the Hon. Diana Laidlaw. I have not really touched on the administrative nightmare in which the Government found itself, having to circumvent its own legislation to cover up its mistakes, unwitting or otherwise. In supporting this motion I would say that perhaps the only lesson we may learn is that our heritage is precious, that we should allow full public debate, that Governments should more fully canvass the options, given that the destruction of our heritage is permanent.

The Hon. DIANA LAIDLAW: I would like to sum up this debate, although I had hoped that the Hon. Mr DeGaris would be here to make a few comments. I thank all those members who have contributed to this debate, in particular the Hon. Murray Hill, the Hon. Legh Davis, and the Hon. Ian Gilfillan on behalf of the Democrats who spoke in favour of this motion. I appreciate that the Hon. Anne Levy, the only Government member to speak in the debate, was bound to indicate that she could not support this motion. Nevertheless, I believe it is a pity that she did not seek to address the motion specifically. Neither the motion nor my accompanying remarks denied that the Government had a legal right to invoke section 6 of the Planning Act and thereby exempt itself from the provisions of section 7 (2) of that Act. The basis of the objection, explicit in both the motion and my remarks of 28 March, was that the Government, notwithstanding the legality of its actions, actually resorted to employing section 6 and in doing so not only ignored the legal rights and requirements of other people in the community but also established a most undesirable precedent in heritage conservation.

The Hon. Ms Levy's contribution on behalf of the Government revealed a glaring absence of any reference to these basic objections. Her holier than thou defence of the Government did not acknowledge, first, that the Government embraced section 6 after admitting it had failed to comply with the very same legal requirements that it would or at least should be insisting are followed by every other developer on a proposal that involves an item on the State heritage list. Secondly, it denied that the Government, in resorting to invoke section 6, thumbed its nose at the Enfield council's democratic and established legal right on behalf of its ratepayers to comment on the demolition. Thirdly, the honourable member's attitude denied that the Government, for the sake of expediency, was prepared to make a farce of the Heritage Act, the only measure in this State that has the capacity to safeguard our limited and precious stock of significant heritage items.

If one looks objectively at the saga of events involving A Division since the fire in March last year, one finds it impossible not to conclude that the Government's handling of the whole affair was dismal. I suppose that this should not necessarily surprise anyone who takes the time to reflect on the dictatorial and insensitive manner in which the Minister for Environment and Planning has handled other areas of his responsibility in the past year, and I refer for instance to the native vegetation clearance regulations, amendments to the Planning Act, and the loss of the Grange vineyard, in regard to which the Hon. Mr Davis moved a motion earlier today. That is a poor excuse by any measure. It certainly does not justify the spate of contradictory state-

ments by a succession of Ministers on the fate of A Division or the failure to heed the responsibility to keep the public accurately informed. Indeed, I am still awaiting a reply to a letter I sent to the former Minister of Correctional Services on this matter in January this year. It certainly does not provide any consolation to those people interested in the preservation of our heritage.

The Government's inconsistencies and excessive secrecy served to reinforce the anger, bitterness and sense of betrayal that accompanied the final decision by the Government to demolish A Division by the extraordinary use of section 6 of the Planning Act. A Division was a significant heritage item and I remind honourable members that it enjoyed every heritage protection available—the State Heritage Register; the National Estate Register; and classification by the National Trust, an honour that is reserved for very few buildings. In the end, however, this made no difference. To argue, as the Minister for Environment and Planning—

The Hon. Frank Blevins: What about Mr Wotton's opinion?

The Hon. DIANA LAIDLAW: In answer to an interjection by the Hon. Anne Levy, I have already stated that that opinion was based on advice that has since proved to be unsound. Incidentally, that was advice from the Government. Recognition on those three registers made little difference and to argue, as the Minister for Environment and Planning has lamely attempted on a number of occasions, and as the Hon. Miss Levy did in this debate, that the Government was not denying A Division's heritage significance by not acting to deregister it until after its demolition would have to be regarded as a joke if it was not so pathetic.

I suggest also that throughout the whole A Division exercise the Government has deluded nobody but itself when it sought to redeem its credibility by pointing out that B Division, which is older, still stands, when it pledges that Adelaide Gaol, which also is older, will be transferred to the National Trust following the completion of the Remand Centre, or when it suggests that in time it may preserve the old Mount Gambier Gaol as the Gladstone Gaol was preserved by the former Liberal Government. Dangling these carrots will not appease anyone truly interested in conserving our heritage. All that these buildings have in common is that they are old and that they are or were once active gaols. None, however, has the unique qualities of A Division which alone saw A Division recognised on the State and National Heritage Registers and by the National Trust.

I acknowledge the Hon. Anne Levy's valiant endeavour to redeem the Government's low standing in the community, since the demolition and deregistration of A Division, by outlining a range of measures which the Government has taken or proposes to take in order 'to strengthen the Heritage Act'. I do not deny that I welcome these moves, but again I would contend that the Government is fooling itself if it believes that these gestures will alleviate the sense of betrayal that accompanied the Government's decision to demolish A Division.

For those interested in the heritage of the State, that decision demonstrated that their faith in the Act has been somewhat misplaced and they see the Government's subsequent piecemeal efforts 'to strengthen the Act' of little value if the Government is prepared to exempt itself from the provisions of both the Heritage Act and the Planning Act whenever it suits its purpose and whim to do so.

I suppose that the ultimate insult in this whole saga has been that the area once occupied by A Division has now been left simply as open space. And it is interesting that even the prisoners have been unhappy about this aspect, for, according to a Correctional Services spokesman, 'the demolition of A Division left prisoners with less building shade in their exercise yard on hot days'.

To compensate for this loss of shade prisoners were rewarded with a temporary swimming pool erected on the north side of the prison. It would have been refreshing if an iota of the consideration that the Government has lavished on the inmates at Yatala since the riots and fire at the prison in March 1983 had been directed towards those people in our community genuinely interested in the preservation of our heritage.

I do not deny that with the fire at A Division the Government faced a dilemma. In fact, I acknowledged, no less at the beginning of my remarks when I moved this motion. Notwithstanding this pressure, I remain convinced that there is an overriding issue: for a Government to be credible in the eyes of the community, be it on a question of heritage, conservation or any other issue, it must be seen to be diligently upholding the law, both in terms of the spirit and the letter of the law and, thereby, setting high standards for others in the community to follow by example. I regret that throughout the A Division episode over the past year the Government has been seen to be adapting the law at whim to suit its own purposes. By doing so it has not only denied other interested parties their legal rights and set double standards in the community—with one standard for the Government and another for the rest of us—but it has undermined community respect and trust in our heritage laws.

I moved this motion on the grounds that I do accept that the means to an end, regardless of the consequences, justifies the end. I am pleased, in respect to the Government's decision to invoke section 6 of the Planning Act to demolish A Division, that the majority of members in this Council appear to share my stong objection to this ill-considered action.

The Council divided on the motion:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, Diana laidlaw (teller), K.L. Milne, and R.J. Ritson.

Noes (8)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, Anne Levy (teller), C.J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. R.I. Lucas. No—The Hon. J.R. Cornwall.

Majority of 3 for the Ayes.

Motion thus carried.

BUSHFIRES

Adjourned debate on motion of Hon. M.B. Cameron:

That a Select Committee be appointed to inquire into and report upon bushfires in South Australia with particular reference to—

1. The extent, causes and cost of bushfires on State Government or local government controlled land in South Australia including National Parks, conservation parks, the Hills Face Zone and public reserves.
2. The means to prevent or minimise the risk of the outbreak of bushfires within or entry of bushfires into State or local government controlled areas of land, taking into account—
   (a) preventing measures; and
   (b) ameliorate measures.
3. The appropriate fire-fighting measures which should be developed to combat bushfires and the co-operative action necessary between the responsible authorities including the Country Fire Service, National Parks and Wildlife Service and the Department of Woods and Forests.
4. That in the event of a Select Committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.
5. That this Council permit the Select Committee to authorise the disclosure, or publication, as it thinks fit, of any evidence

presented to the Committee prior to such evidence being reported to the Council.

(Continued from 4 April. Page 3166.)

The Hon. ANNE LEVY: I support the motion on behalf of the Government. I point out that South Australians can have every confidence in the professionalism and fire management methods employed by the National Parks and Wildlife Service and other Government agencies in this State. It is worth recording that in the past 10 years there have been 212 fires that have started in the State's reserve system. Of these 212 fires, only 13 have escaped into adjoining properties. On the other hand, there have been 74 fires that have started in adjoining properties and have burned into the reserve system. So, there have been far more fires in reserves due to activities outside, than fires starting in reserves and causing damage outside them.

These statistics illustrate that reserves constitute considerably less danger to surrounding areas than is generally realised. South Australians can have every confidence in the fire management methods employed by the National Parks and Wildlife Service.

I believe that the problems are few, but the misunderstandings are many. Under section 37 of the National Parks and Wildlife Act the service has a statutory obligation for the control of bushfires. In the past few years the service has concentrated on meeting this obligation in two different directions: first, considerable input has been provided in the inclusion of fire-fighting equipment by way of fast attack units and heavy tankers; secondly, the service has placed considerable emphasis on professionalism and in training its officers to meet the responsibilities required of them under the legislation. I will deal with some of the measures that have been taken by the National Parks and Wildlife Service in fire-fighting and fire prevention capabilities.

I have a list of the initiatives that have been undertaken by the service since Ash Wednesday of 1983. First, in relation to communications, the service has spent $70 000 replacing the old command vehicle. The new vehicle is equipped to operate as a mobile command centre at the fire front. Secondly, the service has installed a city base. The new city radio base is being constructed at the Education Centre in Flinders Street at a cost of $22 000. That communications base will ensure unimpeded two-way radio access to the Adelaide Hills and all its gullies. Thirdly, in relation to the emergency frequency, all National Parks fire-fighting and emergency vehicles have had an additional emergency frequency installed, which provides an emergency channel in the event of a major fire. This will cost about $5 000.

Fourthly, there is a replacement for the Cleland base. The National Parks and Wildlife Service is presently examining a site at Crafers near the freeway on which to build a new radio mast in conjunction with the St John Ambulance Service to provide better radio coverage south and east of Mount Lofty. The cost will be about $25 000. During the fire season the National Parks will broadcast a morning scheduled call to all central region parks stating weather details for the day and including information on potential flame height and the rate of spread of fire should one occur. Fifthly, in terms of fire-fighting, the National Parks has replaced its low loader and prime mover at a cost of $90 000. The National Parks and Wildlife Service has purchased a grader used in the construction and maintenance of tracks for fire-fighting at a cost of $75 000. It has upgraded the fire-fighting capabilities of fast attack units by replacing tanks and pumps at a cost of $54 000.

The service has called tenders for a grub trailer to feed fire-fighters at fire fronts, at a cost of about $8 000. The service has purchased two large fire-fighting pumps at a cost of $10 000. A further $4 000 has been spent on minor equipment, including hose, rake hoes, and so on. In the next financial year funds have been allocated to purchase three new fire-fighting units at a cost of $220 000. Other measures taken by the service include the fact that funds have been allocated to allow three trained officers to man the Mount Lofty fire tower throughout the fire season. During autumn and spring 1983 about 3 000 man hours were spent on fuel reduction work in parks. Nearly half of those hours were worked in approved overtime to ensure that it was carried out before the fire season.

Work has also commenced on fire management plans for metropolitan parks and several country parks. This followed a joint National Parks and CFS fire management study for the Adelaide Hills, which was produced by Tony Crichton and Jim McHugh. This report was subsequently incorporated into the Max Scriven Report, which was released in late 1983. Fire management plans are also being compiled by the regional manager for the South-East—one plan for every park. There has also been a rationalisation of information between Government departments in relation to equipment, stores, and so on, that can be used in a fire emergency.

The Police Department has been provided with a complete inventory of staff, parks and equipment. Finally, in the training area the National Parks and Wildlife Service has trained additional resources within the Department of Environment and Planning. Extra head office staff have been trained to undertake front line fire-fighting work. Public Buildings Department head office staff have also been trained for front line action. Therefore, it can be seen that in the past three years the National Parks and Wildlife Service has established a specialised protection management unit whose specific duties include the control and suppression of wild fire and the formulation of policies prepared for the prevention of wild fire. In the formulation of such policies the service recognises its obligation to use fire prevention and control methods that will retain as much of the natural environment as possible. It is this latter philosophy that is not well understood by members of the community—the community that is not obliged to retain as much natural vegetation as possible in a wild fire situation.

We should note that the National Parks and Wildlife Service comprises the biggest CFS brigade in the State. It has more than 50 fast attack front line team units, eight four-wheel drive fire-fighting tankers, and several water carrying units. The service has a very close liaison with CFS officers in Adelaide and is becoming increasingly involved in developing legislation for the control of country fires and in establishing priorities for research work. I understand that the CFS has favourably considered a proposal that the National Parks and Wildlife Service be represented on the CFS Board.

The National Parks and Wildlife Service has a well devised programme in the preparation of comprehensive fire management plans for parks susceptible to damage by wild fire. These fire management plans are prepared in close co-operation with both CFS headquarters and local brigades. Copies of the fire management plans are freely available to all CFS personnel. In calling for a Parliamentary inquiry into fire prevention methods in the State's reserves, the Leader of the Opposition claimed that some differences of opinion arose between certain members of the community and National Parks and Wildlife staff in regard to the Mount Remarkable fire. Officers of the service recently conducted a debriefing session with local CFS officers, local government officers, and associated bodies. At that meeting no great divergence of opinion emerged, except in relation to the need for the service to explain better its fire management policies to allow a better understanding as to its philosophical approach.

The service responded to this demand by agreeing to be involved in a public meeting at Wilmington on Wednesday 21 March 1984, where its policies were fully discussed in an open forum. I believe that the public should be more concerned about the number of fires spreading into the parks system from adjoining private properties, given that the majority of them are fully preventable.

This problem was highlighted in the circumstances that surrounded the recent fire at Hincks Conservation Park. The fire entered that park from a burn-off being conducted by a landowner west of the park. The fire was lit in a temperature of 38 degrees Centigrade with a humidity factor of only 10 per cent at the time. Wind speed at the time was 45 to 50 kilometres an hour. It was surely inevitable that a fire lit on such a day would get out of control, and it did, sweeping through the park and causing massive damage to nature and wildlife. However, the landowner was burning during a prescribed burning period and had a permit issued by the C.F.S. Needless to say, the Government was greatly concerned that one of our conservation parks could be so seriously damaged, given those circumstances. It seems to me that, in a State where so much of its area is susceptible to wild fire, the Country Fires Act needs to contain a provision for dealing with irresponsible landholders who light fires for burn-off purposes when weather conditions are such that a wild fire is likely to result, regardless of whether or not that burning is done with a permit.

I understand that the Minister has been asked to consider the Country Fires Act with a view to amending the application of the prescribed burning period and because of the need to provide penalties for the lighting of fires in the sorts of circumstances that I have outlined. In conclusion, the Government welcomes an inquiry of the type envisaged. I am sure that it will demonstrate the professionalism of the National Parks and Wildlife Service and other Government agencies in the area of fire prevention and management.

The Hon. PETER DUNN: It is an incredible claim that I have just heard from the Hon. Anne Levy. I live only 20 miles from where that fire occurred and was involved in part of its control. I therefore find that a remarkable statement and will deal with it in a moment. I support the motion put forward by the Hon. Martin Cameron to set up a Select Committee to look into the extent, causes and cost of bushfires on State Government or local government controlled land in South Australia, including national parks and conservation parks. The Hon. Anne Levy has said that there have been 212 fires in national parks in the past 10 years. That indicates to me that there needs to be careful consideration given as to how we go about controlling such fires. That is what I think the Hon. Martin Cameron is endeavouring to do in moving this motion.

If we look at the motion we see that the Hon. Mr Cameron asks for a Select Committee to look into two areas that he has highlighted—preventive measures that should be taken and measures to ameliorate fires once they get into a national park. When I look at what the Hon. Miss Levy has said about this matter and about the 212 fires in national parks (13 of which escaped) I think that they are accurate figures and consistent with my opinion. Also, 34 fires have burnt into parks.

The Hon. Anne Levy: No, 74 fires have burnt into parks.

The Hon. PETER DUNN: I would have thought that there were more than 34. If 74 fires have burnt into national parks (which is reasonable to assume when one looks at the huge areas surrounding those parks) then I do not think that anybody is terribly worried about the 13 fires that have escaped from national parks, some of which were very small. What we are worried about is damage done within the parks. Some rather dangerous fires have come out of national parks. One I recall happening seven years ago came out of Hincks reserve and caused considerable damage. That fire was caused by lightning. Of the 212 fires that have started in national parks, the majority were started by lightning or acts of God and not by human hand. Therefore, what the Hon. Miss Levy has said is not really accurate because she inferred that fires in national parks are deliberately lit and destroying reserves.

It appeared to me that the honourable member's speech was written by departmental officers, because it contained many figures on equipment being used. However, it is no good having equipment once a fire has got a hold: it is preventive measures that are most important. Equipment is necessary to contain and restrict fires, but it is generally preventive measures that we are aiming at. The sums indicated as being spent by the Department on fire-fighting equipment are very good. The fact that the Department has 50 or 60 fire-fighting units at its disposal is very important. However, they are of little value where we have fires such as those in Hincks and Hambridge National Parks, two of the largest reserves in the State, that are over 100 miles away from CFS units that fight fires in national parks. The National Parks and Wildlife people are at Port Augusta or Port Lincoln, and these parks are half way between the two.

I admit that the Hills face zone national parks require good fire-fighting equipment because they are generally smaller parks on the periphery of heavily populated areas and greater damage is done if fires get out of such parks. It is obvious that we need more good equipment in the more densely populated areas and I give full credit to the Department for upgrading its equipment and for doing everything in its power to prevent the escape of fires from national parks. It is interesting to note that the Hon. Martin Cameron in his speech said that there are 4.5 million hectares of national parks in this State, much of which has been totally destroyed by wild fire. He, in particular, highlighted the fires a couple of years ago on the Goodwin Peninsula. That fire burnt for many days and was inaccessible. It was hard to get at because of wind changes, and that fire burnt out most of the national park. We are suggesting that, had there been controlled burning under milder conditions, that fire would have been controllable, even in the severe weather conditions in which it burnt.

A fuel reduction in national parks is most important, and that can be done in a number of ways; and by 'a number of ways' I am not suggesting a rake and a shovel, because many parks are very large. I am suggesting that they have very good and adequate fire breaks on their peripheries and, as an adjunct to that, that we have controlled burning in the cool periods and in the periods after there has been considerable growth; that is, in the spring time prior to the very hot period of summer. That is something at which we have to look very carefully.

I have no doubt that the Department has spent considerable time endeavouring to work out how it should do that. Many lessons are to be learnt from interstate—particularly the Northern Territory, which regularly burns its national parks in a controlled manner in an endeavour to control wild fire. That sort of controlled burning will not control wild fires on extremely severe days like Ash Wednesday; those sorts of days are one in seven or one in 10. When fire starts on days like that the only control measure is to get people away from the front of it and hope that the weather changes but, on the normal days with a lightning strike and a fire getting a hold in a national park, if it has been control burnt, particularly in the mallee country, during the cool period, it is reasonable to go in and control it in a vehicle. If it has not been control burnt, the fire gets so intense that all animal life is lost, as well as severe damage

being done to the flora in that area because it cannot recover from the extreme heat that is involved.

I want to correct the Hon. Anne Levy's statement about the fire that burned into the Hincks National Park. That fire did not start on the western side, but on the southern side. The person who lit the fire did not light the fire on the day that she said; it was lit three days prior to that, during a fairly cool period. He was burning stumps on a ploughed paddock that had been raked into rows. There was a wind and weather change during those three days and the fire blew across a distance in excess of 30 metres, kindled some lighter material and burned in that area. I admit that that was a huge fire. He did what I thought was a very reasonable job in lighting that fire during a cool period, and it was weather conditions that caused that fire. He has been exonerated from any blame for causing that fire, and that ought to be put on record.

I support the establishment of a Select Committee. It is most important. There is a great deal of emphasis today on retention of national parks and wild life and native flora and fauna, as we have seen in the Native Vegetation Control Regulations that have been introduced and in so much controversy about the Planning Act. The responsibilities will increase, not decrease, as native vegetation and fauna are kept throughout the State.

I agree that we should retain plenty of it, but I do not agree that we should burn it and cause problems by allowing fires to burn in or out of those national parks without the Government's taking its responsibility to look at the land which it controls. Unlike the private individual, the local government areas levy the farmers and the people who own private land in the area, and with that levy supply country fire services. Admittedly, the State subsidises that, but they levy themselves to help control that, and the Government has a responsibility to look after the 4.5 million hectares that it has in this State. I support the motion.

The Hon. M.B. CAMERON (Leader of the Opposition): I do not intend to hold up the Council for too long on this matter. I appreciate the support of the Government. The matters raised by the Hon. Ms Levy and now answered to some extent by the Hon. Mr Dunn indicate the problem that arises with many of these fire situations, where rumour and allegation become fact before the issue is resolved.

In this case, a farmer was wrongly charged through the press by the Minister and, as events have proved, he was exonerated. However, that is a minor issue in the whole problem. The real problem associated with bushfires in this State is very important, particularly in Government land, national parks and council controlled land. It has to be addressed and is probably as important as any vegetation control scheme because without some sort of reasonable control we will continue to have very widespread destruction of areas that have been put aside as national parks.

As I indicated in the speech that I made in moving this motion, areas in the South-East were very seriously damaged by the fires on the recent Ash Wednesday, and it was this, apart from anything else, that led to my moving this motion. There was also the problem in the Flinders Ranges, where a wild fire occurred and too many people were making decisions in relation to the containment of that fire.

It is important that this committee go into this study of this problem with a very open mind, and I am sure that the individuals who will be on it from this Council will do that and will come forward with a formula that will assist in the containment of fires in national parks and a reduction of the destruction that occurs with wild fires in the middle of summer. We have to ensure that, in our national parks, areas are left after wild fires to provide for the restocking of native animals; in many areas that has not occurred in recent times because the wild fires have been in too great an area and have been too hot to allow that. That is one problem on which I am sure the committee will obtain a considerable amount of evidence in the Northern Territory. I appreciate the support of the Government.

Motion carried.

The Council appointed a Select Committee consisting of the Hons R.C. DeGaris, Peter Dunn, M.S. Feleppa, Anne Levy, K.L. Milne, and Barbara Wiese; the Committee to have power to send for persons, papers and records, to adjourn from place to place, to sit during the recess, and to report on the first day of the next session.

JURIES ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and intoduced a Bill for an Act to amend the Juries Act, 1927. Read a first time.

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

That this be now read a second time.

It is designed to amend the Juries Act in a number of significant respects. Review of the Juries Act has, in the past, been conducted in a piecemeal way and the Act is now in need of a comprehensive overhaul.

As all honourable members will no doubt recall, the trial last year of those accused of the murder of Miss Kerry Anne Friday highlighted the need for amendment to the Juries Act. It was necessary during the course of that trial for Mr Justice Cox to discharge the jury on three occasions because, for a variety of reasons, it was inappropriate for a particular juror to continue as a member of the jury. This was not the first time that murder trials have run into problems with jurors. It is not rare for a judge to have to discharge the whole jury because of a matter personal to only one of their number. The consequences of false starts are serious and far reaching—there is the obvious waste of time, effort and public money as well as the added strain to those who are on trial, the witnesses, and particularly victims.

In all cases other than murder or treason the Juries Act empowers a judge to discharge one or two jurors and to proceed with 10 or 11 jurors. Murder and treason were originally retained as exceptions because of the death penalty, but that situation has now changed. Whilst murder and treason are still the most serious crimes on the calendar, there is no reason why a judge should not be empowered to proceed with 10 or 11 jurors in the case of murder when sufficient reason exists for discharging one or two jurors during the course of the trial. This Bill therefore makes provisions for a judge to allow for the discharge of up to two jurors in any trial including a murder trial and for the trial to continue in the absence of those jurors.

However, the Bill retains the requirement of unanimous verdicts in cases of murder or treason. It provides for trial by judge alone at the option of the accused. Provision for non-jury criminal trials at the option of the accused was suggested by the Mitchell Committee. The Government has accepted this recommendation and the Bill is the first in any Australian State to provide an accused with the option to select trial by judge alone.

The Bill alters provisions relating to disqualification from jury service. The present provision in this regard was described by the Mitchell Committee as 'clearly requiring the attention of the Legislature'. Section 12 currently reads:

> No person who has been convicted in any part of His Majesty's dominions of any treason, felony or crime that is infamous (unless he has obtained a free pardon thereof), or who is an undischarged bankrupt or insolvent, or who is of bad fame or repute, shall be qualified to serve as a juror.

This section is archaic and difficult to administer. It requires the Sheriff to exercise a discretion to exclude from the list any person whom he believes to be of 'bad fame or repute'. It is difficult for the Sheriff to establish with certainty whether a potential juror has been convicted 'in any part of his Majesty's dominions'.

The method which the Mitchell Committee favoured to remedy the difficulties inherent in applying section 12 was to repeal it and replace it with a system similar to that in England. Provisions similar to the English provisions have since been implemented in New South Wales. The provision in clause 7 of the Bill follows closely the New South Wales provisions. Such provisions will provide a settled and objective method of determining who is and who is not disqualified from jury services in South Australia.

The Bill also curtails the categories of persons ineligible for jury service. At present a wide variety of people are exempted from jury service, including officers of the Public Service of South Australia, school teachers, employees of ETSA, bank managers and tellers, etc. These exemptions are very wide and exclude some very competent and capable people from performing jury service. The Bill provides that persons who are mentally or physically unfit to carry out the duties of a juror, or who have insufficient command of English, are ineligible for jury service.

In addition, a limited number of persons are specifically declared ineligible for jury service. Certain persons are excluded because of their position and the knowledge gained therefrom whilst others are excluded because of the occupational involvement in the administration of justice. All other persons are eligible for jury service, but provision is made for the Sheriff to excuse a prospective juror from attendance and for a review by a judge, if the Sheriff declines to excuse a prospective juror. The minimum age for jury service has been lowered to 18 years. It is hoped these measures will result in South Australian juries more clearly reflecting the random cross-section of the community they are meant to represent.

In addition, provision is made for the Sheriff to administer a questionnaire to all prospective jurors; references to civil juries have been deleted; and anomalies between the manual method of balloting and the computer process have been dealt with. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it, and I commend this Bill to honourable members.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 provides for a new short title to the Act to provide consistency with contemporary citations. Clause 4 provides for the deletion of a transitional provision that is now inoperative. Clause 5 provides for the repeal of sections 5, 6 and 7 and the substitution of new sections. It is proposed that provision no longer be made for the possibility of a trial by jury in civil actions, as the provisions relating to civil juries have fallen into disuse. Furthermore, provision is to be made for a person accused of a crime to have the option of electing to be tried by a judge without a jury, as recommended by the Mitchell Committee. However, the accused must first seek and receive legal advice in relation to his decision to elect.

Clause 6 effects an amendment to section 11 of the principal Act by striking out the paragraph that prescribes a minimum age of 25 years of persons who may be jurors. The Mitchell Committee recommended that the minimum age be reduced to 18 years and the amendment effected by this clause would bring that recommendation into effect. Clause 7 proposes a new section 12 dealing with disqualification from jury service. This section was the subject of extensive discussion by the Mitchell Committee. It has been submitted that it is archaic and difficult to administer. The method that the Mitchell Committee favoured to reform the section was to repeal it and substitute a system similar to that applying in England and New South Wales. This has formed the basis of the proposed new section 12.

Clause 8 proposed a new section 13. The effect of the amendment is that under section 13 a person will be ineligible for jury service if he is mentally or physically unfit to carry out the duties of a juror, he has insufficient command of the English language, or he is one of the persons specified in the third schelule. Clause 9 proposes an amendment to clause 14 that will add consistency to terminology in the Act by virtue of this proposed amending Bill.

Clause 10 provides for the recasting of section 15. The section will provide that no verdict may be impeached on the ground that a juror is disqualified from, or ineligible for, jury service unless the matter is raised before the juror is sworn. Clause 11 provides for the recasting of section 16. This provision will still allow the Sheriff to excuse a person from compliance with a summons for jury service, by reason of ill health, conscientious objection or any other reasonable cause. In the event that the Sheriff declines to excuse a prospective juror, the person may apply to a judge for a review of the Sheriff's order.

Clause 12 provides a consequential amendment to section 17 of the principal Act to alter the term 'exempt' to 'excuse'. Clause 13 provides an amendment to section 18 that also will provide consistency in terminology used in the Act. Clause 14 amends section 19 of the principal Act to provide further consistency.

Clause 15 proposes a new provision in substitution with sections 23 and 23a of the principal Act. As part of this review of the Juries Act, it was thought appropriate that the process of selecting names for the annual jury lists be simplified. This has been achieved by the proposed new section 23. Names will still be drawn from electoral rolls for electoral subdivisions in each jury district. The selection process will occur by ballot (under the supervision of the Electoral Commissioner) or by use of a computer (ineligible persons must be rejected). Clause 16 provides for the insertion of a new section 25, which would empower the Sheriff to send to any person whose name appears on the list of jurors a questionnaire to assist him to gather relevant information. It would be an offence to fail to fill in and return the questionnaire, or to provide in it false or misleading information.

Clause 17 provides amendments to section 29 that are consequential upon the deletion of the availability of juries in civil action. Clause 18 proposes amendments to section 31 relating to the availability of the list of names of persons summoned to attend to render jury service. Presently, these lists may be inspected at the Sheriff's office and purchased upon payment of a fee of 10 cents. It is proposed that the Act provide that, instead, the Sheriff shall provide a copy of the list, without fee, to the Crown Solicitor or to the accused, his solicitor or his agent. Lists will no longer be displayed in gaols. Clause 19 provides amendments to section 32 of the principal Act that are consequential upon the deletion of the availability of juries in civil actions.

Clause 20 provides a consequential amendment to section 42 and also seeks to delete the requirement that the cards containing the names of the jury panel also contain the addresses and occupations of the persons comprising that panel. Clause 21 provides for the recasting of section 43. Clause 22 proposes a consequential amendment to section 46 as it may not be necessary to constitute a jury for the

purpose of a criminal inquest. Clause 23 deletes an antiquated expression from section 47 of the Act.

Clause 24 provides for the recasting of section 54 in contemporary language, the new section 54 providing that the Sheriff must make reasonable provision for the comfort and refreshment of the jury. Clause 25 inserts a new section 56 dealing with the power of a court to excuse a juror during the course of an inquest. Apart from deleting reference to civil inquests, the new provision will apply to all criminal inquests, including those for murder or treason. It will allow the presiding judge to release a juror for reasons of special urgency or importance. The inquest will be able to continue provided that the number of the jury does not fall below 10.

Clause 26 provides for the repeal of section 58, which is concerned with the decision of juries in civil inquests. Clauses 27 and 28 propose amendments to sections 59 and 61 respectively to provide consistency with other measures in the Bill. Clause 29 substitutes references to the "King" in section 62 with references to the "Crown". It is incorrect to refer to the King being a party to an inquest. Clause 30 proposes the repeal of sections 65 to 69 (inclusive) and the substitution of new sections. Proposed new section 65 expresses the right of each accused in a criminal inquest to challenge three jurors peremptorily.

New section 66 provides for the right to challenge a juror on the ground of ineligibility or disqualification. New section 67 preserves any right of challenge at common law. Under new section 68, a challenge for cause may be tried by the presiding judge. It is anticipated that these four new sections will provide greater clarity in the rights of an accused to challenge jurors. Finally, new section 69 provides for the continuation of tales. This is the right to summon, at the direction of a court, other people to jury service in the event that sufficient jurors cannot otherwise be obtained. It may still be of some use in small country areas.

Clause 31 provides for the insertion of a new Part VIII. It is proposed that section 70, which provides that a person who applies for a jury must pay a prescribed fee, no longer apply. Furthermore, section 75 must be viewed by reason that, as it presently stands, it is arguable that a person who takes special leave with pay to serve as a juror is in breach of the Act. It is proposed also that fees payable to jurors be set by regulation, instead of by proclamation. Clause 32 provides for the striking out of section 78 (1) *(b)*, which relates to talesmen. Clause 33 provides for the repeal of sections 80, 81 and 82 of the principal Act. It is inappropriate that these sections continue to apply.

Clause 34 proposes amendments to section 88 of the Act that are consequential upon earlier provisions in the Bill. Clause 35 provides for the repeal of sections 90 and 91. These provisions no longer serve any useful purpose. Clause 36 provides for a new Third Schedule to the Act. This schedule prescribes the persons who are ineligible for jury service. The categories of persons who are ineligible are far fewer. Other people who are unable to perform jury service for some good reason will be able to apply to be excused from jury service under other provisions of the Act.

The Hon. M.B. CAMERON secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (1984)

Adjourned debate on second reading.
(Continued from 1 May. Page 3802.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this simple Bill, which extends the time of operation of random breath testing for a period sufficient for the committee that is examining this measure to report. I can assure honourable members (and I am sure that the Chairman of that committee, the Hon. Mr Bruce, would agree with me) that the committee is working diligently and has certainly received a considerable amount of evidence. I am quite certain that the committee will come forth with a report that will give honourable members a lot to think about in this matter. Without going into any detail, because the matter is before a Select Committee, I support the Bill.

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

APIARIES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 18 April. Page 3757.)

The Hon. R.J. RITSON: I support the second reading of this Bill. In doing so, I will briefly remark on some amendments that we will see during the Committee stage. The history of the Bill is that about two years ago members of the apiary fraternity in South Australia became concerned about the disease known as American foul brood and desired that some form of funding be set up to compensate apiarists whose hives were destroyed as a precaution against the spread of this disease. This disease is not treatable and the only way to protect the industry in general is to burn the hives.

There was some anxiety that, if there was financial loss to the producers whose hives were burnt, there might be a disincentive to report the disease. So, it was decided to ask the Government to establish a statutory fund to which producers would contribute and out of which compensation would be paid. The Opposition has no objection to that. The Bill, as originally drafted, did not confine the question of compensation to American foul brood and anxiety was expressed to me lest some producers seek compensation for other diseases of bees which are endemic and treatable.

There was some anxiety that there may be an incentive for some producers to neglect or fail to treat treatable conditions in order to obtain compensation. I have contacted a number of apiarists and have had discussions with officers from the Department of Agriculture and with the Minister. It appears that current policy is to order the destruction only of hives affected by American foul brood and not of hives that are treatable and that there is no objection to embodying that policy in the principal Act. Some apiarists who have expressed concern to me would feel happier to see that policy embodied in the principal Act. I thank the Minister for access to his Department and for conversations with him. He will be introducing amendments which restrict the payment of compensation to the condition of American foul brood and which make clear that compensation will not be payable where there is an element of neglect on the part of an apiarist in introducing or propagating the disease.

The amendments to be introduced by the Minister allow him, by regulation, to include diseases other than American foul brood. From my discussions with apiarists, it appears that there are some exotic diseases not existing in Australian hives. However, should these diseases surface in South Australia, it may be in the interests of adequate reporting and eradication to offer compensation for the destruction of such hives. For that reason, it is entirely reasonable for the Minister to have that regulating power; otherwise an urgent situation would have to wait until Parliament sat to amend the Act.

The Bill deals only with compensation for the destruction of hives and, indeed, in South Australia that is the only

method of eradication that is applied to American foul brood. I have received advice that in other places hives are sterilised by gamma radiation. This is equally as effective in eradicating the disease, but preserves the timber structure of the hive for reuse. Where those facilities are available, it is more economical to do that than to burn the hives.

Without attempting to move any amendment I make the point at this stage that should South Australia in years to come adopt the practice of sterilising infected hives by gamma radiation, and should it be desirable that there be compensation for the cost of doing that, rather than the cost of burning, the Act may need to be amended. I am told that at present there are a number of ifs and buts concerning irradiation and that there is no urgency in coming to grips with that problem.

Finally, I indicate that I will move an amendment, which I believe will be an agreed amendment, to provide that in cases where the producers fund is exhausted and for some urgent reason it is necessary for the Treasurer to make loans to that fund, those loans should be in accordance with normal business practice, that is, they should be at reasonable interest rates rather than at 2 per cent or 4 per cent or some other form of interest rate which would represent a burden on the taxpayer. I am advised that, in any case, it would be the Treasury's normal policy to make the advances mentioned in the Bill on those terms.

I gather that every Minister who has ever tried to squeeze extra funds out of a Treasurer is aware that Treasury itself is not spontaneously desirous of handing out funds on concessional terms. In practice, I am informed, the Treasury would make those advances at commercial interest rates. Again, I think that some of my constituents would be happier to see that in the Bill rather than left as a discretionary matter. Having said that, I commend the Bill to the Council and look forward to the proposed amendments being dealt with expeditiously in the Committee stage.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank the Hon. Dr Ritson for his contribution on behalf of the Opposition and for the expression of support for the Bill. As was stated by the Hon. Dr Ritson, I intend moving two amendments in Committee to attempt to meet the points made by the honourable member. I will speak to the amendments very briefly during the Committee stage. The Hon. Dr Ritson said that he would move an amendment to ensure that, should any loans be advanced by the Government to the producers, they would be at normal commercial rates. He suggested that that was an agreed amendment. I hate to disappoint the Hon. Dr Ritson, but I have not even seen the amendment, let alone agreed to it. It is certainly not on my file, and I do not know whether it has been circulated. If another member has a copy of it, I would be happy to look at it.

The Hon. R.I. Lucas: Would you like to report progress?

The Hon. FRANK BLEVINS: No, I would not like to do that at all. I am prepared to listen to the Hon. Dr Ritson's argument for his amendment. By the time he moves the amendment I hope that I have received a copy of it. It is not yet on the Bill file. Once again, I thank the honourable member for his contribution to the debate.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Beekeepers Compensation Fund.'

The Hon. R.J. RITSON: I move the following suggested amendment:

Page 2, line 19—After 'Treasurer' insert ', having regard to proper principles of financial management,'.

First, I apologise to the Minister to the extent that he had not seen my suggested amendment. I presumed from the Minister's generally compromising attitude that he would look at it favourably. I know that the Minister has been quite busy this afternoon; such is the lot of Ministers. In retrospect, rather than simply having a copy of my amendment distributed to his place in the Chamber, it may have been more helpful had I personally handed it to him and discussed it with him. It is not due to the Minister's lack of diligence that he had not seen the amendment prior to this.

The amendment will provide in the Bill what is in fact existing Treasury custom, that is, to lend at realisitic rates of interest. I have been informed that it would have been unwise to stipulate either a specific interest rate or to attempt to link the interest rate to some index such as the Government bond rate, because Treasury frequently lends above that rate in the present economic climate and would want the flexibility to do so. I am told that the Treasurer, if he were restrained to the Government bond rate, would regard that as interest forgone and a drain on the public purse. Because of the changing nature of the investment market, it would be difficult and unwise to fix him to a figure.

Nevertheless, in accordance with the desire of some people who have made representations to me on this subject, I would not want to see the interest rates amount to a subsidy by the taxpayer. I am advised that the wording, 'having regard to proper principles of financial management', places within the Bill a restraint that would prevent lending at 2 per cent, 4 per cent or at any rate that was manifestly outside the bounds of normal sensible investment practices. I do not think that we can be more specific than that. If the Minister is happy with that, I ask him to support my amendment. If the Minister wants the discretion of having Treasury money giving into the fund at a rate which amounts to a taxpayer's subsidy, he will say so when he replies. The amendment will provide a general policy direction in the Bill which, I think, will cover the position for anyone who has cause for complaint should the lending occur at a ridiculously low level of interest.

The Hon. FRANK BLEVINS: When replying to the second reading debate I said that not only had I not seen the suggested amendment but, therefore, I certainly had not agreed to it. In his second reading speech the Hon. Dr Ritson said that it was an agreed amendment. I will now be more specific and ask him who agreed to it.

The Hon. R.J. RITSON: It is difficult to recall my words. I hope that we do not have a long debate over this matter. It may have been a slip of my tongue. The Minister's amendments were certainly agreed. I hope that this can be an agreed amendment and I hope that we can leave it at that.

The Hon. R.I. LUCAS: This is the operative clause of the Bill. Before addressing the amendment I will make a brief comment in relation to the operation of the clause and what is in effect a beekeeper's compensation fund, which will be generally funded by a compulsory levy. I must say that I personally have some reservations about the whole concept of compulsory levies on beekeepers, producers, or anyone.

Nevertheless, it will be a fact of life as there is support in Parliament for the concept of this compulsory levy on beekeepers. It will mean that all beekeepers, irrespective of their personal views on the matter, their own management practices and their own desires, will be required by this legislation to pay a compulsory levy. It is a triennial payment to the Minister in accordance with the regulations relating to the prescribed amount, which will be multiplied by the number of frame-hives kept by the beekeepers at the time that they are required to make the payment.

With that reservation about the whole concept of the compulsory levy, I now address the question of the Hon.

Dr Ritson's amendment. The intention of this amendment, as I understand it—as distinct from the words as drafted by Parliamentary Counsel—is that basically the public purse, as the Hon. Dr Ritson has very adequately explained, ought not to be used in any compensation payout; that is, the compensation fund will involve these compulsory levies from beekeepers, and when compensation needs to be paid it will be paid out of those levies. This provision enables the Government of the day or the Treasurer to make advances if there are shortfalls.

Members interjecting:

The Hon. R.I. LUCAS: I have been diverted from whatever it was that I was saying; I will start again. The intent of this amendment was basically that the advance would be under such terms and conditions that it does not include just the interest rate but the length of the loan and a number of other matters. It would not be in terms and conditions that were any more advantageous than the terms and conditions that would pertain to currently available commercial advances, so that, if the compensation fund had to go out into the competitive market place and get an advance under such terms and conditions from financial institutions as it might be able to organise, the terms and conditions of the Treasurer's advance would be similar to those competitive terms and conditions.

I know, having had discussions with the Hon. Dr Ritson and Parliamentary Counsel, that it is very difficult to put the intent into a nice little phrase in this Apiaries Act Amendment Bill, and the best that the Parliamentary Counsel could do is use a phrase, 'terms and conditions having regard to proper principles of financial management'. It is tantamount to a motherhood phrase.

The Hon. Frank Blevins: Parenthood.

The Hon. R.I. LUCAS: A parenthood clause—I will not be sexist. I cannot see a problem in the Minister, on behalf of the Government, accepting the Hon. Dr Ritson's amendment. I would imagine that there is plenty of room to manoeuvre should a Treasurer or Minister of the day wish to manoeuvre within those words. However, it is important that, if it is going to be accepted—and I hope that it is—the true intent of the amendment (as the Attorney-General is a keen advocate of the intent of the legislation being interpreted by the courts and the people of South Australia) be placed on the record.

In my support for the Hon. Dr Ritson's amendment, that is my understanding of this general phrase that he is moving. Certainly, if in practice we found that the public purse was being used in such a way that if the current rate of interest was, for example, 14 per cent and this were being loaned or advanced at 2 per cent, and if, the current terms and conditions were, say, a 20 year loan and it was being done on the basis of a 150 year loan, I would seek to bring this very significant Apiaries Act back into the Parliament to find a tighter definition for this provision. With those brief words I support the amendment of the Hon. Dr Ritson.

The Hon. FRANK BLEVINS: In the interests of getting this Bill through the Council promptly, I am prepared to accept the amendment. It will, of course, have to go to the House of Assembly, and the story may be different there. As regards the Hon. Mr Lucas's asking me what I think that the amendment means, it is his amendment; he supported it; the Hon. Dr Ritson moved it. The true intent of this amendment is in the mind of the Hon. Dr Ritson, not in mine. The Treasurer will interpret this amendment at the time, assuming that it is accepted by the House of Assembly, in a proper and correct manner.

The ACTING CHAIRMAN (Hon. Peter Dunn): I draw the attention of the Council to the fact that this is a money clause.

Suggested amendment carried.

The Hon. FRANK BLEVINS: I move the following suggested amendment:

Page 3, line 4—Leave out subsection (1) and insert new subsection as follows:

(1) Subject to section 8d, compensation shall be paid to a registered beekeeper in respect of any of his bees, hives, combes or appliances—

(a) that are infected with, or affected by—

(i) American Foul Brood;

or

(ii) any other disease declared by regulation to be a disease in respect of which compensation may be paid under this section;

and

(b) that are destroyed—

(i) in accordance with a notice given by an inspector under section 7;

or

(ii) by an inspector under section 8.

The Hon. M.B. Cameron: Is this an agreed amendment?

The Hon. FRANK BLEVINS: This is an agreed amendment. The problem that was raised by the Opposition is considered by the Government to be valid and worthy of amending the Bill in the interests of Parliamentary peace and quiet. Whether the problem is of such magnitude that it warrants such attention is something that I will not go into at length

The Hon. R.J. RITSON: The amendment as moved essentially places in the principal Act what is a current departmental policy; it does not change that policy. It is policy for the Department to destroy only hives that are affected by American foul brood. It would be Department policy to recommend compensation only where there was no negligence on the part of the beekeeper.

To that extent, the amendment is merely clarifying current policy. It is good legislation that contains policy guidelines. There was anxiety amongst some of my constituents that, because the Act did not restrict the provision to American foul brood, in the future there may be some abuses. I was told that there were difficulties with abuses in similar legislation in Western Australia, so as a matter of principle it is better to insert the current good policy of the Department in the Act rather than leaving it entirely discretionary. I thank the Minister for his co-operation in this matter and for the hearing that he and his departmental officers gave me in arguing for the introduction of these amendments.

The CHAIRMAN: This being a money clause, I put the question that it be a suggestion to the House of Assembly to amend clause 6 by deleting subsection (1) and inserting new subsection (1).

Suggested amendment carried.

The Hon. FRANK BLEVINS: I move the following suggested amendment:

Page 3, after line 32—Insert new paragraph as follows:

(ab) the property in respect of which compensation is sought became infected with, or affected by, disease as a result of neglect on the part of the beekeeper;.

This amendment has more substance than previous amendments, and I thank the Hon. Dr Ritson for drawing this matter to my attention. It was never the intention to compensate beekeepers who, through neglect, caused a problem. They should not then be able to make a claim on the fund. This amendment makes perfectly clear that, if the disease is a result of neglect, no compensation will be paid.

The Hon. R.J. RITSON: I support the suggested amendment, and I make the point that the current level of destruction of hives is such that it could easily be accommodated within the fund as it is proposed and at the level of levy that is to be charged, but the fund could face trouble if there was widespread destruction through abuses. This goes hand in hand with other matters that we have discussed. I support the amendment.

The CHAIRMAN: This being a money clause, I put the question that it be a suggestion to the House of Assembly that clause 6 be amended by inserting the new paragraph.

Suggested amendment carried.

The CHAIRMAN: I draw attention to a clerical error on page 3, line 34—after 'bee' the word 'where' should be deleted.

Clause, with suggested amendments, passed.
Remaining clauses (7 to 15) and title passed.
Bill read a third time and passed.

ADJOURNMENT

At 6.3 p.m. the Council adjourned until Thursday 3 May at 11.45 a.m.