LEGISLATIVE COUNCIL

Thursday 9 August 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 Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Superannuation Act, 1974—Actuarial Investigation of the South Australian Superannuation Fund, as at 30 June 1983.

MINISTERIAL STATEMENT: SOUTH AUSTRALIAN SUPERANNUATION FUND

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: The triennial actuarial review of the South Australian Superannuation Fund, which has been conducted by the Acting Public Actuary and which I have now tabled, is in two parts. The first part relates to the requirement under section 15 of the Act for the Public Actuary to report on the financial position of the Fund and whether, as a result of this investigation, there should be any reduction or increase in the contribution rates. The second part comprises a report on the cost to the State Government of the Fund.

This is the second time that this second part has accompanied the triennial review, and it is worth noting that the report in 1981, on the cost to the Government, was the first time that any Government in Australia (State or Federal) had made available information of this kind—a point for which I give the previous Premier due credit. To date only the Commonwealth Government has followed the example set by South Australia.

In line with the practice of the previous Government, I am tabling both parts of the triennial report. However, on this occasion I am able to table them together, whereas in 1981 the report by the Actuary on the financial position of the Fund was tabled in March and the report on the cost to the Government was not received by the Parliament until July. I am also tabling the letter from the Superannuation Board which accompanied the Acting Public Actuary's report. Although the Superannuation Act does not require this to be tabled, I believe that it will help members to better understand the position of the Fund.

The South Australian Superannuation Fund provides superannuation benefits for employees of the State Government (apart from the police, who have a separate scheme) and employees of many State Government authorities. Membership of the Fund is voluntary and members must contribute at specified percentages of salary. Their contributions are paid into the Fund which is invested by the South Australian Superannuation Fund Investment Trust.

The cost of pensions paid is shared between the Fund on the one hand and the employers (the State Government, the authorities, and so on) on the other. The extent of the share of current pensions which the Fund can support is assessed at each triennial actuarial investigation of the Fund. The employer-share of pensions being paid is financed by the State Government through the Consolidated Account at the time the pension is paid (for ex-employees of the State Government) or by statutory authorities (where persons were employed by an authority).

The purpose of the triennial review is not to make an historical assessment of the Fund but rather to indicate the direction that the Fund should be taking to ensure that it can meet its obligations, given the experience of the period since the last review and various assumptions concerning the future. On the basis of his valuation, the Acting Public Actuary has reported that the Fund had an actuarial deficit of $19.9 million as at 30 June 1983. He attributes a large part of this deficit—approximately $8 million—to a change in the valuation basis of the Fund, namely an increase in the assumed longevity of pensioners.

The other significant factors that he identified as contributing to the deficit were a lower level of new entrants than assumed, an abnormal level of withdrawal of younger contributors, relatively higher salary increases than those assumed, and the introduction of spouses' pensions for marriages after retirement of at least five years duration. The Acting Public Actuary has made the point that the size of the deficit is in fact quite small when related to the total liabilities of the Fund. Honourable members will also note that the Superannuation Board, in its letter accompanying the report, has pointed out that the deficit in fact represents only 3.5 per cent of liabilities.

The main recommendation which the Acting Public Actuary has made as a result of his investigation is that contribution rates should be increased if the level of benefits is to continue unchanged. It is worth noting that the previous review of the Fund for the period ended June 1980 indicated that an increase in contribution rates might be necessary. However, at that time the uncertainty of forecasting real increases in salaries led the Public Actuary to conclude that it was reasonable to suspend judgment on whether the rates should be increased.

This report now makes it clear that, on the basis of changed circumstances and a new set of assumptions concerning the future, which incorporate real increases in salaries, this question must now be addressed. Both the report and the letter from the Superannuation Board indicate that the recommendation concerning the contribution rate is related not to the current financial position of the Fund but rather to what the Fund might reasonably expect to earn as a result of its future investments. The recommendation is aimed at maintaining the principle that contributions by new entrants to the Fund should be sufficient to support 28 per cent of their benefits. The Board notes that this principle has been a feature of the superannuation scheme since its establishment.

The Board has also proposed an alternative to increased contribution rates that could be offered to contributors, which would provide for contributions to be held constant in return for lesser benefits being paid. The Government appreciates the importance of the Superannuation Fund to its contributors and does not believe that any decision should be taken in regard to the contribution rates and/or benefits until full consultation has been held with representatives of the contributors, and the Premier has invited them to make their views known to him.

MINISTERIAL STATEMENT: *SUB JUDICE* RULE

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: During Question Time in this Council yesterday a statement was made concerning a certain prisoner who is currently before the courts. A similar statement was also made in the House of Assembly. The state-

ments so made had the effect of disclosing information suppressed from publication by an order made in the Court of Summary Jurisdiction at Adelaide on 27 July 1984.

Section 71 of the Evidence Act, 1929, provides that a person who disobeys a suppression order shall be guilty of contempt of court and of an offence. While that section may not apply to a member of Parliament who in this Council or in the House of Assembly published material covered by a suppression order because of the general privileges which apply to the conduct of Parliamentary proceedings, I believe that it is necessary to bring certain matters to the attention of the Parliament.

It is a long established rule of practice in this House, generally known as the *sub judice* rule, that matters awaiting the adjudication of courts should not be brought forward in questions or debate where the raising of such matters might prejudice the fair trial of the issues in the case. This is particularly applicable in criminal cases involving trial by jury. In this particular case, the matter is before the courts and the prisoner charged with an indictable offence which will be determined by a jury if the person is committed for trial. I believe that the normal *sub judice* rules which operate in this Parliament mean that the information outlined yesterday should not have been given by the honourable member who asked the question.

Further, this principle would appear to demand that matters suppressed from publication in the interests of justice not be raised in the Parliament. The principles of comity between the legislative and judicial arms of government also appear to demand that matters suppressed from publication by a court not be raised in the Parliament.

Although the normal Parliamentary privilege may protect a member who breaches a suppression order, this privilege may not in these cases be accorded to any media report of the proceedings. I can only ask honourable members and the media, when these matters are raised, to bear in mind the fundamental principle that their actions should not run the risk of prejudicing a fair trial.

QUESTIONS

THIRD PARTY INSURANCE COMMITTEE

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about judicial appointment to the Motor Vehicle Compulsory Third Party Insurance Committee.

Leave granted.

The Hon. M.B. CAMERON: The Motor Vehicle Compulsory Third Party Insurance Committee considers applications from the State Government Insurance Commission for increases in premiums and makes recommendations to the Government. Until recently the committee has been chaired by Mr Justice Sangster. However, Mr Justice Sangster has now retired from the Supreme Court. The committee cannot meet unless it has 100 per cent membership, and another Chairman has not yet been appointed. Is the Attorney-General aware of approaches that have been made to the Chief Justice to provide a judge to be Chairman of the Motor Vehicle Compulsory Third Party Insurance Premiums Committee? Has the Chief Justice refused such a request? If so, what are the reasons for the refusal, and does the Attorney-General support the Chief Justice in his reasons?

The Hon. C.J. SUMNER: The question of the Third Party Insurance Premiums Committee is within the responsibility of my colleague the Minister of Transport. I understand that certain discussions have taken place about a replacement for Mr Justice Sangster as Chairman of that committee. I believe that the Chief Justice takes the view that it is not appropriate for a person from the Judiciary to chair that committee. That principle, espoused by the Chief Justice, is that the Judiciary should be independent and seen to be independent from the executive arm of government or from a committee that might be involved in the activities of the executive arm of government, and furthermore that the appointment of a judge to such a position might embroil a judge in controversy that has nothing to do with the judge's judicial duties.

An honourable member: He should advise his Federal colleagues of that, too.

The Hon. C.J. SUMNER: That is a matter for his Federal colleagues. It would be for the Chief Justice to outline his views on this topic, but I understand that to be the case. In the light of that, alternative consultations have been proceeding, I understand, by the Minister of Transport to find someone to chair that committee.

SOUTH AUSTRALIAN DENTAL SERVICE

The Hon. J.C. BURDETT: My questions are directed to the Minister of Health as follows:

1. Was the Board of the South Australian Dental Service asked to comment on the Barmes Report?
2. Did it recommend that the School of Dental Therapy be not reopened?
3. Did it recommend that the School Dental Service be not extended to secondary schools?
4. If its recommendations were not accepted, why not?
5. Did the Chairman of the Board resign at about that time?
6. If so, why did he resign?

The Hon. J.R. CORNWALL: Yes, it is true that the Board of the South Australian Dental Service—a Board, incidentally, that was appointed at the time that SADS was set up by the previous Liberal Minister and the previous Liberal Government—did recommend that the School of Dental Therapy should not be reopened; it did recommend that the School Dental Service should not be extended to secondary schools. However, I did not accept either recommendation, for two reasons: first, because it was contrary to the policy of the Bannon Government, clearly enunciated before the last election; and, secondly, because it was against the best interests of every family in South Australia who happens to have a child in secondary school or who is likely to have a child in secondary school in the next decade or so.

The Hon. Mr Burdett never fails to amaze me. He continually runs a line which would suggest that somehow there is some tremendous political mileage for him as shadow Minister of Health and for the rather battered and tattered Opposition in attacking the School Dental Service.

An honourable member: Where is the new-look John Cornwall: Mr Nice?

The PRESIDENT: Order!

The Hon. J.R CORNWALL: It is the Government's clear undertaking to extend this service to all schoolchildren in this State up to and including the year in which they reach the age of 16 years. Quite clearly, I have acted in the best interests of children and the best interests of South Australia while at the same time moving to implement a clearly enunciated and widely disseminated policy of the Labor Party prior to the last State election. I am honouring in this area, as in so many other areas, clear undertakings that were given in the health policy.

The Hon. J.C. BURDETT: Will the Minister answer my last two questions? Did the Chairman of the Board resign at about that time? And, if so, why did he resign?

The Hon. J.R CORNWALL: Yes, the Chairman of the South Australian Dental Services Board did resign. I am not sure whether it was at precisely that time, thereabouts, or otherwise. I cannot clearly recollect that he gave any precise reasons for resigning.

The Hon. L.H. Davis: Did you discuss the matter with him?

The PRESIDENT: Order!

The Hon. J.R CORNWALL: My personal relationship with the then Chairman of the Board, although limited, was always quite amicable.

VICTOR KUZNIK

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Correctional Services a question about Victor Kuznik.

Leave granted.

The Hon. K.T. GRIFFIN: On Tuesday, and again yesterday, I asked questions about the Government's instruction on prisoner assessment and security ratings. I indicated that, according to that instruction, Kuznik had a high notoriety factor because he had been sentenced for murder and should not have been transferred to Cadell minimum security centre as he had not served five years as at the date of his transfer. He had been sentenced in August 1979 and transferred to Cadell in January 1984.

The Minister, in answer to my question, said that a complicating factor regarding Kuznik was the proposed demolition of C Block. I certainly do not accept that that is a ground for shifting a convicted murderer to a minimum security area. The Minister also said the following:

> The Government has always had the final say.

In another part of his reply, this time in answer to a supplementary question, the Minister said:

> In the last analysis the Minister is responsible for the administration of the Act and, in sensitive cases like this, the Minister obviously would have the last say in discussions with his permanent head and anyone else who is involved, including any parole officer who had been dealing with the prisoner.

In this case, the Government's own instruction was not followed. In light of the Minister's statements yesterday, my question is as follows: does the Minister's statement not mean that the Minister or the Government overrode its own instruction in Kuznik's case and that the Minister or the Government in fact approved his transfer to minimum security at Cadell well before he would have otherwise become eligible for consideration for such a transfer?

The Hon. FRANK BLEVINS: It does not mean anything of the sort. I will repeat what I said yesterday.

The Hon. R.I. Lucas: That doesn't make sense.

The Hon. FRANK BLEVINS: It might not make sense to the Hon. Mr Lucas, but that reflects more on the condition of the honourable member's mind than it does on the statement. The guidelines in the departmental instruction to which the Hon. Mr Griffin has referred that I gave him yesterday or the day before set down a certain set of criteria by which prisoners are measured when assessment committees, the department and the Government are deciding what institution is appropriate. From memory, Mr Kuznik had served four years and nine months—

The Hon. K.T. Griffin interjecting:

The Hon. FRANK BLEVINS: Anyway, I said 'from memory'—I will stand by my memory but check it tomorrow—which is that he had been in gaol for about four years and nine months. The complicating factor of the demolition of C Division was very real. It was important that C Division be demolished as quickly as possible to enable the general rebuilding and remodelling of Yatala. So, an assessment was made and, on the best evidence that was available to people in the Department and to the Minister at the time on whether or not it was satisfactory for Kuznik to go to Cadell, from memory, I think, about three months earlier than the departmental instruction guidelines stated, the answer was 'Yes', as he had behaved impeccably in prison and had worked in less stringent security situations on special projects in and around Yatala.

On all the available evidence there was nothing to make anyone believe that Kuznik would be a threat to South Australia in that three months. Of course, that proved to be the case. But, a month after the five years was up he did escape. So, even if the five years had been strictly adhered to—

The Hon. K.T. Griffin: That was the period before when he could not be transferred. Five years is the date at which it can be considered.

The Hon. FRANK BLEVINS: That is not the case. That is what the departmental instruction says, but the Government has the final say. I think, again from memory, that Mr Kuznik was in prison for a total of five years and one month. So, even if the five years had been strictly adhered to and C Division was not being demolished, then the same thing would have applied: he would have been transferred to Cadell on his history and behaviour in the prison system.

The Hon. K.T. Griffin: Do you transfer all prisoners after five years?

The Hon. FRANK BLEVINS: No, I am not saying that at all. I am saying that we have a set of criteria that we test prisoners against and then we introduce the human element—assessment teams look at the prisoner, his record and other criteria. Quite often it works the other way: prisoners will not necessarily be transferred to a lower security rating even though on the departmental instruction they appear to meet the guidelines. Of course, that is a bone of contention with the Department of Correctional Services from prisoners because these documents are freely available to prisons. So, some prisoners feel that they have met all the criteria of the departmental instruction and still do not get their security rating altered in the way that they feel is appropriate. So, it is a two-way thing: prisoners at times feel aggrieved and, certainly, on occasions, the Government is aggrieved.

The Hon. R.I. Lucas: Whose decision was it in this case?

The Hon. K.T. Griffin interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: Can I answer one question at a time, Sir?

The PRESIDENT: Order! If members wish to ask further questions they will have that opportunity.

The Hon. FRANK BLEVINS: I will try and keep it in order by dealing only with the question asked by the Hon. Mr Griffin and will need your co-operation, Mr President, to deal with the Hon. Mr Lucas. What did the Hon. Mr Griffin ask?

The Hon. K.T. Griffin: Did the Minister or the Government approve of the transfer?

The Hon. FRANK BLEVINS: I said that quite clearly yesterday. If I did not, I will repeat what I said yesterday about what happens in these cases. In the case of Kuznik—

The Hon. K.T. Griffin: Did you approve—

The Hon. FRANK BLEVINS: Just a moment. The case of Kuznik was no different from any other case. We deal with over 5 000 a year, or several thousand anyway.

The Hon. K.T. Griffin: Not 5 000 murderers.

The Hon. FRANK BLEVINS: We make these assessments on about 5 000 people, and Kuznik was dealt with in the same way. Apart from the complicating factor of the demolition of C Division at Yatala, it was a routine assessment

that we do on numerous prisoners daily and on thousands of people yearly. The case of Kuznik was no different—

The Hon. K.T. Griffin: I would not have thought that it was routine.

The Hon. FRANK BLEVINS: Just a moment. As I said yesterday, the case of Kuznik was brought to the attention of the Minister because of the complicating factor that he had not served five years—from memory, he was close to it—and the Government's desire to get C Division down as soon as possible. I am sure that all Opposition members who know anything about Yatala Labour Prison will agree that was a matter of urgency. As I stated yesterday, the Executive Director of Correctional Services, or someone to whom he delegated the task, would have discussed it with the Minister because of this complicating factor of the demolition of C Division. They would have discussed it and arrived at a decision. As I stated clearly yesterday, the responsibility for that decision rests with the Minister.

The Hon. K.T. GRIFFIN: You did not say that in this respect. I desire to ask a supplementary question. In respect of Kuznik, did the Minister approve the transfer to Cadell?

The Hon. FRANK BLEVINS: The answer to that is 'Yes'. Let me go through it again.

The Hon. K.T. Griffin: You do not have to.

The Hon. FRANK BLEVINS: The Hon. Mr Griffin obviously cannot read. If he asks me another question—if he gets the chance before the end of Question Time—I will have researched yesterday's question and answer and repeat it for him because the procedure is this: the average assessments made in gaols do not come to the Minister's attention but, where there is a complicating factor or something that the Department thinks should be drawn to the Minister's attention—in this case, as I stated yesterday and as I have stated already once in Question Time, but I will restate it for the benefit of the Hon. Mr Griffin—it was drawn to the Minister's attention. I stated that clearly yesterday.

The Hon. K.T. Griffin: You did not state that yesterday.

The Hon. FRANK BLEVINS: I will research yesterday's answer for the honourable member in a few moments, but I think he will find I am correct. The case was brought to the Minister's attention. He discussed the whole matter with the Departmental Head and a decision was arrived at. The Minister is responsible for that decision, which is precisely what I said yesterday.

The Hon. R.I. Lucas: You were wobbling all over the place.

The Hon. FRANK BLEVINS: The Hon. Mr Lucas says that I was wobbling all over the place. The honourable member has an advantage over me for the next couple of minutes because he has yesterday's report in front of him.

The Hon. R.I. Lucas interjecting:

The Hon. FRANK BLEVINS: I would welcome the Hon. Mr Lucas's telling me where I did not state clearly yesterday that the responsiblity is the Minister's.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! If the Hon. Mr Lucas keeps on blabbing away I will have to take some sort of action to curtail him.

The Hon. FRANK BLEVINS: The Hon. Mr Lucas states that he has the report in front of him, so he will see that I stated clearly that the responsibility lies in these matters with the Minister.

Members interjecting:

The Hon. FRANK BLEVINS: Are you saying that I did not say that? Are you saying that I am misleading Parliament?

The Hon. K.T. Griffin: I am saying that you did not specifically make that assertion, which is why I asked the question.

The Hon. FRANK BLEVINS: I will sit down and research the answers that I have given about Kuznik. I am not a betting man, but I guarantee to the Council that I made that point very clearly indeed.

KOORINGAL PARK BOAT MARINA

The Hon. I. GILFILLAN: My question is directed to the Minister of Health, representing the Minister for Environment and Planning. It relates to the Kooringal Park Boat Marina, which is located about 20 kilometres downstream from Murray Bridge. I refer to the enlargement of the mooring facilities there and the destruction of a swamp and some plant species. My questions are as follows:

1. Is it true that the destruction of the swamp as a result of the construction of the Kooringal Park Boat Marina began without permission?

2. If the developers began the work without permission, will any action be taken against them?

3. Is it true that, after permission was sought, the Planning Advisory Committee recommended against the development going ahead?

4. If the Planning Advisory Committee recommended against the development, why was their advice ignored?

The Hon. J.R. CORNWALL: I will be pleased to refer those questions to my colleague, the Minister for Environment and Planning in another place, and bring down a reply.

SISTER ELIZABETH

The Hon. C.M. HILL: I seek leave to make a short explanation before asking the Minister of Ethnic Affairs a question about a serious problem within the South Australian Indo Chinese community.

Leave granted.

The Hon. C.M. HILL: Last night I attended the annual general meeting of the Indo Chinese Australian Women's Association. It was a very important meeting, honoured by the presence of Lady Dunstan. A large and representative audience heard of the commendable progress of the Association during the past year. One sad and frustrating aspect to which several speakers referred in their annual reports was the loss of funding by the Association for the salary of Sister Elizabeth Nghia. Honourable members will know that she is the co-ordinator of the Association and a tireless worker for its cause amongst all Indo Chinese Refugees and their families.

The Association's request to the Australian Refugee Fund Trust for 50 per cent of Sister Elizabeth's salary had been refused and negotiations with the Department for Social Security and the State Community Welfare Department had not been successful. The Association has had to find the necessary money from its own very meagre resources as it simply cannot operate as an organisation without Sister Elizabeth's involvement.

My colleague, the Hon. Diana Laidlaw, raised this matter in a question to the Minister of Ethnic Affairs (Hon. C.J. Sumner) on 3 April this year. My colleague informs me this morning that, despite the fact that the Minister said that he would look into the matter, she has not yet received a reply. Naturally, she does not know what the Minister has done about it. The Minister himself knows of the remarkable capabilities of Sister Elizabeth, because he was responsible for her recent appointment to the Ethnic Affairs Commission. Of course, we all know that she was recently honoured with the Medal of the Order of Australia.

I remind the Minister that the Ethnic Affairs Commission itself has some funds for emergency purposes. Possibly, the Minister should have looked as far as his own Commission

as a means of helping the Association in this matter. Although the Minister has been remiss in not answering the Hon. Miss Laidlaw's question and remaining silent on the matter, I now ask him, in view of the serious matter which was raised at the annual general meeting last night, whether he will take immediate action in an endeavour to help the Indo Chinese Association and its people to remedy the unfortunate loss of Sister Elizabeth's salary?

The Hon. C.J. SUMNER: I will have the matter referred to by the honourable member inquired into and I will bring down a reply as soon as possible.

The Hon. C.M. Hill: What have you done since April? Have you forgotten all about it?

The PRESIDENT: Order!

SUBMARINE FACILITY

The Hon. R.C. DeGARIS: I seek leave to ask the Attorney-General a question about a submarine facility.

Leave granted.

Members interjecting:

The PRESIDENT: Order! I point out to the Attorney-General that he is being asked a question.

The Hon. R.C. DeGARIS: The Government has been putting South Australia's case at the Federal level for the building of a submarine facililty in this State. I am quite certain that all honourable members in this Council wish the Government well in its advocacy for this facility. However, the most effective modern submarine is, of course, nuclear powered. While there will still be diesel electric operated submarine forces in the world, modern submarines will be nuclear powered. A total rejection of nuclear operated submarines does not seem to fit the modern defence force. Will the Attorney-General inform the Council of the South Australian Government's view if a future Federal Government, or even the present one in its present mood, decides to build nuclear powered submarines at the proposed facility, if established in South Australia? If the Government accepts that a submarine facility in South Australia may in the future build nuclear powered submarines, will it continue its advocacy for such a facility in this State?

The Hon. C.J. SUMNER: I will refer the question to the Premier and bring down a reply.

SCHOOL DENTAL SERVICE

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about the School Dental Service.

Leave granted.

The Hon. R.J. RITSON: There appears to be a problem concerning referrals from the School Dental Service to private specialists. I have received some anecdotal information from private family dentists which indicates that referral from the School Dental Service to specialists is not always appropriate. Some of the examples given to me included referrals to orthodontic and oral surgical specialists of children of such an age that there was still substantial facial bone growth (to be expected). The treatment would have been better delayed.

Some of the examples referred to me involved cases which were cosmetic rather than functional. It is said that the subjective effect and patient acceptance of the cosmetic problem is not always properly assessed in psycho-social terms. The real point is that parents should have an opportunity to discuss these matters with their family dentists. I am not able to know whether any specialist referrals are made by dental therapists rather than by dentists, but reference is not an art to be practised by less than the fully trained. Will the Minister examine referral patterns of the School Dental Service to determine whether that service is referring children direct to specialists? Will the Minister ensure that, where the School Dental Service dental officer believes that specialist treatment may be necessary or desirable, the only referral will be a letter to the parents describing the problem and advising them to consult the family dentist?

The Hon. J.R. CORNWALL: I cannot work out why it is that the Opposition seems to hate the School Dental Service with a loathing of some intensity.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: In the three months we were in recess dozens of matters of considerable moment occurred in the health and related areas—all sorts of things which were of considerable importance to the public of South Australia. We came back into this Parliament and the only questions of any note that I have received to this moment—and this is the fourth day of the new session and the fourth Question Time—concern the School Dental Service.

There is a consistent pattern of denigration. For some reason, which is completely unclear to me, members opposite think that there is some political mileage in trying to destroy the School Dental Service and in trying to stop expansion of the service. Well, let me tell members opposite that more than 90 per cent of the parents in South Australia are very happy with the School Dental Service: 90 per cent of parents are using the School Dental Service, but of course there is always an option to use private dentists. That option is available to every parent in this State. If people want to pay private dentists for that service, that option is certainly available to them, and it will continue to be an available option to every parent of a secondary school student in this State as we expand the service into those areas, up to and including the year in which the student turns 16.

If members opposite believe that bashing the School Dental Service, denigrating the School Dental Service and attempting to destroy it has some mileage for them, so be it. I am very happy to line up on the side of the School Dental Service, because it is a very successful service indeed and, as I said only yesterday, by the time we have completed the expansion to secondary school students up to the age of 16 years, it will be the finest school dental service in the world. Let members opposite stand up and say whether they would reverse the policies, taking the service back to primary school children only. Let them ponder whether that would be popular with the electorate.

Regarding referral patterns and referral to specialist dentists such as orthodontists and others, I point out that those referrals are made by dentists, so by implication the Hon. Dr Ritson is saying that we employ second-class dentists in the School Dental Service who should not be allowed to make referrals. That is the clear implication of the questions. The honourable member asked me whether I would examine the referral patterns or have them examined, and whether I would ensure that referrals from the School Dental Service are not made direct to specialists, as occurs with every dentist in private practice, but that the referral letter be sent to the parents. Of course I will not do that.

I have the utmost confidence in dentists of the calibre of Hugh Kennare, David Blaikie, and Ian Stead. Indeed, anyone who has the gall to stand up and by inference suggest that they are somehow second rate in their profession ought to be ashamed of himself. So I have no intention of interfering in the way in which those dentists conduct their professional services, because at all times they are above any sort of implied third rate criticism of the type that is directed by the Hon. Dr Ritson. I am perfectly happy with the way in

which they are conducting the School Dental Service in general, the way in which they are expanding it according to Government policy, and the manner in which they are making referrals.

FREEDOM OF INFORMATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about freedom of information.

Leave granted.

The Hon. L.H. DAVIS: The *Advertiser* of 11 July 1984 contained a report that the Attorney-General intended to introduce freedom of information to South Australia in three stages. The Attorney indicated that the Government will first establish an information unit, probably in 1985, to educate Government offices in the operation of freedom of information, and this will be followed by a three month period of public education and the establishment of freedom of information administration. The Attorney further indicated that, after a 12 month administrative period, the Government will implement the third stage—the introduction of freedom of information legislation. On my reckoning, that could be as late as 1987.

First, will the Attorney confirm that my assumption is correct, namely, that freedom of information legislation may not be introduced until 1987? Secondly, in view of the fact that Commonwealth and Victorian legislation has been operational for some time, therefore providing a useful guide to possible shortcomings in existing legislation, and given the Attorney-General's earlier enthusiasm for freedom of information legislation, why is the Attorney hastening so slowly in this matter? Thirdly, what steps has the Government taken to ensure that the management of public records will cope with the demands created by the introduction of freedom of information legislation?

The Hon. C.J. SUMNER: I can assure the honourable member that my enthusiasm and the Government's enthusiasm for freedom of information legislation has not dimmed—

The Hon. L.H. Davis: It has just been distanced.

The Hon. C.J. SUMNER: No, that is not true. Members opposite continue to ask questions about Government finances and the cost of particular programmes. The fact is that the introduction of freedom of information legislation will impose additional burdens and costs on the Government. I can only draw to the honourable member's attention the report of the working party that was established early in the period of this Government's term of office. I would also point out that in 1979 a working party had been established and had produced a working paper that was distributed to interested people in the community and, following the election in September 1979, the working party was completely disbanded. There was no move to freedom of information in this State by the previous Liberal Government.

The Hon. R.I. Lucas: You will have done nothing by the end of this session.

The Hon. C.J. SUMNER: That is just not true.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That is not true. The Hon. Mr Lucas displays today as he did yesterday his complete ignorance of the situation. The fact is that significant steps have been taken. Shortly after the Government assumed office a working group was established. It produced a report, which has been made public and has been referred to the Public Service Board for assessment. The Board has assessed the report and made recommendations to Cabinet about the implementation of freedom of information proposals in South Australia.

The Hon. L.H. Davis: But that legislation won't come in until 1987.

The Hon. C.J. SUMNER: Just a minute. If members opposite want the answer, I will give it to them but, if they do not want it, I will resume my seat. The Cabinet has approved, in principle, the introduction of freedom of information proposals, as outlined in the working party report, which suggested the establishment of an implementation unit which, from memory, required some 4½ or five public servants. That would operate for three months to educate Government departments in the operation of freedom of information legislation. Cabinet then, for a further 12 months, and by administrative act, would authorise freedom of information to be implemented on an administrative basis.

So, the programme suggested by the working party, which is accepted and has been approved in principle by the Government, is three months for an implementation unit to be established, a further 12 months of what would be called the administrative phase but during which time (I emphasise to the honourable member) freedom of information would be in operation, and at the conclusion of that period legislation would be introduced. The working party made that recommendation to enable freedom of information to operate within the State Government sector in South Australia for 12 months to see how it went, to see what sort of bugs might be in the system, and to accommodate any problems in legislation when it was introduced. Therefore, what I said in the statement was that, during 1985, freedom of information proposals will be in place in South Australia in the State Government sector.

The only difficulty that has existed is in programming it in terms of the State Budget. It will require some additional resources for an implementation unit, particularly in the Health and Community Welfare Departments, which have been major targets of requests for information in Victoria. So there will be a need for additional staff and for training of staff during any lead-up to the introduction of freedom of information proposals.

I can assure the honourable member that the Government has approved in principle the recommendations of the working party. An implementation unit will be set up and freedom of information will be operating by Cabinet decree during 1985. The legislation itself will follow that trial period of some 12 months, as recommended by the working party report.

I want it placed on record for the honourable member that that is the procedure. That was the procedure recommended by the working party. The only difficulty has been in terms of the State Budget, in terms of priorities. There has been no specific allocation in this Budget, but I am hopeful that during 1985 some provision can be found through perhaps the Public Service Board or the Attorney-General's Department for an officer to start in effect the implementation phase: that is, getting material together—information for departments—with a view during 1985 to having in operation freedom of information, with the legislation coming into effect which takes into account the experiences of that administrative phase.

LONG SERVICE LEAVE

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question about long service leave.

Leave granted.

The Hon. R.I. LUCAS: Some weeks ago I was contacted by an Adelaide woman who indicated that she had been interviewed by an inspector from the Department of Labour. The inspector commenced an interview with this lady and asked a series of questions about a former employee of hers, a cleaning lady whose employment had been terminated some 12 months previously. The lady thought that the inspector from the Department of Labour was conducting some sort of survey about part-time or casual employment, and answered a series of questions.

At the end of the interview the inspector indicated that this lady should have according to the Long Service Leave Act made a payment in lieu of long service leave to her former employee of roughly $500. It appears that recent decisions of cases before the Industrial Commission have confirmed that long service leave provision must be made for the sort of domestic cleaning arrangements that must be familiar to thousands of South Australian families; that is, that after 10 years employment one must provide 13 weeks paid long service leave and, if one terminates employment after seven years, one must make a pro rata payment to that employee.

The Hon. Anne Levy: As I did.

The Hon. R.I. LUCAS: I am not asking about the honourable member. This provision evidently applies not only to cleaning persons but also to gardeners, babysitters and a whole range of domestic help that would be familiar to many South Australian families. It is clear from the decisions that regular casual work is covered by the Long Service Leave Act. However, the definition of 'regular' is the subject of some argument. There is no doubt that weekly or daily employment, perhaps for only one hour a day, is covered by the Long Service Leave Act according to these decisions, but a statement made by Mr Hedley Bachmann, the Director of the Department of Labour, raises an interesting point when he was quoted in the *News* as saying that a person working one day a month for a limited number of hours might not be eligible for long service leave.

Mr Bachmann clearly indicates that there is a possibility that, if one employs someone for as infrequently as one day a month for a limited number of hours, not only might one not have to pay long service leave but, equally, one might have to pay it. Clearly, there is a doubt in Mr Bachmann's mind as to whether the Long Service Leave Act will cover this situation. If it does cover that situation and that is the definition of 'regular', thousands of pensioners and families who employ gardeners for two or three hours a month to clean their gardens will clearly be covered by the provisions of the Long Service Leave Act. In my view, it opens up a whole new area.

The PRESIDENT: It does not really involve the honourable member's opinion. He has asked leave to explain the question and given most of the answers.

The Hon. R.I. LUCAS: I spoke this week to the employment agency, Australian Aunts, which indicated that generally people are employed per hour and not on a contract basis. It indicated also that some concern is being expressed by potential employers with respect to employment of casual cleaning staff, and the view of most of the employees of Australian Aunts, the cleaners in particular, is that this provision of the Long Service Leave Act is laughable and that they would like to see a change in this law.

The other aspect of the Long Service Leave Act as applying to this which has not been covered is that all employers are required to complete on a regular basis—I will be interested in whether the Hon. Ms Levy has been doing this—this form under the Long Service Leave Act. If the Hon. Ms Levy or other employers have not been completing this form on a regular basis, they are liable to a maximum penalty of $100 if the Department of Labour inspector comes and inspects their long service leave forms. My questions are:

1. Will the Minister indicate what instructions the Department of Labour inspectors have in regard to policing the Act as it applies to this situation?

2. Is the Minister prepared to amend the Act or regulations to either exempt the domestic home from the Long Service Leave Act or exempt perhaps all regular casual employment under some minimum period of, say, five hours or in some other way to ensure that domestic cleaning arrangements such as I have outlined are not subject to the provisions of this Act?

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

SCHOOL CHAPLAINS

The Hon. ANNE LEVY: I seek leave to make a short statement before asking the Minister of Agriculture, representing the Minister of Education, a question about chaplains in schools.

Leave granted.

The Hon. ANNE LEVY: A report appeared in the *Advertiser* some time ago apparently regarding the possibility of appointing, on a pilot basis, chaplains to a small number of South Australian Government schools. I have received numerous objections to this idea from constituents who claim that if this practice is started many groups will then claim similar favours. They mentioned Buddhists and people of the Islamic faith, scientologists and other fringe cults that seem to be on the increase. My constituents expressed strongly to me a hope that the separation of church and State can continue so that people of differing or no religious beliefs can continue to live in harmony in our pluralist society.

Can the Minister indicate whether or not this idea has been proceeded with and, if it has, in which schools and how often the visits occur in each of them? Also, will he say what religions are represented on the Chaplaincy Board mentioned in the original suggestion, or whether the Department has thought better of the idea because of views such as those that I have outlined and not proceeded with the scheme, which I understand was first mentioned in the *Advertiser* of 9 April?

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

MATTERS *SUB JUDICE*

The PRESIDENT: Before calling for another question, I would like to comment on the Attorney-General's indication about what should be done with regard to *sub judice* matters. I merely say that there is no list of court proceedings before us so that it is very difficult to know what matters are *sub judice*. Where a member thinks that a matter being brought before this Council could be prejudicial to any matter before the court, that member should rise on a point of order and bring that matter to the notice of the Chair.

The Hon. J.R. CORNWALL: Would it not be reasonable to expect front bench members of the Opposition, particularly those who are lawyers, to acquaint themselves with those details before they reveal matters to the Council, and is it not improper for them to do so in the circumstances?

The PRESIDENT: I am not going to get into any argument in relation to this matter. I merely make the statement that

I think that this is the way in which the situation should be handled.

PRISON DISCIPLINE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Correctional Services a question about prison discipline.

Leave granted.

The Hon. K.T. GRIFFIN: On two occasions in July a prisoner climbed on to the roof of Adelaide Gaol in what was reported to be a protest because there was no running water in cells, toilet facilities were unhygienic and he was unhappy with medical facilities. The newspaper report, which I recollect was in the *Advertiser*, quotes the Minister as saying that this prisoner had lost 21 days for his last protest. The *Advertiser* report on 19 July also indicated that this was the fourth protest by a prisoner in about six weeks. Then, on 25 July the *News* reported that a Yatala prisoner had refused to appear in the Adelaide Magistrates Court.

I find the concept of prisoners' protests in this context somewhat disturbing, and the public deserves to know how frequently this occurs, what action the Government takes when it does occur and what penalties are imposed for this sort of disobedience. I have four questions, as follows:

1. On how many occasions in the past 12 months have there been acts of disobedience of prison authorities at Adelaide and Yatala gaols?

2. What actions do the Government and its officers take to bring that disobedience to an end?

3. What penalties have been imposed in relation to each act of disobedience in the past 12 months (and that extends to the refusal to grant remission for so-called 'good behaviour')?

4. Has the Ombudsman become involved in any of the acts of disobedience and with what result?

The Hon. FRANK BLEVINS: I do not know how many acts of disobedience have occurred in the two gaols over the past 12 months. I will endeavour to find that out for the Hon. Mr Griffin. I suggest that he does not hold his breath while he is waiting because it will be a tremendous job to collate this kind of information. I assume that he means acts of disobedience that have resulted in a charge of some nature.

The Hon. K.T. Griffin: In the context of disobedience in relation to protests and that sort of thing.

The Hon. FRANK BLEVINS: I will be as specific as I can about the protest on the roof. I am not sure how many there have been in the past 12 months, but I can find that out relatively easily for the honourable member. The reality is that any prisoner, except those in a very secure part of the gaol for a particular reason (and they would be very few), can climb on to the roof of Adelaide Gaol pretty well any time he likes. The gaol was built in the 1840s and it would cost hundreds of thousands of dollars at least to make it impossible for people to climb on to the roof of Adelaide Gaol.

I am certainly not prepared to spend anywhere near that kind of money because, quite frankly, it was fashionable for two or three weeks for prisoners to protest in that manner, and I am quite sure that no prisoner ever got anything positive out of protesting. It is a minor inconvenience, the prisoner is charged before the visiting justice and, as the Hon. Mr Griffin reminded me, I think the last one to do this got 21 days loss of remission. It seems to me to be a particularly unrewarding occupation for any prisoner to attempt.

I suppose, theoretically, we could stop this happening by spending an awful lot of taxpayers' money, maybe as much as $1 million or more, but, given that we are going to walk away from Adelaide Gaol towards the end of 1986, I see no point at all in spending other than a minimal amount of money in an attempt to prevent prisoners climbing on to the roof.

Regarding the Ombudsman, we always get him or one of his officials in. We contact the Ombudsman, as we do not want any aspersions cast on our behaviour. We wait until the prisoner gets tired and do not attempt to remove him from the roof as that could be dangerous for my correctional services officers, and I certainly will not have that. The prisoner is doing nobody any harm by sitting up on the roof getting cold. I certainly do not want anybody hurt, particularly my staff, or the prisoner.

In the case that the Hon. Mr Griffin mentioned, the prisoner was complaining about lack of medical treatment. I think that the Hon. Mr Griffin would have read the Ombudsman's Report in the paper in relation to this matter in which he said that the medical treatment that the prisoner was given was exemplary and, in fact, it was possibly better than any treatment that he would have got outside. While we certainly do not encourage sit-ins on the roof, it has appeared to be flavour of the month for a while. However, without spending hundreds of thousands, or a million or so, dollars (which I am certainly not prepared to spend), I do not know that there is a great deal we can do about the matter. Nor do I see that a great deal of harm is done other than to the prisoner, who loses remission of sentence for such actions.

The PRESIDENT: The time for questions has expired.

PERSONAL EXPLANATION: VICTOR KUZNIK

The Hon. FRANK BLEVINS (Minister of Agriculture): I seek leave to make a personal explanation.

Leave granted.

The Hon. FRANK BLEVINS: In case anyone is interested in the rather boring exchange between the Hon. Mr. Griffin and me earlier in Question Time, where the Hon. Mr Griffin was implying that I did not state yesterday that the Minister was responsible for the transfer of Kuznik to Cadell—

The Hon. K.T. Griffin: You did not say that.

The Hon. FRANK BLEVINS: To clear the matter up once and for all, and also because I am delighted to prove to myself that my memory is not going, yesterday's *Hansard* states:

> **The Hon. K.T. GRIFFIN:** I wish to ask a supplementary question. If, as the Minister says, the Government has an overriding discretion in respect of the prisoner assessment and security ratings instruction, what are the criteria that the Government follows when it exercises the overriding discretion to which the Minister has referred?

So, it is already in the question, and is an acknowledgement I have said that the Minister is responsible. I will not go through my whole answer but, in part, the last paragraph reads:

> In the last analysis the Minister is responsible for the administration of the Act and in sensitive cases like this [the Kuznik case] the Minister, obviously, would have the last say in discussions with his permanent head and anyone else . . .

The Hon. K.T. Griffin: I read that into *Hansard.*

The Hon. FRANK BLEVINS: I do not think that I could have made it any clearer that the Minister is responsible. In a case like this, obviously, the Minister is responsible, and he would have had discussions with the permanent head, made the decision and accepted that responsibility. I said that several times yesterday, but the Hon. Mr Griffin seems to see some—

The Hon. K.T. Griffin interjecting:

The Hon. FRANK BLEVINS: The honourable member had a 'Yes' yesterday. He seems to think that I am trying to hedge on this—not at all. I stated explicitly on numerous occasions yesterday and again today that it is a normal practice of the Government.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 8 August. Page 102.)

The Hon. R.C. DeGARIS: Yesterday, before seeking leave to conclude my remarks, I had dealt with clauses in the Governor's opening address to Parliament dealing with the recovery of our regional economy and the Government's proposals for constitutional changes. I hope that all members of this Council paid attention to the points I made on the Government's proposals, because the four proposals, when examined in total, have two effects. First, they will entrench the growth of Executive power and, secondly, will reduce the powers and functions of this Council.

I know that, if the Government proceeds to the introduction of these measures, more detailed debate will be required but, in the meantime, I hope that members will closely examine the points I made on these four proposals. I repeat that in South Australia since 1901 there have been 28 elections up to the 1982 election; that is an election almost every three years—not a case to claim that in that period elections were too frequent in this State.

Clearly, there was one extra election in the 1970s over the expected four, but one extra election in almost a century is not a case for fixed terms. One must then look to other reasons for the Government's proposals. We must accept the plain fact that fixed term Parliaments will not prevent the Government from engineering an early election, if it so desires. Bearing that in mind one must, once again, look to the reasons for these proposals.

I do not wish to restate my case after having dealt with it yesterday, but will repeat that the Government's claim that the proposals will 'allow for a full expression of the will of the people', when it proposes to reduce the powers of this House and increase the entrenched power of the House of Assembly, cannot stand up to any examination when one considers that the full expression of the will of the people is better expressed in this House than in the single member electorates of the House of Assembly.

Any such changes to the Constitution Act that the Government proposes will need the approval by referendum of the people of this State. I hope that members do not shirk the debate on the grounds only that the electorate should decide. The electorate should only be the House of Review, if one likes to put it that way, following a clear and free view expressed by this House. The fact that on such fundamental constitutional changes a referendum is required raises another interesting historical point. I do not wish to explore that particular issue at this stage—enough has been said of hypocrisy in this debate so far.

One of the most publicised topics over the past few weeks has been *in vitro* fertilisation and, particularly, the new techniques in the use of the frozen embryo. It would not be possible in this speech to cover all the points that must be the concern of the Legislature, but I intend to draw the attention of the Council to this intriguing advance in modern technology.

In previous debates I have said that existing laws in the medico-legal area have been lagging. It is necessary that considerable thought be given to this area. What we have heard so far is just the beginning of this new technological development. In *in vitro* fertilisation programmes more eggs are fertilised than required. The first question is, 'what may legitimately be done with embryos in excess of need?'

This immediately raises the further question of the legal definition of the beginning of life. Parliament has already dealt with a modern legal definition of death. I can well remember the passage of the Natural Death Bill in this Council, introduced originally by the Hon. Frank Blevins which, by amendment to that Bill, included a modern definition of death. That Bill was defeated in the House of Assembly. The definition was reintroduced by the present Minister, together with legislative changes to the law related to human tissue transplants.

While there was some difficulty in reaching a modern definition of the end of life there will be much greater difficulty in reaching a modern definition of the beginning of life. But, it is clear to me that such a legal definition is necessary. There will always be doubts whether or not it is possible to define accurately the point in time when life begins or ends, but it is important that such a legal definition is achieved. Without it, we face serious difficulties.

While the definition of the end of life is relatively easy, it is much more difficult to define the beginning. There are those who claim that the beginning of life is the moment of fertilisation. Others argue that life does not exist until the separation from the mother's womb—when the first breath is taken. In between those two views, there are other points of time that are argued for the beginning of life.

The Professor of Medical Law and Ethics at Kings College, London, when dealing with the question of consciousness and sentience, and the first appearance of these faculties, said that it could be argued that after the relevant developmental stage was reached after 25 plus days of embryonic life the entity can be called human. The NHMRC Report on 'Ethics in medical research involving the human foetus and human foetal tissue' in paragraph 2.14 said:

> For practical purposes it is necessary to state criteria whereby the capacity to survive may be recognised. The main concern must be to ensure that efforts to promote survival are not withheld unwittingly from a newborn that might have the potential to survive. The criteria must be such as to ensure that there can be a possibility that a separated viable foetus can be categorised as previable. The operative definition for research purposes should therefore define previability rather than viability. Accordingly the criteria for defining the separated foetus should be defined as previable when under 20 weeks gestation, and weighing less than 400 grams.

Paragraph 2.15 states:

> With advances in medical knowledge, and the application of new techniques, the survival of a separated foetus is becoming possible at progressively earlier stages of gestation. This trend is likely to continue, so criteria for defining previability must be kept under review.

Having decided upon a modern definition of death (which in reality is a definition of the factors which, if lost, mean that life does not exist), should we use those definitions to determine the legal definition of the beginning of life? There would be an element of symmetry to use the first appearance of these faculties as the point of beginning for the human condition. The point at which an entity begins its human condition also raises the question of its claim to protection.

Once an entity has developed faculties as the beginning of the condition of humanness it must have some claim to protection, but not necessarily an absolute claim. There have been some accepted categories for the foetus in biological terms, although there are variations in the British, American and Australian categories. In broad terms the three categories are:

1. Viability—having a capacity to survive and reach the point of sustaining independent life.

2. Pre-viability—showing signs of life but not having capacity to survive after separation.
3. Dead.

While this is a broad definition from the ethical aspects of obtaining tissue from separated foetus, modern technology is changing and will continue to change the boundaries of these categories, as has been stated in the NHMRC report I have quoted. However, for practical purposes, as far as the law is concerned, it is necessary to state the criteria where the capacity to survive begins.

If such a notion of humanness is used, would it be licit to conduct experiments, once the embryo has reached any stage? Or, shall I put it this way: is there a point where there is a partial acceptance of the quality of humanness? It is interesting to point out that the Australian Law Reform Commission in its report on human tissue transplants chose not to report on the use of foetal tissue, thinking that the use of foetal tissue raised substantial questions involving public policy, moral and religious attitudes and legal problems. Human foetal tissue is not only a satisfactory source of human tissue for transplantation, but is more than useful in the treatment of human illness and disease.

There is also an important use of human foetal tissue in non-clinical use. As far as I know there is no complete record of the use of foetal tissue in Australia. But it is used in the fields of study and research in virology, cancer, immunology, to mention a few of those well known categories. The question of research raises a most difficult area, but I do not believe as legislators we can ignore the question. Will we see the test tube production of the human embryo for research purposes only? Is it happening now?

I have only touched ever so briefly on this important matter. Whatever our moral or religious views are on this question, the law must be the necessary mechanism for regulation and, clearly, for respect, the law cannot stray too far from society's view. The questions of the beginning of life, the beginning of that capacity of humanness, the protection of the embryo, when and to what degree of protection is provided, the use of foetal tissue for transplantation, and production of medical needs, research on the embryo, how it should be controlled, all need to be examined and addressed by the Legislature.

While I have the highest regard for the ethics of the medical profession, the law must be the appropriate regulatory mechanism. In such issues as this, I do not believe that the question should be left only to political Parties in a confrontational situation to determine the directions that should or should not be taken, and the recommendations to Parliament should come from joint Party committees after concentrated investigation. It would be beneficial for the Parliament that such a committee on reform of the law, particularly on such questions as this one, should be charged with such responsibility.

The question of test tube embryos is but one of the problems in this new technological advance that needs careful consideration. A Bill was introduced yesterday by the Attorney-General dealing with the question of surrogacy, but I have not yet looked at it.

The Hon. Anne Levy: It does not deal with surrogacy.

The Hon. R.C. DeGARIS: I am sorry, I read the paper headline this morning and took that to be the case. The question I raise here is that the fundamental moral and legal questions must also be addressed in relation to surrogacy or, as some writers on the matter have called it, 'womb leasing'. Even this term may no longer apply because surrogacy could develop without the need of a womb. One of the fundamental moral questions that cannot be discounted is whether the procedure could harm the interests of the future child, rather than whether it satisfies the wishes of a couple to have a child. Secondly, will the use of surrogacy be limited only to situations where a woman cannot bear her own child? Or, will we see the use of the surrogate by some women who do not wish, for many reasons, to go through a pregnancy?

The Hon. Anne Levy: Because they cannot get paid maternity leave.

The Hon. R.C. DeGARIS: That raises an interesting question which the honourable member migh like to add to later. The whole question remains on this matter that there is a need for the Legislature to look at this whole question of surrogacy if we are going to see the law have some influence in what does occur.

As legislators we cannot ignore these issues. They need to be addressed with some urgency. I will be looking at the Attorney-General's Bill now before the Council. I understand very clearly that in this area the Legislature needs to look at these issues very carefully. The only mechanism that should control this is Parliament and the laws that it passes. I support the motion.

The Hon. PETER DUNN: I rise to support the motion. In so doing I offer my condolences to the families of Harold Wellbourn King, Harold Howard O'Neill, Ernest Claude Allen, and Charles John Wells. I knew none of these men, but I am sure that they left an impact on this Parliament and its deliberations.

On reading the Governor's Speech I am struck by the quantity of legislation that the Government wishes to introduce or amend. It appears as though we are to spend a great deal of time amending present legislation or introducing new material that fundamentally allows the bureaucracy to peep over the shoulder of every person diligently going about his or her work in this State. We appear to be putting more and more imposts on businesses, whether large or small, so that they are becoming less and less viable and are unable to employ those people who should be able to earn a living and contribute to the economy of this State and nation.

We are to consider a Bill to amend the present Industrial Safety, Health and Welfare Act. It will I am sure impose greater burdens on industry by allowing abuse of the fairly generous conditions most workers have now. Speak to managers or foremen and see whether they are not plagued with absenteeism. Many doctors will openly admit that they are being pressured by patients to give extra sick leave so that a full salary can be maintained. Just recently I had a conversation with a doctor in Whyalla who said that a patient had come to him with an eye irritation which he, the doctor, had treated and had then asked the patient to return for a final check-up two days later. The patient, after being examined and released, had asked the doctor for sick leave for a further two days and for the day before he had come to the surgery with the eye irritation. Quite obviously, the man had not been at his normal place of employment and had injured himself doing some other task.

This is blatant misuse of the system and it appears we will be debating legislation that will first impose greater burdens on the employer for the provision of greater safety measures, many of which are of dubious effect. Here I recall the regulation which requires elaborate guards to be placed on reaping machines, some as old as 20 years, if the machine is to be operated by other than the owner. Their provision and fitting has led to other than cost problems. One machine in particular when fitted with such guards would catch alight and was known to start fires on a regular basis when fitted with the required guards. Finally, the provision of very generous workers compensation along with long service leave and holiday pay loading (this last one being unheard of in the U.S.A. and most other nations) have all taken a toll on the ability of employers to use more staff in their operations.

I note that the Constitution Act is to be taken off the shelf and given a new look. We have just heard a long exposition of this Act by the Hon. Ren DeGaris, much of which appears to be sense and wisdom. Its introduction will certainly cause great interest to the public and I hope they have the opportunity to express their point of view over a reasonable time span. The Government has made great play of the so-called significant achievements and advances it has made to the Aboriginal community, but I can observe few of them. There still appears to be great boredom permeating these communities which leads to such practices as petrol sniffing and vandalism. Boredom is brought about by the fact that Aborigines have dramatically changed their lifestyle with much of the food being provided from the freezer vans and aeroplanes. In half an hour an Aboriginal family can be fed leaving the rest of the day for leisure or other activities.

Compare this with the Aboriginal population hunting and gathering food: a task which occupied most of their daylight hours. These long periods of boredom which I have mentioned lead to such activities as petrol sniffing—a problem I highlighted in this Council more than 12 months ago. It is of interest to note that following a report from Mr Gary Foley, Chairman, Aboriginal Health Advisory Committee, the Government is now going to implement a programme of education and corrective measure. The alcohol problem at Yalata is surely partly due to long periods of time with little to occupy their minds and bodies. Fundamental changes in lifestyle, and occupational adjustment, would in the future correct many of the problems that I have mentioned.

Many of the reserves now have large tracts of land which, if stocked with cattle or sheep, could benefit the communities by offering work to run these enterprises as well as providing meat and other food. While visiting the reserves in the north-west I noted very little Government involvement in these activities. In fact, on inquiring why there were very few projects to run farm animals I was informed by an adviser to the Aborigines that the country was not suitable for cattle raising. However, on arriving back in Adelaide I found that the same settlement had sent a few cattle to the Gepps Cross market and topped the sale with the price they received for their stock. Further inquiry revealed that no slaughtering was performed on the settlement and meat was flown in from Granite Downs, a station a short distance from the settlement.

I note with agreement the emphasis the Government has placed on the importance of the rural sector, which is still providing (according to BAE figures) 60 per cent of South Australia's export income. This reliance on one sector of the community to provide that export income that is so vital to our economy highlights the fact that we as a State need to rely heavily on the exchange of goods and services between country and city. However, during the last session of this Parliament the Labor Government passed several pieces of legislation which had the effect of setting the city against the country. Regulations were passed by this Government which to the country people made them feel as though they were being used and abused in a most high-handed manner. The regulations I refer to were the native vegetation clearance regulations. Seldom has any other thing stirred the country feeling against this Government, and later it became apparent that the city folk were also getting the blame.

We on this side of the Council tried to explain what effect the Government would be creating. In fact, the Government's actions struck at a fundamental principle of land tenure in this State, but it did not impose its regulations on everyone. It was selective in the main. It hurt people who lived far from the city; it hurt people who were working hard; and it hurt people who had few resources. If similar legislation is to be introduced again discriminating against these people, I am sure they will not endeavour to provide so much export and wealth to this State but will in fact look for more assistance in the form of social benefits from the Government of the day.

Many of the outlying areas feel somewhat forgotten when it comes to fundamental provisions such as roads, power and communications (considered a right by city folk). They do have a case to complain in my opinion; for instance, there are areas in this State which pay 10 per cent more for their electricity than any other consumer connected to the Statewide grid. Most of these people are serviced with a dirt road which imposes enormous cost burdens for vehicle replacement and repairs, freight cost, as well as the lower safety factors. They become cynical when they see people able to travel on buses which are free (Beeline) and then cost them as taxpayers $88 million dollars in losses.

The Hon. Anne Levy: Do you think it should be user pays for electricity?

The Hon. PETER DUNN: I think they do now and, in fact, pay more.

The Hon. Anne Levy: People who pay only 10 per cent more are heavily subsidised by the rest of us.

The Hon. PETER DUNN: We may address that situation in the future. Perhaps the Hon. Ms Levy feels that she is subsidising those people.

The Hon. Anne Levy: Most certainly. They are not paying the cost of their electricity. It is a Government decision that they pay no more than 10 per cent above city rates. There is heavy subsidy. If the 'user pays' principle was applied, they would be paying a lot more than 10 per cent more than city people.

The Hon. PETER DUNN: I wonder whether the honourable member has finished; if she has, I will address that matter at a later date, because I do not wish to start a debate with her now. The Hon. Martin Cameron highlighted a new charge which has been imposed on country people who live long distances from this city; that is, they have to pay $10 to have mail delivered but once a week. This imposition, I believe, is quite unjustified and I implore this State Labor Government to use all its power to have the Federal Government remove the impost.

The Government has stated that it is making every endeavour to have the replacement submarines for the Royal Australian Navy built here in South Australia, and to that end I can only support it. However, the site for construction appears to be in contention. The Premier has announced that, if South Australia was to win the contract, the construction yard and slipway would necessarily be at Port Adelaide. An article in the *Advertiser* yesterday under the heading 'South Australian team off for submarine talks' stated:

> The Director of the Department of State Development, Mr K. Smith, and the South Australian Submarine Project Task Force Director, Mr J. Duncan, will leave Adelaide today and visit a large United States submarine-building facility in Newport, Virginia, before meeting European designers in Sweden, West Germany, Holland, France and the United Kingdom.
>
> Several Government, Chamber of Commerce and industry representatives have already made trips to convince European manufacturers that Port Adelaide is the best Australian location for the manufacture of submarines.

The $30 million facility proposed for Adelaide, I suggest, is already substantially *in situ* at Whyalla. The previous shipbuilders, BHP, which by the way produced, according to naval architects to whom I have spoken, a very high standard of product, has left in the area much of the manufacturing facility that was used when shipbuilding was at its height there.

There are still cranes, with the ability to lift 150 tonnes, in working order, workshops for manufacture and fitting,

and plate and bar shops for moulding, bending and shaping plate. As well, there are still within the city heavy construction firms to which subletting and contracting had previously been let and which still have much expertise in heavy metal construction. They remained in Whyalla after the closure of the BHP shipbuilding works, constructing and manufacturing heavy industry articles for Australian National, Santos and ETSA to name but a few.

There are many other physical advantages that Whyalla must surely offer, such as on-site steel manufacturing, rolling mills, a slipway, and a fitting-out wharf, again to name but a few. Most importantly, there are still people in the city of Whyalla with shipbuilding skills who are either employed in another job or are unemployed and who could be quickly engaged should the submarine project become a reality.

Whyalla has a very high rate of unemployment and, according to city councillor Hill, the rate presently is 24 per cent. Surely the present Government would do well to lower that figure by encouraging an industry back to a city which once boasted that shipbuilding was its biggest employer. South Australia is well served in the electronics industry, and to prove that I will quote from the *Sunday Mail* of 15 January 1984. In relation to the proposed submarine base at Port Adelaide, it was stated:

> The Minister for Defence Support, Mr Howe, who toured the proposed site last week, said South Australia had considerable advantages over other States as the base for the new submarine building project. He said South Australia had a clear advantage in electronics, because South Australian electronics firms already had participated in defence projects including the development of the Winnin anti-ship missile decoy system, the Jindivik target missile and the Mulloka sonar system.
>
> Tender requirements stipulate at least 60 per cent of the submarine components are to be Australian-made. Because of this, a new industry has to start from a 'green fields' level. It cannot be just a depot to provide the finishing touches on vessels made overseas.

Indeed, why not let Whyalla build the hull and have it fitted out with engines, armaments and electronics brought in from Adelaide or elsewhere as with the ships previously built in Whyalla? The Minister of Agriculture would, I am sure, have a very strong feeling for Whyalla and its further development, and would like to see it prosper again, with lower unemployment levels. If this Government is truly committed to decentralisation it will surely allow Whyalla to put its case for part of the action of this billion dollar project of building submarines for the naval defence forces.

While our minds are still focused on Whyalla I wish to highlight an anomaly which has occurred within the city corporation that could put at risk the attraction of industry to this State in the future. The local government body of Whyalla is endeavouring to rate the Santos Corporation at Stony Point at such a high rate that the ultimate result will be that other industry will shy away from this State. At present a faction within the Whyalla City Council is endeavouring to rate Santos at 29.6 cents in the dollar, with a site value of $450 000.

The Hon. R.J. Ritson: That is pretty good income.

The Hon. PETER DUNN: It is not bad, but there is more to come. Might I add that, prior to Santo's purchasing the parcel of land 30 km from Whyalla, its value would have been very small indeed as it was part of Kultana Station, an area which receives not more than 250 mm of rain a year and, being coastal, was only used for the light grazing of sheep. Whyalla council has seen fit to strike a rate of 29.6 cents in the dollar, knowing full well that the highest industrial rate in the city itself is only 6.14 cents in the dollar.

The question obviously is—why should a site 30 km from the city on a poor coastal plain be so highly rated? The answer appears to be an expectation created by the member for Whyalla, Mr Max Brown, in another place. He, during the indenture debate, and subsequently reported in the *Whyalla News*, stated that the area should be rated similarly to Port Stanvac. During that debate (page 2167 of *Hansard*, 1 December 1981) the honourable member stated:

> I also point out to the Minister that the area designated to the project will, I believe, come under rateable requirements to the Whyalla City Council. It does not say this in the indenture, but I believe that ultimately, if not now, that land will become a rateable proposition as far as the Whyalla City Council is concerned. Certainly no comparison should be given to the rates payable by Santos with those which are not payable under the B.H.P. indenture Act. Under the B.H.P. indenture Act, which was enacted by the Minister's Party [the Tonkin Government] and which provides no rateable assessment at all, for many years right up until now an *ex gratia* payment has simply been made . . . As I was saying, we want to know from the Minister exactly what is envisaged concerning this area. Similarly, in respect of safeguards for the Engineering and Water Supply Department and the Electricity Trust, we wish to know what provisions are contemplated in regard to Santos paying what I would term a subsidised rate for electricity and water. I understand, for example, that under a measure implemented by the Labor Government the Port Stanvac oil refinery pays rates amounting to about $230 000 to local government.

Obviously, the member for Whyalla was trying to bleed Santos for as much as he could get for the city council. He even repeated his demands on 8 December 1981 when replying to the Select Committee findings dealing with this area of Stony Point. I quote again from page 2452 of the House of Assembly *Hansard*:

> The ratable provisions in the indenture demand some comment. The indenture provides for a local government rate that will not place Santos at a disadvantage—

note that—

> to other industries in Whyalla, and that has been spelt out quite clearly in the indenture. I could be wrong, but I suspect that the Government has done a deal with Santos. It may be that the Whyalla city council is involved in some way, the deal being that a demand for a yearly local government rate similar to that payable by the Port Stanvac company to the Port Noarlunga council (some $250 000 a year) would not occur.

As he repeated that demand for $250 000, all these demands may have been justifiable had the Whyalla City Council been asked to supply the normal council obligations of rates, kerbing, footpaths, drainage, street sweeping, garbage collection, etc., but the council provides none of these. Santos has provided a 20 km sealed road, water supply, electricity, toilets and all other facilities and, because of some disruption to several shacks and sites in the area, it has developed a bay further to the north where the public may enjoy the beach.

So there is very little justification for having a rate of nearly five times that of the highest rate in the city. Furthermore, this rate has been struck in spite of a section of the Stony Point Liquid Petroleum Ratification Act which says that the company shall not be discriminated against or disadvantaged when compared with other enterprises in the State. I quote from that Act. Section 5 (2)*(c)* reads:

> The provisions of the laws of the State under which any royalty, rate, tax or impost may be levied or imposed (whether by a party to the indenture or not) shall be construed subject to clause 29 of the indenture and to the extent of any inconsistency between the provisions of those laws and of the indenture, the provisions of the indenture shall prevail:

Thus the State Government has an obligation to see that this company, Santos, is not disadvantaged and should immediately ask the Whyalla City Council to strike a more reasonable rate. I again quote what Part VII of this indenture says:

> . . . this indenture shall not be subject to any rate, tax or impost which discriminates adversely between the Producers and other industrial or commercial enterprises in the State. A tax whether of general application or limited application shall be deemed to discriminate adversely against the Producers if it impinges unfairly on the Producers.

So it is clear that this Government has the power to stop that discrimination which now takes place. But even worse is to come if we look further into the situation. How this bizarre rate was struck is quite a saga. It was first discussed in the Whyalla City Council 12 months ago and was discussed over three to four months, during which time the first proposal was for a rate of a dollar in the dollar; that is, for an income of $450 000. That gives honourable members some idea of the mental approach of a section of the city council, which I have no doubt was influenced greatly by the member for Whyalla after his public statements.

The Town Clerk suggested a rate of 10 cents in the dollar, as that was 40 per cent higher than the then highest rate of 6.14 cents and accounted for the fact that there was a potential hazard where liquid gas and petroleum products were being trans-shipped. At about this stage, Santos had offered a rate of 9.21 cents in the dollar—that is 51 per cent above the highest industrial rate—and it offered to pay it retrospectively to October 1981. This amounts to $41 440 each year. In 1983-84 a non-repayable grant of $18 555 was also given to the council, but the city council could still not reach agreement on any rate.

Finally, 29.6 cents in the dollar was agreed to, and at this stage Santos is waiting for some action from this Government which, I believe, has the power to reduce the rate to an acceptable level. It is of interest to note that the member for Whyalla is reported to have reduced his demands to 15 cents in the dollar for the rating of Santos; so there is very little consistency in his attack.

This action by a section of the Whyalla City Council must put at risk the attraction that this State and particularly Whyalla has for further industrial development. It is a serious abuse of local government power and it is ironic that the big employer in Whyalla, BHP, is not rated but pays an *ex gratia* payment to local government. It was thought so important when BHP was being established in Whyalla that it was decided that rates would not be struck so as to encourage industry and employment. That is not the case today. It is with pleasure that I second the motion.

The Hon. C.W. CREEDON secured the adjournment of the debate.

ADJOURNMENT

At 4.12 p.m. the Council adjourned until Tuesday 14 August at 2.15 p.m.