LEGISLATIVE COUNCIL

Tuesday 12 August 1986

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The PRESIDENT: I have received a memorandum from His Excellency the Governor with a copy of amendments to Standing Orders of the Legislative Council, adopted by the Legislative Council on 31 July 1986 and approved by him in Executive Council on 7 August 1986. I ask the Clerk to read the prayers.

The Clerk (Mr C.H. Mertin) read prayers.

LIBRARIAN'S REPORT

The ACTING PRESIDENT (Hon. G.L. Bruce) laid on the table the annual report of the Parliamentary Librarian for 1985-86.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Consumer Credit Act 1972—Regulations—Annual Reports.

By the Minister of Health (Hon J.R. Cornwall)—

Pursuant to Statute—

Pastoral Act 1936—Schedule of Pastoral Improvements.

South Australian Health Commission Act 1976—Regulations—Prescribed Health Centres.

South Australian Meat Corporation—Triennial Review.

QUESTIONS

HEALTH COMMISSION

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Health a question about the Taeuber report.

Leave granted.

The Hon. M.B. CAMERON: The South Australian Health Commission is overstaffed, with a total at 30 June 1985 of 296 people in the central office. This was an increase from 284 the previous year and contributed to the total cost of operating the commission and its central office in 1984-85 of $13.2 million. This represented, according to the Auditor-General, $45 000 for each staff member.

The Minister has indicated there will be a reduction of the number of people in the central office of the Health Commission, and not before time. Since then, there has been at least one new appointment, Director of Country Psychiatric Services. I am yet to find out what country psychiatric services there are to justify the appointment and the $60 000-odd a year that goes with it. But that is a side issue.

The Auditor-General last year indicated some severe criticism of certain areas of the Health Commission. At page 14 of his report for the year ended 30 June 1985, he made the following statements:

> Having regard to all of those factors I believe there is a need for an independent and detailed role and function study to be made of the operations of the central office of the commission, including the computing systems division. That study to establish:
>
> the nature of the interface now required between the health units and associated services; and the Government and its central agencies;
>
> the organisational structure and the size of that interface.
>
> A study of that kind could improve efficiency and lead to resource savings.

Members will recall that the Minister's response indicated that he believed that the Auditor-General had got his sums wrong, a somewhat surprising statement from the Minister about the Auditor-General. After this initial response, he finally decided to set up an inquiry shared by Mr Ken Taeuber. My questions to the Minister are as follows: Has the Taeuber report been completed, or have interim reports been given to the Minister on any area of the operations of the Health Commission or public hospitals? If so, will he table those reports?

The Hon. J.R. CORNWALL: The matter raised by Mr Cameron has been one of public record for a substantial time. It has been on recycle about three times. Referring specifically to the question whether the central office cost is $13.2 million or $11.6 million, I am prepared to go down that track and explain it and re-explain it in the Council to the Hon. Mr Cameron as often as he likes. The simple fact is that the cost of the central office was something less than $12 million—not $13.2 million—but I will not bore the Council by going through the sums yet again.

There is no doubt that, over a number of years, the central office became overstaffed. That was due to a number of factors, one of which was a certain lack of strong management. The other (for which I do not make any apology) was as a result of a very large number of Government initiatives between November 1982 and December 1985. Members will have the opportunity on Thursday, when I make a lengthy and statesman-like contribution to the Address in Reply debate, to see for themselves the dozens of initiatives that have been put in place, some of which, like the Office of the Women's Adviser, for example, have impacted directly on the number of staff in the central office. When I became Minister of Health, there was no Women's Adviser and no Office of the Women's Adviser, but there are now eight people employed in that office. Of course, the bonus of that has been that in this State we have now easily the best women's health services in the country. We have a number of very effective women's health centres and we have a State-wide network of women's health information. That has been a real success story.

Nevertheless, there was evidence that, to some extent, the central office had tended to grow a little like topsy. Because of that, I sought out specifically Mr Ken Taeuber, who was my Director-General when I was for a brief period in 1979 Minister of Lands. In that period it was my good fortune to get to know Mr Taeuber personally.

The Hon. M.B. Cameron: How long—

The Hon. J.R. CORNWALL: Four and a half months. I came to admire his many qualities. He was also, amongst other things, a Commissioner of the Public Service Board of South Australia, so he was ideally suited to perform a review of the central office. At my request, by 30 June 1986 he completed a preliminary review. It was necessary for that report to be completed expeditiously, and I wished to have it in hand by the end of the financial year. That report was very much of an interim nature. I have, of course, already announced publicly the major findings of that report. In fact, the major findings were: that there should be a substantial reduction in the staffing of the central office; that a substantial number of staff should be redeployed into health units; and that some staff should be reduced by attrition—in other words, as people leave to go to other positions or they retire, those people should not be replaced.

So, the necessary actions to implement the recommendations of the interim Taeuber report are already under way. In this 1986-87 financial year we anticipate that there will be savings of between $1.1 and $1.2 million in the central office as a result of those recommendations. It became clear during the initial stages of the Taeuber inquiry that there would be other factors relative particularly to the central office, but also relevant to the review of the metropolitan public hospital service, that would need to be addressed by Mr Taeuber and his committee.

It became very obvious that there was an overlap with the review being conducted by Mr John Uhrig, the former Managing Director of Simpson Pope. It was therefore decided that the final report of the Taeuber inquiry, and the report of the Uhrig inquiry, should be amalgamated. I understand that the timing is such that I should have the final consolidated report, which has become known as the Taeuber/Uhrig report, to hand sometime in September. It is my intention, naturally, that I will take that report to Cabinet after it has been considered formally by the Commissioners of the South Australian Health Commission.

It is my clear intention, as that will be a blueprint for the good management of the Health Commission and the metropolitan public hospital system, that I will make that a public document at the earliest reasonable time. It is not my intention to table the interim report, or to release it publicly at this stage. The recommendations are specific; they are preliminary; they are being acted upon; and I see no real virtue in releasing that document, or making it a public document. However, I wish to make it clear that the final report—the major document, the Taeuber/Uhrig report—the blueprint for the good management of the commission and the metropolitan public hospital system, will be released as a public document at the earliest reasonable time after it has been considered by the commission and Cabinet.

LIBRARIES BOARD ANNUAL REPORT

The Hon. L.H. DAVIS: I seek leave to make a brief statement before asking the Minister of Local Government a question about the Libraries Board annual report.

Leave granted.

The Hon. L.H. DAVIS: The Libraries Board of South Australia annual report for 1984-85 was tabled in this Council by the Minister of Local Government on 31 July 1986. I have heard from three excellent sources that the report ran several months late because the Minister was unhappy with its content; in fact, she demanded at least two redrafts of the report. The 1983-84 annual report was tabled in Parliament in early February 1985.

I am reliably informed that the 1984-85 report was ready for tabling in February 1986. Indeed, the April 1986 edition of the invariably well informed *Adelaide Review* carried a lengthy article on the poor condition of the State Library. The article cites the draft annual report as follows:

> Cancellations are a regular necessity and new subscriptions an impossibility.
>
> The reference collection becomes yearly less able to discharge its responsibility as one of the preservers of the nation's literary heritage and publishing history.
>
> Figures clearly establish South Australia as the worst funded State Library in the country.
>
> In effect the library is able to function credibly as a State Library only with the support of Mortlock money. It is debatable whether that philanthropic family intended to take over the role of virtual provider of the State Reference collection.

I searched the recently tabled report of the Libraries Board in vain for this and other blistering criticism contained in the draft report. It was not there. But on the second page of the preface of the 1984-85 official report there remains some stinging criticism:

> The Reference Library . . . demands urgent attention.
>
> If we are to provide an adequate collection of reference material for the scholars, the researchers and the business, industrial and cultural communities of the State, as well as for seekers of general information, adequate funding is essential.
>
> The board acknowledges with gratitude the increased provision for this purpose made in the last financial year. Nevertheless, a glance at the following table shows how poorly South Australia compares with the other States in this field.

Reference is then made to the State Reference Library material vote for 1984-85 as follows: New South Wales attracted $768 000; Victoria, $521 500; Western Australia, $723 365; Queensland, $590 500; Tasmania, $481 500; and South Australia attracted only $411 000. The report goes on to say:

> It can be seen how far South Australia falls short of all the other States.
>
> The result is very unfavourable to this State, which prides itself on its attention to intellectual and cultural matters, and we would urge as powerfully as we can that its needs be treated as deserving of immediate and urgent attention.

The report concludes:

> Only next in importance to the Reference Library than the question of funding is the question of space. It now occupies 3 560 square metres. An investigation carried out in 1980 showed that by 1985 it would need 4 000 square metres for efficient operation, and experience has confirmed this prediction.

But, sadly, some of the other criticisms from the draft report are missing. The Minister is aware that the Libraries Board is an important statutory authority established under the Libraries Act to formulate policies for the provision of public library services, to establish, maintain and expand library collections and to administer the State Library and the Archives. I have three questions for the Minister, namely:

1. Why did the Minister demand at least two redrafts of the annual report of the Libraries Board?

2. Does she believe that this high-handed and inappropriate behaviour is acceptable from a Minister of the Crown?

3. Does the Minister accept the severe criticism of the Libraries Board with respect to under-funding of library services and, if so, what does she intend to do about it?

The Hon. BARBARA WIESE: It is true that when I received the draft report of the Libraries Board I asked that the preface of the report—not the report itself but the preface to it—be reconsidered by the Libraries Board. At no stage did I demand that the Libraries Board do anything. I do not have the power to demand that the Libraries Board do anything. But, as Minister of Local Government, I think I have a right to communicate with the Libraries Board on a whole range of issues, as I do very regularly. When I received the first draft of the Libraries Board report, it was my view that the preface to the report was not in accordance with Government policy or the policy that had been followed by the Libraries Board itself for at least the past 10 years, and it seemed to me that it was reasonable to ask the Libraries Board to reconsider the preface that had been written, in the light of that information. The Libraries Board was in fact prepared to reconsider the preface to the report, and it did so. The result of that is the preface that is now contained in the Libraries Board report, to which the honourable member has referred. I am still in disagreement with certain sections of that report, but the board has a right to make those statements if that is what it chooses to do.

The points with which I disagree relate to the suggestions that the Government has deliberately neglected the central library services in South Australia and, in particular, the services provided in the Reference Library. The fact is that

the State Government and the Libraries Board itself during the past 10 years have pursued a deliberate policy to place the greater emphasis on library development in the development of community libraries, public libraries, program throughout South Australia. That has been a 10-year program, soon to draw to an end. As a result of that deliberate policy decision that the Libraries Board took 10 years ago, the major bulk of funding that is available to the library has been put into that program as a deliberate policy act on the part of the Libraries Board.

As a result of that, now we have an excellent spread of public libraries throughout this State, which is something of which both the Libraries Board and the South Australian Government can be very proud. This is a policy pursued not only by the Labor Party in government, which began the program 10 years ago, but also by the Liberal Government when it was in power during the three years from 1979 to 1982. As I said, it has enabled people around this State to have access to library services that they would not otherwise have had. That 10-year program is drawing to an end. Because that is happening, last year it was decided that it was time for a review of library services in South Australia in light of that change. A committee was established under the chairpersonship of Jim Crawford, the Chairman of the Public Libraries Board. That committee has been meeting since then, and it had intended to report to me earlier this year, I believe in March.

The Hon. L.H. Davis: You do not agree with its allegations of under-funding—

The Hon. BARBARA WIESE: Just let me finish my reply in my own way. It was due to report to me in March this year. Because of the nature of the inquiry and the large number of submissions it received, it sought an extension from me for the presentation of that report, and I anticipate that I will receive it in the next month or so. I understand that a number of the recommendations that the Libraries Board will make will have some bearing on the services currently being delivered in the central library services. I would certainly consider it to be a very reasonable recommendation if it were to make it to me that, now that our 10-year community libraries program is drawing to a close, it is time to start redirecting services and funding to the central library facilities.

I would make the point that, because we have developed such an excellent network of libraries throughout South Australia, the nature of the services that should and can be delivered at the State Library at North Terrace are likely to be changed considerably because people have access to services in other places and therefore there will be, I imagine (although I have not seen a copy of the draft report as it is not yet completed), a number of recommendations made by the Crawford report which will have some impact on the central library services. Until I receive that report I will not be taking any action specifically to change the library services at the central level, but I believe that the information contained in that central report will be of great interest to all South Australians who have any interest in public libraries.

The Hon. L.H. DAVIS: By way of a supplementary question, in what way was the preface of the Libraries Board report not in accordance with Government policy? Does not the Minister respect the independence of the Libraries Board as an important statutory authority and, that being so, will she table the draft report?

The Hon. BARBARA WIESE: I have the greatest respect for the Libraries Board and for all statutory authorities. I have already indicated where I differed with the members of the Libraries Board with respect to the draft report. In fact, some of the sentiments expressed in that first report are contained in the final report, but they are much more in line with the facts.

Members interjecting:

The Hon. BARBARA WIESE: The point is that we differed with respect to the policy that had been adopted and pursued by the Libraries Board itself and the emphasis which had been placed on funding a public libraries program at the expense of (and that was a deliberate decision of the Libraries Board) the central library services. When I asked the Libraries Board to reconsider this matter it was that matter that I asked it to reconsider, and it did.

RESTRAINING ORDER PROCEDURES

The Hon. K.T. GRIFFIN: I seek leave to make an explanation prior to asking the Attorney-General a question on the subject of possible abuse of restraining order procedures.

Leave granted.

The Hon. K.T. GRIFFIN: A constituent has raised with me what may be a flagrant abuse of the restraining order procedures in section 99 of the Summary Offences Act. My constituent, whose name I can make available to the Attorney, has had a restraining order made against her by a magistrate in what appears to be a bizarre set of circumstances. She is a widow living with her two teenage children in a home which she has purchased. When she called to see me about the problem, she seemed to me to be quite rational and reasonable.

About three years ago, she was in the local supermarket when a neighbour, to whom I will refer as Mrs G, confronted my constituent and alleged that she had dobbed Mrs G in to the Department of Social Security for receiving unemployment benefits at the same time as she was working. The same allegation was made with respect to Mrs G's husband. Mrs G was angry and said that my constituent would pay and would suffer for what she had done. As it turned out, it appears that there was a Department of Social Security investigation which resulted in the removal of unemployment benefits paid to Mr and Mrs G. I might say that my constituent asserts that she did not make any contact with the Department of Social Security.

Since that occasion, Mrs G has been persecuting my constituent. It appears that a restraining order was made by a magistrate on the complaint of a police officer against my constituent without her being present in court or being informed of the complaint. No contact was made by the police with my constituent prior to that complaint being issued and the order being made. That order was not subsequently pursued because, under section 99 of the Summary Offences Act, it cannot be enforced until the defendant has had an opportunity to come before the court and for the order then to be either confirmed or discharged.

The Hon. C.J. Sumner: There's nothing extraordinary about that.

The Hon. K.T. GRIFFIN: There is in the fact that the police issued the complaint and there was no consultation by the police with the defendant named in the complaint prior to this being done. In September 1984, another restraining order was made by the court, but on this occasion my constituent was present with a lawyer. She paid $500 to her lawyer for fees, and that was all that she had. It was her savings which she had been accumulating to pay for children's books, clothing and education expenses. Again, the police did not interview her at all prior to the complaint being issued in the name of a police sergeant. It appears that it was laid merely at the request of Mrs G, and that in

itself seems to be an improper use of police resources and an improper procedure for the police to follow. One would ordinarily have expected a discussion between the police and my constituent to get her side of the story before any proceedings were issued.

On the day of this particular hearing, the neighbour (Mrs G) gave evidence, some of which was false, but my constituent did not give evidence. On the advice given to her by her lawyer, and because time was marching on, she was told, 'There is no harm, really, in being on a bond' and that it would not prejudice anything she wanted to do in the future. On this occasion there were discussions between the lawyer, the prosecutor and the magistrate in chambers, and when they returned to the court, my constituent sought to clarify her position with the prosecutor and her lawyer. The prosecutor told her to shut up. In the event, the order was made but she does not appear to have been given a fair hearing. A year later in October 1985, my constituent went to the front door of the home of Mrs G, not expecting her to be home but with the objective of talking to Mr G to try to have the whole issued resolved.

In the meantime, there had been constant sniping by the neighbour at my constituent. Apparently Mrs G. was home, she opened the door and, to a question asked by my constituent as to whether or not her husband was home, Mrs G. abused my constituent and apparently called the police. My constituent went shopping and when she returned there were two police cars outside her house. Three police officers were invited into her home and talked about the problem—not in an inquisitorial way but in an attempt to assist her. She has no criticism of those police officers. The advice offered by those police officers was that my constituent had been treated quite wrongly and that she should get legal advice from the Legal Services Commission.

That was the first time any police officer had seen her or even heard her side of the story. Legal aid was, in fact, granted by the Legal Services Commission. It had previously been refused on three occasions because, according to my constituent, the Legal Services Commission said that it was not prepared to grant legal aid to try to sort out the matter until the restraint order had been broken.

Apparently, Mr and Mrs G. are not liked by any of their neighbours and are quite troublesome. It seems that my constituent is being persecuted, police resources are being used wrongly and the court process is being abused. She wants to clear her name but does not know where to turn for help, so she asked me to raise the matter. My questions to the Attorney are as follows:

1. Does the Attorney-General agree that in the circumstances I have outlined it is most improper for police officers to issue proceedings for a restraint order without any questioning to obtain the defendant's side of the issue?

2. Will the Attorney-General immediately institute an inquiry to ascertain why my constituent was treated in that way?

3. What remedy can she now seek to redress the wrong which she has been done and to clear her name?

The Hon. C.J. SUMNER: As I am sure the honourable member would know, in most neighbourhood disputes (which this appears to be) there are two sides to the story. It is true that neighbourhood disputes can be particularly intractable.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The honourable member has received information from his constituent and has apparently accepted it without question. If his version of the facts is correct, no doubt the matter can be further examined, but all I am saying is that in disputes of this kind, as the honourable member would well know, there is often a significant dispute about the facts. I am not able to agree with his recitation of the events, as outlined in the Council today: all I can do is refer the matter to the Police Commissioner and bring back a report to the honourable member in due course.

BRITISH NURSES

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Health a question about slave labour claims.

Leave granted.

The Hon. T.G. ROBERTS: The *Advertiser* of Saturday 9 August carried a story under the heading 'Cornwall to check "slave labor" claims'. The article reported that the Minister of Health had asked for full details of contracts signed by British nurses recruited by a Melbourne firm to work in Australian hospitals.

It also explained that the Minister had asked the Director of the Melbourne-based Medical Control Centre Pty Ltd, Mr Bruce Richardson, to submit in writing evidence that he had been misrepresented in Parliament on Wednesday by the Opposition spokesman on health, Mr Martin Cameron.

Can the Minister say whether this report is accurate, whether he has ageed to examine the evidence presented by Mr Richardson and, if so, when he expects to be able to report to the Council on the findings?

The Hon. J.R. CORNWALL: I have seen the *Advertiser* report to which the honourable member has referred, and it appears to be quite accurate. Of course, the original allegations were made by Mr Cameron in the Council on Wednesday last. In his usual shotgun manner, Mr Cameron fired off a series of allegations guaranteed to get him the headlines that he wanted. He painted quite a dreadful picture. Among his more colourful phrases were 'slave labour' and a description of 'disgraceful and unnecessary clauses' in an agreement which he described as 'bizarre'. The agency was accused of 'taking nurses for a ride'.

On Friday morning, I received a telephone call from Mr Bruce Richardson, who is a director and co-owner of the agency that Mr Cameron attacked. It is fair to say that Mr Richardson was extremely angry and determined to seek recourse for what he perceived as a gross injustice. Because he had not seen *Hansard*, I explained to Mr Richardson that, in my response to Mr Cameron, I had pointed out that the contracts in question were signed directly between the agency and the individual nurses and that, on the face of it, it would seem that it was a poor contract, to put it mildly. I also told the Council that, if these contracts would not stand up to scrutiny under the industrial awards and conditions under which nurses worked and, just as importantly, if they would not stand up to the accepted conventions of the International Labor Organisation, I would take whatever steps were necessary to ensure that the situation never occurred again.

I must say that I was amazed to hear from Mr Richardson that one of the reasons he was so irate was that Mr Cameron had made no attempt to check with him or with his agency the accuracy of the charges levelled. I cannot say whether Mr Cameron did or did not give Mr Richardson the opportunity to defend himself before making such serious accusations. Of course, any fair minded person would have extended that opportunity. I invited Mr Cameron to tell the Council and the public if he defamed the agency and Mr Richardson without having the decency to talk to him first.

When he was making allegations, Mr Cameron boasted that he had 'done some checking'. It would be quite unfair—

Members interjecting:

The ACTING PRESIDENT: Order! There is too much audible conversation.

The Hon. J.R. CORNWALL: —if Mr Cameron's checking was so selective that he excluded the man he was planning to bushwack. In his telephone conversation with me, Mr Richardson offered to rebut the Opposition's charges in detail. For example, he pointed out that Mr Cameron had indeed tabled an information sheet given to nurses recruited by the agency. The problem is that Mr Cameron tabled the information sheet relating to conditions of employment in Victoria, not in South Australia. Form N/048 is headed 'Information Sheet' and subheaded 'Nursing Opportunities in Australia'. On the third line appears the word 'location' and next to it is the word 'Melbourne'. The last time I checked, Melbourne was very clearly in Victoria.

Quite obviously, Mr Cameron tabled the wrong document. Either his checking did not include an elementary reading of the material he was given, or he chose to mislead the Council by purporting that the document related to nurses in South Australia. Mr Richardson has compiled a detailed dossier in response to all the allegations made by Mr Cameron. As well as seeking redress from the Opposition, he has asked me to examine the material. It is not my role to arbitrate in disputes between Mr Richardson and the individual nurses who may be dissatisfied with their contracts for one reason or another. However, I am concerned to ensure that the South Australian Health Commission is fully aware of all the facts and that officers have acted in the best interests of employees and patients in our hospital system. I stress that I have no reason to believe that they have done otherwise.

When I receive advice from the commission concerning Mr Cameron's allegations and the response prepared by Mr Richardson, I will further report to the Council. The dossier prepared by Mr Richardson was delivered to my office this morning by Mr Richardson personally, together with a letter to me. It is important for me to read to the Council the contents of that letter.

The Hon. C.M. Hill: How long will it take?

The Hon. J.R. CORNWALL: I will take as long as necessary, because these matters must be put on the record. When I read this letter, it will become even clearer why it has to be put on the record to right the wrong.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. J.R. CORNWALL: The letter is headed: 'Dr J.R. Cornwall. Allegations of slave labour' and states:

Dear Sir,

Many thanks for agreeing to discuss this matter with me on Friday and for your offer to investigate both the untrue allegations of Mr M.B. Cameron and my detailed response to those allegations, which are enclosed.

I apologise for being hot under the collar on Friday but I just could not believe that an elected representative of a political Party that claims to stand for free enterprise and small business would set out to hold my company up to hatred, ridicule and contempt without giving me an opportunity to state our side of the matter.

This company, which is a wholly Australian owned small business, was established in 1969. We operate our own subsidiary in the United Kingdom and have in that time recruited over 600 medical and nursing personnel for short-term employment in this country. A significant number of our recruits have returned for two and three tours of duty; only one can perhaps claim to be exploited because I married her.

I have placed before Mr Cameron evidence that his allegations of exploitation were untrue. He refused to comment. When asked to set the record straight his only comment was, 'That is not my role, that is not how the political process works.' He went on to comment that an action for defamation would not succeed as statements made in the House were protected by privilege.

I am therefore in the position that untrue allegations have been made which, if unanswered, destroy my good name and may well destroy my business. I am denied recourse through the courts by the provisions of parliamentary privilege.

I take this opportunity to thank you for your concern and also members of your personal staff and officers of the South Australian Health Commission.

Yours faithfully,
Bruce Richardson
Director.

If Mr Cameron wants me to, I am prepared to table the letter. It is an extraordinary complaint against a member of the Liberal Party who holds himself out to be Leader of the Opposition. If it is true that Mr Cameron launched his tirade without checking with the agency and that he now refuses to countenance any retraction of his remarks (even if they are proved to be false), he will be condemned by every fair-minded South Australian.

INDUSTRIAL EFFLUENT

The Hon. M.J. ELLIOTT: I seek leave to make a short explanation prior to asking the Minister of Local Government a question about effluent from Adelaide & Wallaroo Fertilizers at Port Lincoln.

Leave granted.

The Hon. M.J. ELLIOTT: The Adelaide & Wallaroo Fertilizers at Port Lincoln had for over 20 years been discharging waste containing 1½ to two tonnes of fluoride per day in to the samphire swamps at Porter Bay. This area is now being developed as a major tourist village with the dredging of a kilometre-long artificial harbour into the contaminated area. The Government has a $12.5 million financial stake in this development.

Fluoride above a few parts per million is toxic to both man and animals—in fact, I believe that we usually do not give water containing above five parts per million to stock—yet the effluent that has been soaking the development area for over 20 years often exceeds 2 000 parts per million and is extremely acid. According to a document entitled 'A Compilation of Australian Water Quality Criteria' from the Australian Water Resources Council, 'Doses of 250 to 450 mg are known to be toxic', that would be about 100 litres of waste.

There is no suggestion that anyone would be silly enough to try to, or could, drink that quantity of waste, but there are the questions of effects on wildlife, and also the effects of 20 years accumulation within the food chain. There is also the very real risk that highly toxic organic fluorides may form. The environmental impact statement prepared for the tourist development made no mention of fluoride in the fertiliser discharge effluent and the extent of the pollution only emerged when the effluent was diverted from Porter Bay to a wetland area on Proper Bay further south.

This wetland is an important bird sanctuary and is included in the Japan/Australia Migratory Birds Agreement. The developers and the Government clearly did not want this highly toxic effluent to be seen discharging into an area that they hoped to promote as a major tourist attraction, an area which is already being visited by prospective buyers. I think that already there has been something like $1 million worth of sales.

The tourist development is also favoured by the Port Lincoln council and will no doubt be a major boost for the town. It is extremely unfortunate that the Minister of Local Government is also the Minister of Tourism, for as the former she could have acted to restrain the council from polluting this environmentally important wetland area at Proper Bay, but, as the latter, she would be keen to play

down the extent of the cumulative pollution at the Porter Bay site and for the continuing effluent to be quietly diverted elsewhere. My questions are as follows:

1. Will the Minister instruct that the effluent be diverted back to where it has been going for over 20 years until suitable effluent treatment is installed at the plant?

2. Will the Minister insist that the plant clean up its effluent?

3. Will the Minister ensure that thorough studies of the extent of fluoride pollution at the Porter Bay tourist development site are carried out and that the results of these studies are made public?

4. Will the Minister ensure that the studies include assessment of the effect on potential residents of this new development?

5. Should the matters in the latter two questions fall more directly under the province of the Minister for Environment and Planning, will the Minister give an undertaking to refer the questions to him and bring back a reply?

The Hon. BARBARA WIESE: This is a matter that has been under consideration by me and other representatives in the State Government for the past couple of weeks since it first came to my attention that waste from the Adelaide & Wallaroo Fertilizers plant at Port Lincoln had been redirected from Porter Bay to Proper Bay. I became aware that the Department of Environment and Planning officers were concerned about the damage that this might cause to a lagoon area in Proper Bay. As soon as this problem came to my attention, I sought information and I also initiated a meeting between various waste control authorities from the Department of Environment and Planning and other people who had some interest in this matter to ascertain whether or not there was a problem with this waste being redirected to Proper Bay.

The advice that we received was that it was possible that lasting damage could occur in the Proper Bay area. For that reason we asked Adelaide & Wallaroo Fertilizers to redirect its waste to the area in Porter Bay into which the waste had been flowing for the past 20 years until we could have further discussions with them and others involved in this matter in order to work out a more satisfactory medium-term and long-term solution to the problem of waste disposal. The company has a very marginal operation in Port Lincoln. I understand that it operates only for some four months of the year and has not been operating for some time. It started up again at the beginning of August and it is intended that the company will work through the course of this month and then go into recess until around October, so it was agreed by the waste control authorities that during the course of this month the waste could continue to be pumped into Porter Bay—into the area into which it has been pumped for the past 20 years—but it will be contained with a dam which is being built there. In the meantime, discussions will be held to determine a satisfactory medium-term and long-term solution.

I am aware of statements that have been made publicly by Dr John Coulter from the Conservation Council of South Australia Incorporated and he has suggested that the levels of waste in the area of Porter Bay may be dangerous to human and animal life.

He says in one part of his statement that it definitely is so and, in another part of it, says that it may well be so. It seems to me that Dr Coulter is not absolutely clear about what he is saying on this issue. However, it certainly raises concerns in my mind and, as a result of that, I have had discussions with my colleague, the Minister for Environment and Planning, who yesterday asked that officers of his department go to Port Lincoln to make soil studies and marine environment studies so that we can be assured that the area of land about which we are talking is safe for human habitation.

Those studies are being undertaken today and we should have a report about this matter very soon. I do hope, however, that Dr Coulter is not being alarmist in the matters that he has raised. However, because it is of sufficient importance, we have initiated the studies that the honourable member asks for and the Minister for Environment and Planning will certainly be informing me as soon as he has the results of those studies; I will then inform the Council, if that is what members would like.

The Hon. M.J. ELLIOTT: Could the Minister give some indication of the time frame we are looking at in relation to discussions and solutions, or is it open-ended?

The Hon. BARBARA WIESE: It is rather difficult to say how long discussions will take; it just depends on what options are available. A number of options have already been identified for medium and long term solutions and it is a matter of choosing the most appropriate one for the conditions with which we have to work. I hope that we will have a solution to this problem in a short period of time, because the matter is a serious one.

BRITISH NURSES

The Hon. M.B. CAMERON: I seek leave to a make a statement before asking the Minister of Health a question about British nurses.

Leave granted.

The Hon. M.B. CAMERON: The Minister may not be aware, but this whole question of British nurses has been investigated by the South Australian Health Commission as a result of complaints that have been made. A letter concerning this particular problem was, in fact, sent to a particular nurse and was then sent to various British nurses. I seek leave to table that letter.

Leave granted.

The Hon. M.B. CAMERON: Paragraph 6 of that letter states:

> As can be seen from the above, my preliminary view is that there will be little satisfaction to anyone in trying to assist the nurses currently in South Australia. The best that can be done is to try to avoid problems in the future. This can be done by either clarifying matters with ALMS or by dealing with a different agency.

ALMS is the organisation that the Minister evidently became fond of. My questions to the Minister are:

1. Has he discussed this matter with people in the Health Commission and in the hospital which is employing these nurses?

2. Is the Minister aware that there was a meeting at the hospital with all the British nurses concerned and the various people associated with the hospital?

3. Did the Minister discuss this matter with the British nurses to establish whether or not they had legitimate complaints before he raised this matter in the Council again?

The Hon. J.R. CORNWALL: If the Hon. Mr Cameron had been in the Council during the time that I gave a fairly comprehensive and somewhat lengthy answer to my colleague, Hon. Mr Roberts, he would not have to ask those questions, because I covered them. However, I will go over them again slowly for his benefit. I can quote directly, in fact, from some of the notes that I made while Mr Roberts was actually on his feet speaking. I can recall my words with great clarity (they answer Mr Cameron's questions completely) as follows:

I must say that I was amazed to hear from Mr Richardson that one of the reasons he was so irate was that Mr Cameron had made no attempt to check with him or with his agency the accuracy of the charges levelled. I cannot say whether Mr Cameron did or did not give Mr Richardson the opportunity to defend himself before making such serious accusations; any fair-minded persons would have.

Mr Cameron has to answer that question: did he, or did he not, check—

Members interjecting:

The ACTING PRESIDENT (Hon. G.L. Bruce): Order!

The Hon. J.R. CORNWALL:—with Mr Richardson before apparently defaming him in this Parliament under privilege? Did he, or did he not? Let him answer. Let him repeat his allegations outside, as Mr Richardson has asked.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. J.R. CORNWALL: The second part—

The ACTING PRESIDENT: Order! This question was asked in reasonable silence and will be answered in reasonable silence. Interjections of a minor nature are acceptable, but this ragbag stuff is not.

The Hon. J.R. CORNWALL: Thank you, Mr Acting President. Mr Cameron wants to know whether I discussed the matter with the British nurses and with the commission. I covered those matters quite clearly when I gave the following in reply to the Hon. Mr Roberts:

Mr Richardson has compiled a detailed dossier in response to all the allegations made by Mr Cameron. As well as seeking redress from the Opposition, he has asked me to examine this material. It is not my role to arbitrate in disputes between Mr Richardson and the individual nurses who may be dissatisfied with their contracts for one reason or another. I am concerned, however, to ensure that the South Australian Health Commission is fully aware of all the facts and that officers have acted in the best interests of emloyees and patients in our hospital system. I stress that I have no reason to believe they have done otherwise. When I receive advice from the Commission concerning Mr Cameron's allegations and the responses prepared by Mr Richardson, I will further report to the Council.

That was covered in what was a very carefully worded response to Mr Roberts' very serious questions. The fact still remains that Mr Richardson claims that Mr Cameron did not contact him or his agency; did not check any of the allegations with Mr Richardson or his agency before he got up in this place—

Members interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Davis will come to order.

The Hon. J.R. CORNWALL: Mr Richardson further alleges that he has been grievously defamed under parliamentary privilege. He has challenged Mr Cameron to repeat his allegations outside this place. He challenged—indeed, asked in the first place, as I understand it according to the letter he has written to me—Mr Cameron—

The Hon. L.H. Davis interjecting:

The ACTING PRESIDENT: Order!

The Hon. J.R. CORNWALL:—to take appropriate action to alleviate, at least, the grievous defamation that he believed had been perpetrated upon him and his agency. Mr Cameron virtually laughed at him and said, 'I did it under privilege and that is what politics is about'. What manner of man is this smiling gargoyle that he would take that position when approached by a small businessman asking him to check his facts and, having checked his facts as Mr Richardson asked, then make a further statement to this Council? Mr Cameron has failed to do that.

The Hon. M.B. Cameron: That is correct.

The Hon. J.R. CORNWALL: And, apparently, refuses to do it. With regard to the nurses, I have already said that all the matters raised are being checked.

The Hon. L.H. Davis: The next generation is going to be rapt in you.

The Hon. J.R. CORNWALL: They are indeed—I have already spoken to them. Let me conclude on this note—and there is a warning in it for a number of people—according to the RANF, not one of the British nurses was a member of that organisation. Not one of them was a member of their appropriate industrial union in this country.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 7 August. Page 165.)

The Hon. K.T. GRIFFIN: I thank His Excellency the Governor for the speech with which he opened this session of State Parliament, and I take the opportunity to reaffirm my loyalty to Her Majesty the Queen. I extend my sympathies to the families respectively of the former members of the State Parliament, the late Mr C.A. Harrison and the late Mr Hawke. I also take the opportunity to commend the President for the addition of music to the opening ceremony. The opening of State Parliament is an important occasion, not only for the fact that the Queen's representative in a constitutional monarchy delivers a message and formally opens the State Parliament but also because it affirms our democratic system and recognises the development of that system which has occurred since the colony was first established 150 years ago. While some may regard ceremony and tradition as being no longer important or welcome, there is value in reflecting upon the history of our State, the traditions of our Parliament and its links with the mother of Parliaments, because they establish a continuity and progression of development important to all citizens of South Australia.

I want to address some attention today to aspects of the administration of justice, including delays in the legal system. The delays add to costs, create trauma and frustration, and reflect upon the quality of the legal system and the delivery of justice. On figures that the Attorney-General has provided over the last three or four years, in the Supreme Court the average waiting time for civil cases to come on for trial after being set down has been 28 to 32 weeks in 1982-83, 54 weeks in 1983-84, and in February 1985 it was 57 weeks. In the criminal jurisdiction, from the committal for trial to the actual trial, in 1982-83 the average time was 12 weeks, in 1983-84 the average time was 16 weeks, and in February 1985 it was from four weeks to 17 weeks, obviously depending on the sort of case involved.

In the District Court, in civil cases, from setting down for trial until trial the average time for 1982-83 was 32 weeks; for 1983-84, 38 weeks; and in February 1985, 32 weeks. In the criminal jurisdiction, from the committal for trial to the trial, the time was eight to 10 weeks in 1982-83, 12 weeks in 1983-84, and in February 1985 it was 15 weeks. In the Adelaide Magistrates Court, in 1982-83, the average waiting time for a matter to come on was 16 to 18 weeks; in 1983-84, for one-day trials, 11 weeks; for two-day trials, 28 weeks; and in February 1985 the one-day trial waiting time was 13 weeks, with the waiting time for trials of two days or more being 26 weeks.

Those figures are, apparently, averages. I have on notice a question about the current state of the lists to determine whether or not that situation has improved. One must

remember that in civil cases the setting down of a trial comes some time—maybe one, two or three years, or more—after the accident occurred or other cause of action arose. There are a number of specific instances where the delay in coming on for trial is worse than the average, and is quite disturbing. The indication from the legal profession, is that, as a general view, waiting times are in fact getting longer rather than shorter.

I want to draw the attention of the Council to several specific cases. One is the case of the Allison family. Mr and Mrs Allison's daughter, Lenore, was killed in a hit-run accident on Christmas Day in 1984. Charges under the Road Traffic Act against one of the persons involved only came on for hearing on 17 July 1986, over 18 months after the accident. The committal proceedings for conspiracy charges came on for mention on three occasions during 1985 and were listed finally for a half day on 31 January 1986. On that occasion the police prosecutor sought an adjournment on the basis that he had not had a chance to read the file, and the next available time was 30 June 1986—more than 18 months after the fatality. That matter is still not resolved because, although the magistrate dismissed the charges, the Attorney-General is giving consideration as to whether or not there should be an *ex officio* indictment to the Supreme Court. One can understand the problems for the family where a matter of this sort is still not resolved. In fact, the delays were taken into consideration by the magistrate on the road traffic charges after being raised by the defendant in mitigation of penalty. While that may happen generally, that is, being raised in mitigation of penalty, in this particular case it is extraordinary that it should have been so used.

Another matter involves charges of indecent assault of a 13-year-old girl which were detected in January 1985. The accused was not finally dealt with until January 1986, causing considerable concern to the mother of the victim, particularly as the defendant was out and about in the community before being dealt with.

A workers compensation matter was drawn to my attention recently where a person was seeking an order for compensation in the Industrial Court. The person's weekly compensation payments had ceased some months previously. The matter was listed for hearing but there were over 20 cases in the list. The legal representative involved had organised all the medical witnesses, at some considerable cost and inconvenience to those medical witnesses. Having sat through the morning, but not having been called on, the parties were told after lunch that they would not be heard that day and that they could not have a date for hearing until March 1987.

In another case drawn to my attention, a person had brought out one of the emergency services on a hoax call in November 1984. That person was charged with creating a false belief and the hearing was listed for April 1985 in a Magistrates Court. The defendant, who was in prison for other offences at the time of this hearing, was brought to the court by police or prison officials—I am not sure which, but probably prison officials—and all the witnesses were there.

However, mid-morning the magistrate decided not to hear the case that day and put it off to the end of July. A phone call by one of the witnesses on the day before the July hearing established that the matter had been adjourned yet again to October, 1985, nearly 12 months after the alleged offences occurred. If the phone call had not been made, the witness would have travelled to court, taken time off from work and wasted time and money. On the day in April when the matter was listed for hearing, the police officers (or prison officers), witnesses and relatives of witnesses who took time off from work would have cost the community, one way or another, some $350, even at a bare minimum of $10 per hour. This sort of thing is happening all the time in many courts across the metropolitan area each day of the week.

The Hon. C.J. Sumner: It always has.

The Hon. K.T. GRIFFIN: Well, I want to suggest ways in which we can start to do something about that problem. In a building dispute referred to me, the delays in the courts and an unwillingness by a court to enforce strict time limits on a recalcritrant defendant who was intent on delaying to frustrate the builder have all combined to put the builder (a reputable and competent builder, I should say) in a position where he has lost at least $40 000. The action was commenced in April, 1985, for summary judgment but now the defendants are bankrupt, the bank has realized the security and the builder is left out in the cold, probably to contemplate bankruptcy himself, when quicker action may have arrested the decline and preserved some of the assets for unsecured creditors. In this case, the court kept deferring the case and could not bring itself to make a tough decision promptly.

This is reminiscent of another case where summary judgment was sought in the Supreme Court. For three months after it was heard by the court, the plaintiff heard nothing about his application and then the defendant went bankrupt.

We see with cases involving claims for damages for injuries resulting from motor vehicle accidents or other accidents that they take years to come on for trial. That delay increases costs and, with inflation, increases the prospects of large sums being awarded, as well as prejudicing rehabilitation.

When cases are delayed witnesses frequently cannot recall accurately the facts. This leaves the way open for disagreements between the parties and potential injustices where the facts cannot be recalled accurately. In civil cases, there is the trauma of waiting for damages claims to be either settled or resolved at a trial, frequently with great financial hardship to the injured person.

In criminal cases, not only are delays creating tension for accused persons, but more particularly for victims; in the Allison hit-run cases the family does not want to be vindictive; they want to see justice being done; and they want to be able to start living their lives in the knowledge that the matter has been resolved once and for all. With constant delays in the system and repeated adjournments or remands, we find that lawyers are attending court at a considerable cost to their client, ultimately, and inconvenience to these lawyers, and frequently at considerable cost to the Legal Services Commission and ultimately the taxpayers of the State.

Witnesses attend but are then not called, with consequent costs to them and to the parties and a growing reluctance to co-operate next time they are called. Police are frequently called back from leave or days off to attend court, many times unnecessarily, and that creates additional burdens on the Police Force when resources are already tight, as well as creating problems for individual police officers as a result of that pressure. Many police officers feel that, by reason of delays, the accused persons get off lightly because delays are considered in fixing penalties by the courts. When low penalties are imposed, can anyone really blame the police for feeling that their fight against crime is fruitless and not worth the stress and hassles?

Again, in the Allison hit-run case, the magistrate said that the 18-month delay was a delay which he took into consideration because of the impact upon the accused person, and

quite obviously reduced the penalty in some respect to account for that delay.

The other difficulty with delays is that prosecutors in the summary jurisdiction and in committal proceedings do not have the same degree of incentive, as they should have, because of the need to read and re-read files (where they may have time to do so). In many instances, there is a sense of relief when a plea of guilty is entered by an accused person and then the defendant's counsel can put up any sort of story to the court in mitigation of penalty without the other side being put by the police prosecutor, because the police prosecutor's attention by that time has been diverted to other more pressing cases. So we have, in a sense, injustice in that the full facts and both sides are not put to the court on the question of penalty.

Of course, on occasions delays or adjournments are unavoidable, but in the majority of cases I believe that that is not so. Those delays occur because of poor scheduling, insufficient liaison between all parties involved (including the courts), inadequate pre-trial procedures, insufficient preparation early enough by some lawyers and prosecutors, operation by some lawyers outside the present levels of their competence, a failure to recognize that time is money by many involved in the system and for many other reasons.

The question now is: what can be done to resolve these problems? The answer is not just to appoint more magistrates or judges, although that may be a short-term solution. If that were done, the support services would have to increase quite significantly. But the courts do need adequate support services to ensure proper and efficient co-ordination and control of trial lists.

In criminal cases, the length of a number of cases could be reduced by the police using tamperproof tape-recordings of interviews with accused persons and video-recordings of interviews. Fortunately, our police are now taking up the challenge of video-recording of interviews with suspects. But that requires the courts and defence counsel to play the game fairly and not find new and ingenious ways to have the recordings declared to be inadmissible. While there may be a tendency for some accused persons to play to the camera, there would be no doubt in my mind that the system would have the effect of producing more pleas of guilty than there are at present, and the elimination of what might be days of argument within the court on the *voir dire*, that is, whether or not statements taken by the police ought to be admissible. This frequently can be a trial within a trial. With taped or video-taped interviews all parties can see for themselves and hear for themselves what was done, and all sorts of legal technicalities presently raised against handwritten or typed statements of interviews could be avoided.

In criminal cases, particularly in the magistrates courts and in committal proceedings, delays could be limited by a much more efficient and comprehensive liaison between police, the courts and the Crown in scheduling cases and witnesses' involvement. Although there is presently a procedure which tries to identify where there are to be pleas of guilty so that witnesses need not be brought to court, I do not believe that this is used to the maximum effect. Even in magistrates courts, and certainly in criminal courts of higher jurisdiction, maybe there is a place for pre-trial conferences between the prosecutor and the defendant where a plea of not guilty is proposed, so that areas of dispute can be reduced as much as possible. But this must not be construed as giving an opportunity for plea bargaining, which must be vigorously resisted. Maybe consideration should even be given to the elimination in some areas of the committal stage of proceedings provided, of course, the accused person is given proper access to the witnesses' statements and is not taken unawares by the Crown case at the trial stage.

I know that some lawyers are to blame for last minute adjournments. In a number of instances they are not prepared and so seek to put off the case. I refer not only to defence counsel but also to counsel for the prosecution. Others have conflicting engagements and whilst they should, as far as possible, be accommodated, there has to be a realization that the courts cannot stand still, nor can witnesses take long periods off from their daily work, while individual lawyers suit their own convenience. I have had instances drawn to my attention where lawyers seek an adjournment because they want to go on holidays, or because they are in another court, or because they are just not ready.

There ought to be a much wider power for the courts to impose penalties upon lawyers personally where cases are not ready by reason of the fault of the lawyer, rather than those costs being passed on to clients. And courts have to realise, as I have already said, that there is a huge cost to the community in putting off cases or delaying cases, a cost which is hidden but which perhaps ought to be identified for the record whenever a matter is adjourned, even where the parties are ready to proceed. Those costs include costs of legal representation, costs to witnesses, the Crown and to the courts themselves in maintaining their structure, and also costs to the Legal Services Commission when legal aid is granted, and ultimately to the taxpayers of South Australia and Australia because the Commonwealth and the States provide funds for legal aid.

In civil matters pre-trial proceedings ought to be more highly developed in all jurisdictions so that the issues in dispute can be identified at an early stage. Even the system which is operating in New South Wales, where some parties voluntarily use arbitration by competent lawyers who are not members of a court to resolve cases before they come on for trial in the courts, ought to be given a pilot run here. Such arbitrations are outside the legal system by agreement between the parties and could be introduced in civil matters to have those matters resolved much earlier than waiting for a court listing. The right to go to court remains, but New South Wales experience indicates that it is uncommon to go to court after that arbitration process has occurred, because the parties are satisfied with the hearing they have been given at the arbitration and they were able to save some costs and have obtained an earlier resolution of the dispute, much earlier than otherwise would have been the case if they had waited to get a date for hearing in the courts. I should state that the delays in New South Wales, however, are very much longer than the delays in South Australia.

Although there is a procedure in the Supreme Court Rules which allows for an early resolution of the question of liability, that is not used very much. That procedure needs to be examined with a view to introducing procedures which allow the issues to be resolved and for the liability to be resolved at a very early stage. It may be possible, for example, to have an early hearing within months of an accident and before all the injuries have stabilised where witnesses are examined, the evidence is put on file and the court rules on liability. It aids the witnesses' recollection because the hearing comes within a short time after the accident and it also means that long, drawn out cases taking years to get to court, can be brought on early to resolve questions of liability, and later the issues of damages can be sorted out when the injuries have stabilised.

I suppose one could draw a comparison between that proposition and the situation in the French courts, where

an investigating magistrate interviews all witnesses and then decides where the matter should go from there, or in some respects, it is akin to the grand jury system in the United States where there is an assessment by jurors of evidence and a decision is taken as to where the matter should go after the evidence has been heard. I suppose this is not really on all fours with the proposition that I am making, but at least it enables some earlier resolution of the matter than presently occurs. I would think that, in consultation with the Law Society and the courts, it may be possible at least to have a pilot project which tries out the proposition of a case coming before the court for early resolution of the question of liability, for witnesses to give their evidence and to be cross-examined, and later for the question of damages to be resolved.

I want to turn now to another issue related to the administration of justice. Last week, I asked the Minister of Community Welfare a question on the progress made by the joint working party formed by the Family Court and the Department for Community Welfare. The Minister did not know what was happening but undertook to find out. This week a case has come to my knowledge which demonstrates the real need for effective resolution of questions about the jurisdiction of the Family Court and the Children's Court. It also highlights problems of delays in the courts.

The factual situation is as follows: parents of children have been divorced and custody granted by the Family Court to one of them. Difficulties arose and the parent with custody sought to hand over the children to the Department for Community Welfare, which obtained a 28 day order for the Minister to be granted guardianship of the children. Now there is an application by the department to the Children's Court for an order that the children are 'in need of care', as a result of which that court will decide what happens to the children. The parent who had custody of the children under a Family Court order and who sought to relinquish that custody now does not want the Children's Court to make an order, the other parent wants custody and both of them together with the children and the department are legally represented.

One may well ask, 'Why won't the Family Court resolve the question of custody?' That is a good question. It appears that the Family Court, which obviously has the jurisdiction to deal with custody matters, will not act if the Children's Court is hearing the case. And even when that is finished, the Family Court may stand back and do nothing. This matter is taking some six months to bring on for hearing in the Children's Court, while the future of the children is in a limbo situation.

When the Children's Court resolves the question, it can do three things. First, it can decide that the children are not in need of care because one parent wants custody, but that parent still has to go to the Family Court to get an order. Secondly, it can decide that the children are in need of care but give a parent custody. But that parent, again, still has to go to the Family Court for a custody order. Thirdly, it can decide that the children are in need of care and place them in foster homes and then the Family Court will not act at all.

My information is that on the first two or three occasions when the 28-day order granting the Minister temporary guardianship was "rolled over" or extended, four lawyers attended in court. The date for hearing has now been set for later this year and now, one lawyer represents all interests merely to allow the guardianship of the Minister to continue until the Children's Court resolves the "in need of care" question. But it has taken nearly six months to get a trial date. This sort of conflict and delay must be resolved quickly. It cannot be in the interests of any party, particularly the children, that this be prolonged.

Curiously, in the Governor's speech opening Parliament, the Government proposes to introduce legislation to hand over to the Federal Government all of the State's jurisdiction to deal with custody of, access to and maintenance for illegitimate children. Presumably the Family Court will then deal with these sorts of questions. I have not seen the legislation yet and we do not have any other details but, while that is a solution to the problem, the alternative mechanism is the cross-vesting of jurisdiction between the Family Court and the Supreme Court, and perhaps the Children's Court. That will overcome the problem. Senator Evans, the former Federal Attorney-General, incidentally, supported proposals for cross-vesting.

An alternative, which operates very well in Western Australia, where there is not the problem of separate jurisdictions, is to establish a State Family Court (as there was in South Australia before Mr Peter Duncan, the then State Attorney-General, sold out to the Commonwealth).

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: The Attorney-General can answer it later. That State Family Court in Western Australia deals with all children whether legitimate or illegitimate and there is not the jurisdictional question that occurs in other States. This is a complex area where there needs to be a focus on the interests of the children and it needs to be resolved. It would be a good idea to have the joint working party look at these sorts of issues as well.

Many other areas relating to the administration of justice could be the focus of attention. Suffice it to say that there will be other opportunities for me to raise them in the future.

The interests of the parties must be paramount. The courts, prosecutors, legal practitioners and police are all there to serve the community and any major problems in the administration of justice reflect on the quality of justice and the regard which the community has for the most important agency of the Crown, the Court, which protects the rights and liberties of the individual. Those bodies must also be given adequate support by the Government of the day to ensure that a high standard is maintained, and all those involved in the justice administration system must recognise that ultimately they are accountable to the community at large, that the resources expended are the resources of the community, raised through taxes and charges, and that first and foremost those people must provide a professional service to the community at large. While I make that comment, I emphasise that it is also for Governments to recognise that it is their obligation to ensure that that service is provided so that delays and inconvenience are minimised and the costs incurred in the administration of justice in this State are kept to a minimum.

The Hon. I. GILFILLAN: I support the motion, and in doing so I offer my condolences to the families of Albert Hawke and Charles Harrison, who were former members for Burra Burra and Albert Park. I would like to cover several matters in my Address in Reply contribution. The first is a relatively critical issue that has been brought quite starkly to the notice of this Council today through the tabling of the Samcor triennial review. I refer to this matter first because we are on the eve of the budget session. The Premier has already indicated that the coming State budget will reflect the dire situation of the South Australian economy and the punitive measures that will have to be taken to balance the books. There are several areas where I believe we can help the State to save money, and I hope that the Premier will take note of my comments.

Prior to the release of this document, I was approached and informed that certain members of the board of Samcor were horrified at the way in which the economics and management of the abattoir were progressing. It is important to stress that the farming community and the Government of South Australia are suffering quite dramatically in economic terms because of the inefficiency of the management and conduct of the Gepps Cross abattoir. The board sought a confidential report on the current state of the Samcor abattoir, and that report was submitted in about April this year.

In the simplest terms, the most significant statement in that report (in my opinion), according to my advice, was that there is $9.20 in what could be described as unallocatable overhead costs for each beast killed. In other words, there is a drag on the competitiveness of Samcor as an abattoir of $9.20 per beast, and that cost is linked directly to the cost of the bureaucracy and inefficient management, and the superfluous number of people primarily in the upper echelons of the staff at Gepps Cross. Under these conditions, there is no way in which Samcor can fulfil its agreed charter, which is (from page 1 of the triennial report):

To compete on a commercial but not favoured basis with private enterprise.

There is no possible way in which Samcor can operate in the terms of this charter if it must drag along this incredible handicap of a slaughtering charge of $9.20 per beast. The report, which was prepared by two members of the board for the board's consumption, stated that those two members were very disappointed at the attitude of the management staff of Samcor: it was said that their attitude smacked of bureaucracy and it was alleged that management had more or less inculcated an attitude that they deserved to be kept in a manner to which they had become accustomed. This is obviously not the climate in which Samcor can ever become a commercially competitive entity. The report warned of a $1.5 million impending loss, and I understand that that flies in the face of a predicted profit of $80 000. What a crisis situation there must be at Samcor if there is to be such a turnaround so quickly!

The confidential report was very critical of maintenance and supervisors and superintendents who, it was claimed, were not supervising or superintending adequately. One example goes further. It was stated that four employees who had been paid for a night shift had not clocked out: they had not even been present at the works during the time of that night shift. This internal, confidential report questioned the ability and commitment of the accountant to deal with the obviously stressful economic time ahead. The report, which one could hardly call complimentary, indicated that Samcor was living off its assets and that its economic situation was in dire straits.

Notwithstanding that report and the climate that must have ensued at the board, last Friday the members voted for a 6.1 per cent increase in salary for Samcor's top management. I believe that it is scandalous for people who are responsible for running a prime abattoir, the express charter of which is to compete on a commercial basis, to greedily grab rises of salary of that sort, knowing full well that there will be a massive blow-out in Samcor's loss. That is quite scandalous and unacceptable.

Ross Honeywell had previously been employed as a public relations officer to put a better face on Samcor so that the outside world would not see the stark horror of the results of poor management. I understand that the cost of that exercise was $7 500, and an example of the gimmickry that came from that exercise was statements like 'There will be a $1.5 million profit in two or three years' and 'The abattoir will be the most hygienic in Australia.' The timing of statements on hygiene coincided with an outbreak of Q fever. It was rather embarrassing that no-one could go into the abattoir without being innoculated. The confidential report also criticised the building of the pig hall, the capital cost of which has escalated by one-third. Although it was to be operative last October, the pig hall has still not been brought fully on line.

Having produced this confidential, internal report, the two board members were asked to rewrite it because it was too critical of the Samcor board. In my opinion, that is just not good enough. The confidential report indicates that, within two months, the board will come cap in hand to the Government for money. The warning signs are there, as the report, which has been issued today, emphasises. I will refer to that issue briefly. The message must be there for the Premier and the Minister to see: something dramatic must be done at Samcor if it is to fulfil the conditions of its charter. At page 11 of the triennial report there is a brief summary of Samcor's financial performance. The report states:

Early in 1981, Cabinet approval was given for:

- all borrowings of Samcor as at June 1980 ($27.2 million) to be transferred to the Government less $1.3 million which Samcor is required to repay to the Treasurer . . .

When the Government accepted the liability for servicing borrowings as at June 1980, Samcor was required to become profitable as a commercial enterprise and to make an annual contribution to the Samcor deficit fund representing:

- company tax payable under Commonwealth law
- the balance of profit, less an amount as agreed with the Minister, to be retained for future expenditure.

The effect of the Government accepting the liability for $25.9 million of Samcor borrowings (that is $27.2 million less $1.3 million to be repaid) was to eliminate the accumulated operating deficit of $20.6 million as at June 1980 and to provide a reserve of $5.3 million.

In the six years to 24 June 1986, since the financial restructuring, Samcor has paid $0.9 million representing company tax and profits into the Samcor Deficit Fund while the Government has paid $17.9 million into the fund to cover interest and debenture redemption. This is accumulating into an enormous contribution from the Government.

After being relieved of approximately $3 million per annum in interest and depreciation charges as a result of the above and after receiving an excess capacity subsidy of $250 000 for each of the three years to June 1983, Samcor recorded the following operating results:

Year ended	million
June 1981	$0.8 profit
June 1982	$0.4 profit
June 1983	$0.3 profit
June 1984	$1.7 loss
June 1985	$0.7 loss
June 1986	$1.2 loss

That last figure was predicted to be a profit. The report further states:

During the same period capital expenditure has been as follows:

Year ended	million
June 1981	$0.6
June 1982	$0.4
June 1983	$0.5
June 1984	$0.1
June 1985	$0.5
June 1986	$2.9

Capital expenditure and operating losses over this period have been funded from the sale of land as follows:

1980 East of Main North Road (approx. 163 ha) $4 million
1985 North of railway line (approx. 55 ha) $2.4 million.

In the past five years Samcor at Gepps Cross has therefore received $7.9 million from the sale of assets and, in simple terms, it has been living off its capital. Anybody who knows anything about the economics of keeping a business going would realise that that cannot go on and it is completely contrary to any form of sensible economic management.

I now turn to the comments in the triennial report on the engineering and services. The first paragraph on page 25 states:

> Abattoir engineering, equipment operation and maintenance is the key to efficient operation. Layout and equipment determine the staffing required for slaughtering and subsequent processing. Poor equipment selection causes labour inefficiencies, high service costs (electricity, gas, water), product wastage and reduces product quality. Poor operation of equipment, through overloading or too high operating speeds, will cause excessive breakdowns and operator problems. The lack of preventative maintenance means more breakdowns and increased risk of accidents. All of these problems are evident at Samcor and are the principal reason why Samcor is not financially viable.

The report also included a comparison with the abattoir at Casino in New South Wales which, I point out, in the same period that Samcor made the $1.2 million loss, has made a $1 million profit. The authors of this report, along with board members, accept that Casino is a fair comparison. In relation to maintenance costs, the report states:

> Maintenance costs [at Samcor] ($2.6 million in 1985-86) are excessive when compared with the Casino abattoir ($1 million per annum). An immediate target should be to reduce maintenance costs by 20 per cent in the high cost areas.

In relation to the pig hall at Samcor, the report states:

> Pig Line and Boning Rooms
>
> The work involved building lairages and a slaughter area for sticking and hair removal so that pigs could be fed onto the existing modified No. 2 mutton chain. A new chiller and load out area was provided and two boning rooms were constructed using an existing chiller and marshalling areas.
>
> Estimated cost of proposal March 1985 $1.828 million
>
> Estimated final cost $2.729 million.

An inexcusable rise! The report continues:

> Tenders were called in June 1985 and most of the work was completed by December 1985. Commissioning commenced in December 1985 and is still in progress .... A detailed investigation should be made into the reasons for the capital cost escalation, the commissioning problems and the operating performance of the pig line.

As a result of receiving the confidential report, I can state that the reason for that is that the works engineer insisted that they were capable of performing the work and it was that quite unjustified arrogance that cost the abattoir something near $1 million extra in capital cost and a delay of what is probably close to nine or 10 months in getting this pig hall working. I feel that this quite starkly reflects the totally unacceptable level of inefficiency and incompetence of the management of the Samcor abattoir.

There are excessive numbers of staff and at page 37 the report compares the Samcor upper level staff with the same level at Casino. Samcor has 37 manager superintendents and office and support service staff compared to 21 at Casino. I stress that the reason I have introduced this into my Address in Reply speech is that it is starkly before us that the Samcor abattoir is not complying with the terms of its charter. It is a prime target for Government intrusion; it is under the control of the Minister. The people of South Australia should not be expected to put up any longer with what is the handicap and unacceptable burden of inefficient staffing. There seems to be an anticipation that, because it is a quasi public service, it will not be exposed to the cut and thrust of a competitive enterprise. It is time for the Government to take firm action about it and to turn it around so that it performs as it should, namely, as a revenue raiser for the Government and not a massive sink for more and more of Government funds.

I turn now to some interesting remarks that were made by my colleague in this place, albeit not of the same Party, the Hon. Dr Bob Ritson. He made what I describe as some gratuitous remarks about the Democrats. I appreciate the affection that he expresses he has both for the Hon. Mike Elliott and for me. However, he made some comments about the Democrats and their political performance. First, he made the statement:

> The Hon. Ian Gilfillan was elected on Communist Party preferences, a fact which was stated and not denied at the Adelaide Town Hall at the declaration of the poll at which he was elected.

I suggest that the Hon. Dr Bob Ritson's hearing (or the hearing of whoever reported it to him) was faulty, because 'Country Party', when said quickly or in a place with poor acoustics, perhaps sounds like 'Communist Party', but the fact is that I was eventually elected by a massive move of Country Party preferences. I take this opportunity to correct that information.

The Hon. J.C. Burdett: Was there a Communist candidate?

The Hon. I. GILFILLAN: Yes, there was a Communist candidate. Further to that, and probably more significant than how I got elected, I will comment about the way in which the Democrats work. It appears as though there is a joint effort, both federally and at the State level, to denigrate the Democrats' efforts. First, I address the federal scene. Our Deputy Leader, Senator Janine Haynes, replied to Senator Hill—who made a similar claim to the one made by the Hon. Bob Ritson—in the following terms, which I think apply to both:

> To begin with, he ignores the numerous occasions when the Democrats have voted alone when the Opposition Parties were the ones to vote with the Government. He has so quickly forgotten the Commonwealth Tertiary Education Commission Bill; the overseas student charges regulations; the amendments to the Trade Practices Act dealing with takeovers; the social security portability of pensions legislation; the Murphy inquiry; the Oil Companies Reimbursement Bill, to name just a few. Not satisfied with ignoring those facts, Senator Hill—

and in this case the Hon. Bob Ritson—

> also ignores the number of times we voted with his Party in the federal scene: the customs and excise legislation; the Appropriations Bill; and Director of Public Prosecutions Bill, for example. The magnitude of Senator Hill's errors is compounded by his failure to mention the number of times the Australian Democrats have successfully negotiated amendments to Government legislation, amendments which have benefited the community—for example, the car industry; changes to fringe benefits tax legislation; and various amendments to the Trade Practices Act benefiting consumers.

In the State scene, I remind the Hon. Bob Ritson that we have been responsible for the appointment of select committees on energy, Kangaroo Island transport, and native vegetation. We have been responsible for gaining time for further discussion and amendment to the Children's Services Office legislation; Maralinga land rights—a move attempting to save the Bill and allow time for further amendment; workers compensation legislation for which we are responsible for the extra time for study and costing of that legislation. Also, previously, we had a hand in the Industrial Conciliation and Arbitration Act Amendment Bill.

We have voted against the Government on regulations. These are only some examples and not an exhaustive list of these things. We had no support from the Liberals in relation to ASER or against the planning and development controls. On the federal scene, the Liberals have left a remarkable gap in their support for the rural sector when the Democrats were the only ones to vote against the substantial increases in export inspection charges when the Liberal and National Party coalition actually voted with Labor to defeat the Democrats' move there.

The imposition of new export charges on meat was opposed by the Democrats, but it was supported in the voting by the Liberal and National Parties on the federal scene; similarly, with the 10 per cent sales tax on wine, after many protestations and objections to that tax being imposed, and also the removal of taxation averaging provisions in relation to income equalisation deposits, which I believe is, in fact, against Liberal Party policy. Therefore, I think that it is fair for the Hon. Dr Ritson, if he is going to be critical of us, to be a little more thorough in his researching of the facts and to look to ascertain where his own Party may from time to time have been guilty of the criticisms that he attributes to us.

The Hon. M.J. Elliott: What about the Potato Marketing Act?

The Hon. I. GILFILLAN: The Potato Marketing Act is another classic example on the local scene. My colleague, the Hon. Mr Elliott, was criticised as being anti-US. I would like to make it plain, by quoting a paragraph of Michael Elliott's letter to the *Advertiser*, just where we stand in the matter of protests about, in particular, visiting war ships. It states:

> There are many people of all political persuasions who are concerned that Adelaide may be a nuclear target. I am among them. There are many who see nuclear weapons, American or Russian, as the biggest single threat to humanity. The strongly anti-US flavour of a small but voluble section of the anti-nuclear movement is doing terrible damage to the important public argument on the nuclear question.

That letter was published, so it is difficult to see where my colleague stands guilty as charged by the Hon. Bob Ritson of being anti-US.

I move now to a recapitulation of some points made in the energy area which I have mentioned outside this place after a visit to the United States and California in particular for a month. I am hoping that eventually a lot of what I found of particular significance will be brought into useful context in South Australia, both in this place and through ETSA. The Department of Mines and Energy, eventually through the technologies and businesses that South Australia has which I consider are poised to benefit from new developments, particularly in renewable energy, because there is a program that I would like to outline in a little more detail in relation to energy conservation.

In general terms, I say that the position in California is such that measures for conservation have been so successful that the problem is not how to produce more power but what to do with the power currently being produced. They are virtually awash with a surfeit of electricity. That has made some difference, as has the lower price of oil, to the incentive to develop alternative and renewable energy resources. The potential, though, for developing in the longer term such alternative energy sources as a parabolic dish, which is a solar reflector, on to a motor producing 25 kilowatts of electricity; the development of the photovoltaic cell; and wind generating equipment, is so certain that massive development projects are still going on unabated in California.

I consider it essential that South Australia join in this movement. There is absolutely no reason why we should not be in the forefront of all three of those technologies. It fits in ideally with the concept of South Australia becoming a high-tech State specialising in high technology. Indeed, we have some distinct advantages here. I would like to refer to an article that appeared in this morning's *Advertiser* in which Dr Peter Ellyard was quoted as saying that the debate on Roxby Downs was a key—and a quite unfortunate key—debate in changing the image of South Australia towards a resource based economy philosophy, therefore negating a lot of initiatives towards developing our indigenous technologies and manufacturing skills.

I believe that it is not too late to turn that about and I am urging, and will continue to urge, the South Australian Government, ETSA and those who are in a position to be involved in a private capacity, to move into these areas. We already produce a very high quality photovoltaic cell at Philips at Hendon, who I think are the prime producer for the whole of Australia of photovoltaic cells. In Sydney Professor Martin Green of the electrical engineering school has produced the most efficient photovoltaic cell in the world. There is no reason why we should be daunted by the size of our competitors or colleagues not to join in this area. I want to encourage ETSA to install as quickly as possible its own facilities dealing particularly with those three matters I have mentioned.

In the other context, which is conservation, there is a rather interesting case study to consider, and I refer to the *Energy Auditor and Retrofitter*, a magazine of home energy conservation put out from the Unviersity of California, with one of the principal scientists at Lawrence Berkeley Laboratory as the editor. It has continuing ingredients dealing with the practical application of energy conservation in the Californian context. We have a sister city of Austin, Texas, and that city has a program, described in the magazine as 'Austin's Conservation Power Plant'. What that means is that by identifying areas of energy conservation they have been able to accumulate, through energy not needed, the equivalent of a major power station, so, with these measures of conservation, they have by that means virtually reduced the overhead, the capital and the running costs of an extra power station.

In relation to the energy audits, professional audit companies are available to go from house to house and from business to business. They check insulation, air and filtration, heat gain, sun control, heating, ventilation, air-conditioning and water heating. On the basis of the outcome of the energy audit, energy saving devices and measures are often recommended, such as roof insulation, solar screening on windows, lower wattage air-conditioners, resetting of thermostats, skylight covers, and insulating rugs for hot water tanks. Low interest loans are offered to encourage this retrofitting, and the work is carefully supervised and monitored by the city. Positive job creation has occurred with the number of weatherisation-type firms in Austin increasing from two to 19 in the past three years. One firm alone has increased its staff from five to 25 people.

Most importantly, substantial quantities of energy have been saved, and that is encapsulated in a table, included in the article to which I have referred. It refers to the customers: in the first instance, customers who used a multi-fuel energy source—mixing gas with electricity—had an average cooling consumption before the retrofit of 7 144 kilowatt hours, while after the retrofit it dropped to 4 317 kilowatt hours—a reduction of nearly 3 000 kilowatt hours. Under those terms, the average electricity savings on cooling, is 39.6 per cent. For customers who relied entirely on electricity for all the energy in the home, the reduction in normal annual consumption was from 26 073 kilowatt hours to 19 451 kilowatt hours. That is a massive drop of about 7 000 kilowatt hours per year, which results in an annual average saving of 25 per cent. That is big money. It means the saving of big money to the owners of these homes and facilities and it is of enormous significance to the energy utilities that are providing the power. It results in a rather interesting side effect, namely, the demand for and marketing of more energy-efficient appliances. In this regard the last paragraph of the article states:

In 1982 the average efficiency rating of air-conditioners installed in Austin was seven. Now, three years later the city—

the people who are acquiring them—

determines the market: 95 per cent of air-conditioners installed in Austin go through the loan or rebate program. The air-conditioner manufacturers have been taken by surprise as distributors in Austin have drastically changed their ordering patterns, switching exclusively to lower high-efficiency units. Today, the average efficiency rating of an air-conditioner installed in an existing Austin home is 9.8.

The consumers are looking for efficient energy consuming appliances, and that will call the tune in future in Austin, as I believe it should also in Adelaide. I shall be urging in the appropriate circles ETSA and the Government to take appropriate steps along that track.

Some preliminary work in South Australia has been done, with various calculations of savings due to subsidised insulation in houses, and there are massive savings. We were convinced, even before seeing the Californian example, that it is essential that, if we are determined to be responsible in our use of energy, we must look as seriously at conservation and minimising the use of electricity as we do at the question of what will be the future sources of supply.

There are other ways in the United States of urging the conservation of electricity, most of which are associated with a private enterprise economic analysis, and much is being written and assessed in relation to various programs. I believe, once again, that in South Australia this area cries out for study by ETSA and the Government. In particular, I want to refer to a program run by the general public utilities. It is entitled 'Buying Residential Energy Conservation'. Its acronym is RECAP. I shall read a couple of paragraphs from page 124 of a book entitled *Financing Energy Conservation* put out by the American Council for an Energy-Efficient Economy:

First, the utility—

that is, the electricity utility—

enters into a contract with one or more energy conservation company to provide conservation retrofits to a specified number of the utility's customers. The conservation company can be a private contractor, a non-profit community organisation, or some other type of organisation. Secondly, the conservation company conducts free energy audits for residences in a particular geographic area. If the conservation company finds a need for conservation retrofits and determines that they are cost-effective, then the conservation company [a private company] installs them at no charge to the occupant or owner. Thirdly, the power utility does not pay the conservation company for the measures installed. There is never any obligation on the utility to pay for the retrofits. Rather, the conservation company is paid by the utility for actual reductions in energy consumption, and these must be measured savings. Since the GPU [general public utility] is an electric only utility, payment is based on a reduction in kilowatt hours, billed and metered, weather adjusted. Thus, electrically heated homes are the market, although the RECAP concept can work with any measurable heating system.

In my judgment, it is quite exciting that we have in America examples of systems which are doing all that those who have been concerned about energy conservation could have wished, and with sound economic justification.

There have been and will continue to be incentives. Governments have recognised that enormous benefits result from encouraging conservation. The economy is stimulated by this initiative. Imagine the massive increase in employment, with the profusion of relatively small companies that will come into existence. There will be a reliable ongoing demand for the assessment and application of conservation measures, and of an improved market for appliances which can be shown and which will be marked clearly as having efficient energy use ratings. I understand (and am delighted to be given the indication) that the Government will be moving to compulsorily have appliances in South Australia clearly marked with the electric energy demand requirements. That is long overdue and it has long been a fool's paradise or purgatory (depending on which way one looks at it) with customers having no idea how much power appliances will use and no way of distinguishing the efficient from the inefficient appliances.

Finally, I would like to comment on another area in which I believe the Government can act, if it is sincere in attempting to save money in its budget and in the running of the State, namely, the penal system. I expect there will be future occasions on which to make more expansive assessments of the penal system, but it possibly comes as no little surprise to members of this place to know that the current cost for keeping a resident in Yatala is $78 000 per year. There is no way under the current system that that cost will be reduced; in fact, one can expect that it will go up. The average for the State is lower.

That horrendous figure for Yatala deeply concerns me. The Government should address the issue by first recognising that we need an overall review of our penal system in South Australia, its aims and how they should be best implemented. That will require, in my opinion, something very akin to a select committee of this place. I hope that that may eventuate.

I believe that the reasons for the cost are many. One principal reason is that, through quite atrocious planning Yatala, a most unseemly and expensive place for keeping middle and low security prisoners, is still used for holding far too many of those people. As prisoners come towards the end of their sentence, they are moved quite inappropriately away from Adelaide to remote areas. This makes it even harder for them to continue to have any contact with family. Quite obviously there is scope for substantial reductions in the costs of running the prison system, having regard to appropriate planning for the degree of security that prisoners need. We are currently exposing prisoners who would normally not be expected to offer any great threat to security to the small core of prisoners in South Australia who are a real security problem. Unless quite substantial measures are taken, that quite undesirable effect will continue. It causes the quality of behaviour of prisoners within the prison to deteriorate and increases quite unacceptably the stress on those who must deal with the prisoners and the prisoner body. A profound and broad-based review of costs is long overdue.

The other aspect of the matter is the cost of a completely hopeless attempt at rehabilitation. A reverse situation is arising from our penal system. Those who may through ignorance fondly believe that we are sending people out of our gaols who are less likely to reoffend will find that the complete opposite applies. If one of the aims of imprisonment is to reduce the number of people who reoffend and reduce the cost in cash terms to the State, we must treat rehabilitation of those who offend equally as importantly, if not more importantly, than our blood lust for punishment. Punishment is certainly part of the way in which any community will view the treatment of guilty offenders and I am not diminishing that as a significant and important part of the treatment, but if it is to be at such a cost the society at large must know that cost and must be quite aware of what it is doing when it demands the sort of penal system and the operation of the penal system we currently have in South Australia.

Unfortunately, the situation is such that I can only express lack of confidence in the department, and my concern and sympathy for those working in the system, with some degree of criticism of the way in which they view their job. I have serious doubts about the sincerity and efficiency of the Minister in charge of the system, the Hon. Frank Blevins.

Too much the Government and the Minister have tailored what they have done in the penal system to suit the outside world and to placate the media. That is not the way in which any community or Government should address what must be one of the prime conscience areas of any community. I hope that before too much longer we will have a study instituted and eventually public discussion and review of the whole penal system undertaken, so that at least there can be some positive aspects, whereas at present there is a massive conglomeration of negatives. I support the motion.

The Hon. CAROLYN PICKLES: In supporting the Governor's speech, I refer to his words, 'Our nation is facing a major test of its ability to adapt to difficult economic times.' I want to refer to those people in our community who will be unable, through no fault of their own, to thus adapt. We have all been told to tighten our belts. However, there is an ever-increasing group of Australians who cannot tighten the notches on their belt any further. At the same time, there is a group who have more than their fair share of wealth, and who will do their utmost to ensure that they retain that share at the expense of those less fortunate than themselves. While the poor get poorer in ever-increasing numbers, the rich continue to get richer.

It is interesting to note that, while various studies have been done on poverty, the rich have not attracted the same attention and we have been left with a quite distorted view of Australian society. While the Federal Government is at last looking at wealth in Australia, there are currently some fairly comprehensive records around which can help in making an estimate of just who is rich. There are records available up to 1929 compiled by the Commonwealth Statistician and by the Reserve Bank of Australia after 1959. However, after making an in-depth inquiry into the rich, the study of wealth in Australia suffered a relative decline through most of the century, as economists and statisticians took up what seemed to be the more pressing issues of unemployment and fiscal policy.

In the late 1960s a serious study into the value of wealth in Australia was released when research within the Reserve Bank was published. This was a retrospective study of wealth holdings in Australia from 1968. Updates for the Reserve Bank were done in 1980. The latest and most reliable is likely to be by Ross Williams from the Australian National University, whose estimate I would like to table here. I seek leave to incorporate in *Hansard* two tables of purely statistical nature, which show the personal wealth in Australia and the estimated wealth in Australia.

Leave granted.

Table 1: Personal Wealth in Australia $'000 million

Year	Assets	Liabilities	Net Wealth
1966	58.8	6.2	52.7
1967	63.4	6.7	56.7
1968	71.4	7.5	63.9
1969	79.5	8.4	71.1
1970	88.1	9.5	78.6
1971	98.0	10.6	87.4
1972	112.9	12.1	100.7
1973	135.3	14.9	120.5
1974	163.1	17.8	145.4
1975	185.3	19.8	165.5
1976	218.8	24.0	194.8
1977	245.6	28.6	218.0
1978	271.9	32.7	239.3
1979	297.3	37.0	260.2
1980	343.1	41.5	301.6
1981	408.1	47.7	360.5

Table 2: Estimated Wealth in Australia $'000 million

Year	Assets	Net Wealth
1981-82	415.6	369.6
1982-83	464.6	413.2
1983-84	521.3	464.6
1984-85	564.0	501.6

The Hon. CAROLYN PICKLES: By using figures from the first table of personal wealth in Australia, we can estimate that total wealth since 1981 is as contained in table 2. This table shows that, for the first time in Australia's economic history, the net wealth owned by Australians has exceeded $500 billion. It is, based on these statistics, possible to estimate that Australians currently own about $564 billion worth of assets, have liabilities of $62.4 billion and a resulting net wealth of $501.6 billion. This averages out at $30 000 in wealth per person. However, these figures give no indication of the inequalities that underlie this wealth, nor is it easy to discover relevant or meaningful statistics.

The Bureau of Statistics has made four surveys of income distribution, but the last official survey of wealth distribution was in 1915! The bureau planned for a survey into the ownership of assets and liabilities in 1979, but this was cancelled following funding cuts by the Fraser Government. Various attempts to quantify accurately Australia's wealthy have been hampered at every turn by the lack of reliable data about the distribution of income and wealth. So, while we can confidently state who is poor in our country, we have not been able to single out the rich for study.

However, some academics have attempted the task. These students have shown that the top 1 per cent of adult individuals hold around 25 per cent of private wealth; the top 5 per cent about 50 per cent, and the top 10 per cent about 60 per cent. Let us turn these statistics into hard cash. The top 1 per cent of adult individuals own about $125 billion; the top 5 per cent about $250 billion: and the top 10 per cent about $300 billion. This means the top 1 per cent—about 80 000 people—has an average of about $1.5 million each. Let us contrast this with some poverty statistics—the other side of the coin. About 2.5 million people have as much wealth as the richest 200 000, and the bottom 50 per cent holds only 8 per cent of total wealth.

How many millionaires does that make? Latest figures show that there are about 25 000 millionaires in Australia (most of them men) and it is interesting to note that a dozen of these were picked up in the review of pensions that accompanied the assets test. Looking at these figures another way, it means that 1 per cent of adult Australians—around 80 000 people—own between one-fifth and one-quarter of all wealth, valued at $400 billion; 71 201 Australians own $85.3 billion; and 120 378 Australians own $110.2 billion. If anything, these figures are conservative. The true result is that 80 000, or about 1 per cent of the adult population, own about $100 billion.

Ms President, I seek leave to incorporate in *Hansard* a table which is purely statistical showing the distribution of wealth in Australia by level of wealth holding.

Leave granted.

Distribution of Wealth by Level of Wealth Holding

Wealth range	Estimated wealth $	Number of people $
300 000-375 000	18 988	57 914
375 000-450 000	14 785	37 248
450 000-600 000	24 785	49 177
600 000-700 000	12 401	19 176

Distribution of Wealth by Level of Wealth Holding

Wealth range	Estimated wealth $	Number of people $
700 000-825 000	10 674	14 028
825 000-1 000 000	11 361	12 336
1 000 000-1 500 000	13 396	14 844
1 500 000-3 000 000	16 749	8 341
3 000 000 plus	15 749	2 476
	143 303	215 540

The Hon. CAROLYN PICKLES: While some of these figures tell a pretty dramatic story, it is by no means complete, and they will be updated and expanded by the Federal Government inquiry into wealth. There is a myth that we all share our nation's wealth, but this is obviously and distressingly untrue. I would like to compare the lot of our millionaires to that of the poor. Here again, reliable data is not current—the Australian Bureau of Statistics income and housing survey is from 1981-82, but we do have current data for pensions and benefits. Changes since 1981-82, which affect people living in poverty, need to be taken into account when we estimate the 1986 situation.

Although in South Australia the rate of unemployment has dropped from 10.8 per cent in 1983 to 8.7 per cent in 1985, the real level of social security payments to families with children has also dropped, so that more families with children may be living at a level further below the poverty line than in 1981-82. Changes in interest rates for housing finance has also had an impact on housing costs for many families and often the level of housing costs will mean that although a family has an income above the poverty line, the household may still be living in poverty. The face of poverty in Australia has changed significantly in the last decade. It is a sad fact that poverty is no longer confined to aged pensioners and the single unemployed. The poorest people in our community are young families with unemployed or single parents. An estimated 49 per cent of all single families in South Australia in 1981-82 were living below the poverty line. Although the incidence of poverty, based on income, has increased only slightly in recent years, the incidence of families either buying their own homes or paying private rental has increased disproportionately.

Single income families aspiring to the Australian dream of home ownership have become the new, largely unrecognised, poor, along with single parent families. In January 1986 nearly 2 200 households sought help from the State Government Emergency Housing Office—an increase of more than 50 per cent on the same month last year. One of the most distressing aspects of the change in poverty statistics is the increase in both the number and proportion of children in poor families. In 1976, 8.6 per cent of all children in Australia were in families receiving income-tested social security payments. In June 1985, this figure had more than doubled to 19.8 per cent. It is an unfortunate fact that a large proportion of these children have been rejected and neglected by one of their parents—unfortunately usually the father—in the breakdown of marriage.

There has also been a massive escalation in personal debt. According to the Australian Consumer Association, low income earners are choosing to go into debt rather than go without. The bottom 10 per cent of income earners spend an average of $141 each week—a figure that does not include income tax, mortgage payments, superannuation and life insurance. This group earns a gross income averaging only $113 a week. So, the poor are in an ever-increasing spiral of poverty, while the rich sit comfortably on their assets. This distribution between the rich and the poor, between 25 000 millionaires and 2.5 million Australians living below the poverty line, is an indictment on us all, and one on which we must focus. Until we have addressed inequality we cannot begin truly to address the grinding poverty suffered by so many.

The Labor Party's national platform calls for:

Redistribution of power and economic opportunity so that all members of society have the opportunity to participate in the shaping and control of the institutions and relationships which determine their lives.

The abolition of poverty and the achievement of greater equality in the distribution of income, wealth and opportunity.

Social justice and equality for individuals, the family, and social units, and the elimination of exploitation in the home.

That is not such a radical request. I imagine most members opposite would support the concepts of social justice called for in this platform. There is an urgent need to implement to the full our strategy on social justice. We have indicated our intention to redirect wealth and improve social justice. While we all recognise the need to tighten our belts, we must ensure that those people who require the most assistance are not squeezed in the attempt.

The Minister of Health and Community Welfare has outlined some points which will have a positive impact and improve social justice. Any effective strategy should protect the community from credit traps; make Government departments aware of their impact on poverty; increase access to low cost finance; direct concessions to those in greater need; reduce the cost of living for people in poverty; fight to ensure that Commonwealth pensions, benefits and taxes are provided at a realistic level; and expand access to work opportunities. That strategy should also promote cooperative exercise; ensure relevant education; promote a network of community based services; conduct a public campaign to inform people of their rights and entitlements and to sensitise the public to social justice.

All of these points need to be part of an ongoing strategy which we must maintain for at least a decade. But, first of all, we must address ourselves to the immediate and urgent need of the ever-increasing poor. Until we have done this, all our plans and all our budgets will fail, because we will have failed to ensure the fundamental right of all people to have access to a decent standard of living through a more equitable distribution of wealth. I support the motion.

The Hon. G.L. BRUCE: In supporting the motion for the adoption of the draft Address in Reply, I join with the Governor in expressing sympathy to members of the families of Albert Hawke and Charles Harrison, ex members of this Parliament who died during the past few months. While Albert Hawke was an unknown quantity to me, I met and knew Charlie Harrison over many years. I admired and respected him and his work. It is fitting that their deaths have been noted and acknowledged by this Parliament. While the Governor's speech was broad ranging and far reaching, of concern to me was paragraph 13, which stated:

The continuing toll of death and injury on our State's roads remains a major concern of my Government. Substantially increased penalties will be introduced for drivers who cause death or injury by dangerous driving, and the Road Traffic Act will be further amended to introduce more stringent requirements for the restraint of children and infants carried in vehicles.

Only last week in this Council in his Address in Reply contribution the Hon. Martin Cameron expressed his concern about road fatalities in this State and the part that random breath testing played or did not play in the overall context of death and accidents on our roads. In addition, in the House of Assembly a report was released on random breath testing operations and their effectiveness in 1985. As

Chairman of the last select committee on random breath testing and a member of the initial committee that recommended the introduction of the random breath testing legislation. I have an interest and concern in the random breath testing program and the report as tabled as a result of the deliberations of the last committee and amendments to the Road Traffic Act. The report stated:

The amended sections of 47da of the Road Traffic Act requires that:

(5) The Minister shall cause a report to be prepared within three months after the end of each calendar year on the operation and effectiveness of this section and related sections during that calendar year.

(6) The Minister shall, within 12 sitting days after receipt of a report under subsection (5), cause copies of the report to be laid before each House of Parliament.

Of course, those sections deal with random breath testing and drink driving penalties under the Road Traffic Act. The effect of road traumas in South Australia is enormous, and I am amazed that the community in South Australia seem to accept the inevitability of it all. In fact, at page 2 of the report that was tabled in the other place, figures are cited, as follows:

Each year in South Australia more than 10 000 people are killed or injured in road accidents. In 1984 there were 232 fatalities and 11 668 persons injured. Appendix 1 gives numbers of fatalities and injuries from 1968 to 1985. Injury figures for 1985 are not yet available. In 1985, 269 people were killed, of whom 38 per cent were found to have a blood alcohol concentration in excess of .08.

Of course, that 38 per cent does not mean that all those people were drivers: they could have been passengers or other people killed in road accidents, such as pedestrians. What is more disturbing is that the report further states:

For drivers and motor cycle riders, the figure was 45 per cent. The level of alcohol involvement increases dramatically for fatalities at night late in the week, rising to between 60 and 70 per cent on Friday and Saturday nights between 8 p.m. and 4 a.m.

It is not hard to imagine the heartaches and sadness that must touch the lives of all those people who have contact with the victims who die and the thousands who are left injured. Yet the public outcry is muted. Not so when there is an outbreak of legionnaire's disease, amoebic meningitis or even the killer disease, AIDS. Action is wanted, and wanted immediately. In fact, the reaction to the misdiagnosis of Guy Blackmore's situation (as outlined by the Hon. Mr Cameron in this Council last week) was headlines in the *News*. The deaths of more than five people a week for the whole year and the injury of about 192 to 200 people a week rate no more than a couple of lines in our press. I believe that any measure that can help reduce this slaughter on our roads is deserving of public support. I do not believe that the random breath testing program is the end all and cure all of road accidents: it is only one part of the available tools that can be used. The report further states:

Random breath testing is potentially the most effective countermeasure to the involvement of alcohol in accidents. Police at an RBT site are empowered to stop any vehicle at random and ask the driver to submit to a breath test. This allows police to detect drivers whose risk of accident has been increased by the intake of alcohol, but whose driving behaviour has not necessarily been overtly affected.

However, RBT is only effective in reducing accidents if operated in such a way as to increase to high levels drivers' perceived risk of detection for drink driving. If the risk of being detected is perceived to be low, drink driving behaviour will not be deterred.

It would seem that there is a feeling that random breath testing can have an effective role to play in the reduction of accidents on our roads.

The number of drivers tested in South Australia in 1985 increased by 10 per cent to 146 050, which is equivalent to one in every six licensed drivers. In New South Wales the rate of testing was one in every three and I understand that in Tasmania it is one in every two. The Tasmanian program has not been operating for sufficient time for its effectiveness to be evaluated. In Victoria one person in every 10 is tested, but there are periods of extremely high activity for, say, two or three months. While the rate of testing in South Australia is higher than in Victoria, the intensity does not vary. The last paragraph of the report states:

Scope exists to increase the effectiveness of RBT. Experience in other States shows that a high level of testing closely coupled with well-directed and purposeful public education can result in large accident reductions. The high level of testing can be periodic, as in Victoria, or constant, as in New South Wales, where one in three drivers are tested annually, with resulting accident reductions being likewise temporary or permanent. The achievement of such accident reduction benefits in South Australia depends on the availability of resources and the coordination of efforts by responsible agencies.

It is my belief that the random breath testing program has not been exploited properly. It now rests with the Government to decide what resources and efforts should be used to come to grips with this enormous problem not only in South Australia but also in the whole of Australia. Close liaison with all other States is essential if trends and figures are to be analysed in an attempt to combat our road toll. In regard not only to random breath test programs but also to all aspects of road safety, we cannot and must not remain complacent. Education and public awareness should be to the forefront in planning against this enormous burden on the South Australian community.

I now refer briefly to matters that have been of interest and concern to me in the last Parliamentary year. In June this year I had the pleasure of attending, with colleagues and members of the Subordinate Legislation Committee of this Parliament, a conference of the Australian Subordinate Legislation Committees held at Parliament House, Brisbane. This was an inaugural conference which lasted for three days, being the first to be held in Australia. Guest speakers and reports of chairmen from the Australian committees filled the agenda. All States were represented and the mixing of delegates and the free exchange of information and ideas between delegates led to a greater awareness and understanding of our role as members of the Subordinate Legislation Committee.

A report on the conference has been prepared and will be available to interested members. It is to be hoped that this meeting will be the forerunner for Subordinate Legislation Committees to get together on a regular basis to exchange knowledge and ideas. At this stage our Subordinate Legislation Committee, one of the longest standing in Australia, is to the forefront in its dealings with the business it is called upon by Parliament to handle. My attitude may reflect a prejudiced view: others members of the South Australian delegation might have other ideas. Present at that conference were observers from Canada, Zambia and Zimbabwe and the Canadian observers came from a joint committee of the Senate and House of Commons. They were guest speakers also and they participated in the conference, which was a very effective, pleasant and informative one.

Through the year it was also with a great deal of pleasure that I was informed that a long standing problem relating to the siting of a roadway in the Padthaway Conservation Park had been finally resolved by the Government. Five years of intense and frustrating negotiations have concluded finally, with common sense and reason helping to overcome a problem that should have been resolved many years ago. Having been involved closely with the problem, I could see the frustrations felt by the residents of the area and I could

understand also how the council viewed the matter with some concern. The Department of Environment and Planning was involved also and one could appreciate its concern and viewpoint. Without the goodwill of the people who live near conservation parks and national parks, a barrier is created that should not and need not be there. I was very pleased to see that the issue was resolved to everybody's satisfaction.

Another matter of concern to me (and no doubt to the West Coast residents also) is the issue of daylight saving. As has probably every member of this Parliament, I have received correspondence from residents in the area and I know that the Minister concerned is giving the matter his attention. What concerns me is that, if official recognition is given to the difference in time factor, will this not fragment South Australia to a greater or lesser degree than need be the case? The situation is difficult enough now, with the Eastern States half an hour ahead, and I feel that further aggravation of the problem would not be in the best interests of South Australia. I believe that a committee of some sort should look at the matter and bring down a considered report, with the schoolchildren in the area being to the forefront of its deliberations. The ramifications of any decision made should be well thought out and short-term expediency should not prevail.

I notice that, on the federal scene, the fringe benefits tax is under attack. A person rang a talk-back show the other morning and said that that fringe benefits should be called by their correct name — tax avoidance schemes. I believe that he was right. However, that does not prevent me criticising the way that the tax is being administered. I believe that it is essential that modifications and fine tuning should be taking place in order to assist and make it easier for people to comply with the tax. The bureaucratic maze and mountains of paperwork and book work leave a lot to be desired.

The average person does not want to cheat on his tax and is prepared to give the system a fair go. However, he does not want to be bogged down in paperwork and he does not want his peers to be seen to be avoiding—and making a mockery of—the taxation system. Somewhere between those two views a proper assessment must be made as to how taxes are to be collected. It would be detrimental to any Government if it could not convince the electors at large of its *bona fides* in this area. It would appear from the latest reports from the Federal Government that it is well aware of the problem that the administration of these taxes is causing. I hope that some of these problems will be rectified.

The Report on the First Session of the Forty-sixth Parliament from 11 February to 10 April 1986 lists a summary of Bills considered by the Houses. There were 22 Bills of Legislative Council origin and 23 of House of Assembly origin, making a total of 45 Bills considered. The total number of Bills passed by both Houses were as follows: Bills of Legislative Council origin, 12; Bills of House of Assembly origin, 22.

The Hon. M.B. Cameron interjecting:

The Hon. G.L. BRUCE: Yes, I will give you a pat on the back in a minute. During the six years that I have been in Parliament it seems to me that there is now a much more equitable sharing between the Houses of parliamentary business and, when one sees the results I have just quoted, that would seem to be the case. Since I have been in this Chamber, irrespective of my Party's attitude towards the Council, it has always been my belief that there is a useful role for this Chamber to play in the parliamentary system. The amount of select committee work that is undertaken by this Council and the sharing of the parliamentary work load has convinced me more than ever that this Council has a role to perform and it should be recognised for that role.

While the Government of the day does not have a majority in both Houses of Parliament (and in many cases this can seem frustrating) I believe that there is a conscious effort by the majority of members in this Chamber to deliver the most appropriate legislation to the people of South Australia. I realise that there are many philosophical points which can never be agreed between the different political factions that are represented here, but I believe that there is goodwill and endeavour in the Chamber to try and deliver the best. Having said that, I predict that my views will be sorely tempted in the rough times ahead and I use those words advisedly, because I believe that there are rough times ahead.

A country whose dollar is worth 60c to the American dollar and under 100 yen in Japan cannot say any more that it is the lucky country. The amazing thing about the fall in the dollar is that, even at these rates, difficulties are encountered when attempting to compete in the world market place. I realise that the world is not the same as it was a decade ago, but to the average person it is a time of confusion and fear. There seems to be no real stability and nowhere to turn. I believe that Governments have a role to play. The voters look to them to make decisions that will reap benefits and will support a way of life that they have enjoyed in the past. A failure to achieve this goal can lead to the voters seeking a change, with that change still not achieving an improvement. Hard decisions need to be made and the State and Federal Governments should not be frightened to make those changes.

Last Sunday night I saw the television program *60 Minutes*, which included an item involving the American system of having to work for the dole. The Australian panel that was interviewed opposed that system, but I do not believe that that reflected the views of the Australian unemployed. I believe that the majority of unemployed people actively seek work and that they want it. However, they are not prepared to accept that the job they take will displace another worker from his job. I believe that, if you take a person on the dole and say, 'Right, you can throw rubbish', with the system that we have in Australia that would displace another person in the system, because we are in a paid situation where all those jobs are vital to the people who need them. The unemployed people want jobs and the dignity of pay and work, but not at somebody else's expense. New jobs must be created and new skills must be developed.

Everywhere one turns, one sees the need to increase our productivity in order to become viable and to be able to compete but, because of the downturn in the economy, we have large areas of the work force moving into a four day week and stockpiling and overproduction occurring. As a result of the efficient and productive work force, there are also surpluses of wheat and farm produce. Machines and computers do an incredible amount of drudgery work. They have replaced thousands of people, but we still cannot live in an environment that recognises the individual's right to a job and a standard of living that is acceptable to our society. Disillusionment and the 'I'm all right Jack' attitude are the predominant opposing forces that need to be reconciled in our society. How do we do it? That is the challenge. Failure to do it will not be our concern, but I am sure that it will be the concern of our children and their

future leaders. Let us make it our concern. Let us do what we as individuals can as Party members, and as members of Parliament, to make it a better State and a better Australia for future generations. I have much pleasure in supporting the motion for the adoption of the draft Address in Reply.

The Hon. PETER DUNN secured the adjournment of the debate.

ADJOURNMENT

At 5.4 p.m. the Council adjourned until Wednesday 13 August at 2.15 p.m.