LEGISLATIVE COUNCIL

Wednesday 27 August 1986

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

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

PAPER TABLED

The following paper was laid on the table:

By the Attorney-General (Hon. C.J. Sumner)—

Report of the *ad hoc* committee on petrol retailing.

MINISTERIAL STATEMENT: OFFICE OF TERTIARY EDUCATION

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

Leave granted.

The Hon. J.R. CORNWALL: I wish to inform the Council that the Government has decided to restructure the Tertiary Education Authority of South Australia into a smaller Office of Tertiary Education. The new office will commence operation on 1 January 1987 and will be responsible directly to the Minister of Employment and Further Education. The restructuring will result in a 50 per cent reduction in staff and provide an expenditure saving of $.5 million in a full calendar year. The functions of coordinating and advising across the tertiary sector of education will still continue, and the new office will maintain strong links with the Commonwealth Tertiary Education Commission.

The rights of present staff will be protected, and redeployment of some of these very skilled researchers will be made to other sections of government. The excellent work which has been done by TEASA will continue in a tighter format in line with the spirit of restraint and streamlining dictated by current economic conditions. Prevailing economic conditions also mean that some functions previously expected of TEASA will not be undertaken in as much detail by the new office.

Also, from 1 January 1987, a new advisory committee on all tertiary education matters will be formed. This committee will replace the present TEASA board and subsume the present South Australian Council of TAFE. The Minister expects to be in a position to announce the Chief Executive Officer of the new office in the near future.

MINISTERIAL STATEMENT: LEGIONNAIRE'S DISEASE

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

Leave granted.

The Hon. J.R. CORNWALL: On 10 July 1986 I issued a press release announcing that the Coroner, Mr Barry Ahern, had agreed to examine the circumstances surrounding the death of Mrs Jeanette Hilda Fuss, who died of legionnaire's disease at the Queen Elizabeth hospital on 23 May 1986. At the first opportunity—that is, on 31 July—I reported the details of that reference to the Legislative Council in the course of a lengthy ministerial statement. I now propose to make a further report on the basis of the Coroner's finding.

As I have outlined, an approach to the Coroner was recommended to me by the South Australian Health Commission following allegations of "failure to act" upon a Department of Environment and Planning internal memorandum. The circumstances in which that memorandum was received and the actions which were taken by Health Commission officers are covered in the South Australian Health Commission report on legionnaire's disease investigations which was provided to the Coroner. I now seek leave to table those documents.

Leave granted.

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

That the documents be authorised to be published.

Motion carried.

The Hon. J.R. CORNWALL: In doing so, Ms President, I indicate that certain details have been deleted. The deletions from annexure 19, annexure 26 and annexure 15 have been made on the advice of the Public Health Service, in accordance with the South Australian Health Commission Act 1976, section 64. This means that details of patient names and addresses have been removed from the documents. I do not believe these deletions have any material bearing on the matter before the Coroner.

Allegations concerning the death of Mrs Jeanette Fuss at the Queen Elizabeth Hospital were published in the *Advertiser* on 10 July 1986 under the headline "Inquiry call over disease alert memo". The story said:

A top-level working party investigating the causes of an outbreak in January of the potentially-fatal legionnaire's disease failed to act after being alerted to a high-risk situation at the Queen Elizabeth Hospital, it was revealed yesterday.

The following day the *Advertiser* published another story which included allegations by the Hon. Martin Cameron that the Minister of Health and the South Australian Health Commission had been negligent. I called a press conference that day and specifically denied negligence. A press release issued at that time said the South Australian public should not be panicked by Opposition claims about legionnaire's disease. The release also repeated the statement I made when announcing the decision to involve the Coroner, that I stressed the need to avoid hasty conclusions about the role of the South Australian Health Commission or hospital officers. My denial of negligence and my stress upon the need to avoid hasty conclusions have been borne out by the report of the Coroner. I seek leave to table the Coroner's report. In doing so, I make it clear that I do this with the full knowledge of the Coroner.

Leave granted.

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

That the report be authorised to be published.

Motion carried.

The Hon. J.R. CORNWALL: In a covering letter addressed to me and dated 20 August 1986 the Coroner indicates that, in addition to the material supplied by the Health Commission and the hospital, he followed up certain specific inquiries which he instigated on his own behalf. Mr Ahern came to the conclusion that an inquest is not warranted into the death of Mrs Fuss. His letter states:

The main basis for the opinion which I have reached is twofold. In the first place, there is no doubt that Mrs Fuss was a person who was at substantial risk as regards infection from any sort of organism, including legionellae. This is supported by medical opinion, which I think is beyond dispute. In the second place, the considered body of medical opinion is that the appropriate methods to eradicate the organism can only be undertaken after it has manifested itself in a particular source or site. Certainly, again, preventative measures can and should be taken, such as the use of biocides and keeping the temperature of any given storage site at approximately 55°C or above. The evidence before me indicates that at all relevant times the temperature in the storage containers at the Queen Elizabeth Hospital was in fact

55°C, giving a tap or other outlet temperature of approximately 45°C.

These were certainly the recommended temperatures at the relevant time though, of course, subsequent to the death, the temperature has been raised approximately 10°C.

One must also of course be always mindful of the risk of scalding or burns to elderly patients in hospitals. There is no doubt that this can be a real risk and, accordingly, a happy balance has to be struck wherever possible.

The Coroner's report, which is very detailed, makes the point that, although the death of Mrs Fuss was not originally reported to his office, this was quite reasonable in the circumstances as then known. It makes it clear that people who undergo transplant procedures are at a substantial risk in regard to infection by a very wide range of organisms, including legionella and that, in such cases, the immune system is compromised by the very nature of the operative procedure and subsequent treatment.

Mr Ahern says there is no doubt that appropriate treatment was rendered to Mrs Fuss following her admission to hospital. From his own inquiries and having regard to the documentation supplied by the Health Commission, the Coroner is satisfied that the responsible officers of the commission addressed the question relating to the control of the legionella organism. The Coroner cites expert scientific opinion from a number of international sources. At page 4 he says:

Generally speaking, however, the ordinary healthy person has sufficient immunity to resist the invasion of the organism itself. On the other hand, of course, certain classes of people are very susceptible to the infection, including those people who undergo a transplant procedure such as Mrs Fuss in this particular case. Finally, it is quite apparent also from a reading of the literature that little can be done until the organism manifests itself in some particular site such as a hot water service or tap outlet.

Much play has been made of an internal minute within the Department of Environment and Planning, dated 2 February 1986, which has become known as the Ruler document. This is the document which was purported to constitute an alert to a high-risk situation at the Queen Elizabeth Hospital. It was written by an engineer in the Department of Environment and Planning to the head of the department's air quality branch. It arrived on the desk of the head of the South Australian Health Commission's Communicable Disease Unit, Dr Scott Cameron, without any covering documentation.

The thrust of the 'failure to act' allegation is that Dr Cameron took this memorandum to a meeting of the working party set up following the outbreak of legionnaire's disease in the southern suburbs of Adelaide from late December 1985 to February 1986 but that no alert was issued to the Queen Elizabeth Hospital after consideration of the document.

Members can read for themselves the Coroner's comments upon statements in the document and attachments which were entirely incorrect or had no bearing on the matter. The essence of the published allegations appears to be that the Ruler document showed that water temperatures at the hospital were lowered to 44°C in 1984 and that legionella bacteria can breed in water below 54°C. The first statement is wrong and the second irrelevant. The Coroner points out that the statements in the Ruler memorandum and attachments were already known to all people present at the meeting of the working party. The documents were not considered of great importance because of their contents. Mr Ahern says in his report:

In any event, it appears to me that the receipt of the information or otherwise by the hospital authority, that is, the Queen Elizabeth Hospital, is of little consequence. Inquiries instigated by me indicate to my satisfaction that at all relevant times the water storage temperature at the Queen Elizabeth Hispital was in the order of 55°C.

The fact is that the memorandum and attachments did not constitute an alert to a high-risk situation. In the first place, some of the purported information was false and some of it was irrelevant. In the second place, even if one assumes (quite wrongly) that the risk of legionnaire's disease is overcome by maintaining higher water temperatures than 44°C or 45°C, there could have been no failure to act because the hospital's water storage temperature had been maintained at 55°C since December 1983. Even allowing for a 10°C drop between the temperature at the calorifier and delivery, the temperature at the tap would still have been of the order of 45°C. The Ruler memorandum and documents failed to distinguish between water storage temperature and temperature at the tap, which is generally about 10°C lower. The argument is an academic one anyway, since, as I pointed out in my ministerial statement earlier this month, there is no guarantee that raising water temperature will eradicate legionellae.

For example, the South Australian Health Commission's own case control study of domestic water systems in the southern suburbs of Adelaide shows that legionella contamination may persist in domestic hot water systems even when the temperature is as high as 70°C. Mr Ahern's report concludes:

After consideration of all the relevant factors and circumstances it is my view that an inquest is not justified. The temperature in the storage service at the relevant time was in accordance with the recommended standard throughout Australia and, of course, it is by no means certain that even had the temperature been raised 10°C, say to 65°C, early in 1986 the organism would not have manifested itself where it did.

Accordingly, it seems to me that the information, to call it such, which was tabled by Dr Cameron at the 21 February meeting, was not of great consequence. In fact, recommended temperatures specified in certain of the documents so tabled were already being maintained at the Queen Elizabeth Hospital, as appears from the interrogation of the Engineering and Building Services manager to which I have referred.

In closing Ms President, I deplore the attacks which were made upon the Health Commission and upon individual officers. Although I am grateful for the Coroner's independent assessment and rejection of the allegations which were made, I regret that his involvement became necessary.

The bacteria which cause legionnaires disease are widespread in our environment and it is inevitable that further cases will occur here as they do throughout Australia and the world. Simplistic statements about precautionary measures which should be taken do no good and can do a lot of harm, especially if they promote a false sense of security. The South Australian Public Health Service is assiduously monitoring developments in the scientific literature worldwide. When and if we are in a position to issue further practical and helpful advice we will do so. In the meantime, I express my absolute and utter denial of personal neglect or dereliction of duty in relation to the death of this patient. The charges that were made, as I said at the time, represented a bastardisation of the Westminster system. I said so at the time, and I repeat it in the light of the Coroner's report.

QUESTIONS

FLUORIDE

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

Leave granted.

The Hon. M.B. CAMERON: Dentists in South Australia, as most people would be aware, have strongly supported

and advocated the introduction of fluoride into our water supply, even though they know that that will almost certainly reduce how much work they get. I do not think that there would be any member present who would not be aware of the very strong support that dentists have given to this measure over the years. Certainly, successive Ministers of Health have indicated their appreciation of that support.

They are concerned that there appears to be a growth in the 'anti-fluoride' lobby. Unfortunately, this feeling will wax and wane, but the reduction in the numbers of fillings and problems with children's teeth may well lead to a false sense of security about dental health. It is important to keep in mind, at least in South Australia, the history of the effect of fluoridation. The anti-fluoride lobby group has claimed that fluoride has a toxic effect and causes allergic reactions. This belief has been disproved by the National Health and Medical Research Council and the World Health Organisation. They have indicated quite clearly that fluoridation of water is a proven way to reduce decay.

Since fluoridation was introduced in Adelaide water supplies, the child and adolescent decay rate has been dramatically reduced. In the 1960s, the average 10-year-old had 4.5 decayed, missing or filled teeth. Now that figure has dropped to 1.2 teeth per child. Concerning 12-year-olds, there was an article in the *News* today from somebody within the Dental Service that in 1970, the average 12-year-old child had eight missing or filled teeth. Now the average 12-year-old has only two such teeth, although in non-fluoridated areas of South Australia this figure was 20 per cent higher. In areas of the world where the use of fluoride has been stopped, the decay rate has increased dramatically. This has occurred in parts of New Zealand and America and is wonderful for dentists but disastrous for the people.

In a South Australian Dental Service bulletin, dated 7 April this year, 88 towns or cities in South Australia are listed as having water supplies containing less than the recommended level of fluoride, as recommended by the National Health and Medical Research Council and the World Health Organisation. The level recommended by these organisations is one part per million. I note that a number of the 88 towns and cities I mentioned earlier have levels as low as 0.2. I seek leave to table that document for the benefit of members.

Leave granted.

The Hon. M.B. CAMERON: The Minister will note—and maybe it explains a few of my earlier problems—that towns like Beachport and Mount Gambier do not have the recommended levels.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: Yes, I know. I note that the Morgan-Whyalla main is due to be fluoridated in mid 1986. Has that occurred? In view of the fact that the Government has agreed to fluoridate that main, is it the intention of the Government to ensure that, where possible, all South Australian water supplies are fluoridated to the recommended level in the near future? Where that is not possible, will the Government take whatever steps are necessary to ensure that people are advised as to the required levels of fluoride supplements to ensure that the recommended levels of fluoride dosage are taken?

The Hon. J.R. CORNWALL: The question to fluoridate or not to fluoridate seems to rear its head on virtually an annual basis. It has been something of a *cause celebre* for extreme right wing groups for something like two decades. It was seen at one time as an international Communist conspiracy, in my recollection. The NH and MRC guidelines certainly support continuing fluoridation. Interestingly, there will be a national symposium in Adelaide tomorrow. There has already been a conference of dental researchers from Australia and New Zealand earlier this week. I had the good fortune to open that on Monday morning, and some of the delegates will be staying on for this national symposium on fluoride.

There is no evidence that has been put before me at this time to suggest that we should change or modify our policy on fluoridation in any way. The new treatment plant for the Morgan-Whyalla main has been built in such a way that fluoridation will be integrated as part of the operation. I am unaware whether that has happened at this particular time. I would have to inquire before I could give a specific answer on that, but it certainly has been approved. It is most certainly the intention that the fluoridation will proceed. It would be a matter of policy that, wherever it is practical, we would fluoridate reticulated water supplies in South Australia. That becomes a problem, of course, in some of the smaller towns and townships.

With specific reference to Mount Gambier, the fluoridation of the water supply there from the Blue Lake was proposed back in the early 1970s when my good friend and colleague Des Corcoran was the Minister of Water Supply, and one Helen Lesley Gebhardt, a very well known real estate agent in the town and also an active member of the League of Rights, collected 5 000 signatures on one weekend opposing that fluoridation. They were very well organised indeed. The Hon. Mr Lucas would have been far too young to remember this; his family would certainly have known Helen Lesley Gebhard, who was a very colourful character and who also kept a very slow racehorse. She was a client of mine.

The Hon. M.B. Cameron: No wonder.

The Hon. J.R. CORNWALL: No, that was despite the fact that I had the stable practice for the entire South-East. I do not know whether it has ever been put up; I do not know what are the views of the good people of Mount Gambier on fluoridation at this stage. Since it seems to be natural country in these days for the Opposition, it might like to make inquiries of that constituency and let me know. There is no immediate intention to fluoridate the Mount Gambier water supply. In these difficult economic times we simply could not afford it. If it is the wish of the majority of the good people of Mount Gambier that their water supply should be fluoridated, you should let me know and I would be pleased to seek my colleagues' support for the incorporation of that fluoridation in the forward capital works program somewhere in the next five years.

SUBMARINES

The Hon. K.T. GRIFFIN: I seek leave to make an explanation before asking the Attorney-General a question on the subject of submarine security.

Leave granted.

The Hon. K.T. GRIFFIN: My question is directed to the Attorney as Leader of the Government in this Council and also as the Minister who has had some involvement in the preparation of guidelines under the Police Regulation Act for the Operations Intelligence Section of the Police Force. This morning's newspaper carries a report that a Soviet spy has been arrested for spying on submarine research at the Kockums shipyards at Malmo in Sweden. Both the head of the South Australian Submarine Task Force and the Federal Government say this should not prejudice Kockums as one of the two tenderers for the Australian submarine project. I should say at this point that the Liberal Opposition gives

strong support to South Australia's claims to gain a major part of the project for this State, and that should be made clear.

The Hon. C.J. Sumner: You always come in here carping about it.

The Hon. K.T. GRIFFIN: I am not carping about it. Obviously—

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: Listen to the question. Obviously, whichever State gains the major share of the project, and in whatever State other work is undertaken on the project, an essential ingredient must be security. This morning's report does raise questions about the arrangements proposed by all States with respect to security and the powers available to local law enforcement agencies. In this State, the Special Branch of the Police Force, which would have had some responsibility for security, no longer exists. In March of this year the Government promulgated guidelines for the Operations Intelligence Section of the Police Force. Those guidelines severely limit the intelligence which may be collected by the Operations Intelligence Section to intelligence with respect to:

Any person:

(i) who is reasonably believed to have committed, or to have supported and assisted or to have incited the commission of; or

(ii) about whom there is a reasonable suspicion that his activities may involve the commission of, the supporting and assisting or the incitement to commit;

(a) acts or threats of force or violence directed towards the overthrow, destruction or weakening of the constitutional Governments of the States, the Commonwealth or a Territory;

(b) acts or threats of violence of national concern, calculated to evoke extreme fear for the purpose of achieving a political objective in Australia or in a foreign country;

(c) acts or threats of violence against the safety or security of any dignitary; or

(d) violent behaviour within or between community groups.

Obviously these guidelines do not allow the Operations Intelligence Section to deal with questions of security at any industrial plant such as that for building submarines. My questions to the Attorney are:

1. In its submission in support of South Australia's bid for the submarine project, did the Government make any provision for security and, if so, what is the provision?

2. Will the Government amend the guidelines of the Operations Intelligence Section to ensure matters of security at a submarine plant in South Australia are within that section's power?

The Hon. C.J. SUMNER: The honourable member seems to be very confused once again about just what the responsibilities are of the national Government of Australia for security matters and what responsibilities the State Police Force has for matters dealing with the security of individuals. The honourable member ought to know by now that, going back as far as the first Hope report, it was clearly established that the organisation responsible for matters of national security was ASIO—at least in so far as that relates to domestic activities; and there were some other security organisations as well, such as ASIS.

However, with respect to national security, the organisation with the prime responsibility for dealing with this matter was a Federal organisation, namely, ASIO, and it was clear that there had to be strict allocation of responsibilities between ASIO and State police forces. It was decided in the late '70s at least that State police forces ought not to be involved with matters of national security in that sense. That was a decision taken by the Dunstan Government, confirmed by the Tonkin Government and confirmed again by the Bannon Government.

However, that does not mean, in accordance with the agreement that exists between the Federal and State Governments, that certain information cannot be transmitted from State police forces to ASIO. What it does say is that the State police forces are not to be involved exclusively in the gathering of information relating to national security—

The Hon. K.T. Griffin: Or at all.

The Hon. C.J. SUMNER: No. As the honourable member would full well know, and as applied when he was Attorney-General, under guidelines laid down by the Tonkin Government and in accordance with an agreement signed between the Federal and State Governments that has been made public, information can be made available by the State police forces to federal agencies, but that does not mean that the State police forces are to act as agents of ASIO in South Australia. They are not, and that has been specifically excluded since the White report and the Dunstan guidelines confirmed by the Tonkin guidelines and confirmed by the most recent guidelines promulgated by this Government.

There is a distinction, as there ought to be and as the honourable member ought to know, between the national responsibilities, that is, the responsibilities of a national Government for so-called national security, which is a broader brief than the responsibilities that the State Government has. The State Government's Operations Intelligence Section is concerned with those matters that the honourable member has outlined.

Those are matters where there is force, violence or the threat of force or violence, or a reasonable suspicion that those acts are perhaps being carried out with a view to weakening or overthrowing constitutional government in South Australia. It is concerned with the safety and protection of VIPs, and with violence and threats of violence between community groups. That is a legitimate role for State Police Forces to have. So, as far as the question of national security is concerned, that is a matter for the Federal Government.

I do not know whether there was any question or matter raised in the South Australian Government submission to the Federal Government. I would imagine there probably was not, because whatever decision is taken on this point by the Federal Government—where the construction site is to be located—if there are issues of security that need to be addressed they will be addressed by the Federal Government, no doubt, and it can then use State resources, to the extent that is necessary and in accordance with the sorts of guidelines and arrangements that I have outlined.

The matter of national security is a matter for the Federal Government. It may address that in the context of the decision on the submarine site. Certainly, there is no case at this stage for amending the guidelines that have been promulgated.

POLITICAL ACTIVITIES IN SCHOOLS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation prior to directing a question to the Minister of Health, representing the Minister of Education, on the subject of political activities in schools.

Leave granted.

The Hon. R.I. LUCAS: Last week I was contacted by parents of children at Christies Beach High School who were outraged at activities of the Federal Labor member for Kingston, Mr Gordon Bilney. Mr Bilney had organised

teachers in the Christies Beach High School—and, evidently, in about 30 other primary and secondary schools in that area—to distribute in the classrooms entry forms for a free raffle he was conducting. I raised this matter publicly on Monday of this week—

The Hon. Carolyn Pickles: Don't you care about road safety?

The Hon. R.I. LUCAS: I care very much about road safety but I do not care about political activities in our schools by colleagues of the Minister of Education. I raised this matter publicly on Monday, hoping that the Minister of Education would act speedily on the matter and seek to correct the situation. Sadly, it appears that the Minister has disappeared down his bunker and made no response. My questions to the Minister are:

1. Does the Minister support Mr Bilney's actions and, if not, will the Minister put a stop to this disgraceful vote-buying exercise immediately?

2. Is it departmental policy that members of all political Parties are allowed to conduct free raffles with the assistance of teachers in South Australian schools?

3. Will the Minister ensure that this complaint about Mr Bilney's actions is investigated, and will he bring back a report to the Parliament?

The Hon. J.R. CORNWALL: I will be quite happy to refer those questions to my colleague in another place, the Hon. Greg Crafter, and bring back the replies. My only observation in passing would be that I think it is highly desirable that politics be a subject in all South Australian schools. I think it is important that, if the next generation is to participate actively in the political life of this State and this country, it is desirable that political science and the study of politics as it operates in this State and in this country ought to be part of the curriculum. Mark you, the way politics operate sometimes in this Chamber, Ms President, it might be beyond the comprehension of both the teachers and their pupils.

Members interjecting:

The PRESIDENT: Before calling on the Hon. Mr Hill I would point out that injurious reflections on this Parliament are not permitted under our Standing Orders.

The Hon. J.R. CORNWALL: Personal explanation, Ms President! There was nothing in what I said that reflected in an injurious manner on this Parliament. I simply said that the ways of this Upper House, in particular, are sometimes complex and exceeding strange to the casual observer.

URANIUM SALES

The Hon. C.M. HILL: What is the Minister of Health's view of the Federal Government's decision to sell uranium to France?

The Hon. J.R. CORNWALL: I am not a member of the Federal Government. I happen to be a provincial politician and a member, I am pleased to say, of the State Cabinet. I do not have a particular view on the question of the sale of uranium to France. It is certainly not my business to meddle in the affairs of the national Government and, more particularly, in areas that are well outside my portfolio. I have not done so before and I do not intend to start at this stage.

EDUCATION LIBRARY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before directing a question to the Attorney-General as Leader of the Government, and in the absence of the Minister of Local Government, on the question of the education library.

Leave granted.

The Hon. L.H. DAVIS: I have been disturbed to hear that tomorrow's State budget may well result in the axing of the library in the Education Department head office in Flinders Street. I understand that the library is funded as to 80 per cent by the Education Department and as to 20 per cent by the Department of Technical and Further Education, which shares the facility. This is the major education library in South Australia. About one-third of the borrowers from the library are located in the head office building.

I further understand that all State Education Departments have a head office library. There are suggestions that the library services will be taken over by the State Library or relocated in space at a primary school. Quite clearly, such action will be a retrograde step, inefficient and ineffective, and quite possibly will lead to no financial savings as TAFE may be forced to establish its own library.

I am advised that there has been no consultation with the South Australian Libraries Advisory Committee—which uses the acronym SALAC—which was established by the Labor Government to advise the Minister on library development in this State. In fact, I understand that the Minister of Local Government has had no contact with SALAC in the 13 months in which she has been the Minister. There has been widespread alarm in library circles that such high handed unilateral action is contemplated.

I regret asking this question in the absence of the Minister of Local Government in Penang, but is the Attorney-General, as Leader of the Government, in a position to reassure the Council that this serious action will not occur as a result of State budget funding cuts or any direction from the Minister of Local Government and/or the Minister of Education?

The Hon. C.J. SUMNER: The honourable member should know better than to speculate about what might be in the budget to be announced tomorrow. I certainly do not have any knowledge of the matter that the honourable member has raised, but he knows full well that the budget is due to be brought down tomorrow and I have no doubt that he can then peruse the budget papers and the Premier's speech and, if it appears that the assumption made this afternoon by the honourable member is correct, I am sure he can pursue it.

The budget has to pass the Legislative Council and he will, no doubt, be able to ask questions at the appropriate time. It may be that he could even encourage his colleagues in another place during the Estimates Committees to question the Minister, but it seems to me a pointless exercise to come into this Chamber this afternoon and waste everyone's time by a speculative question of this kind.

The other point that one has to make about the honourable member, and indeed all members opposite, is that they cannot seem to make up their minds just what they want. They always seem to pontificate about the need to cut Government spending. That is what one hears every day of the week.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: They don't like being put on the spot, Ms President. The fact is that the Hon. Mr Davis and other honourable members continue to pontificate about the need to cut Government spending.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! Mr Davis, you have asked your question, will you please listen to the reply without interjecting.

The Hon. C.J. SUMNER: It is difficult to hear the Leader of the Opposition in the Federal Parliament talking about anything else but the need to reduce taxes and Government spending. That is also Mr Olsen's position. I would assume, unless of course the Hon. Mr Davis is in the wet camp of the Liberal Party, that it is his position also. I do not know quite where he stands on it. However, the official line of the Federal Labor Party—that is, the dry line—is for a massive cut in Government expenditure.

The Hon. Peter Dunn: Yes.

The Hon. C.J. SUMNER: The Hon. Mr Dunn says, 'Yes'. We have that confirmed from a humble backbencher, as well as from the Leader of the Opposition in the Federal Parliament and the Leader of the Opposition in the State Parliament. They continue in all their statements to talk about reductions in Government expenditure. That is on the one hand. However, on the other hand each of the individual shadow Ministers, of which there are five in this place—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That is quite right. There has always been more quality in the Legislative Council.

Honourable members: Hear, Hear!

The Hon. C.J. SUMNER: In any event, there are five shadow Ministers in this place and one ex shadow Minister.

An honourable member: Two.

The Hon. C.J. SUMNER: Two indeed—a total of seven out of 10. Each one of those, the official shadow spokespersons and the former spokespersons, all come into this place with their separate issues. Every time it appears that there might be a saving in some particular Government activity, they criticise it and say, 'You should not be saving this. You should not be cutting Government expenditure here. You should not be doing these sorts of things.' On the one hand, their man in Canberra, Mr Howard, the Leader of the dries, and Mr Olsen, his offsider here, continually talk about cutting Government expenditure. On the other hand, individually at every point they possibly can manage those shadow Ministers and former shadow Ministers come into this Council and criticise the Government, whether State or Federal, because that Government might be making some savings on a Government activity. The fact is that they cannot have it both ways. They have to make up their minds just where they stand on these particular issues.

The Hon. L.H. Davis: This is a terrible answer.

The Hon. C.J. SUMNER: Well, it was a dreadful question, Ms President. The question was completely speculative and to my knowledge had no basis in fact, and I suspect that the honourable member might just as well wait until tomorrow. He can let his backbenchers have more time to ask questions of Ministers—sensible questions—and then tomorrow, if the speculation turns out to be true, the honourable member has two or three months when the budget is before the Parliament to make his points in a sensible way instead of, as I said, in the speculative way he has done today.

WOMEN'S SHELTERS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Community Welfare some questions about women's shelters.

Leave granted.

The Hon. DIANA LAIDLAW: My concerns relate to two distresses that have been generated amongst staff of women's shelters by recent Government administrative action and statements. The first relates to the Minister's comments in response to a question from the Hon. John Burdett yesterday when the Minister claimed that women's shelters had received a 36 per cent increase in their funding in real terms over the past two years. I am not sure whether the Minister saw the article by Mike McEwen in this morning's *Advertiser*, but that statement of a 36 per cent increase was strongly refuted by Dawn Rowan, a coordinator of a women's shelter. She said:

> Claims about funding increases are wrong. We are not 36 per cent better off over the past two years, as Dr Cornwall claims. We are in fact 40 per cent worse off than we were five years ago.

That comment has subsequently been confirmed by other workers in women's shelters who, at the same time, have expressed their frustration at the Minister's repeated misrepresentation of their financial position. Can the Minister explain this vast discrepancy in statements about funding arrangements?

Further on in the *Advertiser* article, the Director-General of the Department for Community Welfare, states:

> I think the quality of shelters here is as good as I have seen.

I strongly endorse that comment, but it is a comment that is also relevant in terms of the future funding arrangements for the Hope Haven Women's Shelter, which is run by the Adelaide Central Mission.

The Hon. J.R. Cornwall: No, it's not. You said the Adelaide Central Mission.

The Hon. DIANA LAIDLAW: I meant the Adelaide City Mission. On 8 August, the President of the mission received a letter from the Director-General which, in part, states:

> I would like to reinforce the Minister of Community Welfare's and my own goodwill towards your committee which I know has worked very hard over many years for victims of domestic violence. It is therefore in the spirit of goodwill that I would ask the Adelaide City Mission to take very seriously our joint wish of the need to make some fundamental changes to the way Hope Haven is presently run. Any further funding from the Commonwealth and State Governments is dependent on a commitment to change.

The Director-General then noted nine areas for change. Three days later the President of the Adelaide City Mission replied at length to the Director-General, acknowledging that there had been recent internal and external problems with Hope Haven but accepting that, with the cooperation of the department, action would be taken on each of the nine areas outlined in the Director-General's letter. Therefore, it was of some surprise to the committee of the Adelaide City Mission to be told at a meeting with the Director-General some five days later that she could not see herself as being able to recommend to the Minister that funding for Hope Haven be continued.

In relation to Hope Haven, does the Minister believe it is fair and warranted that that institution should be advised at this stage that its funds may be cut off from 1 October, when in fact it has agreed in writing to meet all the departments concerned, and has also received confirmation on 8 August of the Minister's good will and respect for the work undertaken by the centre.

If he believes that it is neither fair nor warranted, is he at this time prepared to accede to the mission's request to establish an immediate and full investigation by a completely independent and unbiased committee into the Hope Haven Womens and Childrens Emergency Shelter?

The Hon. J.R. CORNWALL: That was a very long preamble before we got to the point: we went through Mike McEwen's feature and eventually arrived at Hope Haven. I

make it very clear that I agree with Sue Vardon. On all the evidence available to me, I think the quality of the care, support and counselling in womens shelters in South Australia is the best in the country. That has never been in contention. Overall, I repeat that the quality of care, counselling and support in womens shelters in South Australia is very good, and I want that clearly on the record.

Secondly, the Hon. Ms Laidlaw referred to a statement by Dawn Rowan, who claimed that the shelters were 40 per cent worse off now than they were five years ago. I might say that Ms Rowan was one of the few people, relatively, who were named in the article. In the style of this particular journalist, there were very many unnamed sources. I was described by unnamed sources as being a number of things, including 'a little Hitler'. That is just not what responsible journalism is about.

The Hon. Diana Laidlaw: Are you taking issue with that?

The Hon. J.R. CORNWALL: I will alway take issue with anyone who does not meet professional standards. The general standards of journalism in this city are very good, and I have no reason for complaint at all. However, when one gets a feature article by someone who is appointed as a features writer in our one and only metropolitan daily newspaper, who resorts to unnamed sources throughout—

The Hon. L.H. Davis: There are two newspapers in South Australia.

The Hon. J.R. CORNWALL: The only morning metropolitan daily.

The Hon. L.H. Davis: The *News* will be pretty rapt in that.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The *News* and I have excellent relations. In fact, some of my best friends work for the *News*. As I said, the quality is good. Dawn Rowan's statement is wrong and it is untrue—and there is an end to it. I really do not know why Ms Rowan chooses to use these tactics. Her statement is patently wrong. I do not like having to say that in this Parliament or anywhere else, but I am perfectly happy to repeat it outside the Parliament. What Ms Rowan said with regard to funding of womens shelters in this State is wrong. This year women's shelters will receive in total about $2.5 million in funding. On average they will receive closer to $200 000 each rather than the $160 000 each as was reported in the McEwen article.

Setting that aside, because it was something of a diversion in the lead up to the main question, Hope Haven is a women's shelter run by the Adelaide City Mission. It is most important that that is not confused with the Adelaide Central Mission. The Adelaide Central Mission runs some of the best social welfare services in South Australia and has a staff of many hundreds. It has an Executive Director, Graham Forbes, who is well known to me. He is also the Chairman of the Drug and Alcohol Services Council and is one of the best social welfare administrators in this State. So let us not confuse the very many excellent services run by the Adelaide Central Mission (on behalf of the Uniting Church) with the Adelaide City Mission. The Adelaide City Mission appears to be some sort of residual missionary activity, the basis of which I am not too sure about. The Hon. Mr Burdett would know about that, because in 1982 he asked for an investigation into the Adelaide City Mission and Hope Haven. The Hope Haven women's shelter by no means meets the excellent standards of the other women's shelters in this State.

The Hope Haven women's shelter has been a matter of concern for the Department for Community Welfare and successive Governments for a number of years. The department, as I said, has a long standing concern about the programs provided for women clients at Hope Haven. Over the past 12 months in particular the Department for Community Welfare has received numerous complaints from Hope Haven shelter staff, ex clients and other agencies. Over the past six months the department has on a number of occasions conveyed its concerns to the Adelaide City Mission by letters and via a series of meetings. Senior officers of the department have met with the mission on a number of occasions. However, I am saddened to say and to have to report to the Council that the mission has not adequately responded to the department's requests.

The department has a number of concerns about the way in which Hope Haven women's shelter is conducted. First, the number of clients of the shelter has dropped dramatically, especially over the past three months; secondly, numerous clients have complained about the attitude of the management committee, which they have described as patronising; and thirdly, the shelter is not separately incorporated. There have been consistent requests that it be separately incorporated—separate, that is, from the Adelaide City Mission—with its own board of management and its own administrative structure. That is a reasonable funding condition, and also it was a hope that by doing that the administration would come into line with the general policy standards expected within the shelter movement. I am not referring to the standards and policies alone that the department looks for but the standards and philosophies as policies which are expected and pursued by all the other women's shelters.

Fourthly, I am sorry to say that the physical conditions of the shelter are clearly substandard—the accommodation is very poor indeed: fifthly, staff paid for by the Supported Accommodation Assistance Program (SAAP) have been used for the work of the Adelaide City Mission, and that is just not on and it is not accountability; and, finally, the management lacks members who have expertise in domestic violence, so the domestic violence counselling is not up to the standard expected in women's shelters. They are but some of the concerns.

In a sense, I am sorry that the Hon. Ms Laidlaw raised this matter. I would not want anyone to think that the concerns that are specifically about Hope Haven apply across the board. I cannot repeat too often that they do not. I repeat yet again that I agree completely with Sue Vardon that the general standards of accommodation, particularly in relation to care, support and counselling in South Australian women's shelters, are the best in the country. However, Hope Haven is not satisfactory for a whole range of reasons. Negotiations are continuing, and we are happy to continue those negotiations. However, we must insist that, as part of the conditions of continued funding, Hope Haven meets a number of requirements in the interests of its clients.

The Hon. DIANA LAIDLAW: I would like to ask a supplementary question in relation to women's shelters.

The PRESIDENT: I do not know that it would count as a supplementary question, but you may certainly ask a question.

The Hon. DIANA LAIDLAW: Is it only a coincidence that the Minister is now insisting on contracts while at the same time threatening to cut back funding for Hope Haven and, secondly, would the Minister confirm the statement that he would not be accepting a recommendation for a cutback of funds if indeed he is satisfied that Hope Haven can meet the conditions set out by the Director-General in recent meetings?

The Hon. J.R. CORNWALL: Again let me make it clear, Ms President, that the matters are quite unconnected. In

fact. Hope Haven signed their formal agreement quite quickly. They are one of the few shelters who have signed their agreement. It has nothing to do with the ongoing negotiations about formal agreements. Let us not describe them as contracts, as though they were some sort of negative thing. We are asking them for formal agreements. Let me make two points very briefly. The Sheltered Accommodation Assistance Program is getting an additional $713 000, and the women's shelter part of that program is getting something like a third of that money in addition to their inflation factor. So, where they received an average of $160 000 for the 13 of them last year, this year they will receive very close to $200 000. That is a very substantial increase in real terms at a time when almost everybody else in the community—individuals, groups and organisations—is being asked to offer up some savings. So, that is a generous offer.

The second thing that I want to make clear is that the Sheltered Accommodation Assistance Program was initiated by the Federal Government. It is a joint Government venture. We cannot in those circumstances wander along making a few handshake-type agreements with each of the individual shelters. Because of its very nature and size now, almost $7 million altogether to the Sheltered Accommodation Assistance Program in this State alone and something closer to $80 million nationally, quite obviously the Federal Government as well as the State Government is insisting on some formal lines of accountability. I believe that is perfectly respectable and responsible. I think it is most regrettable, knowing that we will ultimately arrive at agreement, that a small but significant number of women who had to fight for every penny that they got when the sheltered programs were less well established still seem to consider it necessary to create and get involved in some sort of public dog fight. That is most counter-productive, and I would say to them: please let us sit around the table and do this thing amicably. I will have the opportunity to meet with some of them at least on this Friday, and I consider myself to be a reasonably skilful negotiator, certainly—

The Hon. R.I. Lucas: The only one.

The Hon. J.R. CORNWALL: The Hon. Mr Lucas should just have a look at what is happening in the Victorian hospital system at the moment before he makes foolish statements like that. He should look at how much time has been lost through industrial disputation in the South Australian health system over the past three and a half years, and he will find that we have virtually lost none at all. We have enjoyed a record of industrial peace in our public hospital system unparalleled in this country, so it is not true to say that I do not have some skills in negotiating. It is also, of course, a matter of record that I am a reasonably generous sort of fellow—

Members interjecting:

The Hon. J.R. CORNWALL: Well, there you go.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Mr Lucas would have me go up and apparently punch the health professionals on the nose. That is the inference that he makes.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: The oldest choir boy in the world is Mr Lucas. However, I will be reasonable and in terms of the agreement I will be quite generous, provided there is financial accountability, and this whole thing then will become a storm in a teacup. I will repeat: whether it is a women's shelter or the Royal Adelaide Hospital; whether it is one of the non-government agencies or one of our community welfare offices, I will always insist on financial accountability. That is what public administration is about. I can be as foolish as I like with my own money, but I am scrupulously careful with other people's.

POLICE INQUIRIES IN SCHOOLS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation prior to asking the Attorney-General, as Leader of the Government in this Chamber, a question on the subject of police inquiries in schools.

Leave granted.

The PRESIDENT: I trust that it will be a brief explanation in view of the clock.

The Hon. R.I. LUCAS: It is always brief, Ms President. I refer to the latest edition of the *Education Gazette* which is published under the authority of the Minister of Education. An amendment to the administrative instructions and guidelines relates to police interviews in schools. Part of that directive as amended reads:

> Where a student over the age of 10 years specifically requests that his or her parents not be contacted, and the principal is satisfied that the student is capable of mature judgment—

and I interpose, at the age of 10—

> consistent with his or her best interests, then the student's wishes should be respected.

Does the Attorney-General support this Government policy that a child of age 10 in a school should be able to conceal a police inquiry from his or her parents?

The Hon. C.J. SUMNER: I have not seen that directive and I do not know what directive it replaced. The honourable member's question is not a full account of the situation in that respect, for which I am not being critical. He obviously felt constraints placed upon him by you, Madam President, in view of the time—

The PRESIDENT: Not by me; by the clock.

The Hon. C.J. SUMNER: I am not aware of that particular directive. The general proposition is that, where possible, where minors are being interviewed by police, then their parents or an adult should be notified so that they can be present if they wish during the interview. In fact, the honourable member may well be right, because the police standing instructions indicate that a police officer, before interviewing a minor, should make attempts to notify the parents so that the parents can be present during the interview.

The Hon. R.I. Lucas: This would be in conflict with that.

The Hon. C.J. SUMNER: On the face of it, the honourable member may well be right. As I understand the standing instructions to police officers, they are to attempt to contact the parents of the child. On the face of it, there does seem to be some inconsistency.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Indeed, I think the honourable member has raised an issue that does need looking at. I do not know the full facts of the matter that the honourable member has raised or the context in which that instruction is given but obviously, in the light of what I have said, it does need examining and I will have that done and bring back a reply.

QUESTION ON NOTICE

LEGIONNAIRE'S DISEASE

The Hon. M.B. CAMERON (on notice) asked the Minister of Health:

1. Will the Minister of Health advise the Council as to what warnings have been issued to hospitals, old folks'

homes and child-care centres regarding legionnaire's disease?

2. If any warnings have been issued, by whom and on what date?

3. Will the Minister table all documents associated with these warnings?

4. Were hospitals, old folks' homes and child-care centres advised to take precautionary action against the legionella bacteria?

5. If so, when was that advice issued and what was the nature of that advice?

6. Will the Minister table all documents associated with that advice?

7. Following the outbreak of legionnaire's disease in January, were all public hospitals under the Minister's control directed to test their hot water tanks and air-conditioning plants?

8. If so, when was the directive for such action issued, by whom was it issued, and on what date?

9. Will the Minister table all documentation associated with those directives?

10. How often are water tanks in hospitals, old folks' homes and child-care centres tested for legionella bacteria?

11. Is the Minister aware of the Commonwealth Education Department directive to the Athol Park Child-Care Centre to restrict the temperature of hot water to 43°C?

12. How many child-care centres are required to keep their temperatures at 43°C?

13. What warnings have been issued to 'at risk' people who either teach or assist at such child-care centres?

14. Have any alternatives to keeping the temperature at 43°C been considered in child-care centres?

15. If so, what alternatives have been considered?

16. Will the Minister table all documents associated with the consideration of such alternatives?

17. *(a)* What warnings were issued in February about the possible dangers of the legionella bacteria to public institutions?

(b) Who issued those warnings and will the Minister table the documents associated with those warnings?

18. Will the Minister table a Department of Environment and Planning memo dated 22 February 1986 warning of the risk of legionella contamination in the hot water system of the Queen Elizabeth Hospital?

19. Will the Minister table the minutes and transcript of the meetings of the committee he set up to study legionnaire's disease and any advice forwarded to him as Minister or requests forwarded by him to the committee?

20. Has legionella bacteria been found at Flinders Medical Centre?

21. If so, when was it found?

22. Was any public announcement made about the discovery of legionnaire's disease at Flinders Medical Centre if there has been an outbreak?

23. If not, why not?

The Hon. J.R. CORNWALL: The replies are as follows:

1. Information Bulletin No. 1.15 (Occupational Health Guide—Legionnaire's Disease) dated 5 March 1986 was issued to all incorporated hospitals as well as some unincorporated hospitals, other health units and community health centres. Nursing homes, rest homes and other hostels for the aged are the responsibility of local authorities. Kindergarten and preschools administered by the Children's Services Office would also be subject to oversight by local authorities.

2. See above.

3. Documents relating to these matters have already been tabled.

4. See answer to 1.

5. See answer to 1.

6. See answer to 3.

7. Assuming that testing for legionellae is meant here, the answer is 'No'. The actions of the South Australian Health Commission and the Public Health Service conform with accepted overseas protocols.

8. See answer to 7.

9. See answer to 7.

10. Water tanks are not tested for legionellae on any directive from the South Australian Health Commission except where deemed appropriate to renal and oncology wards. See answer to 5.

11. Not specifically but there are numerous examples of such restrictions being placed on delivered hot water. In fact some would limit the temperature for child use to a range of 38° to 40.5°C in view of the numerous scalding incidents recorded in children in Australia. The Children's Services Office in South Australia conducts annual inspections of child-care centres and monitors hot water services to see that water is delivered at a temperature of 43°C.

12. All.

13. There is no reason to believe that there are more people 'at risk' supposedly of legionellosis at child-care centres than elsewhere in the community; in fact, there are probably less by proportion. I am advised that no warnings are warranted.

14. No.

15. See answer to 14.

16. See answer to 14.

17. *(a)* See answer to 1.

(b) South Australian Health Commission. See answer to 3.

18. The document has been tabled.

19. No.

20. See *Hansard*, 5 August 1986, pages 36-37.

21. See answer to 20.

22. See answer to 20.

23. See answer to 20.

WELFARE BENEFICIARIES AND NEEDY FAMILIES

The Hon. DIANA LAIDLAW: I move:

That recognising that pensioners and other welfare beneficiaries are the neediest groups in our South Australian community, and that the economic position of low and single income families with children has deteriorated markedly over recent years, this Council—

1. registers its protest that these groups will be substantially worse off as a consequnce of measures announced in the Federal budget last week;

2. expresses its concern that the continuing decline in the economic position of pensioners, other welfare beneficiaries and low and single income earners with dependants will impose additional obligations on social services provided by the State Government and non-government welfare organisations;

3. calls on the State Government to urge the Federal Government to give priority to initiatives to free families from excessive financial stress; and

4. requests the President of the Council to convey this resolution to the Prime Minister.

In moving this motion I stress at the outset that I, the Opposition and indeed the non-government welfare organisations in this State not only recognise the serious economic circumstances facing South Australia and the nation but also acknowledge that everyone must play a part in sharing the responsibility for restoring vitality to our economy.

The less financially well off and the less educated members of our community in particular have a vested interest

in a vital economy that promotes enterprise, encourages investment and fosters productivity.

During periods of economic recession, such as we are experiencing currently, it is they—the less financially well off and the less educated—who suffer the greatest hardship due to the limited capacity of the private sector to generate jobs and pass on the benefits of increased profits or the limited capacity of the public sector to maintain the value of benefits and concessions or a full range of community services.

I have moved this motion today because the reality of the Federal budget for pensioners, other welfare beneficiaries and low and single income families belies the Treasurer's statement that the Government would not compromise its deep commitment to assist the genuinely needy. The fact is that the Federal budget does not realise the Government's espoused goal of restraint with equity.

This is not my conclusion alone. Almost without exception newspaper editorials and media commentators have recognised that the neediest groups in our community will be worse off as a consequence of the budget measures. A diverse range of non-government welfare organisations also have been loud in their protests highlighting that the burden of the budget will hit hardest on sole parent families, pensioners, children and the unemployed, and will place increasing pressures on families.

The Australian Council of Social Services in news releases of 19 and 20 August alternatively headed its statements 'Unjust budget is severe blow for poor people', and 'Budget impact on poor people even worse than anticipated'.

Consumer groups represented by the Australian Federation of Consumer Organisations and the Australian Consumers Association have described the budget as 'inequitable at best and, at worst, disastrous for low income earners'. Finally, the spokesman for the Taxpayers Association, Eric Risstrom, has assessed that, notwithstanding projected tax cuts, a family with an income of $20 000 a year will be worse off by $11 a week. All the above factors reflect that the budget will compound not improve the plight of the less financially well off in our community.

This is distressing and disturbing at a time when the number of families living in poverty in Australia stands at more than 2.5 million, a figure which is double that of 10 years ago and which includes more than 750 000 children. I should add to that statement that the President of ACOSS on *AM* this morning indicated that the figure was closer to three million Australians and the figure for children in poverty was 800 000.

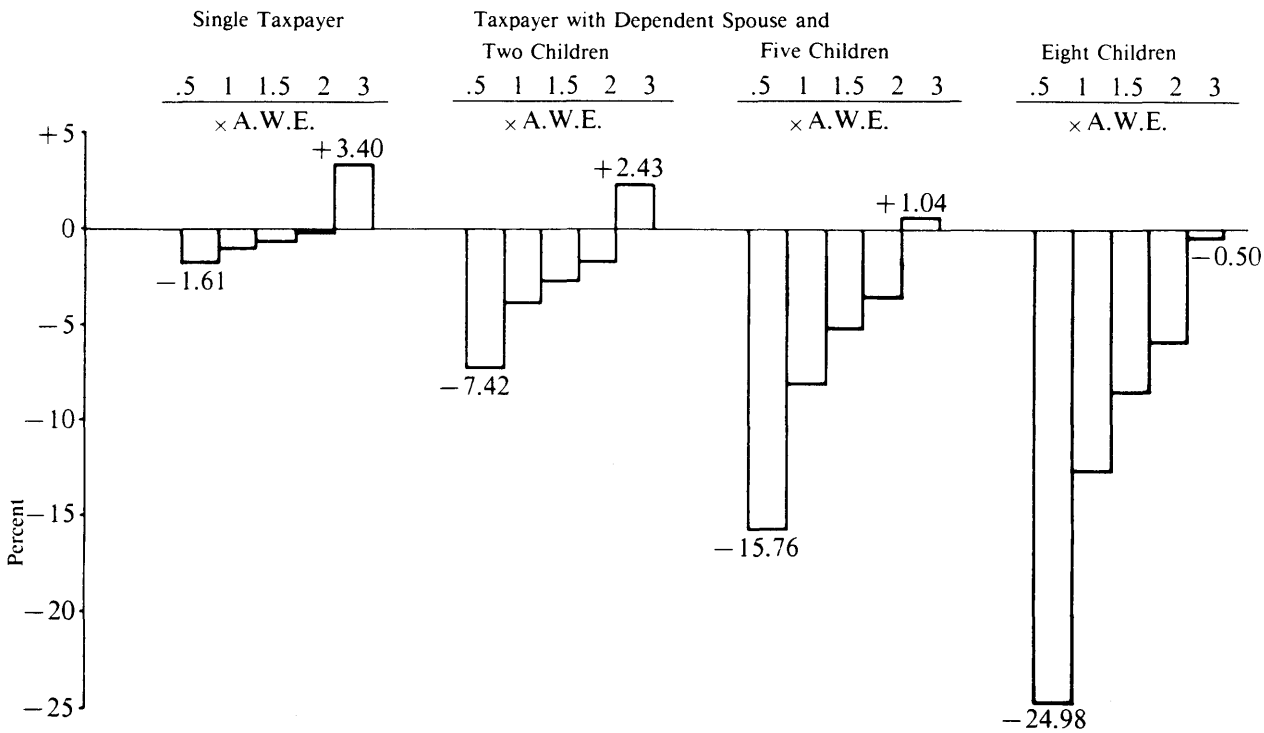
These reflections are disastrous when one considers that the budget measures coupled with the current recession come on top of a decade of decline in the Federal Government's economic support for families through the tax and social security systems. The Australian Catholic Social Welfare Commission in a recent study of declining family incomes entitled 'A fair go for families' highlighted how the tax system penalises families with children at every level of income, particularly low and single income families and large families. These same groups were identified by the Minister of Community Welfare in his contribution to the Address in Reply debate less than a fortnight ago when he noted that no longer are the age pensioners or even the single unemployed predominant at the bottom of the income pyramid; the poorest people in our society are young families with single parents or single incomes.

The Australian Catholic Social Welfare Commission notes that the amount of income tax imposed on a family with four children, living on average weekly earnings, over the past 10 years has increased 435 per cent while wages have increased only 135 per cent. By 1988, despite the reforms proposed by the Federal Government, the commission estimates that a taxpayer on average weekly earnings with two children will be receiving tax rebates worth 0.78 per cent of his or her pay plus family allowances worth 2.58 per cent of average weekly earnings, whereas in 1951 the taxable income for the average wage earner with two children was reduced by a deduction worth 21.56 per cent of average weekly earnings.

The deteriorating economic position of Australian families is seen clearly when one compares the disposable share of earnings enjoyed by families in 1977 with the forecast for 1988, and I would seek to incorporate a graph which is a forecast of the cumulative change in disposable income as share of earnings between 1976-77 and 1987-88.

Leave granted.

Forecast Cumulative Change in Disposable Income as Share of Earnings 1976-77 to 1987-88



The Hon. DIANA LAIDLAW: In 1988, it is clear from the chart, average weekly earners with a dependent spouse and two children will have nearly 4 percentage points less, or with five children nearly 9 percentage points less, in disposable share of earnings than their counterparts with the same number of dependants in 1977. By contrast, an average weekly earner with no dependants will have 2 percentage points less in disposable share of earnings while the taxpayer earning three times the average weekly earnings but with no dependants will have 3 percentage points more in disposable share of earnings.

Of major importance in this context of family income is the finding by the commission that families of different sizes on lower incomes have suffered more than those on larger incomes. Finally, in relation to the erosion of disposable income available to families with dependants, I highlight the commission's finding that, by projection, by 1988 Australian families as a whole will be losing approximately $1 107 million a year by comparison with 1983.

Of this $1 107 million, non-indexation of family allowances accounts for $513 million; non-indexation of dependant rebates amounts to $394 million; abolition of family allowances for over 18-year-olds, $30 million; and abolition of concessional expenditure rebates for health insurance, education and life insurance, $170 million. From the above facts and figures honourable members will observe that the deterioration in the economic position of families in recent years is an acute social problem and, further, that low and single income families, who can least afford cuts in their disposable share of income, are suffering the most.

I suggest, therefore, that it is not surprising that the recent Federal budget has been received with alarm bordering on outrage and panic by non-government welfare agencies and others, not only in this State but across the nation. They have claimed the budget will be a severe blow for poor Australians who are already struggling to survive on diminishing household budgets. For the purpose of this motion, I cite only the assessment by the President of ACOSS, Mr Julian Disney, in a paper he prepared entitled 'Community sector briefing notes'. In relation to income security, it reads:

The Government's decisions in the social security area will have a severe impact on many social security recipients:

- When Labor came to office in 1983 it promised to reduce the time taken to provide the indexation increase in pensions from five months or more to one month. Three years later, no progress has been made and now the delay is to be increased by a further six weeks. Because of the Government's failure to fulfil this promise, pensioners on average have lost $400 since 1983. This financial year a single pensioner will lose a further $50 when the November and May indexation increases are delayed by six weeks and a pensioner couple will lose a further $80.
- The poverty trap initiatives that were to be introduced in November would have helped nearly half a million pensioners who are trying to provide for themselves and reduce their reliance on Government assistance. The loss for pensioners in this financial year will be much larger than the amount taxpayers will lose because of the delays in tax cuts. A sole parent pensioner with two children and who is paying high private rents will lose $26 per week or nearly $900 this year. The poverty trap measures were introduced as part of last year's tax reform package, along with the cuts in income tax rates. Taxpayers will suffer only a three-month delay in their tax cuts, but pensioners are expected to wait eight months.

ACOSS deplores the proposal announced in the budget that pensioners and beneficiaries will no longer be entitled to receive tertiary education allowances. In the proposal, pensioners commencing studies in 1987 will only be eligible for a $15 per week allowance. This presumably is supposed to cover extra costs such as child-care and transport. Compared to the current arrangements, a single pensioner with two children in full-time education will be $23 per week worse off.

This is an excessive disincentive to people wishing to improve their long-term employment prospects and places further hardship on already overstressed and ill-supported persons.

- The so-called increases in additional payment for children of pensioners and beneficiaries and in Family Income Supplement are not real increases at all since they are less than the increase in inflation. As a consequence of these real cuts in payments for children, plus the other delays in pension increases and income test changes, it is pensioner and beneficiary families with children—the neediest group in the community—who will suffer the most in this Budget.
- The means testing of family allowances for 16 and 17-year-olds will, amongst other things, have an economically counter-productive effect by deterring people from continuing at school in order to improve their job prospects.

Employment: While the Budget forecasts a reduction in employment growth to only 1.5 per cent in 1986-87, no concrete predictions are made for unemployment.

ACOSS predicts an increase in the average unemployment rate from to 7.9 per cent in 1985-86 to 9 per cent in 1986-87. It could rise to 10 per cent in February 1987 when school leavers enter the labour market. These increases will have greatest impact on teenagers, older workers and the long-term unemployed. At a time when there is a need for increased support for the growing pool of unemployed the budget has cut expenditure on labour market programs by 3.7 per cent or $33.3 million in real terms . . . The number of people unemployed will increase and their position will decline dramatically as a result of the 1986-87 budget.

Health: By abolishing Commonwealth subsidy to private hospitals . . . we fear that the inevitable increase in private hospital insurance is likely to lead to increased demands for public hospital care. The increases in the Medicare levy will adversely affect large numbers of relatively low income earners. The cost of pharmaceuticals to beneficiaries has been increased by 25 per cent.

Housing: In March this year State Housing Ministers estimated that Federal CSHA funding would need to be $1 000 million to prevent public housing waiting lists and waiting times from growing. As expected the Federal Government has chosen to maintain CSHA funding at last year's level—$693 million in 1986-87 . . . 20 to 25 per cent cuts to overall State housing programs means that some States (SA and WA) face a substantial cut in available funds . . . total housing funding will not be sufficient to prevent waiting lists from blowing out or make any impact on housing related poverty.

Young people: The 1986-87 Budget makes a farce of the Federal Government's claim that young people are its number one priority. The creation of real job opportunities will be lessened, higher education will be increasingly confined to those who can afford to pay, and young people dependent on Government benefits will suffer a further decline in their living standards. The introduction of a $250 fee for higher education will affect well over 60 per cent of Australian university and CAE students. Not only does this establish a precedent for much greater increases in future years, but in the immediate future will further restrict higher education access to those who can afford to pay.

Women: The budget will exacerbate existing inequalities and leave Australia unable to pick up a recovery when the present crisis is over. The budget is particularly damaging to those on the margins. Young women trying to enter the workforce, low paid women workers, and those attempting to reduce their dependence on pensions and benefits will be hit by reduced job opportunities, reduced options for training, and reduced incomes for those least able to afford it. Unfortunately, the disadvantages will extend to children of largely female one parent families.

In addition to this assessment, the President of ACOSS, Mr Julian Disney, stated in a separate news release on 20 August, in relation to the plight of families that:

The position of low income families has deteriorated markedly over recent years, but this budget makes their position worse . . . the Government's welfare measures make a mockery of the Treasurer's assertion and the Government's avowed goal of restraint with equity.

The concerns expressed by Mr Disney are very real areas of alarm not only for the respective pensioners, beneficiaries and low and single income earners with children in our community, but also because it can be anticipated that the Federal Government's welfare budget cuts of $500 million will transfer an extra burden on to social services provided by the State Government and the non-government welfare organisations in South Australia.

While I am not aware whether the State Government has implemented an assessment of its welfare plans for the State budget to be presented tomorrow, I am aware that the Victorian Premier, Mr Cain, has acted to do so. Immediately following the release of the Federal budget, Mr Cain expressed concern that welfare cuts could worsen poverty and other social problems in that State. He indicated also some uncertainty about what may be the additional obligations imposed on the Victorian Government, foreshadowing that it appeared unlikely that the Government would be able to maintain its existing welfare programs at their present levels, let alone expand services to meet the anticipated additional demand generated as a consequence of the Federal Government's decisions.

Certainly in this State, non-government welfare organisations have expressed to me their anxiety about the direct impact of the Federal Government's transfer of welfare costs on their capacity to deliver services to meet the anticipated extra demand by the needy in our community.

I suggest also that this concern should be shared by members of the Government and all members in this place, for it can be expected that the Federal Government's budget decision will transfer costs to the State at a time when the Department for Community Welfare and non-government welfare organisations are unable to meet current demands for their services, and both the Minister of Community Welfare and the Premier have foreshadowed that tomorrow's State budget will confirm cuts in real terms in the budgets of departments and statutory authorities. The Minister looks amazed, but I suggest he reads *Hansard*, because I did not make that statement without conferring with *Hansard*.

In relation to the obligations on social services provided by the State Government and non-government welfare organisations, I refer, as an aside, to a further impact for the State arising from the continuing decline in family income, namely, marital breakdown and the increasing inability of many families to care effectively for their members. The economic and social costs of marital breakdown due to economic pressures are difficult to quantify but they are nonetheless very real in terms of the increase in demand placed upon State resources for emergency financial assistance; priority public housing assistance and rent rebates through the South Australian Housing Trust; women's shelters for crisis accommodation; medical, counselling and psychiatric services; welfare and educational services for children; services for the aged; and legal aid.

In conclusion, I refer briefly to the third point in my motion which calls on the State Government to urge the Federal Government to give priority to initiatives to free families from excessive financial stress, as experienced by so many families at the present time. Unless the decline in family income in recent years is, first, stemmed, and then rectified, an ever-increasing proportion of families in our society will have to be sustained by social security and community welfare budgets. In addition, allocations of funding well above those announced in recent weeks will have to be found for women's shelters, child protection and divorce related services.

While I do not deny the need at present for these additional allocations, each is a reaction to problems within families, many of which would not arise in the first place or may not reach crisis point, if the economic position of families had not been eroded with such a vengeance in recent years.

It is not economically productive—indeed it is counterproductive—to undermine the capacity of individuals and families to make ends meet, to provide for themselves and their family members and, if possible, to save. Indeed, recent experience has proven that the direction over recent years in the Federal Government's economic support for families has been matched by a corresponding increase in poverty in this country and an increase in the number of individuals and families who, often though no fault of their own, are forced to look beyond their own financial resources for Government and non-government welfare aid to keep their heads above water. Unfortunately, last week's Federal budget has exacerbated these trends. As I indicated when moving my motion, this is not my assessment alone: it is also that of those who work in the field of social and community welfare.

The Hon. J.R. Cornwall interjecting:

The Hon. DIANA LAIDLAW: The Labor Party cannot claim that it alone has a heart in this matter. Pensioners and other welfare beneficiaries, the neediest groups in the South Australian community, and low and single income earners are worse off as a result of the budget. Even the United Trades and Labour Council recognises this fact and will not be persuaded by Federal Ministers to change their assessment of the budget. Therefore, I urge all members to support my motion and, in so doing, send a strong message of protest to the Federal Government endorsing the need for the Government to give priority to initiatives that will free families from the excessive levels of financial stress which they have tolerated in recent years and which have been exacerbated in last week's Federal budget.

The Hon. J.C. BURDETT: I have great pleasure in supporting the motion which has been so ably moved by the Hon. Diana Laidlaw. She was most comprehensive in dealing with the expressions of dismay which have been made by various welfare groups and other people throughout the country who have a proper concern for the disadvantaged. The needy in our Australian and South Australian society have been severely disadvantaged under Labor Governments for some time. The situation has become much worse and will continue to worsen following the budget. As the Hon. Diana Laidlaw said, SACOS, ACOS and others in the voluntary welfare sector have made it very clear that the budget will worsen the already severe position of the disadvantaged, particularly those in family situations—large families, sole supporting parents and people of that kind.

The recent report of the Catholic Family Welfare Commission has been quoted several times in the Council recently by members, including the Hon. Diana Laidlaw and by myself in our Address in Reply speeches; and it has been referred to since then, also. The Hon. Ms Laidlaw set out in some detail some of the statistics contained in that report, and I will not repeat them. The report clearly shows that families, especially large families, have been gravely disadvantaged over quite a number of years. Their financial situation compared with other people in the community has deteriorated markedly—and this was before the budget. The commission's report was prepared some considerable time before last week's Federal budget.

The commission's report notes the phenomenon that the plight of families, particularly disadvantaged families, is deteriorating. The situation will be ever so much worse now, after the Federal budget. The report sets out a series of options which the Commonwealth Government could have taken in order to deal with the matter. These options were clearly set out. There was the possibility of a combination of the options. The options were carefully canvassed, but none of them has been taken up in the Commonwealth Government budget.

As the motion and the Hon. Ms Laidlaw in her speech clearly acknowledged, this is very much a Commonwealth matter. The Hon. Ms Laidlaw is calling on the State to take

up this issue with the Commonwealth and do something about it. The Commonwealth must solve the problem whereby families are now even more disadvantaged than they were before the budget, and whereby especially the needy—the people in most need of support—are finding that the level of support for them has been lessened.

I suggest that the situation is particularly exacerbated in South Australia where we have an unsympathetic Minister. Earlier the Hon. Ms Laidlaw and the Minister of Health referred to an article by Mike McEwen about women's shelter funding. This is entirely a case in point. It is one aspect of the disadvantaged being further disadvantaged as a result of Government action. The matter was raised yesterday and, both yesterday and today, the Minister glibly said that everything was all right, that what he called contracts (but what he now calls agreements) are likely to be signed, and there is no problem.

The Hon. J.R. Cornwall: I said that there was an increase in real funding.

The Hon. J.C. BURDETT: Yes, and I am very pleased about that. Yesterday I said that I was very pleased to hear that there was going to be an increase in real funding, provided that these contracts, or agreements—or whatever the Minister likes to call them—are signed. I refer to this morning's article in the *Advertiser* (which has already been cited), quoting Joan Ballendran, as follows:

> But there are a couple of clauses in the proposed undertaking that worry us. We need more flexibility in the expenditure of funds allocated to us and the Government is seriously restricting that.
>
> Others are less circumspect, describing the proposed undertaking as 'odious', 'offensive' and 'this little Hitler's decree'.

The Minister mentioned that phrase earlier and apparently and understandably, I suppose, he took some offence at that. The point that I raised yesterday is that it is possible to control, within reason, the activities of shelters without getting them to sign agreements, contracts or whatever they are likely to be called, which they may find to be offensive.

As I said yesterday, women's shelters are accountable and have been for a very long time. They lodge quarterly accounts and annual audited accounts. Later in the article mention is made of Dawn Rowan (who has also been referred to by the Minister), as follows:

> Dawn Rowan, a spokeswoman for the Christies Beach women's shelter, is outspoken on the 'imposition of this odious undertaking document' by a government she sees as unsupportive and unappreciative of the shelter workers' efforts.

That is just one example of the way in which the needy, which have been disadvantaged for some time, and disadvantaged under recent Labor Governments, are further disadvantaged after last week's budget.

The motion is very comprehensive. It is very reasonable and does not go into hysterics or hyperbole; it simply sets out the measures which ought to be taken in order to help the disadvantaged in our society. For these reasons, I have great pleasure in supporting the motion. I trust that all members of the Council will eagerly and actively support it so that our views can be passed on to the Commonwealth Government.

The Hon. I. GILFILLAN: I support the motion. I congratulate the mover on introducing a motion which is compassionate and proper. It is a timely response on behalf of people who are in need in our community. We may complain from time to time about the difficulty of our lot as members of Parliament, and many members of the community are now bemoaning their lot, also. They say they are suffering, but it is all relative. The buck stops in the case of poverty with the groups of people so properly identified in the Hon. Diana Laidlaw's motion. Many of us are not in that category. The reminder in her motion and similar reminders brings the situation to our attention.

Unfortunately, Governments are not elected by majorities of people in these groups and therefore feel at times that they can ignore this moral obligation. It is a timely reminder and I think the groups involved in social welfare have made the comments which have been reported in the press, but they are predictable ones. It is the sort of expression that we will get from this motion which is a significant commentary on the effect of budgetary measures increasing the suffering of groups of people who should not be suffering in our society today. I have adequate respect for the Hon. Diana Laidlaw and would not even question for a moment that the same challenge and the same criticism would be levelled at a Government of a Liberal character, the same as it is in this case with a Labor Government.

I do not think it is a question of which Party is in power, but more a question of power and the insensitivity of Government and the response of Governments to voting power. Therefore, they need the reminder from politicians who care that they cannot ignore and must not ignore the needs of people who are in the direst need. I repeat that the question is so significant that to deliver the funds which would to a large extent remove the extremities, in fact a substantial portion of the sufferings of these people, in monetary terms, is relatively low. So, it is not a question of bankrupting the country or turning it into a socialist Disneyland (or whatever other criticisms of those who do not wish to be involved in either the caring or the contributing put up about this sort of motion); it is good sense. I think the argument has been very well put.

We saw earlier an example of how indifferent our general society can be to this issue when another wellknown, compassionate soul in this place, the Hon. John Cornwall, raised the issue of a particular tax for dealing with those who are in the direst poverty and was roundly abused because a lot of the people who were listening to him were far more incensed about what might appear to be a form of tax than they have ever been about the needs of people who he recognised had a need. He was recognised, albeit somewhat cynically, as promoting a Robin Hood tax. I think it is something that maybe they could both relish. I would like to attribute to the Hon. John Cornwall the image of the Robin Hood of this place, and to the Hon. Diana Laidlaw the image of Maid Marion of this place.

Members interjecting:

The Hon. I GILFILLAN: Although that remark did seem to bring some raucous mirth from both sides, I really feel that the sincerity of the motion and the sincerity of the two people whom I have named have left their mark. Although possibly the suggestions of how these measures should be implemented need further analysis and debate, if the intention was there and if we had a sensitive enough population and a sensitive enough Government, we would cure it. It is not like an incurable condition that we must endure and lament year by year, budget by budget. The problems can be solved. There is no excuse for us not curing them in our society.

I hope that this motion is not just a sop. It ought to be, and I believe it should be, as the motion says, forwarded to the Prime Minister, and I hope that he will recognise that this is not just an idle commentary in an attempt to embarrass his Government. If it does have, as I hope it will, the unanimous support of all members in this place, he cannot help but take note. Unless we take steps as soon as we possibly can that will change the situation, then we cannot sit in easy conscience in this place. I congratulate the mover of the motion and I support it.

The Hon. J.C. IRWIN: I, too, support the motion and the remarks made by the mover, the Hon. Diana Laidlaw, in proposing it. I know this subject is one in which she takes great interest and those on this side of the Council recognise—

Members interjecting:

The Hon. J.C. IRWIN: I will let them run out of steam. I note those of us in this Chamber who recognise her capacity as a shadow Minister in this area. She has given a very capable and well researched argument for the motion. As a fairly important aside, I will make some reference to the Robin Hood tax about which I did not intend to speak, but I cannot see the point of another tax burden on people in this country, or in this particular case in this State—

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. IRWIN: If the Minister would think out the consequence of putting on another tax, those people on the bottom end of the scale who find it difficult to pay that tax finish up in the welfare net, and I cannot see the point of that.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. IRWIN: I will make very clear what I think. I have no doubt that every member of this Council shares a common concern for welfare generally. This contention is supported by remarks made in this Chamber in the Address in Reply and other debates and questions. As I said in my contribution to the Address in Reply, most of us recognise the problems confronting the nation and the State, but we differ markedly on the way that we go about providing the remedies for them. I will address myself in this debate to parts 1, 2 and 3 of the motion. In particular, I will seek to concentrate on the situation in rural areas.

The preamble preceding the four points of the motion suggests that the position of welfare beneficiaries has deteriorated markedly over recent years. However many years one might like to go back, over the term of the Fraser Government and the four or so years of the Hawke Government, it is still deteriorating as far as beneficiaries are concerned. This was amply illustrated by the Hon. Ms Laidlaw by the fact that the number of people living in poverty in Australia has doubled in the past 10 years and now stands at more than 2.5 million, including 750 000 children, according to the Australian Council of Social Services. I understand that has today been upgraded to an even higher figure.

Another way to look at this is to consider the relationship of household disposable income in dollars per head per week and the poverty line. In the March quarter from 1975-76, disposable income was $73.10 a week and the poverty line was $98.80. In 1985-86, those figures had increased to $203.00 for disposable income and $274.60 for the poverty line. This shows that in fact the relationship between household disposable income and the poverty line has changed little. Both sides of the equation should spell danger and a typical catch 22 situation.

Point 1 of the motion registers a protest that the groups will be substantially worse off as a consequence of measures announced in the Federal budget. The budget promised Australian farmers the hope of lower interest rates and lower real wage growth. I have to make the point that a budget is a budget, and it is nothing more than that. Delivery on any budget is what counts, and that is certainly another matter. For instance, the 1985-86 budget blew out by more than $1 000 million when compared with actuality, and I have fears that the 1986-87 budget will have the same bad actual outcome. I remind the Council that so far as interest rates are concerned, the prime rate in the United States of America today has reduced below 7.5 per cent. In Australia right now the prime rate is climbing through 18.25 per cent. Our inflation rate is increasing towards 9 per cent while competitor nations are 4 to 16 times below our own inflation level.

The Hon. J.R. Cornwall: How many Americans live below the poverty line?

The Hon. J.C. IRWIN: I am not talking about that. The Federal Government has achieved its $3.5 billion deficit by three important factors. First, by lifting taxes amounting to an additional $1.5 billion this year. In one rural example alone it doubled the tax on wine from 10 per cent to 20 per cent, which will mean more rural people will be thrown into the welfare net. It is good to see the Premier reported on the front page of the *News* in headline form—I have not had time to read the article—having at last seen fit to fight for South Australia and to fight for winegrowers.

Also, it is rather strange to see support for a motion to spend some of the windfall gain of this State going back to the people whom the Federal Government has hurt. As far as I am concerned, that is ridiculous. The second point relates to the Reserve Bank's entering the speculation money market area with its currency trading bringing in an increase of $600 million in the past year. Even if this trafficking or trading is in the name of supporting the dollar and interest rates indirectly, there is a big whiff of artificial manipulation about it.

The third factor relates to the heroic assumptions on economic growth, the strength of the world economy and unemployment projections. If employment projections are wrong as many believe they will be—more and more people will be dependent on the hardly adequate welfare provisions. The budget predicts a cut in health and welfare areas alone of $800 million.

The second paragraph of the motion expresses concern at the continuing decline in the economic position. I do not profess that rural conditions relating to the sector are any different from others in urban Australia in regard to need. However, I submit that generally the disposable amount of money available to farming families is lower than average. Basically, that is what the National Farmers Federation is all about. If anyone has been following that argument, they will be aware of that. That argument will sting all of us before this is finished. One simple example is enought to illustrate the point of both the rural position and its comparison with the general position.

The average farm cash operating surplus for 1985-86 was $19 600, down a massive 25 per cent from the previous year. That average farm involves at least 48 weeks work each year for the operator, his partner and the family labour, and it also represents many more hours than a 40 hour week. This $19 600 is before tax—$377 a week. When split three ways, it is $6 533, or $126 a week.

The proverty line, as I have mentioned before, for 1985-86 was $274 a week—that is $150 or more below the poverty line for a married couple with one child. For the purpose of this exercise I have assumed that the one child is working as part of the family labour force. Certainly, to the great credit of the farming families, I do not hear them screaming about poverty or how someone—the State—should help them out of it. No matter how one looks at it or juggles the figures, the average farm family is living below the poverty line.

What farmers are screaming about is for a reduction in Government taxes and charges and the burdens that they bring with them so that farmers can look after themselves and compete on international markets for their share, for their hard earned product.

I do not give the topic of rural women only one sentence out of any lack of concern for their interests, and I certainly do not mean to imply anthing by it, but the Hon. Ms

Laidlaw has covered this subject. However, rural women have not had the time to worry about other things and other interests in which they would like to be involved: they are too busy keeping their families and farms from crumbling; they are trying to keep their families and farms surviving.

If this country wants to descend to the level of Argentina, we are going the right way about it. Argentina has no dole, no pensions and every week average weekly wages are one quarter of those applying in western countries. The fools paradise bubble will burst this year, next year or in some future year—but with the courageous will of the people it will never burst. I support this call to the State Government to urge the Federal Government to give priorities to initiatives to free families from excessive financial stress.

With the recent debacle over the sale of uranium to France fresh in our minds I have to doubt whether this Federal Government has any base philosophy or principle left on which to make good and proper decisions. To stay in Government on any pragmatic ground it can find cannot give me or millions of other Australians anything to be hopeful about. Bandaids may have to be used to stop the rush of problems. A real funding increase is not the answer: it compounds the problem and the sooner we learn that the better. As to confronting the Federal Government, my plea is for the causes to be treated rather than the outcomes. The Minister of Tourism and Local Government, when launching the Human Service Task Force in South Australia recently, stated:

> Many of the human service problems of today arise in part from a weakening of our community and support structures.

That is correct in part. Why on earth can we not strengthen the community and family structures that we have relied on for so many years and not replace them with the State? I support the motion.

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

CONTROLLED SUBSTANCES ACT REGULATIONS: VOLATILE SOLVENTS

Order of the Day, Private Business No. 1.

The Hon. G.L. BRUCE: I move:

That Order of the Day Private Business No. 1 be discharged.

Motion carried.

PROSTITUTION BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 469.)

The Hon. R.J. RITSON: I oppose the second reading of this Bill. If it is read a second time I will seek amendments and I will oppose the third reading. I give the Hon. Ms Pickles full credit for integrity and sincerity of purpose but her Bill in parts is useless, in parts is silly and in parts extremely dangerous. The movement for legalised prostitution has not arisen spontaneously from the community. It is not a general desire of the population to have access to brothels. It has risen from two distinct sources.

First, there is the desire to be compassionate towards a much looked down upon group of people, namely, prostitutes. That view emanates from the Labor left, and it emanates to the exclusion of all other reason and logic.

Secondly, there is desire for increased tax free riches that motivates certain shady business people, and these people will inceasingly move into brothel ownership. These people have been duchessing the sincere but gullible Ms Pickles. The warm inner glow argument is partly ideological and proposes that prostitutes are driven to their trade by poverty created by capitalism and, as such, they are victims and should not be punished.

However, it is common knowledge that many prostitutes need that work to support a drug habit. Dr Cornwall in this Chamber put that figure at 25 per cent; others put it much higher, but it varies according to which section of the industry one is discussing. In any case, there is always a thread of general criminality and drug related crime associated with the prostitution industry. It is not a nice scene and, by and large, the people who run the brothels and escort agencies are not nice people.

The poverty argument—the 'warm inner glow' argument—is a terrible insult. It is a terrible insult to the hundreds of thousands of women who struggle with a tight family budget yet do not resort to prostitution. It is a terrible insult to the thousands and thousands of women who take tedious and unfulfilling jobs to make ends meet, and a terrible insult to the thousands of women who manage to survive on social security payments without prostituting themselves and who will, if this Bill passes, have to watch the relatively high incomes of prostitutes and watch the riches of brothel owners grow, knowing that Parliament has given this situation its blessing.

Some supporters of this legislation have raised the argument that prostitution has for so long existed in spite of the law that the law is brought into disrepute by its ineffectiveness and should, therefore, be repealed. If we cannot stop it, legalise it: that is the argument. That argument is quite stupid. It is a perfect argument for legalising theft. We have thousands of house breakings each year, but we do not legalise theft.

That is because in any society, whilst there are people with no respect for the law and a much larger group of people who would behave properly if there were no law, there is always a group of people who would act antisocially and entirely in their own interests but for the law, but whose behaviour is modified by the law. I do not have the slightest doubt that within that third group whose behaviour is modified by law there will be an increase in the incidence of acts of prostitution upon the passage of this Bill.

I must observe at this point that, regrettably, the Bill is likely to pass. I think the solidarity of the Labor Party will demonstrate itself, and the Democrats have expressed support. Nevertheless, I think it is important that this point of view be placed on the record.

There is another glib argument used by various people in supporting this proposition, and that is, so what: prostitution is a victimless crime or victimless action. What harm does it do? That also is a very false argument. The first victims are the prostitutes themselves who are exploited by the pimps and brothel owners, but there are other victims. Every taxpayer is a victim because of the massive tax evasion involved. Every user of health services is a victim when resources must be diverted to the health care of prostitutes and their clients.

The child prostitute is a victim of the industry and will remain so in spite of the fine words in this Bill, because child prostitution occurs mainly through escort agencies. Current police powers to detect crime and marshal evidence relating to escort agencies are deficient. There are enormous evidentiary problems, and police powers will be further reduced under this Bill.

One example of the silliness of this Bill and of the way we are all victims of the prostitution industry is that, if you read this Bill in conjunction with the Workers Compensation Bill, it seems likely that prostitutes will receive workers compensation if they are off work due to sexually trans-

mitted infection. It would appear that they would be compensated at the notional weekly earnings of a prostitute—if we could ever calculate that—and I just wonder whether the general community would want their tax dollars spent in that way.

I have much compassion for genuinely deprived women who find themselves in a situation like this, but the central issue to it all is exploitation. I am astounded that such an exploitative Bill could be introduced by a person with socialist convictions such as the Hon. Ms Pickles. I will be even more surprised and disappointed if the Bill is supported by the Hon. Gordon Bruce.

The Hon. Mr Bruce exhibits a political philosophy akin to a Christian Democrat or a workingman's Liberal Democrat. He is perhaps the Labor politician most liked and respected by members on this side of the Council. In fact, it surprises many of us on this side that the Hon. Mr Bruce has been so overlooked and so undervalued by his Party. Several years ago the Hon. Mr Bruce argued very eloquently in this Council against the employment of women as topless waitresses. He explained to this Council the exploitative nature of such work and explained that the women were not entirely freely consenting to that work because there was the pressure of a need for a job against a background of a general shortage of jobs.

How much more exploitative it is to give licence and blessing to the brothel owners who grow rich exploiting the needs of drug addicts. If the Hon. Mr Bruce thinks topless waitressing is exploitation, what an enormous abandonment of principle it would be if he were to support this Bill. I eagerly await his views.

I want to speak about some of the dangerous aspects of this Bill. They are dangers which flow from an omission—that relating to protection against criminal ownership of brothels. It also relates to the question of protection against entrepreneurial ownership of chains of brothels. We have often heard the Victorian legislation held up as a paradigm of enlightened legislation. If we look at the Victorian legislation we find that one is not allowed to own a brothel in Victoria if one has certain types of criminal conviction. One is not allowed to own more than one brothel or own brothels at arm's length through companies or nominees, but none of those protections are here in this Bill. What happened in Victoria was that when the Act was proclaimed about half the people who were running brothels did not apply for permits because they knew that they could not qualify in terms of criminal ownership, or because they did not want to comply with the conditions.

I spoke to one madam in a brothel in Victoria during my study tour on this issue, and she was bemoaning the fact that she used to have five brothels but now could only have one. However, she found life more comfortable working inside rather than outside the law. The fact remains that in Victoria there are a number of former brothel owners and present owners of illegal brothels who cannot get permits for legal brothels because of their criminal background.

Because of the lack of such provisions in this Bill, I am terribly afraid that those people are looking longingly across the border to South Australia, where they would be able to own a brothel, where they would be able to own chains of brothels, in spite of the criminal background which prevents them from doing so in Victoria.

Locally the industry is showing some signs of a shake down and is getting a little tense. I am in receipt of confidential information—which I absolutely refuse to source but which I value highly—that there is a person who until recently owned one or two escort agencies and who has recently taken over some 15 agencies, and my information indicates that the methods of taking over involved offers which the people taken over were afraid to refuse.

According to my source, that person was one of the people who has advised the Hon. Ms Pickles. Just imagine a scenario in which a major Adelaide takeover of the industry was threatened by rival and criminal interests from Melbourne. The potential for a gangland war exists, and if that happens it will be all her fault. The police, of course, will be rendered powerless because there is no general power of entry into brothels under the new legislation. It wipes the illegality of brothels, and police would have no more right to move in and see what else is happening than to enter a private home.

Again, that differs from the Victorian situation, where the police have power to break and enter illegal brothels but only power to enter legal brothels. I entered with them and gained a great insight into the operations there. I might add that I was not offered a free sample. In this State the general power of entry into brothels, which exists in Victoria, will not exist and these brothels will be a safe haven with no test of criminality applied to ownership, and what goes on behind those doors will be the despair of the Police Force of this State.

I did not think that I was going to have to deal with medical arguments in this debate. The Hon. Ms Pickles is very intelligent and she quite correctly understands the relevant section of the Neave report. The Minister of Health also understands that legislated or regulated rules of health for prostitutes are counter-productive. For example, the Victorian Government, having the power to regulate, has not seen fit to produce one single health regulation in the two years of the operation of its Act, and rightly so. Regulations mean penalties for breaches and that places the doctor in a position of enforcement agent, which does frighten people away.

As I said, I thought that everyone understood that, until I heard the Hon. Mr Gilfillan saying on radio that legislated controls would help to control venereal disease. The Hon. Mr Gilfillan has a habit of speaking inexpertly on complex matters outside his training and experience. Perhaps he was thinking he was a doctor, or some other professional. However, for his benefit I will explain it to him. As I said, regulations necessarily mean penalties for breaches, and that is quite counter-productive; and I know that the Hon. Dr Cornwall agrees with that. The test for venereal disease or any microbiological disease involves procedures such as incubation, culture, subculture, antibiotic sensitivity testing, and a whole range of laboratory procedures—and that takes some days. A report is then written and sent back to the doctor who referred the specimen.

An apparently uninfected person, if found by those tests to be infected, would have been working for several days spreading the infection. Therefore, a health certificate issued at the time of attendance would be of no value. The power to prevent a prostitute from working between the time of taking the specimen and the time of obtaining the result would be resisted because that means a lot of money lost. Indeed, to have that power involves the question of penalties and drives the whole thing underground. In highly regulated prostitution industries there is a wealth of evidence from all over the world of the damage that is done by tight regulations.

I had personal experience of this during my naval service as a medical officer. I spent some time at the United States naval base in Subic Bay in the Philippines. This was during the escalation of the Vietnam war, and large numbers of ships and hundreds of thousands of troops were staged through that base. Official brothels were established under strict medical control. The results were appalling. The women faced with loss of earnings soon learnt to defeat the labo-

ratory with unofficial black market penicillin which was often sufficient to frustrate the testing process without curing the disease. Others exchanged medical certificates with fellow prostitutes who were resting and, under this strict medical control, infection was rife and the United States Navy had the dubious distinction of having produced the world's first penicillin resistant gonococcus at Subic Bay. As the Hon. Dr Cornwall knows, the only effective approach to this problem is education, not only of prostitutes but also of those other sections of the community known to be in need of protection from venereal disease.

The contribution of prostitution to the pool of venereal disease is known. It is accepted as a risky occupation, and that was accepted by Professor Neave in her report. It is also known that, in terms of minimising the spread of the disease, prostitutes are better informed about the care of their own bodies and the signs and symptoms of the disease than are certain other members of the community. A large section of the community, very young girls and school leavers (who have perhaps been brought up in an environment where education and family life have not rubbed off on them) represent as each generation becomes sexually active, a very significant pool of venereal disease which it is very important to do something about; because it leaves its mark in sterility and chronic pelvic inflammation.

I know that that is a subject dear to the Hon. Dr Cornwall's heart and I wish him well in combating it. However, I make one suggestion, that is, that the statistics about the incidence of venereal disease are subject to certain distortions because of human behaviour. For a start, males who have contracted an illness with a prostitute are less than likely in many cases to admit, even to the treating doctor, the source and tend, instead, for social and psychological reasons, to source that infection to an unknown casual person at a party.

Also, there is the whole other world. Although some of these diseases—not enough of them—are reportable, there is the upper class avoidance of reporting through the doctor-friend relationship, and a number of quite senior and important males have that sort of protection. I suggest, in a very constructive way—and I am not political point scoring here—that the Hon. Dr Cornwall should consider laboratory reporting and amending legislation to extend reporting to the more recently understood diseases such as the chlamydial and viral infections that plague people's genitalia. All of that, of course, has nothing to do with this Bill, and the Bill will not touch it.

The Hon. Ms Pickles has understood that and in her second reading explanation she very helpfully referred to Professor Neave's comments on that matter. However, it bothered me to hear, on the radio, the Hon. Mr Gilfillan in his relative ignorance saying that health reasons were the reasons why this Bill must be passed.

I want to move now to the question of child prostitution. One of the things that the Bill superficially appears to try to do is give increased protection to child prostitutes. My information is that child prostitution is virtually absent from most brothels, but that it exists through some escort agencies. The agencies, of course, deny this, but I am told that once one has become a regular client of adult prostitutes of a particular agency and once one is already compromised, and perhaps theoretically blackmailable, then the child prostitutes can be asked for.

I am further informed that approximatley 40 per cent of the children supplied are boys. That is a shocking state of affairs. Obviously it is understood by the Hon. Ms Pickles because she saw the need to give added protection to children. Unfortunately, the Bill and the clause dealing with child prostitution does not address the real problem. The real problem is evidentiary, and that is closely related to police powers. The escort agencies do not have premises of prostitution. They have an office with a telephone, they have phone numbers and paging systems. Work is farmed out so that nothing really ever happens on the premises owned by the manager.

The police are certainly not expected to become real and regular clients of an adult prostitution agency suspected of providing children as prostitutes. So the police know what is happening in this connection in just one or two agencies. They know who the people are. The police have a serious evidentiary problem and a real problem in detection and in information gathering. The Hon. Ms Pickles' so-called protections will not be effective because, first, they merely make illegal that which is already illegal. The Bill makes no new contribution. Escort agencies do not operate by being concerned about what is legal and what is illegal; and they do not operate anticipating penalties. They operate knowing that they are unlikely to be caught, and that is all that matters to them. Therefore, what really matters is not a rather facile exercise of declaring illegal that which is already illegal, but rather the granting of new police powers to penetrate the system and to try to do something about child prostitution.

An example of the uselessness of some of the provisions of the Hon. Ms Pickles' Bill is the creation of the offence, to the exclusion of all other law, of a client using the services of a child prostitute. We already have the Criminal Law Consolidation Act in which, from about section 52 onwards for several pages, a series of statutory penalties is provided for the offences of carnal knowledge and acts of indecency with children of various ages. If one looks at the question of a client using the services of a child prostitute aged 15 years, and one also looks at the carnal knowledge law in the Criminal Law Consolidation Act, one finds that it attracts a maximum penalty of seven years imprisonment. However, the Hon. Ms Pickles has introduced a brilliant new idea of making it an offence to have intercourse or to have sex with a child prostitute, and that carries a maximum penalty of three years imprisonment. So, it is illegal now with a penalty of seven years imprisonment, and she wants to make it illegal with a penalty of three years imprisonment. Some protection!

The sanctions against procuring and receiving money in relation to child prostitution already exist in the law of complicity, read in conjunction with the Criminal Law Consolidation Act. There is nothing in the Bill to give the police any more power to get behind the door and prevent the exploitation of children.

Several other matters will cause difficulty, if the Bill becomes law. The zoning question is very interesting. Opinion polls indicate that perhaps half the population does not object to the legalisation of prostitution, but it is a very different matter when it actually starts to happen. In Victoria, in almost every case where a brothel licence was applied for, there was major objection at local government level. Brothels are very unpopular with councils. No-one cares about this matter until someone wants to put a brothel in their street. In every case, when it really comes home to the citizens who have to live with this, they do not want it.

In Victoria there is not a calm, quiet series of applications drifting up to local government, being approved and there being no protest. In almost every case, there is an appeal to the Planning Appeals Tribunal and an appeal from there to the courts. That has given rise to a new industry called 'planning consultants'. People with good, sound and intimate knowledge of local government law are charging between $10 000 and $50 000 to steer some of these applications through the system. I wonder whether we will see that here.

I make one reference to the value of reports. Reports can be extremely valuable, and I refer to reports such as the last prostitution select committee report dealt with by this Parliament and, of course, the Neave Report. They are very good at enabling an interested and intelligent reader to look at the evidence upon which the recommendations were based, and the data given to the committee. However, one must not be mesmerised by all the facts and figures and lulled into believing that the conclusions necessarily follow from the material that was before the committee. Any group of people sitting as a committee on an emotional issue such as this will be influenced, either consciously or subconsciously, by their own preferences. Many of the judgments are not scientific measures of the facts and figures in the evidence but in the end are intuitive judgments based on one's own set of values.

One must determine how much weight one gives to the proposition, for example, that Parliament should not consider moral questions when it is legislating. How much weight does one give to futuristic predictions such as whether criminality will or will not intrude further into South Australian brothels under this Bill? There are many unknowns. There are many value judgments, and this is evidenced in the last prostitution select committee of this Parliament where a particular piece of evidence received very little weight in the conclusion. I refer to a graph which is entirely statistical, and I seek leave to have it incorporated in *Hansard.*

The PRESIDENT: Is the honourable member sure that *Hansard* can deal with a graph without any problems? In the past, we have limited the incorporation of material in *Hansard* to tables with figures rather than graphs.

The Hon. R.J. RITSON: I have seen histograms in *Hansard.* I seek leave to have the graph incorporated in *Hansard* subject to that being physically possible. It may be that the Government Printer does not have the technology to reproduce a graph. However, the graph was produced by the Government Printer, who also produces *Hansard.* I will not complain if there is a technological reason why the graph cannot be included in *Hansard.*

Leave granted.

APPENDIX A

No. of known premises operating as "massage parlours" in S.A.

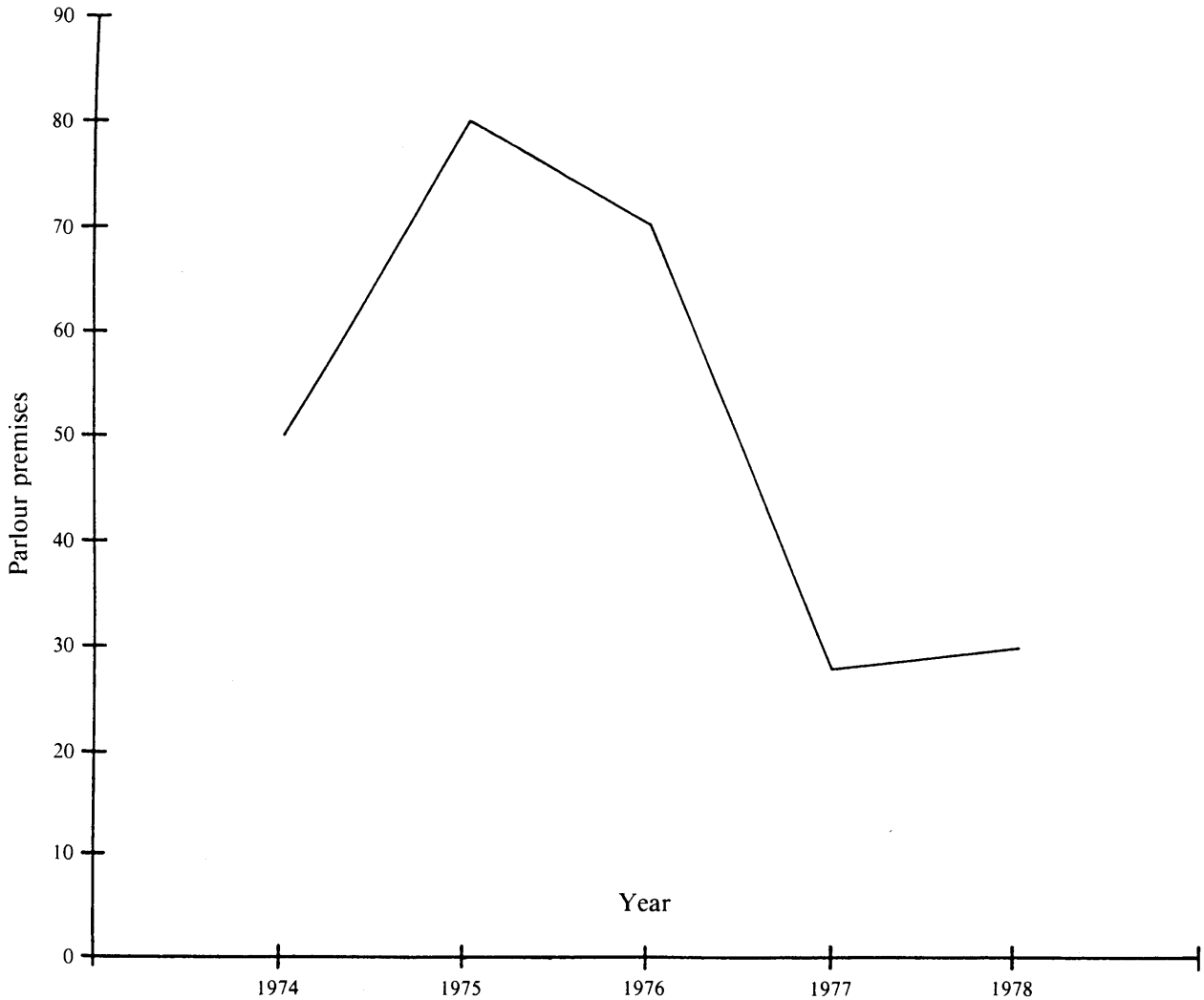
Footnote to Appendix A

The sharp fall off in the number of parlours during 1976 was a result of several factors:

(a) increased police pressure which closed down "marginal" parlours;

(b) restrictions on the advertisement of parlours; and

(c) worsening economic conditions and rising unemployment which led to a drop in demand for the services offered by parlours.



The Hon. R.J. RITSON: This graph was submitted to the last parliamentary select committee on this subject, and it demonstrates a fall in the number of brothels in Adelaide. I raise this matter because, alongside that bit of evidence elsewhere in the report and in the community, argument was also put that we inevitably have this problem and nothing can be done about it.

Yet, here is evidence that something can be done about it. In the end, one has to say: how much weight does one give to the proposition that nothing can be done about it, and therefore it should be legalised? How much weight does one give to this evidence that something can be done about it but we do not want to do anything? How much weight should be given to the proposition that something can be done about it and we want to do something about it? That is the sort of problem that people face when reading reports and trying to reconcile the evidence with the conclusions. So, without in any sense criticising people who have devoted their time and expertise to the various reports, it is important that interested members of Parliament and of the public should assess the evidence themselves and make their own judgments on it.

One further matter of concern to the general public that is not fully understood by them is the question of residential areas. I am sure that many people in the community actually think there will not be brothels where people live. That is not true. A residential area has a technical meaning, and it means an area reserved for houses alone; there are other areas in local commercial categories in which there can be houses and shops, and the light industrial areas where there can be houses, shops and small industries such as motor car repair works, etc. Even in the heavy industrial areas there are a lot of houses, and of course it is no good having an establishment like this that is a long way from where people live. Obviously, brothels will be fairly close to the boundaries of residential areas.

Everyone ought to know that there will be brothels in areas where people live. They will not be in Springfield or in Kensington Gardens, but they will be in places such as Unley Road and in local commercial or light industrial areas. The prescribed region is also a matter of concern. I do not think it is enough to say that it can be as close as 100 metres from a church or a school. There could be a church or primary school with a brothel 100 metres either side and a sex shop across the road, and yet the prescribed area rule is supposed to provide protection.

In summary, it is a dreadful Bill and I ask the Council to reject it. I understand the compassionate motivation of the mover, but I also believe that that is being manipulated by people who wish to grow fat on tax free riches. The Bill lacks the protections that the Victorian legislation has against criminality of ownership and against syndicated ownership of chains of brothels. There are no health benefits to be obtained from the Bill, but I have every confidence that the good Minister of Health will, without legislation, continue to promote education and health support. The Bill is, I think, quite an insult to all the steadfast and hardworking women who form the backbone of human society.

I believe that protection for children in terms of what is legal and illegal is already present in other Statutes and in the law of complicity. The need is not to repeatedly and in different ways declare that child prostitution is illegal, but rather to give the police some powers to get the evidence that they need for prosecution. This Bill actually reduces police powers. It is not a victimless industry. As I have pointed out, the victims are scattered throughout society. For all these reasons, the Bill is a recipe for disaster and it would be wrong for this Parliament to bless it. It must be rejected. I oppose the second reading.

The Hon. M.S. FELEPPA: Madam President, I support the second reading of this Bill. I do so after frank and open consultation with my many friends and a number of people from our community spectrum, including doctors, lawyers, community representatives and, indeed, my wife, who is a mother of two single girls aged 23 and 26. I certainly could choose not to speak to the legislation and perhaps not to support it. My Party in Government allows me, after all, a conscience vote. However, I consider that, as an individual elected by the people of this State, I am here to express my views in a democratic way.

I shall start by saying that, as a society, we very often give a name to a phenomenon and leave it at that. This sort of labelling often makes us think that by this very simple action we somehow believe we have resolved the problem or intend to resolve it. Prostitution is only a name for a very old phenomenon. I certainly shall not try to bore members in this place with the concept that all of us here have found or will find ourselves governed by passion instead of reason. This was true of generations past and will be true of generations to come. As with all matters intimately affecting human behaviour and interaction, it is fraught with many problems and controversy. It is perhaps part of the human condition to live with unresolved issues, and that may be the case in the future. Society has many such issues on which solutions are tried, but somehow they appear always to fall short of the right answer. In all cases, they appear to be incomplete.

The human issues contained in this category include abortion, divorce, euthanasia, and of course prostitution, the subject with which we are concerned here today. Throughout the ages each of these issues has been the subject of discussion to try to find a solution. A record of human efforts to find solutions is contained in history and books of the humanities, such as the Bible, the writings of the ancient Greeks, Romans, Egyptians, and of course our own society. Perhaps the lesson we should draw from this fact is the realisation that some human behaviour is, by the nature of man, in itself unresolvable. For myself, I accept the fact that whatever solution this Parliament or indeed our society comes to, it will be inadequate and unsatisfactory for a large proportion of our community. We have to be prepared for a compromise, and a compromise is, by its very nature and definition, not totally correct. So, during my brief contribution to this Bill, I intend to look at the following questions: first, to ask why prostitution is such a controversial issue in our society.

Secondly, I will consider attitudes and current practice in our society; in other words, where do we stand in practice? Thirdly, what do we want to do about prostitution; what are the options or alternatives available to us? Fourthly, what are the consequences of the options available? Basically, it is a question of the lesser of two evils.

I suppose that rightly or wrongly most of us base our opinion of prostitution on some moral principle that we consider affecting this behaviour. Whether we are one of many Christian denominations or have some other religious affiliation, we all possess and make judgments based on the moral principles that we accept as unassailable. Human actions in themselves are amoral: they are neither good nor bad. It is the human element that makes them good or bad.

So, Madam President, honourable members will certainly forgive me if I delve into the philosophy involving ethics. It seems to me that a clear understanding of the basis of morality or immorality of prostitution might help us place

the matter in the right human context. Actions in themselves do not bear a tag of moral or immoral. In fact, I am convinced that only humans can be moral or immoral. Therefore, the same action performed by an animal and performed by a human is different by virtue of the fact that the human being adds to it a qualitative element.

The act of lovemaking and seeking pleasure from the human body is in itself without a moral tag. It acquires an ethical evaluation at the moment of intervention by the person. That is why even in marriage pleasure seeking from the human body may not necessarily be always correct. It can be wrong, damaging, and morally inexcusable. Here in South Australia our own law attempts to recognise and rectify one of the more glaring failures in the misuse of the marriage privilege: the legislation on rape in marriage.

We must accept that prostitution as a human activity acquired its negative connotation by the input of the participants and not the simple fact that people find pleasure in each other's body. Of course, there are people for whom sexual pleasure seeking is morally wrong. History has recorded several attempts to classify sexual pleasure even in marriage as immoral. Although one can quote a recent example, probably the most glamorous ones relate back to the efforts of Albigenses and the Cathari of the Middle Ages. I ascertained this information a couple of days ago in my research. Their kind of twisted logic led them logically to the condemnation of marriage as an institution precisely because it afforded the opportunity of seeking sexual pleasure legally and without guilt. Their doctrine was like a watershed of many centuries of tinkering with the problems of sex and pleasure.

St Augustine and St John Chrysostom, for those who have a Christian background, had some firm and at times uneasy opinions about marriage and sex. St Augustine, of course, seemed to rely for much of his thought on marriage and sexual relationships on his own unhappy youthful experiences. St John Chrysostom, instead, simply seemed unable to give his total blessing to the institution of marriage, which on one occasion he ended up calling 'legalised concubinage', that is, the institution which renders legal that which in any case is immoral. It is a strange kind of thinking even for Bible readers.

The Bible itself seems to take a less stringent attitude. The phenonomen of sacred prostitution attached to the Temple in Jerusalem may be little known and little talked about, but nonetheless it was a reality. True, it perhaps reflects on the attitude of an era of Jewish history. However, it lasted long enough to support the contention that I made earlier in my opening: the act in itself may be innocuous but it acquires a morality dependent on the attitude and actions of the performers.

Herein lies the difficulty. Because it is precisely the fact that different people approach the question of prostitution differently, it creates difficulty in determining its moral correctness. Society might decide that, in spite of the attitude of the people to the ethics of prostitution, it wishes to enact certain legislation to protect the participants or potential participants. The point I wish to make is that an argument based on morality or immorality of prostitution has in my opinion little weight in our society. If we were a homogenous society and by and large shared and adopted the same values there would be an argument for legislating on the basis of the morality of prostitution.

But the fact that we live in a morally pluralist society means we must find the argument in other principles. For example, one could argue in our society about the prohibition of infanticide because there is a generally accepted and universally believed principle that to kill a child when it is not accidental is wrong. The argument itself has some limitations because some people believe that abortion is legitimate while others carry the moral argument of infanticide to the foetal stage of human development.

Another example of how a society which has broadly homogenous views can legislate accordingly is the recent poll taken in Ireland on divorce where the referendum showed a significant lack of support for divorce. People might compare Ireland to another strong Catholic country such as Italy where that nation on a similar referendum voted overwhelmingly in favour of allowing divorce.

However, one cannot simply conclude that, if the majority agree, then automatically an action is correct. Slavery is wrong no matter how many members of our society believe it is right. Apartheid is wrong no matter how many proponents say it is right. In both cases there is interference with the rights of the individual: rights that belong to them by virtue of the fact that they are human beings. The right to freedom and self-determination has not been bestowed on us by Government or by society.

We are born with them and that is why they become human rights. We are born free thus if, on the one hand uniformity of moral views in society makes legislation easy, it does not make it necessarily right. In the case of prostitution there seems to be an argument which says it represents an extension of the freedom which belongs intrinsically to us. Personal freedom, of course, is not the only element to be considered in making a decision. One has to consider at least two other factors: the consequences of an action on the performers and on others, and the way in which the action is performed. Both of these aspects affect our judgment on the current legislation about prostitution.

The reality of the situation is that prostitution exists, has always existed and will continue to exist in spite of or because of legislation. We have had prostitution in economically healthy times, but that is not the case today. Should we condemn the women who become prostitutes by necessity? Speaking of prostitutes we tend to think of passive creatures who are there to gratify the active clients for money. I think we should spend some time in looking closely at this proposition. Once again, I am not saying that because it existed before we should legalise it. I am, however, saying that unless we can prove that it is totally undesirable because of its consequences on society and because it has no salvaging aspect then we should take into account the fact of its continued existence.

We are all familiar with the figures which indicate the amount of prosecutions which take place from year to year. It may be argued whether police surveillance and the penalties attached to prostitution have helped to contain it. The probable benefits of continuing the current system must be weighed against the projected benefits of a different system. It is also part of today's reality that it is forced underground, and much of the abuse and suffering goes unrecorded and unaided.

The injustices suffered especially by the providers of the service must surely be taken into account. They are part of a situation which society does not have to accept and perhaps should not accept. The options available to society have been well documented in several studies and reports, including a report from the Attorney-General's Department in this State and the report by Professor Marcia Neave for the Victorian Government. The options are basically: maintaining the *status quo*, strengthening the present law, legislation and regulation and decriminalisation with safeguards, things which this Bill endeavours to achieve.

All options have been well argued in the abovementioned reports, and I am sure that honourable members in this

Chamber are familiar with the pros and cons of the arguments. In an ideal world prostitution would not exist. In an ideal world the conditions causing and enhancing prostitution would not exist. Incidentally, Madam President, one cannot attribute prostitution simply to economic reasons. Poverty may be the cause of a large number of individuals seeking prostitution as a way of meeting their financial needs.

The reality shows that even in rich and well-off communities prostitution exists, and that prostitutes have come from rich as well as poor families. However, given the large part that poverty plays in pushing especially young women into prostitution, a Government must accept the responsibility of considering it in discharging its responsibility towards its people.

Honourable members may recall the fact that I referred to prostitution in my speech on the Address in Reply in the context of social justice. It seems to me that the financial needs of people forced into prostitution by poverty should become a clear concern of the Government.

If there is one major shortcoming in the Bill it is the fact that it does not provide for any initiative for rehabilitation of the people involved in prostitution. It may be argued that a Prostitution Bill is not the appropriate instrument through which to legislate for welfare-type initiatives.

It does not prevent, however, the Legislature from making reference to the need to establish or provide support for services which would take away the reason which forces at least some women to go into prostitution. The Bill has been introduced for the purpose of protection of the underaged, the protection of prostitutes and the management and control of the industry. The Bill does not deal with the need for rehabilitation services.

I would suggest that reference to this need would underscore the belief which is generally accepted in the community that prostitution is undesirable. My position, then, is one of general support for the Bill. I recognise that it is a compromise between not only many moral attitudes but also many practical constraints. Like the honourable member who introduced the Bill, I support the strictest means of protection of children, of prostitutes and users.

My concern is also that the measures introduced for the protection of the individuals be practical and enforceable. On the one hand, we should not discard the Bill if we do not agree on all the details, and on the other hand the matter should be kept under constant review so that we learn from our experience and improve society's way of protecting its members. I support the Bill.

The Hon. I. GILFILLAN: I rise to speak to the Bill and say, first, that I am personally strongly opposed to prostitution but I want to explain why I will be supporting the Bill, which I believe is not a pro prostitution Bill. Before going on with those comments, I would like to congratulate my colleague, the Hon. Mario Feleppa, for a very thoughtful and profound contribution to the debate, and would like to acknowledge quite clearly my support for many of the points he made in his speech, because I do not wish to take up the time of the Council by going through them again.

One in particular which he emphasised in the latter part of his address deals with support for rehabilitation and, obviously, counselling for those who wish to leave the trade. Prostitution has never been contained, nor has the practice of it been lessened by enacting laws against it. Indeed, Draconian laws only succeed in forcing the trade into undesirable areas, increasing the violence and blackmail inherent in illegal activities, and making it increasingly difficult for a person to disengage herself or himself from such a lifestyle.

Notwithstanding my abhorrence of the profession I cannot condone nor be part of the hypocrisy which insists that prostitution is evil but then refuses to consider it and hopes that by being blind the matter will disappear. The Bill provides for stiff penalties for persons engaged in any of the following activities: first, causing or inducing a person under 18 years of age to engage in prostitution or causing or inducing such a person to be the client of a prostitute or living on the earnings of a child prostitute; secondly, advertising for persons to engage in prostitution displaying flashing neon signs on buildings used for prostitution or elsewhere.

Thirdly, the Bill provides that no brothels will be allowed within restricted zones, that is, residential zones or within 100 metres of a church, school or kindergarten. This third point would appear to make it virtually impossible for the Adelaide City Council to establish a 'red light' zone in the part of the city which has been suggested, or in any other part of it. Article 6 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women has my personal support; and by supporting a Bill that seeks to address some of the grosser violations of it, I consider that I am acting according to the spirit of that convention.

I note the concern regarding the legalising of prostitution and making it a community approved job. I point out that it is decriminalisation which is being considered and that no jobs in the trade may be advertised; that inducement or coercion of minors to take part is a criminal offence; and that coercion of anyone of any age to take part in the activity of prostitution is an offence. What a person voluntarily chooses to do is not addressed by this portion of the Bill.

Violence in the trade is engendered by a backstreet operation. This would be reduced if premises could be controlled. The health hazards of prostitution, AIDS and other sexually transmitted diseases, in my opinion, will be better controlled under this Bill, but they require even more attention, and that is impossible if prostitution is pushed under cover by heavy police action, as is presently occurring. The Vice Squad is currently spending a lot of time hounding prostitutes in brothels, and that drives them into the street and cars and escort agencies. This Bill will relieve the Vice Squad to take on other more valuable work and I hope open up the potential for constructive cooperation between prostitutes and police, rather than the current intimidation. I am informed and I believe that the scope for identifying people with psychological and possibly dangerous sexual disturbances could be increased, and that this is a profitable area of cooperation that will possibly result from this legislation.

I will now dwell on the activities of the Vice Squad. Obviously it is a proper duty of the Police Force to enforce the current law. However, it is my opinion that there has been far too much unprofitable allocation of Vice Squad strength and interest in hounding prostitutes at the expense of what would be more effective and worthwhile work in other areas. A number of instances have been brought to my notice, and I will relate them to the Council, as they indicate the sorts of things I mean. On premises where there has been an offence of prostitution the police can decide to take the matter further which, in the case of premises that are leased or rented, means they can take certain steps to have the people evicted and to threaten the owners with penalties if that is not done. I am in possession of a letter that was written to the owners of a premises on which there was found to have been an act of prostitution committed, and a person was summarily fined $50. This letter, from P.R. Mildren (Inspector of Police), is dated 21 August this

year and indicates that the Vice Squad activities are at full bore and are not slackening off. The letter states:

From information received, we believe that you are the owners of the premises and that these premises operate as a brothel.

Your attention is drawn to secton 29 of the Summary Offences Act:

Section 29—Any person who lets or sublets any premises with knowledge that they are to be used as a brothel or premits any premises to be used as a brothel shall be guilty of an offence.

Penalty—For a first offence—$1 000 or imprisonment for 3 months. For a subsequent offence—$2 000 or imprisonment for 6 months.

This letter is to inform you of the following:

1. On Monday 18 August 1986 a female was arrested for receiving money paid in a brothel in respect of prostitution, after a male had paid her $50 for an act of sex on the premises.

Section 29 of the Summary Offences Act is self-explanatory. The purpose of this letter is to make you aware of the circumstances under which your premises are being used.

I visited these premises to satisfy myself of the situation. I received no indication that anything untoward or intimidatory or any abuse of the normal role of prostitution takes place on these premises. Therefore, I would not think there was a need for prime attention from the Vice Squad; except for one factor—that the proprietor is quite active in the Prostitutes Association of South Australia, which has done a lot of work on the problems of people who are involved in prostitution. For that I congratulate her and the other people concerned with this matter who are suggesting improvements to the legislation, not only as a matter of concern for themselves but out of concern for the whole of society.

As a result of the effort made by this person, I believe she has been the subject of quite undue attention. I also understand that on 18 August the premises were raided by the Vice Squad, which took possession of certain articles, as follows:

One blue folder containing numerous documents in relation to 'prostitution' and Vice Squad activities

That folder taken by the Vice Squad contained details pertaining to the Prostitutes Association's attempt to devise appropriate legislation. The next item taken was:

One sign from front of premises;

Upon inquiring I found that the wording on the sign was 'Please use rear entrance'. The items continue:

Two bottles of talcum powder; one bottle of baby oil; one box of tissues; one tube of Lubafax; and one business card.

Taken from another room were:

Five bottles of talcum powder; one box of tissues; and 14 business cards.

I do not regard those items as being particularly significant to a police investigation nor do I believe that they pose a threat either to people who may visit the premises or to the general public. That bears out what I have already heard and observed—that the Vice Squad is more determined to harass the people involved in prostitution than I believe is healthy for a proper and constructive use of the Vice Squad's time.

I remind you, Ms President, of the meeting we attended of the Prostitutes Association of South Australia, with the Lord Mayor of Adelaide, Mr Jim Jarvis, to once again look constructively at ways in which legislation could improve the situation in South Australia. If I remember correctly, an inspector of police from the Adelaide area also attended that meeting. That same meeting was patrolled by the Vice Squad, determined to keep away the very people that we are trying to talk to and help. I think that is a ridiculous inversion of the priorities of a police squad. If vice is only to be interpreted as an iniquitous evil and they have to spend their days driving these people underground, obviously they have received the wrong message in relation to what I, for one, feel that the Vice Squad should be doing.

I move now to my understanding of the definition of the crime. The crime of prostitution is not so much the sexual act but the receiving of the $50 or whatever the rate may be. It is, I think, on a parallel with other so-called offences—if they must be called offences—which are described as victimless. Obviously, the client is not a victim.

The client has willingly taken the opportunity to obtain a commodity that he or she is prepared to pay money for. If there is any victim, it is the prostitute who becomes the real victim by incurring a penalty for being the victim of this so-called offence.

They may also be the victims of a society which in many cases has made their living situation very difficult, forcing them to prostitution to earn a living. I am glad that the Hon. Bob Ritson has returned to the Chamber, because he made what I thought were a couple of his customary gratuitous remarks about my ability to comment on any matter. I do not pretend, and never have pretended, to be an expert in any particular field, but I have been elected to Parliament to consider the issues, and I consider, therefore, that I am entitled to make my point of view known. I think that the questions of intimidation and gangland warfare are emotional claptrap. The scope for intimidation and corruption in prostitution is far more likely while it remains a criminal offence, where those involved are nervous and reluctant to go to the police for protection from intimidation, and reluctant to come forward and have proper and thorough health checks because, again, they believe that once they are identified as prostitutes they are classed as criminals.

I admire those whom I have knowledge of in the business of prostitution for, in many cases, diligently pursuing proper health procedures. I think that that fact should be recognised and that the situation should be made more amenable for them to do that. The threat to health in our society comes from the fact that prostitutes will be forced to continue plying their trade, nervous to appear and have proper health checks and use correct health restraints.

If a prostitute is infected and that fact is picked up a few days later, how much better is it that that occurs, rather than it not occurring at all and the prostitute continues to spread disease, that is, if we are concerned about disease. That was really the trigger for this Bill. I cannot continue my comments without paying some recognition to the Hon. Carolyn Pickles in this matter. There have been many nervous Nellies in our Parliament. Very few members have had the courage to come forward and take the flack. My previous colleague, Robin Millhouse, who is now on the Supreme Court bench, introduced a similar Bill in similar contentious circumstances. That Bill was only narrowly defeated in another place.

I appreciate what the Hon. Carolyn Pickles has done. I think the Bill may well have some faults which need to be addressed, and I cannot see why that cannot take place in the Committee stage. I respect those people who disagree with my point of view. Many of those people are very conscious of the distress that prostitution causes to the many people who, for various reasons, are involved in it. However, if it is believed that this Bill in any way will cause the situation to deteriorate or give further cause for concern, I think that that belief is misplaced. My considered judgment is that the Bill will make it a better situation for those people who, for whatever reason, find themselves involved in prostitution. The Bill will provide a better means of controlling the excesses and extremes that occur in prostitution while it continues to be a criminal activity.

In conclusion, I believe the Bill offers substantial improvements to the current legal situation in regard to prostitution. There will be no answer to the real ills until we address the matters raised by the Hon. Diana Laidlaw in an earlier motion about poverty and the position of people who find themselves without means of support. It is interesting to see how many people turn to prostitution because they are left virtually economically derelict by their husbands, and often with dependant children. However, I consider also that part of our role is to provide legislative supervision of practices which take place in our society. Our role is not only that of arbiters of moral right and wrong, as the Hon. Mario Feleppa clearly spelt out. It is my conviction that the Bill will substantially improve the situation in regard to prostitution: I refer to improvement in health in regard to sexually transmitted diseases, and protection for those who are exposed to intimidation or coercion in the trade at the moment. I support the second reading.

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

ROXBY DOWNS (INDENTURE RATIFICATION) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 13 August. Page 275.)

The Hon. J.C. BURDETT: I oppose the second reading of this Bill, which is one of the most commercially and politically immoral and irresponsible Bills that I have ever known to be introduced into Parliament. The Roxby Downs indenture was entered into on 3 March 1982 and signed and sealed by David Tonkin, the then Premier, the then Minister of Mines and Energy (Hon. E.R. Goldsworthy), the Roxby Mining Corporation Pty Ltd, BP Australia Ltd, BP Petroleum Development Ltd and Western Mining Corporation Ltd. The indenture was expressed to be subject to a condition precedent that a Bill to ratify the indenture was passed, assented to and proclaimed before 30 June 1982. This did happen and the indenture solemnly entered into was therefore in place.

On the faith of the indenture ratified by Parliament, the joint venturers have undertaken considerable activity at Olympic Dam. This was on the faith of there being no prohibition on the part of the State Government from selling uranium which, of course, is one of the major products obtained from the mine. This was also on the faith of the royalties being as agreed in the indenture, which was signed and ratified by Parliament. The venturers have put an enormous amount of effort into the project and have spent many millions of dollars properly on the faith of the indenture and the Act. What better back up can one have than that—an indenture on a major issue solemnly signed and ratified by the Parliament of the State. The joint venturers have acted in every way properly and energetically within the framework of the indenture and the Act. Whatever one may think about activities related to uranium, as far as the venturers were concerned they acted properly in accordance with an agreement ratified by Parliament. However, the Hon. Mr Gilfillan wants to rat on the agreement properly entered into and ratified by Parliament.

The Hon. Mr Gilfillan's Bill prohibits the sale of uranium. There is no way that the joint venturers would have proceeded if they had known that the sale of uranium was going to be prohibited. They would not have spent their money and their time. The Hon. Mr Gilfillan's Bill also provides that the State is not liable for the cost or any contribution to the cost of an extensive list of infrastructure at Roxby Downs. The Bill also about doubles the royalties, as compared with the executed and ratified indenture. Obviously the venturers may well not have—and I suggest would not have—gone ahead with the project if they had known that the royalties were to be later unilaterally very much increased—as I say, about doubled.

The Bill is absolutely disgraceful. It seeks to change unilaterally a very substantial, solemnly entered into, legislatively approved agreement. That situation is absolutely intolerable in the business world or anywhere else.

In his second reading explanation, the Hon. Mr Gilfillan invited members of the Council to exercise a conscience vote. I invite them to apply their conscience to this Bill, not just to the matter of whether or not uranium is mined and sold, but to what I say is this unscrupulous practice, once an agreement has been entered into with a Government and ratified by the Parliament—with money, time, initiative and expertise spent on it—of tearing up that agreement and laying down completely different ground rules. That to me is a matter of conscience, and that is what I ask members of the Council to address their minds to. The Bill changes the rules after the game has started; it changes the rules after the venturers are well down the track, on the faith of the executed agreement. I say that, irrespective of the merits of uranium, it would be unconscionable to support this Bill.

I am personally satisfied that it is proper to mine uranium with proper safety precautions in regard to the miners, and the standards which exist are fairly satisfactory in that regard; if they are not, they can be made more satisfactory. Knowing something of them, I believe that they are quite satisfactory. I suggest that the practice of mining uranium might be much safer than mining coal in some circumstances, particularly in a Korean coal mine. The processing of uranium is safe—I do not think anyone would dispute that—and despite the most regrettable and appalling Chernobyl disaster, the nuclear fuel cycle can be safely carried out. In my view, there is certainly not a problem at present with regard to wastes and there are adequate safeguards to prevent Australian uranium from being used in nuclear weapons.

However, the nuclear debate is a very complex and serious one. I fully acknowledge that. I know that people in this Chamber and those outside in the community, especially young people, conscientiously believe that uranium ought to be left in the ground. I respect them for their conscientious belief. I acknowledge the substantial arguments which they can bring forward. Very substantial arguments can be brought forward on both sides. It is, as I say, a very complex debate whether or not uranium is mined, processed and sold overseas for use in the nuclear fuel cycle. But—and this is the point—the issue in this Bill is quite different. It is not that issue at all.

I ask members of the Council who oppose the mining of uranium, or its sale for the nuclear fuel cycle or to France, to look at the effect of this Bill. The venturers have expended their energy and money on the faith of a legally binding agreement supported by an Act of Parliament. They certainly would not have done what they have done had the provisions in this Bill then been in place. Radically to change the rules after the venture is well down the track is a horrific concept. If this Bill passes, it will be the deathknell of investment in South Australia. Who would invest in a State where, after an indenture is negotiated, executed, ratified and partly carried out, a maverick Parliament can

subsequently change the rules in a most Draconian manner? If the Parliament does it in this area, who is to say that it will not even intervene in regard to other agreements which do not require legislative ratification? There is no constitutional or legal impediment to doing that. If the concept is once given legislative blessing, as in this Bill, no-one would ever touch South Australia again for major investment.

To sum up, I ask members of the Council to acknowledge that, whatever their views about the mining and sale of uranium, it would be intolerable retrospectively to provide that the rights and obligations of the venturers should be changed. I consider this Bill to be unconscionable and I oppose it.

[*Sitting suspended from 5.56 to 7.45 p.m.*]

The Hon. M.J. ELLIOTT: I am indeed aware of the sorts of problems raised by the Hon. Mr Burdett in his speech earlier today. We are in extremely unusual circumstances. I believe that we are balancing two wrongs: first, the wrong of altering an Act of Parliament with major commercial implications; and, secondly, the wrong that will be done to present and future generations by the nuclear industry.

The Government in 1982, when it first brought in the Roxby Downs (Indenture Ratification) Act, acted in indecent haste and made a tragic mistake. Unfortunately, I do not believe it is the sort of mistake that we can in all conscience allow to continue. It really is a matter of conscience. If one believes sincerely, as I believe, that the nuclear industry does pose serious threats, then, although one knows one may be committing a wrong, there is a balancing of the two wrongs. The Democrats are acting sincerely in what we propose in this Bill for very serious reasons. We are not being frivolous in any way and we are aware of what we are suggesting. We take our role seriously; we are not acting frivolously; we are aware of the commercial implications.

The ALP has shown itself to be a remarkably agile Party on this issue. Indeed, the Liberal Party has been agile to some extent, too. In 1977, a resolution was passed in another place supported by the Labor and Liberal Parties, as follows:

That this House believes that it has not yet been demonstrated to its satisfaction that it is safe to provide uranium to a customer country and, unless and until it is so demonstrated, no mining or treatment of uranium shall occur in South Australia, and further believes that the South Australian Government should give the greatest possible financial support to research into the use of solar energy and other alternative energy sources as a matter of extreme urgency.

That was probably one of the most sensible things that has happened in Parliament for a long time, and not much sensible has happened since. The motion was passed under a Labor Government with Liberal support. In February 1979 a motion arose in this Council from the Liberal Party that aimed to overturn that resolution. In that debate, the present Attorney-General stated:

If Liberal members in this place wish to see that motion rescinded, surely it is up to them to provide factors that have changed in that less than two-year period, because the House of Assembly declared at that time (and the Liberal members declared at that time) that it had not yet been demonstrated to its or their satisfaction that it is safe to provide uranium to a customer country. What has happened in that less than two-year period to alter that situation and that statement made by Liberal members?

He further stated:

. . . and the Labor Party will not change its policy until it is satisfied that those problems have been solved.

At least the Liberal Party did not say anything like that. The Attorney further stated:

The Opposition has not provided one jot of evidence that any of those problems concerning proliferation have been solved. Until it does I will not change my mind:

In her Address in Reply speech in October 1979, the Hon. Barbara Wiese devoted her entire time to the question, and she summarised her remarks by saying:

I am not an economist or an expert on the nuclear fuel cycle, and neither is the Premier or the Deputy Premier. However, I can read, and in researching this question I have found that on every issue—mining, power plant safety, waste disposal, and so forth—there is expert testimony which flatly contradicts the glib optimism that characterises Liberal pronouncements.

She further stated:

. . . that I believe that prudence dictates that we should wait until there is a scientific and popular consensus, one way or another, on the safety of the nuclear fuel cycle.

Repeatedly we hear people say, 'When there is evidence that things are safe we will change our minds.' The present Minister of Health also devoted some time in his Address in Reply speech six years ago to the question of mining and exporting uranium. It was another of his eloquent speeches. He stated:

I do not believe that the world community currently has the technology to use nuclear power on the massive scale necessary to make it economically feasible. In addition to the much publicised large-scale and potentially disastrous accident such as that at Three Mile Island—

we now know that to be a squib in world circles—

there are innumerable day-to-day problems in maintaining reactors. For every Harrisburg incident there are literally hundreds of malfunctions of various kinds.

He also said:

The third reason is that adequate safeguards for the transport of wastes on a global scale do not exist, nor does the technology, as yet, for safe disposal. When there is widespread evidence and global consensus that all of these problems have been overcome, I may change my attitude. In the meantime, I believe that as a legislator with some scientific background, as an environmentalist, and as a human being concerned not only for the future of my children but for all the children of the world, I have a duty to warn the citizens of South Australia to proceed with great caution. They should not look for the pot of gold that may well not exist: beware of the terrible dangers that at present certainly do exist.

The Minister was so right. He went on:

In an area that is extremely emotional, I have always tried to base my decisions on logic and facts rather than on political or gut reaction. Recent events have convinced me that I should adopt the strongest possible stance against uranium mining and enrichment in South Australia.

In November 1979, the Hon. Mr Sumner stated:

In any event, as to storage overseas, I do not think we can completely wash our hands on that issue when we are talking about safety.

Concerning storage of waste, he stated:

The experts are optimistic that technical developments over the next few years will produce a satisfactory result. At present I do not believe it is established that such technology exists.

I am sorry to be quoting so much to the Council, but this is such sensible stuff that I cannot refrain. The Hon. Mr Sumner also said:

It has been necessary to make a further assessment of the safety of nuclear reactors. Again, this has global implications, because of increasing concern overseas about the safety of reactors and, ultimately, that may reflect itself in economic implications for Australia if the world decides not to provide that nuclear power as quickly as has been anticipated in the past. We can be locked in to the supply of uranium overseas, which may have important and deleterious economic effects on the Australian economy.

That was an extremely worthwhile warning; that is exactly the road down which we are now proceeding. We are getting ourselves into a position of becoming a major supplier in what may be a contracting market. We have made the same mistake with so many other goods. The Attorney-General further stated:

There is no question at present that the safeguards on proliferation are inadequate. That is admitted by the technical experts, and there does not seem to be any doubt also on the question of disposal of waste, as presently there is no safe method of disposing of waste despite the technical developments made in the past few years. It may be a matter of talking about the optimism of the experts against those who might like to adopt a more cautious approach, given the tremendous, destructive and devastating effects that uncontrolled and unsafe nuclear development could have on the world community.

This is all in 1979—almost ancient history to some people. Three years on and the Roxby Downs Indenture Bill was before the Legislative Council. My colleague has already quoted extensively from that debate and I will not quote at great length, but there are still a few points I think worth noting. It is quite clear that Labor policy was still that uranium not be mined and exported. The Hon. Mr Sumner said:

The argument therefore which is concerned with uranium mining because of the possibility of nuclear war is not emotional, it is not fanciful, but is tragically a concrete devastating reality. Before proceeding with uranium mining we must be absolutely sure that all that has been done in the field of anti-proliferation can be done.

And he said:

I am not prepared to agree to uranium mining while there is still the threat of nuclear proliferation and nuclear war. Much more has to be done in this area. By not mining uranium at this time we will give some hope to the anti-nuclear war movement which is developing in the world and gaining strength at the present time.

The Hon. Ms Wiese, with her strength and clarity of thought, added:

I think it is clear from this sorry history that Australia's safeguards agreements are hardly worth the paper they are written on . . . Governments with little integrity, which are desperate for economic wealth at any cost and which want to cling to political power at any cost, will bend rules and take risks if they think it serves their interests.

I wonder if that passage is starting to reflect upon other people. She continued:

We cannot afford to say that mining uranium is okay and what happens further down the track is not any of our business because it will happen somewhere else. That seems to be the Government's position and it is grossly irresponsible.

That now seems to be the present Government's position. My last quote from history reads:

What the ALP is arguing is not that we are implacably opposed for all time and under all conditions to the nuclear fuel cycle, but simply that at the moment there is not compelling evidence that it is either safe, efficient or economically viable enough to warrant support of this highly premature indenture Bill.

Never a truer word was said! The sellout by the ALP was about to begin. In South Australia there had been one of the most amazing public relations exercise of all time, promoting Roxby Downs. There is no evidence of bribery but, nevertheless, the State was bought off. Enormous sums of money were spent flying journalists and prominent and influential persons to Roxby Downs. Large dinners and other functions were held in Adelaide. Enormous sums of money went into advertising and promotional material.

The pro-mining and export arguments were financially backed. That is obvious. The arguments against mining were not financed. There is not a financial vested interest which can gain from banning uranium mining.

It is not surprising that public opinion about Roxby has shown some change. After all, the nuclear issue is an extremely complex one and I do not think that most of the members in this Council really understand it. Public opinion, therefore, was based on highly biased information.

A State election was looming, and it looked like it could have been a line ball decision, so the ALP policy then began to deviate. It would allow Roxby Downs but no other uranium mines to proceed.

There was no new compelling information to alter what had been previously stated by the State ALP. Its members said they would change their minds if there was new information—they never presented it. It does not exist. In fact, any new information is to the contrary. The nuclear industry was not safer. It could be safely stated that, at any cost, the ALP wanted to win government.

Similar pragmatism was occurring in the ALP at the federal level, and here a pattern was set whereby the Cabinet and Caucus became more important than the Party and the Party's policy. It was now saying it would allow the existing mines of Ranger and Nabarlek and under pressure from South Australia would allow Roxby Downs to export uranium if the mine opened. The Party allowed the aberrations and ratified them at its National Conference in 1984. They did, though, have several important reservations amongst which were to—'Ban uranium sales to France until France ceases testing nuclear weapons in the South Pacific region'. They also would not export uranium to a country which was not a participant in the nuclear non-proliferation treaty. Since these reversals, what has happened?

Members interjecting:

The Hon. M.J. ELLIOTT: I think they would rather not know in Britain. I do not think they embarrass easily. In Britain, Windscale, the major nuclear reprocessing plant, had so many major nuclear leaks that it was cleansed by being renamed Sellafield. Needless to say, Sellafield has continued to be plagued with problems and made headlines only last week.

The first major nuclear reactor accident has now occurred at Chernobyl. The eventual number of deaths attributable to it will run into thousands, and, of course, the rather predictable 'the Russian technology is unreliable' was trotted out, but that is an unacceptable argument.

If I were given the choice of travelling in a Russian or an American space vehicle right now, I know which I would choose. I do not believe that Russian technology is behind the American technology: that is a total farce. Quite simply, nuclear reactors are not safe. The problems of waste disposal have not been solved, nor has reactor dismantling and disposal. The safequards agreements do not guarantee that nuclear fuel does not find its way into nuclear weapons.

The ALP has produced no new evidence to warrant changing its position. During the recess I wandered in for a bit of light reading and picked up the *New Scientist*, a very reputable magazine, and in the most recent edition there were four articles on the nuclear industry. I think it is worth quoting from those to show you what is happening now. The first article was headed 'Massive plutonium levels found in Cumbrian corpses', and I quote briefly from this article, which states:

Autopsies on the bodies of typical former workers at the Sellafield nuclear plant have revealed concentrations of plutonium hundreds and in one case thousands of times higher than in the general population. The study by Don Popplewell has also found that concentrations of plutonium in the bodies of Cumbrians who did not work at the plant average from 50 per cent to 250 per cent higher than elsewhere in Britain. The investigation of autopsy tissues was prompted by a call from Sir Douglas Black in his review of the evidence of high cancer levels in Cumbria in 1984.

The second article is headed 'Cancer fears at Indian nuclear plant' and reads in part:

Indian researchers have published disturbing evidence of health risks at one of the country's most important nuclear establishments. According to Gyanesh Kudaisya, a scientist who worked on the project, death rates from cancer at the Rare Earths plant were found to be more than four times higher than at the neighbouring plant and almost seven times as high as the national average for workers.

The study also reported a 'high incidence of genetic disorders among Indian Rare Earth's workers', and said there was evidence of 'widespread infertility among workers'.

The third article is headed 'Chernobyl: the grim statistics of cancer' and, once again, I will quote just part of it:

Two American physicists have drawn a rough but grim outline of the spread of cancer that could result from the fallout from Chernobyl. They expect tens or even hundreds of thousands of tumours, and possibly several thousand deaths from cancer during the next 30 years. Experts in the US Government's nuclear agencies accept the findings.

The estimates have been made by Frank von Hippel of Princeton University and Thomas Cochran of the Natural Resources Defense Council, an environmental group. They calculated the following consequences from all routes of exposure.

Two thousand to 40 000 cases of thyroid tumours from inhalation of iodine-131. Only a few per cent of these tumours will be fatal.

Ten thousand to 25 000 cases of potential thyroid tumours from iodine absorbed from contaminated milk.

Three thousand five hundred to 70 000 cases of cancer from all sources of caesium-137. About half might be fatal.

The fourth brief article headed 'Nuclear research cut' reads:

West Germany is to cut drastically the amount of money it spends on supporting technology. The reduction in spending of 7 per cent is mainly due to a drastic reduction in nuclear research from £516 million last year to £290 million next year.

They have gone pretty close to half. I think it is a very real indication of the direction in which the world nuclear industry is going; that most countries are winding out of it. So, what new evidence has the ALP used to change its policy? I do not believe there is any new evidence to support what it has done. In fact, all new evidence is to the contrary. I can come to only two possible conclusions: either their previous anti-nuclear stance was a farce and nothing more than political posturing, or having political power is more important than what you do with it. I cannot see how there is any other possible conclusion.

As to the decision on sales of uranium to France, once again Cabinet is running the ALP. France is continuing its nuclear testing in the Pacific, yet that was one of the considerations that was made in the policy in 1984; that until France stopped testing they would not sell uranium to France. France also has not signed the non-proliferation treaty.

Once again Cabinet is guiding Party policy because we will be exporting to France, such a wonderful trustworthy ally that it sent terrorists to sink ships in a friendly country! How easily that country has been forgiven. What is its promise worth that uranium sold to it will not be used for producing nuclear weapons? Surely no-one in this place believes that. In the *Advertiser* of 5 August, the Premier, attacking rather gently the decision to sell uranium to France—

The Hon. R.J. Ritson: When do we get to the anti-American bit?

The Hon. M.J. ELLIOTT: What a lot of nonsense! This matter is not anti-American. To say such a thing is showing the honourable member's narrow-mindedness. To be anti-uranium is common sense and has nothing to do with any views on any other matter. The Premier was quoted in the *Advertiser* of 5 August attacking rather gently the decision to sell uranium to France. Does the almost President of the Federal ALP have no influence, or was it an attempt to placate his Party's anti-uranium lobby without actually doing anything? The Editorial in the *Advertiser* of 6 August, which I think was sensible comment, stated:

Whether France would still want our uranium is not the point. Nor are relatively minor budget and export boosts. It is a matter of principles, which the Government should uphold. The nation becomes ultimately impoverished when seduced into thinking that money can measure morality.

The Hon. I. Gilfillan: Is that the *Advertiser* you are referring to?

The Hon. M.J. ELLIOTT: Yes, the ratbag radical, left wing *Advertiser*, the anti-United States *Advertiser*; that is exactly right. It is about time that people understood what the anti-nuclear movement is all about. It is made up of a wide cross-section of people with varying points of view. In South Australia we suffer an incredible lack of foresight and a failure to learn from our mistakes. The resources boom of the early 1970s never eventuated. It sidetracked South Australia's and Australia's progress. The mess we are now in is partly due to that illusion. Some members in this place have helped spur that illusion along. Roxby Downs is part of that illusion, and this State and the economy generally will expend vast resources for relatively little gain. Each job will cost several million dollars to create.

The same money expended in other ways would have done far more good for South Australia. In relation to royalty agreements, we have thought like monkeys, behaved like monkeys and we will be paid like monkeys—with peanuts. The cost to this State is difficult to estimate, but certainly the infrastructure will be $13 million plus, and the royalty $1.5 million if we are lucky. I believe that we have been conned. There are several arguments here: the question of whether or not we have been economically conned; and whether we have been conned about uranium itself.

When the mine is fully operational it will be easy to predict what will happen next. There will be a further downturn in prices that will see the mine threatened with closure unless the Federal Government allows lower floor prices or unless royalties decrease. There is already pressure on the Federal Government to reduce the floor price. If uranium sales decline worldwide there will be a threat of closure unless safeguards are reduced or unless countries we previously considered non-reliable we now declare reliable. In fact, that is what we are already doing in relation to France. France will not sign the non-proliferation treaty, yet we are willing to sell uranium to it. Who else will we sell it to? This will occur out of convenience. The ALP has said, 'We will draw the line here; no, we will draw the line here; no, we will draw the line here.'

Is it any wonder that that Party has acted in the same way as the Liberal Party—pragmatically; nothing more, nothing less. Is it any wonder that Australians hold their politicians in such low respect? Whether or not people agreed with the ALP's original policy on uranium mining and export, I believe it was respected as a matter of principle and a matter of perceived morality. It is high time that all political Parties were willing to state unequivocally what they stood for and why.

I know that in this Council there are members of the ALP who are still opposed to uranium mining. I implore them to take a stand—a real stand—and not just talk, but act, and vote to support this Bill. Besides the approbrium of sections of their own Party, I believe that they will also receive praise and enormous respect from within their Party and the community at large, which desperately wants politicians to stand up for what they believe in and not pussyfoot around, mealy-mouthed. I support the Bill.

The Hon. G.L. BRUCE: I am not surprised by the words of the Leader of the Democrats or indeed by his colleague, the Hon. Michael Elliott. In terms of policy, to ensure employment and development for South Australia, the words of the honourable member reflect the inability of his Party to deal with the real world. This Bill is a contemptuous proposal that has scant regard for the needs and wishes of the majority of South Australians and Australians. This Bill will effectively close down the mine at Roxby Downs, and that is its deliberate intent. Already the development of this mine has involved—

Members interjecting:

The ACTING PRESIDENT (Hon. Peter Dunn): Order! Give the honourable member a fair go.

The Hon. G.L. BRUCE: Thank you, Mr Acting President. For the benefit of some honourable members, already the development of this mine has involved an expenditure of $150 million. Of that amount some 83 per cent has been directed through firms based in South Australia, and it is estimated that 60 per cent of these contracts has gone to the South Australian industries.

Do the proponents of this Bill believe that the joint venturers—Western Mining and BP—will continue to run this mine as a practical mine? Perhaps they will be prepared to spend hundreds of millions of dollars decade after decade to dig holes in the ground that they will extract ore and waste from and simply dump it in a pile. Only such an absurd scenario can excuse us from renaming this Bill the Roxby Downs Indenture Termination Bill.

Such a termination would involve the loss of employment at the mine and in service industries and result in a loss of revenue to the Government. That is the South Australian scenario. Only a policy which so happily neglects or ignores a responsibility for the issue of the basic wellbeing of the people of South Australia—the employment of ordinary Australians—could so readily seek to terminate Roxby Downs. Of course, reflecting on what the Hon. Mr Burdett said, it becomes quite apparent that, if we are going to renege on this agreement at this stage, investment in South Australia will be non-existent. No-one would be prepared to invest in South Australia if the terms of an indenture such as this one could be terminated at whim.

There is talk of a banana republic. South Australia would head that banana republic if we did that. Of course, we should not be surprised at such a policy presented by the Democrats. They are a no-care and a no-responsibility Party. There is no need for them to deal with the realities of the world—no need to do anything beyond spouting what may seem reasonable principles without any reference to the reality of life. However, this Bill represents so much more than the idle ramblings of the Democrats. It reflects the ongoing political cynicism of this Party. It reflects its pandering to a narrow group whose lifestyle is not affected by this Bill. Of course, it is secure in its comfortable position because these people have chosen a lifestyle that is superficially independent of the mainstream of society.

Most workers do not have this luxury, the luxury to ignore the reality of survival on a day-to-day basis and they know only too well that society cannot support everyone's independent lifestyle as readily as it can and has supported small groups today. Of course, these honourable members have no interest in the reality of life. The cynical existence of their Party totally ignores the needs and wishes of the majority of Australians. The Council should remember the Bannon Government was elected in 1982 on the basis of a clear commitment to support the Roxby Downs project. That commitment remains and this Bill cannot hope to change that commitment. I was quoted by the Hon. Mr Gilfillan in *Hansard* as saying:

> There has not been sufficient evidence produced to convince people that the nuclear fuel cycle is safe. What happens to uranium when it comes from the ground is everybody's concern.

Everyone was aware back in 1982, I think, that the Hon. Norm Foster was a member of a select committee looking into the mining of uranium. If ever there was a violent opponent to uranium, it was Norm Foster. He heard all the evidence put to the select committee, which also included a Democrat, the Hon. Mr Lance Milne. Enough evidence was put to the select committee for Norm Foster to cross the floor of this Chamber and vote for uranium mining. Norm Foster resigned from the Australian Labor Party on the principle that uranium mining was not dangerous. For the Hon. Mr Elliott to stand up and say in this place that nothing has changed since 1982 is akin to placing one's head in the sand.

The Hon. M.J. Elliott: What has changed?

The Hon. G.L. BRUCE: One thing changed: Norm Foster changed his mind. Foster sat in on meetings in relation to uranium and heard more evidence than anyone else in this Chamber (apart from the other members of the select committee). Whether or not he had guts I do not know, but the Bannon-led Labor Party went to the polls with the commitment to proceed with the Roxby Downs Indenture Bill. That was done. To go back on that indenture Bill now would be folly. Roxby Downs has progressed under this Government from an investigation through to the full development of the mine and has the support of this Government. Supporters of this Bill, who seem to derive some pleasure in digging up quotes of the past, should remember that simple fact.

The Hon. L.H. Davis interjecting:

The Hon. G.L. BRUCE: That is all right—I have a very open and flexible mind.

The Hon. L.H. Davis: How can you stand there and say that?

The Hon. G.L. BRUCE: I hope that my mind is not like cement but is flexible enough to achieve something. I have a very flexible mind. I realise, of course, as I pointed out earlier, that a Party that has no hope of forming Government will not be constrained by the responsibilities of providing good government to this State and could be expected to indulge itself in this sort of sham. The famous quote, 'We will keep the bastards honest' of the Democrats' former Leader leads one to wonder who will keep the Democrats honest. With those remarks, I seek leave to continue my remarks later.

Leave granted: debate adjourned.

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) ACT AMENDMENT BILL

The Hon. J.R. Cornwall, on behalf of the **Hon. BARBARA WIESE (Minister of Local Government),** obtained leave and introduced a Bill for an Act to amend the Coober Pedy (Local Government Extension) Act 1981. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Select Committee on the Coober Pedy (Local Government Extension) Act Amendment Bill and the future operation of local government for the Coober Pedy community has now reported to Parliament.

In order to carry out the recommendation of the report, that Coober Pedy adopt local government, it is necessary to make certain amendments to the Coober Pedy (Local Government Extension) Act 1981.

The select committee indicated that it would be desirable that the transition to local government be as smooth as possible for Coober Pedy. Elections for the Coober Pedy Progress and Miners' Association are due to be held in October 1986. As there will be general council elections in

May 1987, it is considered unnecessary and undesirable to involve the local community in two elections in such a short period of time. Therefore, it is proposed that the Association elections due in October be suspended.

The new council will commence operations on 1 January 1987 and the current membership of the Coober Pedy Progress and Miners' Association will continue until the May council elections in 1987.

The amendments to the extension Act will allow for the suspension of the October election and as well as this will allow for the very important transition of powers to the new council from the association. Thus it will protect the rights of employees and ensure that the assets and liabilities of the association become those of the new council.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure. It is proposed that the amendments to the constitution of the Coober Pedy Progress and Miners' Association Incorporation come into operation on the Governor's assent to the Bill and that the remainder of the Bill come into operation on a day to be fixed by proclamation.

Clause 3 amends the long title of the Act.

Clause 4 makes necessary consequential amendments to the definitions used in the principal Act.

Clause 5 provides for the repeal of sections 4 to 12 (inclusive) of the principal Act and substitutes new provisions dealing with the dissolution of the Association and incidental transitional matters. The new provisions will ensure that the local government council that is to be formed at Coober Pedy will be vested with the property, rights and liabilities of the Association and that the staff of the Association will have continuity of service. It is also proposed that charges levied by the Association will be recoverable as rates levied by the new council and that by-laws in force immediately before the dissolution of the Association will become by-laws made by the council. Under new section 5 the members of the Association appointed as the first members of the council will be deemed to have held office as members of a council for periods equal to their terms as members of the Association. New section 6 provides for the Act to expire on a day to be fixed by proclamation.

Clause 6 effects various amendments to the constitution of the Association. The amendments are designed to ensure that elections for membership of the Association are not held in October 1986 and that the existing members continue to hold office until the dissolution of the Association.

The Hon. L.H. DAVIS secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL

The Hon. J.R. Cornwall, on behalf of the **Hon. BARBARA WIESE (Minister of Local Government),** obtained leave and introduced a Bill for an Act to amend the Local Government Act 1984. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Select Committee on the Coober Pedy (Local Government Extension) Act Amendment Bill and the future operation of local government for the Coober Pedy community has now reported to Parliament. In order to carry out the recommendations of the report it is necessary to make certain amendments to the Local Government Act 1934.

Because of the isolation of the town of Coober Pedy, its unique character and the general feeling in the town, at this time, against a widespread use of control and regulation, it is considered that the application of the Local Government Act should allow for the waiving of certain powers under the Building Act, Health Act, Food Act and Motor Vehicles Act. In practice this would mean that the current arrangement would apply with respect to the Health and Food Acts whereby the S.A. Health Commission provides the necessary services.

The provision concerning the waiving of powers pursuant to the Motor Vehicles Act will allow Coober Pedy to continue as an 'outer area' and thus the local population will not incur the added cost of motor vehicle registration fees. (This would normally occur when Coober Pedy became a local government area). The process which allows for the Building Act not to apply to private dwellings will be handled by proclamation.

Clause 1 is formal.

Clause 2 provides that the Act is to come into operation on a day to be fixed by proclamation.

Clause 3 inserts a new section 883 relating to the proposed District Council of Coober Pedy. Subsection (2) provides that land within the area of the council that is subject to a mining lease or comprised in a registered precious stones claim is not rateable property under the Act; a similar exemption applies in relation to the levying of charges under the Coober Pedy (Local Government Extension) Act 1981. Subsection (3) provides that the council is not to be responsible for the performance of any function under the Food Act 1985, or the Health Act 1935 (the South Australian Health Commission is to be able to perform those functions), and that the area of the council is to continue as an outer area for the purposes of section 37 of the Motor Vehicles Act 1959. The new provisions are to expire on a day or days to be fixed by proclamation.

The Hon. R.J.RITSON secured the adjournment of the debate.

TOBACCO PRODUCTS CONTROL BILL

The Hon. J.R. CORNWALL (Minister of Health) obtained leave and introduced a Bill for an Act to regulate the sale, packing, importing, advertising and use of tobacco products; to repeal the Cigarettes (Labelling) Act 1971, and the Tobacco Sales to Children (Prohibition) Act 1984; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

This Bill introduces significant changes to the law relating to tobacco products in South Australia. For the first time, health related controls over the sale, packing, advertising and use of tobacco products are brought together into one umbrella piece of legislation. The Bill includes several new provisions which will place South Australia in the forefront of world public health action in smoking control. The Bill spearheads the Government's comprehensive smoking control strategy.

The use of tobacco dates from ancient times. There are reports of tobacco use in South America in the fifteenth century, and suggestions that tobacco chewing may have even been practised in ancient Egypt. Tobacco use spread

to Europe—to Spain, to France and to England. James I, apparently horrified at its use, published a pamphlet 'A Counterblast to Tobacco' and attempted, by stringent laws, heavy punishment and threats of ex-communication, to prevent its use. Tobacco use and attempts at its control have thus been with us for some time.

Patterns of tobacco consumption in Britain changed over time—in the Georgian period, snuff-taking displaced tobacco as the most common form of consumption; by the start of the nineteenth century, this role had passed to cigars; by the time of the First World War, cigarettes accounted for over half the total consumption of tobacco products.

In Australia, cigarettes account for by far the greatest consumption of tobacco products. A recent publication by the Commonwealth Department of Health 'Statistics on Drug Abuse in Australia' estimates that Australians 15 years and over consumed 2 437 grams of tobacco per person in the 1984-85 financial year, most of which was in the form of cigarettes. Total personal expenditure on tobacco products in that period was $2 389 million. That, of course, was not the only personal cost involved. The publication estimates that in 1984 there were approximately 20 200 deaths caused by drug use. Of those, 16 300 or 81 per cent were due to tobacco use.

The simple fact is that cigarette smoking has been identified as the single most important source of preventable morbidity and premature mortality. Each of the reports of the United States Surgeon-General since 1964 has emphasised this fact. The Royal College of Physicians of London in 1977 commented that 'cigarette smoking is still as important a cause of death as were the great epidemic diseases of the past'. In an article in The New England *Journal of Medicine* last August, Dr Jonathan Fielding illustrated the United States situation as follows:

> The estimated annual excess mortality from cigarette smoking in the United States exceeds 350 000, more than the total number of American lives lost in World War I, Korea and Vietnam combined and almost as many as were lost during World War II. It is estimated that among the 565 000 annual deaths from coronary heart disease, 30 per cent or 170 000 are attributable to smoking. Furthermore, 30 per cent of the 412 000 annual cancer deaths—about 125 000—are attributable to smoking, with 80 per cent resulting from carcinoma of the lung. Chronic obstructive lung diseases such as chronic bronchitis and emphysema account annually for another 62 000 smoking-related deaths. It has been estimated that an average of 5½ minutes of life is lost for each cigarette smoked, on the basis of an average reduction in life expectancy for cigarettes smokers of five to eight years. For a 25-year-old man who smokes one pack per day (20 cigarettes), the reduction averages 4.6 years, whereas for a man the same age who smokes two packs per day (40 cigarettes), 8.3 years of expected longevity are lost.

In the words of the World Health Organisation, the control of smoking 'could do more to improve health and prolong life . . . than any other single action in the whole field of preventive medicine'. We as a Government, indeed we as members of this Parliament, would be shirking our responsibility to the South Australian community were we not to heed the advice of bodies such as the Royal College of Physicians, the World Health Organisation, the Anti-Cancer Foundation, the National Heart Foundation, to name but a few. We must act and we must act now. No longer can we stand on the sidelines as 16 000 Australians a year die as a result of tobacco use. The Government has developed a comprehensive smoking control program aimed at reducing tobacco use in South Australia. The program consists of a combination of legislative, administrative, voluntary and educational strategies. The Bill before the Council today spearheads that strategy.

The Bill will repeal the Cigarettes (Labelling) Act 1971 and the Tobacco Sales to Children (Prohibition) Act 1984. The provisions of those Acts will be brought together under this Bill. For the first time, South Australia will have a comprehensive piece of legislation which brings together health related controls over the sale, packing, advertising and use of tobacco products. The legislation is to come into force on a day to be proclaimed. There is provision to suspend sections, and this will be used to phase in the various requirements.

Under the legislation, tobacco products sold by retail will be required to be enclosed in package displaying a health warning. Failure to meet this requirement will attract a maximum penalty of $2 500. The health warning and the manner and form in which it is to appear are to be prescribed by regulation. The legislation is thus enabling legislation in this respect.

Honourable members will no doubt be aware that Health Ministers have been striving for some time for the adoption of more relevant and salient health warnings to replace the existing 'Warning—Smoking is a health hazard.' Dr Anne Long, in a paper 'What does "hazard" mean—a survey of Sydney schoolchildren' which was published in the *Medical Journal of Australia* in 1975, highlighted the fact that children were very confused about the meaning of the word 'hazard' in the current warning. More recently, work undertaken by researchers in Western Australia has shown that the current health warning is seen as lifeless and not particularly persuasive to smokers. A national survey of Australian smoking habits in 1985 indicated a marked lack of public knowledge of the health risks associated with tobacco. Of those surveyed, 58 per cent were aware that smoking causes lung cancer; 23 per cent knew that smoking is related to heart disease; 17 per cent related smoking to emphysema; 8 per cent related smoking to stroke and vascular disease; and 3 per cent knew that smoking could cause complications in pregnancy. 24 per cent believed that smoking did not cause any illness at all. By contrast, an effective, pretested rotating warning system on tobacco packages in Sweden has been shown to influence the Swedish population by encouraging them to smoke less and to adopt less hazardous forms of smoking.

Following extensive negotiations with the tobacco industry, the final position of Health Ministers on warning labels was announced in October last. Warnings proposed were—

Smoking Causes Lung Cancer

Smoking Causes Heart Disease

Smoking Damages Your Lungs

Smoking Is Addictive

The warnings were to appear on a rotational basis, in bordered panel format, taking up 15 per cent of the front and back of packets. The warnings were to apply to cigarettes, roll-your-own tobacco, pipe tobacco and cigars (packs only—not individual cigars). Warnings and format were to remain unchanged for five years from date of implementation.

Victoria introduced regulations to adopt the new warnings earlier this year. It was my intention—and this was the advice to which I alluded when I spoke last week—to propose that South Australia follow Victoria's lead after the passage of this Bill. Very recent advice is that Victoria's regulations have been disallowed while running the gamut of the subordinate legislation process. Close contact will be maintained with Victoria in the drafting of regulations for South Australia, which I would hope to have operating as early as possible in 1987.

Clause 7 provides that advertisements for tobacco products must incorporate a health warning. This provision is a restatement, in a simplified form, of the Cigarettes (Labelling) Act Amendment Act 1975, which will be repealed by this Bill.

The 1975 amendment has never been brought into force, since it contains a provision that it cannot be enacted until three other States have passed similar legislation, and that has not occurred. The theory behind it was that, with the cessation of radio and television advertising at that time, there would be a flood of print media advertising, and there was a need to ensure that such advertising carried an appropriately prominent health warning. It is intended to suspend the operation of this section indefinitely pending consideration of the issue by the Commonwealth and other States. It is important that the provision be included in the Bill, however, for use as and when required.

An important initiative, indeed a world first, is introduced in clause 8 of the Bill. Retailers of cigarettes will be required to display in a prominent manner a notice setting out the tar, nicotine and carbon monoxide yield of cigarettes. Maximum penalty for non-compliance will be $2 500. Members will be aware that cigarette packs currently have a yield label on their side. A recent survey conducted for the Health Promotion Branch of the South Australian Health Commission and accepted for publication in the *Medical Journal of Australia*, has shown that this information is of little use, as it provides no comparison between brands and no information that might assist smokers wishing to move down the tar table to lower yielding, less dangerous brands. Further, 67.1 per cent of respondents in the survey were unable to give any tar content for the cigarettes they smoked, and 72.3 per cent agreed that tar level information should be available where cigarettes are sold.

Motivating intransigent smokers to switch to low yield brands is an important part of an overall smoking control program. I do not believe that anyone who has a genuine concern for public health could seriously argue against such information being made available to consumers. The notice will be in a form approved by the Health Commission. Current planning, taking account of space constraints of various retail outlets, is that two forms of notice will be prepared—one for specialist tobacconist stores, and a shorter, smaller version, for outlets which do not stock a wide range of cigarettes.

I turn now to a number of provisions aimed at protecting the health of our young people: 15 packs will no longer be able to be sold. The Bill makes it an offence to sell cigarettes by retail in a package containing less than 20, maximum penalty for breach of that provision will be $2 500. The situation is that 15 packs have recently gained support amongst our young people—they are more readily within their financial reach; they are more easily concealed and they are advertised in such a way as to appeal to young people. The general issue of advertising designed to appeal to young people was in fact a matter of concern and discussion at the last Ministerial Council on Drug Strategy meeting in May. The ministerial council passed a formal resolution expressing grave concern at the current cigarette advertising campaigns directed at young people, and agreed to inform the Tobacco Institute of its dissatisfaction at current marketing practices.

The Bill also forbids the sale of confectionery cigarettes designed to resemble a tobacco product. Again the maximum penalty is $2 500. I am sure members will have seen these products—chocolate cigarettes designed to look almost identical to leading cigarette brands. Sweets which look like cigarettes—a product that kills one in four of its users prematurely—are something that South Australia can do without.

The Bill places a ban on tobacco designed for sucking. Again, the maximum penalty for breach of the provision is $2 500. Currently, there is a negligible market for this product in South Australia. However, in the United States, smokeless tobacco is re-emerging as a popular form of tobacco consumption, particularly among male adolescents. In different regions of the United States, from 8 to 36 per cent of male high school students are regular users. Pop singers and sports stars are used to advertise and promote it. The use of smokeless tobacco has been shown to cause oral-pharyngeal cancer. Its strongest link is with cancers of the cheek and gum. Banning its sale is an important preventive health measure.

The Tobacco Sales to Children (Prohibition) Act 1984 is repealed by this Bill. The provisions of that Act are restated in this Bill, although in slightly different form. It will be an offence to supply (including by vending machine) a tobacco product to a child or to a person the supplier believes will supply the product to a child. A defence is provided where the person can prove they have reasonable cause to believe the child was 16 or over or where, in the case of a vending machine, all reasonable precautions were taken to ensure that the product was not supplied to a child. The penalty has been doubled to $1 000.

Retailers of tobacco products and persons occupying premises on which a vending machine is situated will be required to display a notice as to the effect of, and penalty for an offence against, this section of the Bill. Non-display of the notice will attract the existing penalty of $200. The warning notice will be prescribed by the regulation. Under the existing Act, the notice has to be in terms of the general effect of the Act. In practice, many organisations sought guidance from the South Australian Health Commission, which ultimately had notices printed and supplied to retailers. It is anticipated that the prescribed notice under this Act will follow the format of the existing notice.

Clauses 11, 12 and 13 introduce three important initiatives in the area of involuntary, or passive, smoking. In early July, the National Health and Medical Research Council published an authoratitive review of the issue of involuntary, or passive, smoking. The council concluded that procedures, regulations or laws facilitating or requiring the restriction or prohibition of smoking in enclosed public places should be developed, as a means of protecting the health of non-smokers. The World Health Organisation, the United States Surgeon-General and the United States Academy of Sciences have all made statements calling for the protection of the public from involuntary smoke.

The Bill therefore extends the provision of non smoking areas to several settings where smoking has so far been permitted. Under the Bill, smoking will no longer be permitted on intrastate buses, in taxis, or in lifts. These settings are all places where people are confined in enclosed spaces, where acute exposure to tobacco can prove not only irritating, but physically harmful to those who suffer from diseases like asthma and eye and nasal sensitivity. In the case of taxis, the taxi drivers' place of work is of course the enclosed space of their taxis. I am aware that many taxi drivers believe it is unfair that their place of work should be one that is regularly invaded by members of the public whose smoking exposes them to repeated, unnecessary risk and discomfort. Conversely, passengers should not be required to endure smoking by a taxi driver during their journey. The Bill recognises that some drivers use their cabs for private purposes when not on duty. It is made clear that the prohibition only applies when the taxi is carrying or is available to carry passengers for the payment of a fare.

In the case of buses, the Act does not apply to STA buses, where a ban is already in force: to buses which have been chartered; or to interstate buses. To those who would argue that this is an erosion of the freedom of members of the

public who wish to pollute the atmosphere of taxi drivers and non-smoking bus passengers, I would say, in the best traditions of John Stuart Mill's views on liberty, that the right to harm and cause obvious discomfort to others has never been a right that the concept of freedom has sought to enshrine. These are not areas where courtesy can adequately resolve the many conflicts that inevitably arise. There will always be those passengers who are discourteous, and it is here that, where reasonable, the law must intervene on the side of those whose health and comfort are at risk. We are not asking taxi drivers and bus drivers to police the law (although they are not prevented from laying a complaint if they wish). The offences will become part of the general law and will be dealt with in the normal manner of summary offences.

The clause that prohibits smoking in lifts will also require the person responsible for that lift to display a sign to this effect. I am conscious of the need to give building owners sufficient time to comply with this requirement, and this provision will not come into operation until an appropriate period of notice has elapsed.

As I indicated at the outset, the Bill forms part of a comprehensive smoking control strategy. A number of voluntary, educational and administrative measures are proposed, to complement or underpin the legislation. In relation to children, the Health Commission, in collaboration with the Western Australian Department of Health ran a series of anti-smoking advertisements in the May school holidays. In cooperation with the Drug and Alcohol Services Council, some 20 000 posters and stickers were distributed to year 7 students throughout the State.

Education is one of the cornerstones of both the Commonwealth and State strategies developed under the auspices of the National Campaign Against Drug Abuse. A program called 'Free to Choose' has been introduced into secondary schools. This is a package which includes a resource manual for teachers, designed to assist in developing skills in young people on how to retain independence and resist peer group pressure in a variety of situations. For example, there are sections on the influence of images on promoting socially accepted drugs. A similar program, targeted at primary schoolchildren, is currently being developed by the Drug and Alcohol Services Council and Education Department.

Another initiative which will be available to primary schools before the end of the year is the 'Learning for Life' project. This project has been developed by the Adelaide Central Mission in partnership with the Drug and Alcohol Services Council. The program will offer drug education within health education programs. A range of education sessions will be conducted in a mobile classroom, with resources being available for pre and post activities. The program basically aims to educate children on how the human body works and the effects that various substances have on the working of the body. It is designed to equip children with the skills necessary to overcome pressures to abuse their bodies.

We are also anxious to learn more about the nature of substance use and abuse amongst schoolchildren. Drug and Alcohol Services Council has been funded to conduct a survey to seek specific information on the use of alcohol, tobacco, prescription and illegal drugs by schoolchildren. The survey will extend over a five-year period and will cover 3 000 students from grades 7, 8, 9, 10 and 11 from urban, rural, public and private schools. The survey should provide valuable information for planning of future drug education programs.

In relation to restaurants, a six-point plan will commence later this year. All restaurants in the State will be asked to voluntarily consider setting aside a section where smoking is not permitted. The Health Promotion Branch, in conjunction with the Anti-Cancer Foundation will produce and promote, at no cost to restaurants, a window sticker similar to a credit card acceptance notice which reads 'Non-smoking section provided on request'. Producers of commercial restaurant dining guides and booklets will be approached to include a symbol regarding availability of non-smoking sections in their forthcoming editions. Research will be undertaken into consumer satisfaction with the availability of smoke-free dining sections in restaurants. Voluntary adoption of non-smoking sections will be evaluated in light of the results of the research.

A pilot study involving 30 general practitioners will be run in October-November 1986 (and Statewide in 1987). It will involve general practitioners, as a routine part of their talking to patients who are smokers, in giving advice on preventive health measures. This is part of a collaborative effort with a major study being undertaken by the University of Newcastle.

Women and smoking will be given special attention when Dr Bobbie Jacobson, author of *The Ladykillers: Why smoking is a feminist issue* works with the Health Promotion Branch for several months next year. Smoking in the workplace will receive special attention. The South Australian Health Commission's workplace smoking policy is being revised, in order that the commission can assume an advocacy role in the adoption of workplace policies by other Government departments and the private sector. A workplace smoking control package will be developed for use by management and unions interested in adopting a workplace policy. The project will aim to 'institutionalise' the notion that the right to breathe air free from tobacco smoke is attainable and reasonable.

In collaboration with Western Australia and Victoria, the Health Promotion Branch is involved in a research study into 'self-exempting' beliefs and attitudes held by smokers about the health consequences of smoking and the desirability of cessation. The implications arising from this study should prove invaluable for the design of future smoking cessation efforts. In the area of passive smoking, the Health Commission will continue to review available literature and consider any further action that may be necessary.

I believe this Bill and the related smoking control strategy represent the most significant and comprehensive effort ever undertaken in this State to reduce the unnecessary wastage of human life associated with tobacco use. I commend the Bill to the Council. I seek leave to have the explanation of the various clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 defines terms used in the Bill.

Clause 4 requires that tobacco products be contained in a package displaying a health warning when sold by retail and that, if the products are enclosed in two or more packages each of those packages used display a health warning. Subsection (3) prevents cigarettes being sold in packages of less than 20.

Clause 5 provides for the rotation of warning on packages containing tobacco products. These provisions are directed to importers of tobacco products and to persons packing tobacco products in South Australia. Where products are

packed in two or more packages each package must display a warning. Subsection (3) makes it clear that in determining whether the various warnings have been used with equal frequency only the innermost package and its warning will be taken into account.

Clause 6 excludes cigars from certain requirements of the Bill.

Clause 7 requires that a health warning be incorporated with or appear in conjunction with an advertisement for a tobacco product.

Clause 8 requires retailers to display a notice stating the tar, carbon monoxide and nicotine content of cigarettes sold by him.

Clause 9 prohibits the sale of sucking tobacco and confectionary that resembles a tobacco product.

Clause 10 prohibits the supply of tobacco products to children whether directly or by way of a vending machine.

Clause 11 prohibits smoking in buses. Subsection (2) excludes certain buses from the operation of the provision.

Clause 12 prohibits smoking in taxis.

Clause 13 prohibits smoking in lifts.

Clause 14 sets out powers of authorised officers. These powers will be necessary to police the requirements of the Bill to display warning on packages of tobacco products, especially where the products are imported into, or packed in, South Australia.

Clause 15 is a general offence provision.

Clause 16 provides for the making of regulations.

The schedule repeals the Cigarettes (Labelling) Act 1971 and the Tobacco Sales to Children (Prohibition) Act 1984.

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

RACING ACT AMENDMENT BILL (No. 2)

Received from the House of Assembly and read a first time.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill proposes amendments to the Racing Act, 1976, in relation to totalizator sports betting. In 1985, the Racing Act was amended to permit the Totalizator Agency Board (TAB) to conduct totalizator betting on football matches. It was envisaged at the time of introduction of this amendment in 1985, that the opportunity to wager on the outcome of football matches would create a new source of betting turnover and would not operate in competition with totalizator betting on the races. The latest figures available indicate this assumption has been proven to be correct. Since the introduction of Footypunt there has been an increase in TAB turnover associated with the racing industry exceeding 9 per cent. Footypunt betting has shown a marked increase during the first year of its operations, demonstrating community acceptance of this form of betting.

The operation of the casino however, has affected the TAB's budgeted turnover. While it is too soon at this stage to quantify this, the TAB is experiencing some difficulties in achieving its targeted growth. Measures such as totalizator betting on major sporting events could serve to counter marketing edges gained by alternative forms of gambling. Additionally, the public interest generated by the inaugural Adelaide Grand Prix, the success of the America's Cup Challenge and the large following attracted by cricket played at the national and international levels, are indicators that the opportunity to bet legally on the outcomes of such events would be well received by the community.

This Bill is designed to enable the TAB to conduct betting on such major sporting events. However, the approval of the Minister will be required in each case to enable betting on a particular sporting event or combination of events. I envisage that betting on the Adelaide Grand Prix, to be held during October, will be the first opportunity for the community to bet legally on a sporting event, other than a race or a football match with the TAB.

It has been estimated that betting on the 1986 Grand Prix will generate between $160 000 and $240 000 turnover. A total deduction of 20 per cent would apply to each bet type. Of this 20 per cent, 1 per cent would be allocated to the TAB capital fund, as is the case with footypunt. After the administrative and operating expenses of the TAB are met (this is expected to be in the order of 10 per cent in the first year, due to first-up ticketing costs and promotional expenses), the residual profit will be allocated at the Minister's discretion, between the body by which the event or events were conducted or to some other related sporting body, and the Recreation and Sport Fund. The profit from the Grand Prix betting is estimated to be in the order of $16 000 to $30 000.

Officers of the TAB in consultation with employees of the Department of Recreation and Sport, have formed the view that the community would be most receptive to the following forms of betting on the Grand Prix:

(a) Win and Place;

(b) Quinella;

and

(c) Trifecta.

If the demand for this facility becomes evident, the Racing Act will enable it to be extended to facilitate betting on Grand Prix events and other sporting events held outside of Australia.

In summary, I consider that this Bill, by permitting the community to bet legally with the TAB on the outcomes of major sporting events will cater for and generate extended community interest in major sporting events. I commend this Bill to members.

Clause 1 is formal.

Clause 2 amends the long title of the principal Act, to extend the scope of the Act to include betting on other sporting events (other than a race or a football match).

Clause 3 provides for the repeal of section 3 which is a machinery provision detailing the arrangement of the Act.

Clause 4 broadens the scope of several definitions of terms used in the principal Act relating to totalizator betting on races and football matches, so as to apply to totalizator betting on other sporting events.

Clause 5 amends the heading to Part III of the principal Act.

Clause 6 amends section 51 of the principal Act to provide that it will be a function of the Board to conduct, with the approval of the Minister, totalizator betting on major sporting events (other than a race or football match). Further, clause 6 extends the powers of the Board in two respects. Firstly, to enter into contracts or arrangements with other bodies with respect to the conduct of totalizator betting and the exchange of information in relation to the events on which such betting is conducted, to encompass other events apart from races or football matches. And secondly, to accept totalizator bets made with it by members

of the public and to pay dividends on those bets, to encompass other events apart from races or football matches.

Clause 7 makes consequential amendments to section 62 of the principal Act, which provides for the payment or accreditation by the Board of dividends on totalizator bets as soon as practicable after the completion of the race or match in relation to which the bet was made. The scope of section 62 is widened to apply to events other than races or football matches.

Clause 8 provides for the repeal of sections 84i and 84j, which prohibit the conduct of totalizator betting on football results, except by the Board, and make it lawful, notwithstanding any other law, for the Board or its servants or agents to accept totalizator bets on football results from persons of not less than 18 years. These sections have been widened to encompass all forms of totalizator betting authorized by the Act, and have been inserted as new Division V of Part III of the Act, headed 'Miscellaneous'.

Clause 8 also inserts new Division IV into Part III of the Act. Proposed new section 84i empowers the Board, with the approval of the Minister, to conduct totalizator betting on any major sporting event or combination of events, other than a race or football match, such betting to be governed by rules approved by the Minister. Proposed new section 84j provides for the application of the totalizator pool in relation to an event or combination of events in respect of which the Board conducts totalizator betting under Division IV of Part III. Twenty per cent of the totalizator pool is to be set aside, to be applied as soon as practicable after the end of every 6 months period, in payment of the capital, administrative and operating expenses of the Board, and the balance (if any) to be split between the body conducting the event or events, or some other related body and the Recreation and Sport Fund, as the Minister may determine. The remaining eighty per cent of the totalizator pool shall be applied in the payment of dividends in accordance with rules approved by the Minister.

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

PLANNING ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

EDUCATION ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill contains a mixture of amendments most of which have arisen from departmental officers considerations of legislative changes needed to enable more effective administration of the Education Act. The remaining amendments are intended to remedy deficiencies in the Act which were identified during reviews of departmental operations by groups such as the Committee of Inquiry on Rights of Persons with Handicaps (the Bright Report).

Clauses 1 and 2 are formal.

Clause 3 redefines kindergartens previously administered by the former Kindergarten Union of South Australia. It acknowledges their new legal status under the Children's Services Act.

Clause 4 provides for delegations from the Minister to apply to officers for the time being holding particular positions. Currently, the wording of this section requires that delegations be made to officers by name. This hinders efficiency.

Clause 5 is consequential on language arising from that used in the new Government Management and Employment Act.

Clause 6 provides for the payment of allowances to ministerial advisory committees to be effected upon determination by the Minister. Currently section 10 requires that the actual dollar amounts be prescribed with the result that on each occasion that allowances are varied by Government for other boards and committees in the public sector, payment to ministerial advisory committees is delayed pending an amendment to the education regulations.

Clause 7 is consequential upon terms used in the new Government Management and Employment Act.

Clause 8 is intended to achieve similar results to clause 4 except that in this case the amendment refers to the Director-General's power to delegate.

Clause 9 amends section 17 of the principal Act so that future employment options currently available to officers suffering from invalidity or incapacity of a permanent nature are extended to officers with temporary disabilities. It also provides for transfer to a position of different status rather than a position of reduced status.

Clause 10 is consequential on language arising from that used in the Government Management and Employment Act.

Clause 11 arises from the repeal of subsection (1a) of section 25 in 1984. The definition of the school year will appear, wherever necessary, in relevant education regulations. The definition will accommodate variations in starting and finishing times arising from the effects of the four-term school year which commences in 1987.

Clause 12 amends section 31 so that should the occasion so require, a member of the Teachers Classification Board may be removed from office for mental or physical incapacity if that incapacity results in the person being unable to carry out his/her duties. The qualifications to removal from office was proposed by the Bright Report.

Clause 13 is a similar amendment to that sought in clause 12 except that it relates to members of the Teachers Salaries Board.

Clause 14 is consequential on language arising from the implementation of the Government Management and Employment Act.

Clause 15 is a similar amendment to that sought in clauses 12 and 13 except that it relates to members of the Teachers Appeal Board.

Clause 16 provides the right for the relatively new Association of Teachers in Independent Schools to nominate a member for appointment to the Teachers Registration Board. It also contains a consequential amendment arising from the abolition of the Kindergarten Union of South Australia.

Clause 17 is a similar amendment to that sought in clauses 12, 13 and 15 except that it relates to members of the Teachers Registration Board.

Clause 18 arises as a result of the abolition of the Kindergarten Union of South Australia. In the context of section 60 (2) no substitute is required.

Clause 19 deletes reference to the former Public Service Act and provides for the Registrar to be a person employed in the Public Service.

Clause 20 is a similar amendment to that sought in clauses 12, 13, 15 and 17 except that it refers to members of the Non-government Schools Registration Board.

Clause 21 is a similar amendment to that sought in clause 19 except that it relates to the Registrar, Non-government Schools Registration Board.

Clause 22 provides for a severer penalty in the event that a governing authority operates an unregistered school.

Clause 23 provides that authorised panels may enter and inspect any premises which the Non-government Schools Registration Board reasonably suspects are being used as a Non-government school. This provision is aimed at tightening scrutiny of persons and organisations who seek to circumvent their legal obligations.

Clause 24 deletes the reference to school districts so that the amendments incorporated in clause 25 can operate more effectively.

Clause 25 provides children with the right to enrol at any school with the proviso that the Director-General of Education may determine conditions under which enrolment applications may not be accepted by schools, e.g. to alleviate accommodation difficulties compounded by enrolment applications originating from students living outside the school's catchment area. It also clarifies the student's inalienable right to attend his/her nearest school, according to his/her education level. An increased penalty for non-compliance with the compulsory attendance provisions is also provided.

Clause 26 introduces statutory consultative and appeal provisions for a parent whose child is the subject of a direction that requires the child to be enrolled at a particular school because of a disability or learning difficulty. It also provides for a child of compulsory school age, with an extreme behaviour problem, to be enrolled in a learning program outside the traditional classroom setting. Here again statutory consultative and appeal rights for parents are provided.

Clause 27 amends the penalty for breaches of the compulsory attendance provision so that it restores its deterrent effect.

Clause 28 amends the penalty for breaches of the Act pertaining to the employment of children of compulsory school age.

Clause 29 assists with the identification of a child and his/her parents where suspected breaches of the compulsory attendance provisions are involved. The penalty amount is also increased.

Clause 30 is consequential on language arising from the implementation of the Government Management and Employment Act.

Clause 31 amends the Act to widen the money lending sources available to school councils. Apart from banks, credit unions, etc., it is known that parents and other persons within school communities are prepared to offer loans at token interest rates. This represents a cheap and virtually untapped source of funds which, through savings in interest payments, could allow councils to increase their borrowing level or, alternatively, allow them to divert the funds saved into other school improvements. Ministerial and Treasury controls will still apply.

Clause 32 provides for School Loans Advisory Committees to be established in each of the five areas established under the restructured Education Department.

Clause 33 provides for a more flexible approach to the utilisation of assets. In terms of existing legislation, the Crown Solicitor has advised that the Minister's property may not be used for purposes which are not part of the educational process. It also provides for the Minister to contribute towards the cost of facilities which are not owned by the Crown in return for access to those facilities on a joint use basis.

Clauses 34, 35 and 36 provide for increased penalties for breaches of various sections of the Act so that their deterrent effect is restored.

The Hon. R.I. LUCAS secured the adjournment of the debate.

PLANNING ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

CONSTITUTION ACT AMENDMENT BILL (No. 3)

Received from the House of Assembly and read a first time.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

Second reading.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

It is designed to amend the Road Traffic Act 1961, in three respects, namely:

1. To increase the speed limit for heavy commercial vehicles from 80 km/h to 90 km/h;

2. To clarify and strengthen the requirements regarding the use of child restraints and seatbelts; and

3. To remove the requirement that towtrucks be inspected by the Central Inspection Authority.

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

Leave granted.

Remainder of Explanation

First, this Bill, by raising the speed limit for heavy commercial vehicles on the open road from 80 km/h to 90 km/h, puts into effect the first stage of one of the recommendations of the National Road Freight Industry Inquiry organised by the Federal Government to investigate all aspects of the transport industry. This change has been agreed to by the Transport Ministers of all Australian States and Territories. A reduction of the speed limit differential between cars and trucks is considered to be a worthwhile road safety issue. It has been agreed to implement this measure on 1 January 1987.

The need for any subsequent change in speed limits will be considered after the Federal Office of Road Safety and State officials have assessed the effects of the increased speed limit.

Secondly, the Bill clarifies the intent of the legislation and introduces stricter requirements concerning the use of child restraints and seatbelts in motor vehicles. The amendments are primarily intended to increase the use of child restraints and seatbelts by persons under the age of 16 years. Surveys in South Australia have shown that less than half the children carried in cars are protected by a restraint of any kind.

The Bill introduces the concept of mandatory restraint of child passengers by requiring a child under the age of one year to use an infant restraint or a child seat and a child one year or older to use a child restraint or to wear a seatbelt. This aspect of the Bill will apply to passenger car type motor vehicles manufactured on or after 1 July 1976, which was the date when the fitting of child restraint anchorages in new motor vehicles of this category became compulsory. Approximately two thirds of the current car population will be affected and this proportion will continue to increase.

A further major change incorporated in this Bill is the transfer of responsibility for the compulsory wearing of a seatbelt by a person under the age of 16 years from that person to the driver of the motor vehicle.

The proposal for the mandatory use of restraints by children under the age of one year is an innovative one. To assist parents, the Government will be introducing an infant restraint rental scheme. Additionally, an extensive publicity and educational program will be undertaken, to emphasize the correct restraint to be used in relation to a child's age and mass and the proper installation procedures.

It is intended that the portion of the Bill dealing with children under the age of one year will not be proclaimed until such time as the infant restraint rental scheme is ready to commence full operation and the publicity and educational program has been evaluated.

Finally, the Bill removes from Part IVA of the Act the provision relating to the inspection of towtrucks by the Central Inspection Authority. Towtrucks which are authorised to tow vehicles from an accident site within the metropolitan Adelaide area are subject to the requirements of the Motor Vehicles Act 1959, and are regularly under the surveillance of the police. There is no evidence to justify inspection of other classes of towtrucks.

I commend the Bill to honourable members.

Clause 1 is formal.

Clause 2 provides that the measures are to come into operation on a day or days to be fixed by proclamation.

Clause 3 amends section 53, by increasing the speed limit for motor vehicles with a gross vehicle mass or gross combination mass exceeding 4 tonnes, from 80 km/h to 90 km/h.

Clause 4 amends subsections (1) and (2) of section 162a. The proposed amendments to subsection (1) provide for all passenger car type motor vehicles manufactured on or after 1 July, 1976, to be equipped with anchorages for child restraints. The proposed amendments to subsection (2) expand the Governor's regulation-making powers to include matters related to child restraints and anchorages for child restraints.

Clause 5 provides for the repeal of sections 162ab and 162ac and the insertion of a new section 162ab. Proposed new subsection (1) provides for the compulsory wearing of seat belts in motor vehicles by persons of or above the age of 16 years. It also requires such persons to occupy a seating position equipped with a seat belt in preference to a seating position not so equipped, if both are available in the same row of seating positions.

Proposed new subsection (2) provides that it is an offence for a person to drive a motor vehicle in which a passenger of or above the age of 10 years but under the age of 16 years is not wearing a seat belt, or, who is occupying a seating position not equipped with a seat belt if there is another seating position equipped with a seat belt in the same row of seating positions.

Proposed new subsection (3) provides that it is an offence for a person to drive a passenger car type motor vehicle manufactured on or after 1 July 1976, in which a child of or above the age of 1 year but under the age of 10 years is not either using a child restraint suitable for use by a child of that child's age and mass or wearing a seat belt.

Proposed new subsection (4) provides that it is an offence for a person to drive a passenger car type motor vehicle manufactured on or after 1 July 1976, in which a child under the age of 1 year is not using a child restraint suitable for use by a child of that child's age and mass.

Proposed new subsection (5) provides that subsections (3) and (4) do not apply where there is no seating position in the motor vehicle that is not occupied by another person.

Proposed new subsection (6) provides a defence of 'special reasons' existing in the circumstances of the particular case in proceedings under this section. The onus is on the defendant to prove the existence of such special reasons justifying non-compliance with the provisions of this section.

Proposed new subsection (7) provides that the Governor may exempt any person or class of persons from all or any of the requirements of this section.

Clause 6 amends section 163c by removing the requirement for towtrucks to be inspected by the Central Inspection Authority.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

It seeks to streamline the compulsory blood testing and reporting procedures relating to the collection of blood samples and reporting of blood tests, set out in section 47i of the Road Traffic Act 1961. I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Under the existing system, when a medical practitioner takes a sample of blood, he or she completes the front of a notice and attaches it to the container of blood, which is forwarded to the Forensic Science Centre for analysis. When the blood analysis has been completed, an analyst fills in the back of the same notice. This is the notice which may be tendered in proceedings before a court, under section 47i (13) of the Act. The existing procedures have for some time created difficulties for the Forensic Science Division of the Department of Services and Supply. First, blood spillage from the container is likely to contaminate the attached notice. This has occurred in the past, and given the virulence of modern infectious diseases, the risk presented by possible blood spillage is no longer acceptable.

Secondly, the present system requires the analyst to complete the back of the same notice which the medical practitioner has filled in. The transcription of information by the analyst from one side of a notice to the other side and from a computer printout to the notice is a potential source of error. Under the present system, clerical staff are required to spend many hours checking these transcriptions. Furthermore, the front and back of the notices are photocopied and the copies are sent both to the person whose blood was analysed and to the police. On several occasions, these parties have been given non-matching photocopies. In other words, they have received a copy of the front of one notice and a copy of the back of a second notice. This happens, on average, four to six times each year and is a matter of some considerable embarrassment.

To overcome these difficulties this Bill enables a new system to operate. Under this Bill, the container of blood marked with a distinguishing identification number and a certificate filled in by the medical practitioner who took the blood sample will be forwarded to the Forensic Science Centre in a double compartment plastic bag. In this way, the certificate should not become contaminated by blood spillage. A computer which is linked to the blood testing equipment will print a separate certificate, which will be signed by the analyst who performed or supervised the analysis. This process necessitates that there must be two separate certificates filled out by the medical practitioner and the analyst, respectively, both of which may be received as evidence in legal proceedings before a court.

Clause 1 of the Bill is formal.

Clause 2 provides that this Bill is to come into operation on a day to be fixed by proclamation.

Clause 3 amends section 47a, an interpretation section, by inserting a definition of 'analyst'. This simplifies the existing procedure for authorisation of analysts and removes the requirement to authorise each analyst on an individual basis.

Clause 4 amends section 47g to reflect the shift in responsibility for blood alcohol analysis work from the Government Analyst's Laboratory to the Forensic Science Laboratory.

Clause 5 provides for the repeal of subsections (7) *(a)*, (10), (11), (12) and (13) of section 47i, which detail the compulsory blood testing procedures. The clause inserts new subsections (7) *(a)*, (10), (11), (12), (13), (13a), (13b) and (13c). Proposed new subsection (7) *(a)* provides that a medical practitioner shall, having taken a sample of blood and divided it into approximately equal proportions in two separate containers, make one of the containers (marked with a distinguishing identification number) available to the police together with a certificate signed by the medical practitioner and containing the information required under subsection (10).

Proposed new subsection (10) sets out the information which must be contained in a certificate provided by the medical practitioner who takes the blood sample. This information is the same as that required under the existing provision except that, in addition, the medical practitioner must state the identification number of the sample of blood marked on the container and provide further details in relation to the date and hospital at which the sample of blood was taken.

Proposed new subsection (11) sets out the information which must be contained in a separate certificate signed by the analyst who performed or supervised the analysis. This information is the same as that required by the existing provision except that, in addition, the analyst is required to state the identification number of the sample of blood marked on the container and supply any other information that he or she thinks fit to include, relating to the blood sample or analysis.

Proposed new subsection (12) provides, on completion of the analysis, for copies of the certificate of the medical practitioner who took the blood sample and the certificate of the analyst who performed or supervised the analysis to be sent to the Minister (or retained on behalf of the Minister), the Commissioner of Police, the medical practitioner concerned and the person from whom the blood sample was taken (or, if dead, to a relative or personal representative of that person).

Proposed new subsection (13) provides that, where the whereabouts of the person from whom the blood sample was taken, or, if that person has died, the identity or whereabouts of a relative or personal representative of the deceased, is unknown, copies of the certificates need not be sent to that person or relative or personal representative, as the case may be. However, copies of the certificates shall, upon application made within three years of the completion of the analysis, be provided to any person to whom they would otherwise but for this subsection, have been sent.

Proposed new subsection (13a) is an evidentiary provision, making admissible in proceedings before a court, an apparently genuine document purporting to be an original or a copy of a certificate of a medical practitioner or analyst provided under this section. The onus of proving that the matters stated in the certificate are not true is placed on the defendant.

Proposed new subsection (13b) is a further evidentiary provision. It creates a presumption that, when certificates of a medical practitioner and analyst are received in evidence in proceedings before a court, and both certificates contain the same identification number for the blood sample to which they relate, then the certificates are presumed to relate to the same sample of blood. This presumption places the onus on the defendant to produce proof to the contrary.

Proposed new subsection (13c) qualifies the operation of subsection (13a). It provides that in proceedings in relation to two kinds of offences against the Act, a certificate of a medical practitioner or analyst may not be received as evidence, first, unless a copy of the certificate proposed to be tendered in evidence in court has, not less than seven days before the commencement of the trial, been served on the defendant. Secondly, if the defendant has, not less than two days before the commencement of the trial, served written notice on the complainant requiring the attendance at the trial of the person by whom the certificate was signed. Or thirdly, if the court, in its discretion, requires the attendance at the trial of the person by whom the certificate was signed. This subsection operates in relation to the offence of driving or attempting to put a vehicle in motion while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle (s. 47 (1)—commonly known as DUI offences), and in relation to the offence of driving or attempting to put a motor vehicle in motion while there is present in the driver's blood a concentration of 0.08 grams or more of alcohol per 100 millilitres of blood (s. 47b (1)—commonly known as p.c.a. offences).

The Hon. R.J. RITSON: The Opposition supports the passage of this Bill. It is an administrative change in the handling of the data that accompanies blood specimens. Many of them have to do with drink driving offences but there may be other blood specimens that are processed by Government authorities. This Bill stems from a problem

involving possible contamination and spread of disease to people other than medical personnel. The Minister of Health will know, from his work in biological sciences, that when taking blood samples and putting them into specimen bottles, to send to the laboratory, it is almost impossible to eliminate completely small amounts of spillage and often the label is stained with blood.

Medical and allied health professionals and laboratory workers accept this happily. However, in the past the identification and personal particulars of the patient from whom the specimen was taken were recorded on the label of the specimen bottle and administrative staff have had to deal with and process that information and handle the bottles, which may have blood stains on the label. In order to relieve the administrative staff of handling blood stained labels when taking administrative details, the Bill provides, essentially, that medical staff will put an identifying number, instead of a name, on the bottle; that number will then be transcribed on to another form with the personal details of the patient or client to whom that number relates.

The administrative staff will then handle the clean form with the data transcribed on it rather than handle blood stained specimen bottles. I do not see any reason why that should not occur. However, I have one slight anxiety which would not cause me to oppose the Bill but which I think we should note, that is, there is this additional step where there is a possibility of error.

The Hon. M.B. Cameron: For the lawyers.

The Hon. R.J. RITSON: Yes, lawyers can say, 'Can you prove beyond reasonable doubt, Mr so and so, that in transcribing the six digit number or whatever from the bottle to the form that has the person's name and has to be been processed administratively and legally, that you did not make a mistake?' In the world of practicality we have to move ahead; and in the world of summary justice we have to try to be administratively efficient. I will not raise great fears, but I think the Government should pay attention to the procedures of this transcription so that any possibility for error is eliminated. I notice that there is provision in the Bill for a presumption that certificates given, for example, as to a certain blood level, are presumed to be correct in the absence of proof to the contrary. That is a common evidentiary provision in many Statutes.

What I would hope is that this legislation does not lead to attempts to rebut the presumption of correctness. Having said that and having asked the Government to bear that in mind I still think, on balance, it is reasonable and sensible to give it a try. For that reason we support the passage of this Bill.

The Hon. J.R. CORNWALL (Minister of Health): I thank the Hon. Mr Ritson for his contribution. At his peak he is very good. It is a pity he lapses from time to time in areas outside the scientific area. The honourable member summed the matter up well and I thank him for his support.

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

ADJOURNMENT

At 9.5 p.m. the Council adjourned until Thursday 28 August at 2.15 p.m.