LEGISLATIVE COUNCIL

Wednesday 29 October 1986

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

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

PETITION: EGG BOARD

A petition signed by 210 residents of South Australia praying that the Council urge the Government to retain the South Australian Egg Board and therefore the orderly marketing of eggs in this State was presented by the Hon. K.T. Griffin.

Petition received.

PETITION: MARIJUANA

A petition signed by 525 residents of South Australia praying that the Council enact the proposed system of on-the-spot fines for minor cannabis offences was presented by the Hon. T.G. Roberts.

Petition received.

PETITION: TIME ZONES

A petition signed by 270 residents of South Australia praying that the Council reject any legislation which proposes the adoption of Eastern Standard Time for South Australia and the division of the State into two time zones during the summer period was presented by the Hon. Peter Dunn.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Local Government (Hon. Barbara Wiese):

Pursuant to Statute—

Tenancy Agreements between Corporation of City of Adelaide and—

Prince Alfred College Inc.
Pembroke School Inc.
Scotch College Adelaide
The Church of England Collegiate School of St. Peter
Adelaide University Sports and Physical Recreation Association Inc.
The Trustees of the Christian Brothers Inc.
The Minister of Education

MINISTERIAL STATEMENT: SACOTA

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

Leave granted.

The Hon. J.R. CORNWALL: On 31 July 1986 I advised the Council of some concerns I held, as Minister of Community Welfare, about the functions and services of the South Australian Council on the Ageing. Since that time a role and function study has been conducted with the concurrence and cooperation of the SACOTA board of management. I am pleased to inform members that the consultant's report, described by SACOTA as a most valuable document, will assist the organisation to play a more effective role on behalf of elderly people in the future. In the words of Mrs Dorothy Pash, Chairman of SACOTA, it is seen as 'a blueprint for an even bigger and better organisation in the future'.

Members will appreciate that non-government organisations are a very important part of our human service structure. They can act as a focal point for a particular population group, linking together a diverse range of interests, and undertaking an advisory role on behalf of that population group. They can bring to government a range of views representative of the community and, in consultation with government, can develop more caring, more responsive and more relevant user perspectives on human services.

SACOTA has in the past played an important role as a peak body representing the interests of South Australia's older population. As a result of the role and function study, I expect the organisation will develop programs and activities which further enhance its role in developing and protecting the interests and rights of older people. As well as acting as a reference group for older people and their organisations, it will serve as a central resource within the community and act as an independent lobby. Its Resources Development Committee is presently undertaking a study of the major needs of elderly people and is preparing a list of priorities and strategies. Once this exercise has been completed, SACOTA's job will be to implement these priorities and strategies within the limitation of its resources.

The role and function study has suggested ways in which the board of management might be streamlined to develop program accountability. SACOTA is reviewing its constitution to incorporate some of the suggestions from the role and function study in this area. Mr Murray Haines, a retired school principal, has been appointed Honorary Executive Director for a period of six months. The Commissioner for the Ageing will be available for regular consultation with the Executive Director and the Chairman to discuss perceived needs and priorities in the area of ageing. The Commissioner will also be able to assist with advice on applications for project grants to strengthen SACOTA's role and strengthen its staffing structure.

The auditor's report on financial accountability makes no suggestion that there was any improper or fraudulent use of funds. I want to make that abundantly clear. The auditor does find, however, that the practices of keeping account of SACOTA funds left a lot to be desired. The books were not kept in order and it was difficult to follow expenditure patterns. It is essential that SACOTA appoint as Treasurer a person who is able to maintain the books at a standard identified by the auditor. If it is not possible for a board member to do this, SACOTA should hire, on a one-off or short-term basis, an outside accountant.

Sponsorship is a valuable part of the organisation's financial infrastructure and it is a link with people in the community who provide services for older people. The role and function study found that a conflict of interest existed in regard to SACOTA's practices of obtaining sponsorship. Steps have been taken to eliminate that conflict. I believe that SACOTA should consider appointing a consultant to assess the potential for and value of sponsorship. It is essential that, following any such consultancy, rules be developed to maximise the benefit from sponsorship and eliminate any possibility of conflict of interest.

While an organisation's membership and personnel are its most valuable resource, SACOTA is also fortunate in having in the city a building which itself is a tremendous resource. The building has enormous potential for development both as an information centre and resource centre

for older people. The role and function study recommends that SACOTA should consider phasing out commercial tenants in the building and progressively replacing them with tenants oriented to the social, cultural or welfare needs of older people.

Finally—although it is not government's role to give detailed direction to voluntary organisations on their priorities or methods of operation, including hiring of employees—there is certainly a requirement for accountability when taxpayer funds are being allocated and expended. The Government is honouring its commitment to SACOTA and will provide an annual grant of $50 000 on the clear understanding that the organisation exhibits both program accountability and financial accountability. SACOTA has readily and constructively given undertakings on steps to improve financial accounting, to appoint a permanent Executive Director after advertising nationally and to develop rules which maximise the benefits of sponsorship while eliminating any possibility of conflict of interest. Following these assurances, I am confident that SACOTA will continue to exhibit the characteristics of a strong peak authority for South Australia's older people. I have asked SACOTA to report back to me six months after its next annual general meeting on the progress made in implementing the above suggestions, recommendations, and conditions.

QUESTIONS

MARIJUANA

The Hon. M.B. CAMERON: I seek leave to make a brief explanation prior to asking the Minister of Health a question about on-the-spot fines for marijuana.

Leave granted.

The Hon. M.B. CAMERON: I refer to the status of the measure the Minister has strongly supported, and widely promoted, for the introduction of on-the-spot fines for possession of marijuana. When the measure was introduced in the Council on 28 August it was put forward as a Government measure. All Government members supported it. At no stage was there any indication of there being a conscience vote on the matter.

In another place on 19 August, the Premier referred to it as a Government 'initiative'. In a statement in the *Advertiser* on 15 October, the Premier said it was part of the Government's increased action to combat the drug menace'. Minutes from the Labor Party convention show plainly that the introduction of on-the-spot fines for possession of marijuana was the Government's policy. I quote from those minutes:

> Convention congratulates the State Government on its recently announced policy providing for the introduction of an on-the-spot fine for private cannabis offence.

It then goes on to list to alleged benefits of such a 'policy.' On the same page, legislation regarding poker machines in the Casino is mentioned, and below that, quite clearly, subheadings state, 'ruled a matter of conscience'. The distinction is clearly made and there is no doubt that the marijuana legislation, which has now passed this Chamber, was then Party policy. In *Hansard* of 25 September, the Minister went to great lengths to point out that the Bill was not, 'the Minister's Bill', but a Government Bill. He went to some trouble to explain that it was a Government Bill.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: On that same day he abused the Opposition for its attitude towards the Bill, as follows:

> I would conclude by repeating that I do not think it is fair to make criminals of our kids and if, as I said before, I was rudely and inappropriately interrupted by the numerous interjections from the troglodytes opposite, the parsimonious and sanctimonious—

He was then called to order by the Acting Chairman. Referring to the word 'troglodytes' he went on to say:

> The accuracy of that word is well reflected by at least some members of your front bench. I say again that I have no joy in collecting some of the inevitable opprobrium of the more conservative members of society on this matter, but I do not realise from my actions or from those of the Government. I think that, when one looks at the balanced nature of this legislation as it will emerge from this place, one realises that it will certainly put us at the forefront of this country and among Western democracies in trying to strike a balance between using the criminal law to restrict supply on the one hand, and having active strategies for prevention and early intervention and rehabilitation, on the other—

The Minister was abusing the Opposition and describing Opposition members as the more conservative element of society because of our views in relation to this legislation.

In view of the seemingly changed nature of the Bill upon reaching the other place, and in view of the attitude of the Minister of State Development and Technology, the Hon. Lynn Arnold, and his decision to oppose on-the-spot fines for possession of marijuana on the grounds that it is a move towards decriminalisation (and he said that on radio and elesewhere today), does the Minister of Health believe that he is one of the more conservative elements of that society to which he referred in this Chamber and deserving of the abuse he hurled at the Opposition for holding the same views? Will the Minister say when the Government decided that the vote on the measure to introduce on-the-spot fines for marijuana possession was a conscience issue so far as Government members are concerned? Is it the case that this decision was taken as recently as Monday of the week following the decision by at least one member in another place to vote against the measure? As the Minister responsible for this legislation, did the Premier consult the Minister of Health before announcing this morning that it was a conscience issue so far as Government members are concerned?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! That includes the Hon. Mr Lucas.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order, Mr Sumner! The honourable Minister of Health.

The Hon. J.R. CORNWALL: It was not clear to me whether the question regarding more conservative elements of society related to me or my colleague Lynn Arnold in another place. I certainly do not regard myself as one of the more conservative elements of society, nor do I regard the Hon. Lynn Arnold as one of the more conservative elements of society.

The Bill is quite obviously a Government Bill. It was sponsored by Cabinet. I made that clear during the debate in this place and cannot immediately go back through *Hansard,* but it is my recollection that during the debate when I was explaining that it was a Government Bill I said that it had been supported by all the Cabinet members except one.

The Hon. M.B. Cameron: I have carefully examined the *Hansard* record and not once did you say that.

The Hon. J.R. CORNWALL: The Hon. Lynn Arnold indicated at the time it was discussed in Cabinet that he could not support it.

The Hon. C.J. Sumner: It is declared a conscience vote at the ALP State Convention every year.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Thank you, Ms President. The question of marijuana law reform has always been a conscience issue: it was a conscience issue when raised at the ALP State Convention in 1983 and has always been a conscience issue, as a number of social issues are. The matter of prostitution is a conscience issue, for example.

The Hon. C.J. Sumner: Abortion.

The Hon. J.R. CORNWALL: Abortion is a conscience issue, as is the reform of homosexual law reform.

The Hon. C.J. Sumner: The casino.

The Hon. J.R. CORNWALL: Hang on a minute, I am getting all the help around the place and am getting confused. There is a very clear difference between a private member's Bill such as the very important private member's Bill currently before this Council on prostitution, which was introduced by the Hon. Carolyn Pickles, and a Government sponsored Bill. The Controlled Substances Act Amendment Bill, which has been through this Council and which is currently in the House of Assembly, is a Government sponsored Bill. The Hon. Lynn Arnold made it clear from the outset that he was exercising his right to oppose the Bill on conscientious grounds. We all respected the Hon. Mr Arnold's view in the matter. It is a conscience issue; it has always—

The Hon. M.B. Cameron: You criticise our members for taking our attitude.

The Hon. J.R. CORNWALL: If the Hon. Mr Cameron takes exception to being called a conservative member then he ought to go out into the rural rump, which he represents, and tell them that he is a radical, but look out!

The Hon. C.J. Sumner: He wouldn't get his preselection then.

The Hon. J.R. CORNWALL: If we are talking preselection then, of course, there is one residual element left reasonably intact of the Liberal Party, and that is the rural rump. However, I digress and wish to keep my answer short. Obviously, it has always been a conscience issue and obviously it is a Government sponsored Bill. Mr Arnold has exercised his right with the full approval of his colleagues and I respect his right to use his conscience on any of the range of issues which are clearly defined under the rules of the ALP as matters of conscience.

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health a question about on-the-spot fines for possessing marijuana.

Leave granted.

The Hon. L.H. DAVIS: I refer to statements made during the last 24 hours by the Minister of State Development (Hon. Lynn Arnold) about the Minister of Health's proposal to introduce on-the-spot fines for possession of marijuana. The Minister of State Development said this move amounted to *de facto* decriminalisation, that it would move the frontier of debate to decriminalisation of cocaine and heroin and that it would increase even further the high incidence of marijuana smoking among young people.

Those statements by the Hon. Lynn Arnold are completely at odds with the position that the Premier and the Minister have taken on this matter. But the Hon. Lynn Arnold's position is in line with the Liberal Party's point of view and that of the overwhelming majority of the community. In view of the statements made by the Minister of State Development, I ask the Minister a simple question of whether he agrees that the legislation that he brought into this Council will increase marijuana smoking among young people and, if he does, will he provide the evidence to repudiate his Cabinet colleague, the Hon. Lynn Arnold?

The Hon. J.R. CORNWALL: Those questions are at odds: it seemed to me that the first one was, 'Do I believe that the measures will increase the incidence of marijuana smoking?', and the answer to that is clearly 'No', and then the second question becomes irrelevant.

TOBACCO TAX

The Hon. K.T. GRIFFIN: My questions are to the Attorney-General, and are as follows:

1. Does the Attorney-General hold the view that it is wrong in principle to enact laws to make behaviour which is legal illegal retrospectively?

2. Does the Attorney-General agree with the Premier's threat to enact legislation to close a loophole in the tobacco tax law but so that it has the effect of placing on directors of companies a criminal and tax liability for behaviour which occurred before that legislation becomes law and which at the time was lawful?

The Hon. C.J. SUMNER: The reality is that retrospective laws have been passed by Parliament from time to time—and indeed supported by the honourable member from time to time—as I am sure the honourable member will know. The fact is that on occasions retrospective legislation is necessary. There is a broad convention, I suppose, that if you are to consider retrospective legislation then you must make out a very firm case for it. But that has been done before Parliament on a number of occasions, and I am sure it was done during the period when the Hon. Mr Griffin was Attorney-General. Of course, the honourable member also knows the problems that have occurred in the past with taxation avoidance, and, indeed, evasion, that occurred in respect of the Federal taxation laws, during the period of the Fraser Government, when Mr Howard was Treasurer. There was a massive amount—

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: The honourable member knows that a massive amount of money was lost to the community as a result of schemes that were designed to evade and avoid taxation. So, the question of retrospectivity is something that has to be considered on a case by case basis. I am not going to enunciate any affirmation of principle at this time without seeing any particular case before us, except to say that, if Parliament is to legislate retrospectively, then a strong and cogent case has to be made out for it, and if there is concern about the avoidance of taxation, that is one area where retrospective legislation can be considered, and indeed has been considered in the Federal Parliament. So, I do not think that any further response to the honourable member's question is necessary.

CROP PLANTINGS

The Hon. M.J. ELLIOTT: I believe that the Minister of Health has an answer to a question on horticultural crop plantings that I asked on 13 August.

The Hon. J.R. CORNWALL: I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

The provision of reliable supply/demand information is obviously important to farmers making decisions to change enterprises. The information provided by the Australian Bureau of Statistics provides a useful guide for most of the

major crops. In fact the ABS has in recent years reviewed their statistical collection in conjunction with user groups and speeded up the provision of data. The collection/processing and dissemination of further data through a process of registration of horticultural plantings is expensive and would require an Australia-wide approach to be of value. I have therefore asked that the matter be included for the next meeting of the Standing Committee of Agriculture for their consideration.

DAYTIME RUNNING LIGHTS

The Hon. M.J. ELLIOTT: I understand that the Minister of Health has an answer to a question that I asked on 7 August in relation to daytime running lights.

The Hon. J.R. CORNWALL: I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

I am advised that the Minister of Transport is aware of Swedish and Canadian legislation requiring vehicles to have daytime running lights. No studies have been done in Australia about the advisability of compulsory running lights. Overseas research indicates that reductions in daylight multiple vehicle and pedestrian accidents result from the use of daytime running lights. However, it is desirable that such research should be evaluated for South Australian conditions, as most of the current work has been undertaken in countries of high latitude (Canada and Nordic countries) which have longer summer twilight hours and generally lower levels of ambient illumination than is the case in South Australia.

The Minister has asked the Road Safety Division of the Department of Transport to evaluate overseas research on the subject and to investigate the feasibility of appropriate research under Australian conditions. The responsibility for regulatory restriction on the design of new motor vehicles is vested in the Commonwealth on the advice of the Ministers of Transport for the various States and Territories represented on the Australian Transport Advisory Council, through the Australian design rule system. South Australia is not in a position to act alone in this regard. Legislation requiring running lights for newly manufactured vehicles would not be considered justified until research in Australia has demonstrated that the overseas results would apply to Australia.

BEVERAGE CONTAINERS

The Hon. M.J. ELLIOTT: Does the Minister of Health have an answer to the question on beverage containers that I asked on 6 August?

The Hon. J.R. CORNWALL: I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

The replies are as follows:

1. No.
2. Refer to 1 above.
3. Yes.
4. Mr Milne has been advised to either make arrangements with the local collection depot operator to handle his containers, or to adopt an alternative type of container suitable to the needs of the local district.
5. Following consideration of Mr Milne's request, I am not prepared to amend the beverage container legislation to incorporate his case. As a consequence, I advise that no good purpose would be served in meeting with Mr Milne.
6. At the appropriate time there will be a call for submissions.

HOSPITALITY INDUSTRY

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister of Tourism a question on the hospitality industry.

Leave granted.

The Hon. T.G. ROBERTS: During the week, as a diligent legislator, I spoke to many people in the hospitality industry who were connected with much of the planning for the Grand Prix and they indicated to me and to many other people, at a social level, that they had not had as high occupancy rates in their hotels and motels for many years, that in fact they had never had such high levels. However, I was concerned to hear the shadow Minister of Tourism claim in another place that there had been no increase in visitor nights spent in South Australia. That surprised me.

The Hon. L.H. Davis: Over a five-year period?

The Hon. T.G. ROBERTS: I received expressions of nothing but glowing praise from people in the hospitality industry at various social functions. It was not just their faces; it was the fact that their bank balances had begun to glow also. They were concerned about it in the long term. Despite what Mr Davis said yesterday, they were taking steps to try to ensure that next year would be as successful as this year. They took into account that there would not be another Jubilee 150 and that the biennial Festival of Arts would not be held next year, so a lot of work will have to be done to ensure that those occupancy rates can be maintained. The people in the hospitality industry whom I met were not as despondent as some members opposite. They were working to try to ensure that those levels of occupancy would be maintained. Even the *News*, which I do not quote very often, yesterday in a headline—

The Hon. M.B. Cameron: You don't read it very often.

The Hon. T.G. ROBERTS: I don't read it often and I quote it less often.

The Hon. M.B. Cameron interjecting:

The Hon. T.G. ROBERTS: You might have a claim that I am ignorant if the *News* was the basis for my education. The headline in the *News* states:

Adelaide 'the undiscovered paradise'.

It states that people who have attended the Grand Prix and other tourist attractions would come back and that Adelaide, as distinct from Melbourne and Sydney, which were the two other destinations that most tourists had visited, would be on their next itinerary. With such an impressive range of Government initiatives, surely there has been some detectable growth in the tourist industry. Could the Minister provide some details of visitations to South Australia?

The Hon. BARBARA WIESE: Yes, I can provide some new information about tourism statistics for this year, because this year has been very successful for tourism in South Australia. As the honourable member has already said, there has been a dramatic increase in the occupancy rates in hotels in South Australia this year. In fact, it has been a record year in occupancy room rates and I have already talked about those matters in Parliament during the past few months.

I was very concerned also to hear the remarks made by the member for Coles in another place last week, because I think that she seriously misrepresented not only the position of the Government with respect to tourism promotion, but also the tourism strategy which is being followed by this Government. Before I give new information about tourism

statistics, I want at least to place on record what the facts are in this area. Ms Cashmore, the shadow Minister of Tourism, said in another place last week that South Australia is in a very poor position as far as visitor nights and our tourism performance are concerned. It is true that during recent years our visitor nights have been relatively stable, but in that respect South Australia is not alone. Other States have been in a similar position, so to some extent that situation is probably beyond our control in terms of people making decisions about holiday destinations.

The point that is constantly made by the shadow Minister of Tourism concerning how to go about improving tourism visitor numbers in this State seems to be quite absurd. She suggests that we should set a target and somehow, by setting this arbitary target, everything will fall into place and we will be able to attain increased visitation numbers. I say that that approach is absurd and it is simplistic. I think that we have to take a much more sophisticated approach towards improving our tourism performance in South Australia. That is exactly the sort of policy that this Government has been pursuing in the four years that we have been in Government. We have tried to forge a partnership between the private sector and the public sector in tourism promotion. We have encouraged the development of various tourism attractions, events and venues, and the ones which come to mind most readily are the Grand Prix (which is probably the most successful event in Australia), the development of the new casino and, also, the new convention centre.

I think that, when the Opposition expects the State Government to be the only organisation in this State that is responsible for the promotion of the State, it is living in the past. As I said, we have tried to get the private sector to become involved in tourism and to put its money up front to promote South Australia. So far, our record has been very successful and that is exactly the sort of thing that is taking place. About a week ago I met some people from the casino and I think that they provide an excellent example of the sort of thing that is now happening in South Australia. Over the past 12 months, since the casino has been in operation, it has undertaken its own market research and one of the things it has learned is that people are not only interested in coming from other States to South Australia to gamble in the casino, but also, if they are given ideas about other things that they could do while they are in South Australia, they would be prepared to do them.

The casino is now embarking on a promotional campaign which encourages people to do such things as come to the casino and play blackjack and, also, to visit the Barossa Valley and sample some wines. They talk about promotions which encourage people to come to the Grand Prix and also to visit the casino and other attractions that we have to offer. In that way they hope (and I am sure that they will be successful) to encourage people from other places to come to South Australia and not just spend the weekend and all their dollars in the casino but, rather, to extend their stay and to see other parts of the State as well as taking their very valuable dollars to other regions of South Australia. The Government believes that that is the appropriate way to encourage tourism and that is the policy that we have pursued.

In relation to the important issue of visitor nights and statistics, it is true that the level of visitor nights is very important to our tourism performance. I am pleased to report that the results from the latest domestic tourism monitor surveys have just been published and they show that, for the year 1985-86, South Australia has experienced an overall increase of 6 per cent in visitor nights during that 12 month period. Amongst interstate visitors, the visitor nights have risen by 16 per cent, so I think that we can see that, during this past 12 month period, our success in South Australia on all fronts has been considerable. That same domestic tourism monitor indicates also that it is not just people in the accommodation sector who benefit from that: people in transport, in retail sales and in a whole range of other areas have benefited from that increase, as a result not only of the increased number of visitors to South Australia, but also of the increase in visitor nights.

I hope that we will be able to maintain this effort. I do not think that there is any doubt that the fact that during this year we have had Jubilee 150 celebrations has helped significantly, in that a large number of events and attractions have been staged for people to visit in South Australia, but that situation will not occur next year.

Things have turned around for South Australia and with new attractions that are promoting the State to people within Australia and overseas, such as the Grand Prix, the casino and our new convention centre, I think that we can expect South Australia's performance to be improved significantly.

MARIJUANA

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health a question about superdope—and before you rule me out of order, Ms President, I am not referring to the Minister of Health.

Leave granted.

The Hon. R.I. LUCAS: I refer to public statements reported in this morning's *Advertiser* by senior officers in the Public Service, first the Director of Pharmaceutical Services in the Health Commission, Mr Lloyd Davis, about the potency of marijuana. Mr Davis has said that there has been great improvement in the quality of marijuana plants grown in Australia over recent years and there is now plenty of information freely available on how to increase crop potency and quality. Another senior Government officer, the State Government Analyst, confirming this said that marijuana currently produced in the United States was six to seven times as strong as that produced 10 years ago. He also said that these trends could lead to marijuana having a potency similar to that of hashish, resulting in the need for increased penalties to discourage its use. These trends obviously have serious implications for us.

For example, recent evidence in the United States shows that the short-term effects of this more powerful form of marijuana include anxiety attacks, confusion and delirium, and impaired learning ability and motor coordination. With this in mind, we should not make it easier for our young people to experiment with marijuana, as the Minister is doing. In view of the statements made today by the Government's own officers, I ask the Minister the following questions:

1. Will the Government review its attitude towards the introduction of on-the-spot fines for marijuana?

2. Will the Government give an assurance that it will keep under constant review the potency levels of marijuana in Australia so that penalties can be adjusted accordingly to discourage use of a drug that is becoming increasingly powerful and harmful?

The Hon. J.R. CORNWALL: It has been a matter of public record for at least a decade that those who grow marijuana in commercial quantities—the traffickers, the traders, and the criminal black marketeers around the world—have been involved or have been supported in their involvement in genetic selection to grow the plant *cannabis sativa* or to select strains of that plant which yield more

concentrated levels of tetrahydrocannabinol (THC), the active ingredient of smoking dope. That is a matter of record and it should in no way, in my view, be related to someone who might be interfering with no-one and growing a few plants for personal use.

I have made very clear throughout the debate that I have no truck with the criminal elements, the Robert Trimboles of this world, who really do not care one jot whether they trade and traffic in marijuana, heroin, cocaine, LSD, amphetamines or any other illicit drug or indeed any other prescribed drug for huge profits. They are the scum of the criminal black market and are in it for profit. They are sustained in their efforts and their huge profits by the conservative elements who wish to rely exclusively and quite imprudently, in my view, on the criminal law alone. This has been canvassed at great length in this place. At this stage, I have little to add.

AUSTRALIA CARD

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about the Australia Card.

Leave granted.

The Hon. DIANA LAIDLAW: In answer to the question I asked on this subject on 7 August, the Attorney said:

I should say at this stage the State Government has not yet determined its final view on the Australia Card. However, we are cooperating with the Federal Government in discussions about the use of births, deaths and marriages records and their computerisation, and we are obtaining information from State Government departments about the effect of the introduction of the card on their operations. So, at this stage I cannot say whether the Government is finally satisfied with the protections that have been outlined to be included in the Australia Card legislation. I do not imagine that we will be in a position to do that until the legislation has been introduced in the Federal Parliament.

In light of the fact that the legislation was introduced last Thursday and its operation will require the cooperation of the State Government, will the Attorney say whether the State Government has determined its final view on the Australia Card and, if not, why not? Secondly, is the State Government prepared to cooperate with the Federal Government by providing access to the births, deaths and marriages record.

The Hon. C.J. SUMNER: The Government has not determined its final attitude to the Australia Card.

The Hon. Diana Laidlaw: You still haven't?

The Hon. C.J. SUMNER: The legislation was introduced last Thursday. The honourable member thinks that all we have got to do, apparently, is study the Australia Card legislation between last Thursday and today. I assure the honourable member that I have other things to do and have not studied the Australia Card issue since last Thursday when the legislation was introduced. I assure the honourable member that the Government has not finally determined the matter.

The Hon. Diana Laidlaw: You're scared to.

The Hon. C.J. SUMNER: No, it is a Federal Government initiative.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The Hon. Miss Laidlaw has asked her question.

The Hon. C.J. SUMNER: There is no guarantee that the Bill will pass the Parliament. The honourable member and her colleagues in Federal Parliament are opposed to it, as are the Democrats. It has not yet passed the Federal Parliament. I am not sure what the honourable member wants the State Government to do. We have not determined our attitude. There is not an Act of Parliament to pass as yet.

The Hon. Diana Laidlaw: If you don't cooperate it will not work, anyway.

The PRESIDENT: Order! The Hon. Miss Laidlaw has asked her question. There is no need to repeat it in interjections.

The Hon. C.J. SUMNER: We have cooperated with the Federal Government on details of the Australia Card and the possibilities of the availability of births, deaths and marriages records. That may proceed in any event as being necessary whatever moves are taken by the Federal Government with respect to tax avoidance. We have certainly cooperated with the Federal Government to date in that area. We have not determined our final position. Indeed, there has been no finalisation of the financial arrangements that would be necessary.

The Hon. M.B. Cameron: Come on, Chris! There is a principle involved.

The Hon. C.J. SUMNER: I am just telling the honourable member the situation. If he does not like it, that is his problem.

The Hon. M.B. Cameron: There is a principle involved.

The Hon. Peter Dunn: Not all your members agree with you.

The Hon. C.J. SUMNER: I am not sure whether or not they agree. Labor Party policy adopted at the last Federal conference was to support the Australia Card. Members of the Labor Party are bound to support the Australia Card—there is no argument about it.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I am saying that at this point the State Government has not formally made its final determination on the extent to which it will cooperate with the Australia Card. The position is still as I outlined in August. We are still cooperating on the details, but certainly arrangements between the State and Federal Governments on the financial details of the births, deaths and marriages have not been finalised. The Bill is before the Federal Parliament but has not been passed. When it is passed further attention can be given to the issues that have to be addressed.

MODBURY MOTOR REGISTRATION OFFICE

The Hon. G.L. BRUCE: Has the Minister of Health a reply to my question of 17 September on the motor registration office at Modbury?

The Hon. J.R. CORNWALL: Yes. I seek the indulgence of the Council to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

My colleague, the Minister of Transport, has been advised by the Registrar of Motor Vehicles that it would be most unusual for a customer to wait 19 minutes to renew a motor vehicle registration or driver's licence. Such a transaction would normally take three to five minutes. On the particular day in question, the Modbury office experienced a particularly busy day, 715 customers as against an average of 602, and their normal staffing establishment was reduced from nine to seven due to sickness and leave.

The Registrar has reported that in some offices, Modbury being one of them, delays are occurring during peak periods because of the unavailability of additional electronic cash registers. The particular machines used are no longer being manufactured and it is not economically feasible to invest in a new series of cash registers now that implementation

of the new on-line computer system is in hand. The service offered in Motor Registration Division offices has been considerably improved in recent times, and this has been confirmed by a customer survey made in August, which revealed that an overwhelming majority were happy with the service received.

EDUCATION STAFF CUTS

The Hon. PETER DUNN: I seek leave to make a brief explanation prior to asking the Minister of Tourism, representing the Minister of Education, a question on education staff cuts.

Leave granted.

The Hon. PETER DUNN: There has been some disquiet in country areas recently about the effects of staff cuts on those areas—especially if equal opportunity cannot be offered to country students who cannot afford to come to the city to do Matriculation courses. A letter from the Streaky Bay school indicated that a reduction in staff and support at that school will effect:

(1) Special education services;
(2) Computing across the curriculum (A program which has begun this year in response to parent wishes and the implications of the increasing role of technology in society will be curtailed);
(3) Gifted and talented students;
(4) Transition education; and
(5) Library support.

The letter further states:

Within a rural community, it is essential to provide an education program, particularly for those students who, due to financial constraints, do not have the opportunity to go to the city to study. To ensure that each of these students has this opportunity at Streaky Bay Area School, we have maintained a balance of expertise on staff in the areas of English, humanities, mathematics, computing and sciences, the areas from which the cuts must be made. The displacement will eliminate one area of expertise at the senior secondary level.

A further concern is the snowball effect which this decision may cause, that is, as course offerings are limited, more students leave to study elsewhere; therefore further staff are lost.

Is it the Minister's aim to reduce the staff of country schools when it is demonstrated that reductions to country schools (for example, Streaky Bay) cannot be justified? Secondly, does the Minister agree that the snowball effect will dramatically affect the Matriculation subjects available to students in rural areas? Will the Minister take action so that the quality of choice is available to those students studying outside the metropolitan area?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

BIRDSVILLE TRACK

The Hon. PETER DUNN: Recently while in Marree it was brought to my attention that there has been a change in the staffing of the gang that maintains the Birdsville Track. I seek leave to make an explanation prior to asking the Minister of Health a question about maintenance of the Birdsville Track.

Leave granted.

The Hon. PETER DUNN: Concern has been expressed in the Marree area that the Birdsville Track gang has been cut from 10 to four members to maintain a distance of in excess of 350 miles or 570 kilometres. There have been many changes in the area recently. For instance, the policeman told me that, owing to the advent of cheaper four-wheel drive vehicles, some 50 vehicles per day travel the Birdsville Track one way or the other, and during the school holidays that rises to approximately 250. There are many roads closer to Adelaide that do not carry that sort of traffic.

However, in the past two months there have been four rollovers on the road because it is now in very good order because of several factors. Because of the weather and lack of use by heavy vehicles people are now travelling at higher speeds resulting in four rollovers, two of which required the aerial ambulance. Road use is likely to increase and therefore increase the likelihood of accidents. Other factors will increase use of the road: for instance, the B-TEC program for TB and brucellosis has now finished, the stations have restocked and it will be necessary for big trucks to bring out cattle. That has already started.

Santos has announced that it will increase its exploration in the area, and this will require an enormous amount of use of the road by the big and heavy vehicles used for exploration purposes. Furthermore, this year the road has been subject to a couple of flash floods and therefore needs constant maintenance. For the gang to be reduced from 10 to four seems to be an unusual decision for the Transport Department to make. My questions are:

1. What criteria were used to cut the road gang from 10 to four?

2. Where have the six members to be removed from the Birdsville Track gang been placed?

3. Will the Minister make funds available to keep the Birdsville Track in a good condition by keeping the road gang at an acceptable level of 10?

The Hon. J.R. CORNWALL: I have listened to the questions with rapt attention.

The Hon. Peter Dunn: I noticed that—you were up there yapping.

The Hon. J.R. CORNWALL: One thing one learns to do as a senior Minister is to do at least three things simultaneously. I will be pleased to refer that question to my colleague in another place and bring back a reply.

TOILET PAPER IN SCHOOLS

The Hon. R.I. LUCAS: Has the Minister of Tourism a reply to my question on toilet paper in schools asked on 28 August?

The Hon. BARBARA WIESE: Yes. I seek leave to have the reply incorporated in *Hansard* without my reading it.

Leave granted.

The Minister of Education has advised me that Principals of schools frequently have problems with vandalism in school toilets. A frequent cause of blockages occurs when children force rolls of toilet paper down the toilet. When school toilets are blocked, the District Officer of the Department of Housing and Construction is asked to arrange to have them unblocked. Each time this happens a cost is incurred and this wastes restricted funds available for urgent repairs.

As part of school management procedures, Principals must take action to ensure the toilets are not blocked by vandals. The first step is to speak with the teachers and students. Subsequent steps include using teachers and students to monitor the use of toilets and to report on vandalism. If the problem persists, the Principal may lock the toilets and require students to ask for the key. Alternatively, the toilet paper is removed and is available from staff. Although this may cause inconvenience, it does not constitute a health risk to students. Under no circumstances are students denied access to toilets or toilet paper.

Principals do not take such action lightly. They only resort to this when all other avenues have failed. It is not seen as

a punishment, but rather as a management program. My colleague also cannot give a guarantee that Principals will not need to deal with such problems in the future. However, he can give an assurance that before taking such action Principals will discuss the matter with teachers, students and school councils. Parents will be advised of any proposed action.

HEARING IMPAIRED CHILDREN

The Hon. R.I. LUCAS: Has the Minister of Tourism a reply to my question on hearing impaired children asked on 19 August?

The Hon. BARBARA WIESE: Yes. I seek leave to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

The Hon. Minister of Further Education has advised that negotiations are still occurring between the South Australian College of Advance Education and the Education Department to determine the most cost effective method for providing training for the teachers of the hearing impaired. A number of options are being considered in order to achieve this end. It is hoped that some resolution of the matter can be reached in the not too distant future.

RAFFLES IN SCHOOLS

The Hon. R.I. LUCAS: Has the Minister of Tourism a reply to the question I asked on 27 August about raffles in schools?

The Hon. BARBARA WIESE: Yes. I seek leave to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

The Hon. Minister of Education has advised me that:

1. The entry forms for a competition to win a bicycle helmet were distributed to students at Christies Beach High School by the care group teachers. At the Colonnades on 28 August, two winners of helmets were selected from the public present, and the remaining 10 winners were drawn from the entries.

The Education Department policy on competitions and raffles is contained in regulation 91.9—Raffles in Schools, and *Education Gazette* of 5.7.85, on page 503-505—Competitions: Policy and Guidelines. These guidelines apply to raffles which are raising funds for the school, and in which tickets are bought or sold by students.

The guidelines apply to competitions in which the students are rquired to make some effort to win the prize. This was the case in the incident referred to by the honourable member.

2 and 3. The guidelines in the *Education Gazette* state that the Education Department does not endorse or support particular competitions, and that the decision to participate in competitions must be made by the staff and council of the individual school. The decisions to allow or refuse the conduct of competitions and the participation of teachers in competitions are therefore matters for individual schools.

ROXBY DOWNS

The Hon. I. GILFILLAN: I move:

That this Council condemns the Government for its handling of the Roxby Downs mining venture, in particular as regards:

1. Health and safety of the mine workers, and calls on the Government to ensure that optimum attention to workers' health and safety be maintained by and under the control of the Minister of Health.

2. The marketing of uranium from the mine, and in the light of the proposed sales to Taiwan, calls on the Government to advise the joint venturers that sales of uranium to countries considered unacceptable by the State Government, will not be tolerated.

3. The role played by public servants who are giving undertakings which properly should be made by the Minister.

I intend to speak principally on paragraph two relating to the sale of uranium, and the Hon. Mike Elliott will cover, in particular, the other two paragraphs. We are convinced that the Bannon Government has been completely two faced over this issue of sales of uranium to France. At the same time that Mr Bannon was pronouncing the unacceptability of France as a recipient nation for uranium he, or people in his Government, were aware that the Federal Government intended to relax the restriction on sales to France and was leaning on that Government to lift that restriction, because the Government knew that the joint venturers at Roxby were urging and were eager to have a sale to France.

The Hon. C.J. Sumner: You haven't got a skerrick of evidence to suggest that.

The Hon. I. GILFILLAN: There is evidence that we believe proves incontravertibly that the Government knew of the Federal Government's intention and was consulted, and in our opinion gave no clear positive opposition to it; we contend that, in fact, the South Australian Government favoured it. If that were not the case, the Government stands condemned through a complete and incredible collapse of communication between the Federal and State Labor Governments. In the Senate on 20 August 1986, in answer to a question from Democrat Senator Sanders asking why the Government decided on this uranium sale to France in opposition to its policies, Senator Gareth Evans, speaking for the Government, said:

> The Government did not take the decision to resume uranium sales to France lightly, not only because of its Party policy implications but also because the embargo policy symbolised in a dramatic way our absolute opposition to French nuclear testing in the South Pacific . . . Obviously there were budgetary reasons for altering the policy.

That is, in fact, the only reason put forward in his speech to justify it. Later, he said:

> Moreover, there are obvious implications for the future in terms not only of the sum of the immediate saving, which is $66 million, but also of opening up the French market. It is estimated that if, as seems reasonable in the future, we get 25 per cent of the domestic energy market in France this will mean in current dollar value terms in the late 1980s or at least the 1990s export returns to Australia of something over $200 million.

I comment again, for those on the Government side, that it is quite ridiculous to expect anyone to believe that the State Government was not fully aware of the implications of the opening of the sale to France, and a senior Minister making these statements proved to us that this was common knowledge within Government levels of the Labor Party. Senator Evans said later:

> As to the implication of the policy change in our attitude to the Nuclear Non-proliferation Treaty which Senator Sanders properly raises, in short the Government's change of policy does not undermine the credibility of our strong support for the Nuclear Non-proliferation Treaty, notwithstanding of course the fact that France is not a party to that treaty. France is not a party to that treaty but is a party to safeguard arrangements bilaterally and multilaterally including in particular those with Australia which are for all practical purposes exactly the same in their effect.

Then, and I emphasise this, he continued:

> The Australian uranium, as a consequence of those safeguard arrangements, has not been, is not now and will not be in the future used in any French nuclear weapons programs, Mururoa Atoll or anywhere else.

This is the most fatuous piece of logic, which anyone with any concern over this issue would reject out of hand. Of course, there can be no guarantee that Australian uranium will not finish up in any of these exercises of testing for weapons, and added to that is that Australian uranium goes into France and allows other uranium to be used for the nuclear testing which means that we stand just as guilty in relation to contamination and complicity in nuclear weapons testing as if our uranium went directly into the bombs. Further on, Senator Evans, in commenting on the South Pacific Forum for a nuclear free zone stated:

The reality is that at the forum meeting and elsewhere Australian policy has been acknowledged as a symbolic gesture, and not one with any substantive effect. The gesture was made in 1983; the gesture was valuable at the time but it has ceased to be of value. There comes a time in the life of any nation when gestures of that kind simply cannot for the overall good of the nation be afforded.

Senator Sanders asked a supplementary question as follows:

The Minister mentioned that he hoped that Australia would soon have 25 per cent of the French uranium market. I ask the question: 'Have we signed any nuclear contracts for uranium supply to France other than the existing contracts which we all know about?'

Senator Evans replied:

There are no new uranium contracts that have been signed, but as a result of this decision arrangements have been made for the continuation of the existing contract, including the taking of the originally contracted amount of uranium. I simply make the point, and was making the point in the context of the market for all practical purposes has now been opened, that it is therefore possible for Roxby Downs and new suppliers coming on to the market to now actively pursue the French market in a way which was not possible during the currency of this policy.

It is obviously directed at the Roxby Downs mine. We are convinced that the South Australian Government knew what was in the mind of the Federal Government and made no substantial efforts to reverse that decision. The gesture that Senator Evans talks about on behalf of the Labor Government—and by inference the Labor Party in Australia—was a gesture to whom? It was apparently seen as a gesture to the world that we would not accept our uranium should go into markets that could be used for testing nuclear weapons and to countries which are not signatories of the Non-proliferation Treaty. Now that that gesture has been removed, what then is the signal that is going to the world's uranium consumers? If the gesture is removed, the signal must be that Australia is now available to sell uranium to anybody provided that the track can be opened up—either surreptitiously or openly. But the Federal Government and the State Government, by complicity, do not seem to be too fussy. The documents that have brought this motion forward, and obviously has brought the matter to the notice of the general public in Australia are leaked confidential documents from BP, and I intend to read significant portions of these documents into the record so that *Hansard* and posterity can have them for reference. First, I refer to a document entitled 'Olympic Dam—uranium sales', which states:

With an estimated start up date of October 1988 efforts are continuing to negotiate sales with Taiwan and France. We have approached the Department of Trade for their approval to commence negotiations with both those countries. The main issues are: *(a)* we will need an intermediary to sell to Taiwan, because it is not a formal member of the Non-proliferation Treaty.

Not only is Taiwan not a member of the Non-proliferation Agreement, not a valid member, it is also avowedly aiming at producing nuclear weapons. It has three nuclear research establishments on its soil, two of what are under the direct control of the military. So, we can see that Taiwan is by any standard a totally unacceptable market for our Australian uranium. The document continues:

A proposal on how we intend proceeding with this customer is awaiting approval by the Federal Government. The signal was there that the Federal Government was seriously to consider this application. *(b)* The issue of sales to France is still extremely sensitive within the ALP Federally and the South Australian Government, following the Government's withdrawal of its ban on uranium sales to France. Olympic Dam marketing has approached the Department of Trade for approval to negotiate sales with France. The Premier of South Australia, John Bannon, has restated his opposition to uranium sales to France, and this issue will need to be negotiated with Bannon separately, should sales appear likely. If sales are negotiated, there will also be a reopening of the public debate within the ALP and the community on this issue.

Quite clearly, there is no need to renegotiate with Bannon. Bannon has shown that he doesn't intend to do anything of any substance to obstruct sales to France, nor even to persist with criticism of the contract. The document continues:

(c) The Federal Government is under strong pressure to extend export licences beyond the existing three mines allowed at present. The decision to withdraw the ban on uranium sales to France is almost definitely a forerunner to a general freeing up of current restrictions on the number of uranium mines allowed to export. The main pressure is from Pancontinental. This debate should hot up in 1987 with an announcement likely during 1987.

As can be seen, it is quite clear that in fact the Federal Government is moving as fast as it can, despite the strong Party resistance from those with consciences in the ALP virtually to open up the mining and export of uranium, without any restraints. I would like to quote comments made by a previous guru of the ALP, David Combe, who said on SBS on a program *Issues 84*:

I know to be a fact that one of the closest advisers to the Prime Minister met with the chief executive of one of the companies which has one of the biggest mines in the Northern Territory, and assured him that within two years they would be getting their go. The chief executive concerned was told that the PM was determined to ride over the Party on this issue, because he was concerned about retaliation from France and possibly the EEC.

How prophetic: it was known well around the traps in 1984 that the so-called objection to selling uranium to France was just a farce, and we are now playing out the last scenes of that farce in South Australia, with the Premier making fatuous and insignificant statements of objection to that sale. Quoting further from the article 'legislative environment', it states:

The project is coming under increasing pressure from the South Australian Government over regulations proposed which will unduly restrict the operations of the mine and which constitute a derogation of the terms of the indenture agreement. The joint venturers have protested strongly at a recent meeting with Premier Bannon regarding proposed amendments to the South Australian Radiation Protection Control Act 1982, covering licensing regulations for radiation monitoring. We believe that procedures proposed under the South Australian Health and Safety Welfare Bill will be cumbersome and hinder operations at the mine. The proposals involve the transfer of control over licences from the Mines Department to the Health Department.

I would now like to read a second document from the same source, that is, BP. It is entitled 'Olympic Dam and uranium sales', and is as follows:

Taiwan. Because of the lack of diplomatic recognition of Taiwan by Australia, no nuclear safeguard agreements are in place between the two countries. As a result it is not permissible in present circumstances to sell Australian uranium directly to Taiwan. Uranium fuel is purchased presently from the United States, France and South Africa. Taipower, the Taiwanese State Power agency, has provided a letter of intent to Olympic Dam Marketing indicating its wish to purchase from Olympic Dam Marketing 5 000 tonnes of uranium oxide over a period of 10 to 15 years from about 1990.

I point out that no State power agency is going to be writing letters of intent to the marketing authority for Roxby Downs on this level without having had clear indication that when 1990 comes there will not be any obstructions in Australia to that country's being able to purchase our uranium. This

is clear evidence to those of us who have had serious misgivings about the integrity of the way that the Labor Government is handling the sales of uranium that they were well founded. The document continues:

> At current exchange rates this could be worth $40 million to $50 million annually. The sale is important to Olympic Dam both in itself and as a positive indication of progress in sales to Asian countries.

The significance of these documents is that they show that BP has no doubt that the track is towards the complete opening up of the sale of Australian and South Australian uranium to virtually any country. In relation to Asian countries, which ones will they be—Indonesia, Pakistan, or Korea? Which country will it be? The evidence is all here that they will be the potential markets for South Australian uranium. I read on:

> The Department of Trade in Canberra favours the sale [to Taiwan] possibly through non-governmental safeguard arrangements as practised by the US. The Department of Foreign Affairs, however, has been reluctant, because of the relationship with mainland China. About six weeks ago the Minister of Foreign Affairs, Hayden, surprised everyone by declaring himself willing to examine the possibility of sales to Taiwan. We now have heard he has concluded that this would not be possible without the breaching of law and Australia's nuclear safeguards policy.

That is very short-term consolation for those of us who are concerned. The fact that he was even prepared to consider it indicates that the law will be amended very rapidly to allow these sales to take place. The document further states:

> The next key indicator will be the position to be taken by the Minister of Trade, Dawkins, on his return from a long spell overseas. His department is prompting him to progress the matter to a positive conclusion.

This document contains some material relating to the sales of uranium to France, and it states:

> As part of the August budget the Federal Government lifted the ban on uranium sales to France. The reason given was the importance of assisting the ailing balance of trade, and the move did also relieve the Government of its immediate obligation to continue payments to Queensland Mines in compensation for their contract with France interrupted by the embargo. A strong political reaction ensued from the left wing of the Labor Party. Hawke was reminded forcibly that as recently as July the Party Conference had confirmed the policy on suspension of sales . . . A further aspect has been the declaration by Premier Bannon of South Australia that he stands opposed to sales of uranium to France. Nonetheless, he has said publicly that he will not move against the supply of uranium from Olympic Dam to France, and has rejected calls to amend the indenture to block such sales. As might be expected, this position has led to accusations of his having 'two bob each way' and leaves the joint venturers with a politically delicate situation to manage were sales to France to ensue.

I remind members that I have just read from *Hansard* the substantial support by Senator Evans in the Federal Parliament for exactly that. It is quite clear that there will be no problem or delicate political tiptoeing for the joint venturers and I further quote:

> Olympic Dam Marketing has applied to the Department of Trade to add *electricite de France* to the list of companies with whom it may negotiate for contracts.

One can bet that they are right into it now and had probably started preliminary discussions a long time ago.

At this stage I think it is appropriate to pick up this comment about Bannon having two bob each way. I think it is a pretty clear indication of the reason why we are so cynical about the State Government's attitude to sales of South Australian uranium. With one hand it trumpets forth about how totally unacceptable France is as a recipient nation and, when the time comes to take any action, completely running away from it. I think it is true that history may well come to regard John Bannon as two bob Bannon. The document further states:

> Resolution of the floor price issue earlier this year rested on the agreement by Dawkins to allow that contract prices should average $US31 in dollars of the day over the period of the contract, rather than insisting that all sales in all years meet or exceed the floor price.

I point out that this is an indication of the first reduction in the floor price. The price only has to average over a period of the contract and it does not have to apply right through the contract. I further quote to show how quickly this floor price is being eroded:

> It was agreed also informally that 'special consideration' would be given to early contracts of shorter term which might not otherwise meet the average price requirements.

How can a Government which pretends to maintain some control, some restraints and some standards on the sale of uranium continue to hold its head up in the face of this evidence? Finally, the document states:

> During our earlier discussions with him concerning revisions to the formula, Dawkins made it clear that his preferred situation would be to do away with the floor price controls. The political costs of such a move would be unacceptably high, however, and we can expect that the reversed formula will be with us for a while.

They very wisely say 'for a while'. Obviously, this will lead to virtually completely giving away any restriction on the sale of Australian uranium, both in price and ethics control. It will trot down the same track of coal and iron. We now virtually have to plead with the Japanese to pay us anything for those products and, as we move to complete deregulation of any price control, we will find the safeguards being eroded. I refer to the so-called Australian safeguards and some may remember that we originally forbade reprocessing, so that no Australian uranium would be at risk of being used in the more dangerous forms of plutonium and therefore more readily available for weaponry. The Fraser Government gave that away, but I point out that the successive Labor Governments have done nothing to reintroduce it.

It will be found from these notes that the Government has indicated quite clearly that it will move towards more companies mining uranium and that will provide even more pressure for a lower price, more marketing venues with countries, with even less compliance with any standards. The whole thing adds up to a complete elimination of any ethics or standards that the Federal and State Governments are applying to the marketing of uranium.

I compare those two points: when it comes to looking at compelling the joint venturers to comply with certain health and safety standards (and for this at least the Government deserves some commendation, modest though it might be), it is prepared to legislate for penalties, and rightly so, but as to the great principle where we will have some control over the use of our uranium, there is absolutely no indication of any action. There are no verbal threats. These documents point out how there is no doubt that Bannon capitulated before any of the requirements from the joint venturers were met and he has made it quite plain that he will not entertain any amendment to the indenture or any form of censure to the companies, regardless of to whom they sell the uranium. I feel that this is the height of hypocrisy.

My colleague will read in full a further document which emphasises that point. The joint venturers said that they were concerned about the amendments with which the Government was to proceed and that they were unsatisfactory. The document further states:

> . . . both corporations view the current proposal to be a potentially serious obstacle to progress of the project, and a breach of the spirit and letter of the indenture.

They were rather annoyed and could not predict the reaction of their boards. When it came down to my Bill seeking

amendments to the indenture, Bannon said that it was completely unacceptable and that there would only be changes to the indenture if all parties to it were agreed, or if there had been the gravest possible differences between the Government and the joint venturers. I ask those who will be speaking on behalf of the Government to address their minds to this question: what can be as grave a difference and, if it is not the selling of uranium to a country which is totally unacceptable to the Premier, then I would like those who make an attempt to answer on behalf of the Government to explain what could be the gravest possible difference between the Government and the joint venturers? Let us have some examples and some apologies for not regarding the sale of uranium to France as a grave possible difference. What could be bigger than that?

If the Government is to have any credibility in relation to what happens to South Australian uranium—and I do not think that it has a conscience and that it has blown it—I would compare it with apartheid. At least the Federal Government has retained some honour with its sanctions on apartheid as a matter of principle, yet on a matter of principle in relation to uranium, there are no sanctions. The State Government, which has sovereignty over the indenture and over what happens to a product—

The Hon. C.J. Sumner interjecting:

The Hon. I. GILFILLAN: It cannot determine where the product goes, but the Attorney hides behind this ridiculous front. He knows that when negotiating the indenture and the State's funds go to support a project, the State Government has a right to place conditions on it.

When that indenture was signed, the sale of uranium was not foreseen: no-one would ever have contemplated selling uranium to Taiwan. Here we are in 1986, only at the dawn of this Roxby thing, and we are pleading with what I regard as uranium gangsters to buy our stuff. The market is looking for backdoor ways to do that—they know that they cannot do it up front—and the Department of Trade backs them. It is a scandal of the first order, a great revelation, and these documents show how such things can be considered behind closed doors.

The Hon. C.J. Sumner: Everything in those documents is accurate, I suppose?

The Hon. I. GILFILLAN: It has not been denied by anyone in the Government. The documents further indicate that the Democrats once again stand alone with integrity on this matter. In relation to the Opposition, it is stated:

> Discussions were held with Richard Yeeles, Mr Olsen's Chief Adviser. Richard has had previous journalistic and political experience in Canberra on the staff of Mr D. Anthony.

Obviously, Mr D. Anthony stands as one of the great champions of uranium mining at any cost, on any terms, to anyone. It further states:

> The Opposition is keen to see Roxby progress and will do all it can in the Parliament to ensure the Government does not amend the indenture. In fact, they are pleased that they made the Premier say in the Parliament on 21 August that the Government does not intend to amend the indenture. They see this as good ammunition for the future.
>
> As Adelaide is a small city there are few secrets in political circles and the Opposition is aware of the Minister of Health's radiation proposals.

If that is the case, why did the Minister leave out the Democrats? Why were we the odd people out?

The Hon. M.B. Cameron: Because you haven't got very good sources.

The Hon. I. GILFILLAN: We got hold of this stuff very quickly, and I regard it as significant. It is further stated:

> The Opposition is aware of the bad points in the occupational health Bill and will fight these aspects. Richard said they had received a large number of representations and the Government is aware of the groups opposing the legislation.

Finally, there was one rather quaint concluding comment, which I cite with some emphasis. A BP spokesman, probably Mr Rob Ritchie, said:

> I believe it important for BP to be active in community sponsorships, etc., in and around Adelaide in order to ensure community acceptance of BP, if the uranium debate heats up in that State.

Because of our concern for this State, we will certainly ensure that the uranium debate heats up, and that should mean that the Government will be able to rely on substantial sponsorship from BP. I suggest that the Government hop in and get the money for the State Theatre Company, which is crying poor and turning to that arch killer, tobacco, for sponsorship, as well as the Grand Prix. That would enable some of us to attend the Grand Prix.

Members interjecting:

The ACTING PRESIDENT (Hon. G.L. Bruce): Order! There is too much audible conversation.

The Hon. I. GILFILLAN: We are disillusioned with the standing of the State Government. It has been two faced and hypocritical. It has expressed horror about selling uranium to France, but now we see how the dollar can override all other considerations, and I believe that the State Government should hang its head in shame.

The Hon. M.J. ELLIOTT: The BP documents are no surprise to me: they simply confirm the impression that many of us held as to the past workings of our democratic system. The Government has managed to blend ineptitude with deception and political cowardice. The Opposition blends a rather equal ineptitude with acceptance that money can be made by companies at virtually any cost.

Members interjecting:

The Hon. M.J. ELLIOTT: Yes, honourable members have constantly been inept in standing by that position. Some Government departments control their Ministers. Some companies enjoy privileges that are not accorded to the ordinary citizens of South Australia: those companies can do what they like to manipulate the system.

The Hon. Peter Dunn: For example?

The Hon. M.J. ELLIOTT: If the honourable member had been listening, he would not have missed the examples cited so far. Three major concerns arise from these documents. First, the Government is being manipulated by the joint venturers and public servants on matters relating to health and safety of mine workers at Roxby Downs.

Secondly, the joint venturers have had a long-term game plan to allow uranium to be freely exported, regardless of concerns such as whether or not the recipient country has been a signatory to the NPT. We do not even have diplomatic relations with Taiwan. The Government in this case is weak kneed and will simply do anything to keep political power, or it has been deceiving the public of South Australia.

Members interjecting:

The Hon. M.J. ELLIOTT: That description fits quite a few people in Government. The Premier continues to express concern but does nothing. He is clearly being seen, even by BP, as having two bob each way. I stress that it is impossible to believe that Mr Bannon is serious about any of his so-called concerns about uranium. The way he carries on about what the Federal Government is doing and how he dislikes it as if it was another Party is absolutely absurd, and I do not see that anyone would accept such a position. At least this is doing a lot for our membership. Thirdly, there is the concern, to which I have already alluded, about the role that public servants have taken in political decisions. I am a person who enjoys *Yes Minister*. I find it a very funny program, but in this regard it is much too serious to ever

be considered funny. As the Hon. Mr Gilfillan said, I will concentrate particularly on the health and safety issue and the role that public servants have played in some of the debates so far. I too will quote from the documents and comment along the way. A document headed 'Minerals. Major issues. Olympic Dam' under the subheading 'General Legislative Environment and Indenture Agreement' states:

The project is coming under increasing pressure from the South Australian Government over regulations proposed which will unduly restrict the operations of the mine and which constitute a derogation of the terms of the indenture agreement. The joint venturers have protested strongly at a recent meeting with Premier Bannon regarding proposed amendments to the South Australian Radiation Protection and Control Act 1982 covering licensing regulations for radiation monitoring. We believe procedures proposed under the South Australian Health, Safety and Welfare Bill will be cumbersome and hinder operations at the mine. The proposals involve the transfer of control over licences from the Mines Department to the Health Department.

A number of issues arise in this regard. Certainly, the joint venturers have been party to knowledge that does not seem to have been general knowledge in the community, and I fail to see why the joint venturers received special consideration. I understand that it is proposed that the regulations cover a wide number of industry concerns, not just mining. Miners, in particular the Roxby Downs venturers, seem to have been provided with special knowledge to which no-one else was party—that is totally beyond me. I believe that that works against the democratic system that we are supposedly working so hard to uphold. Why should only small sectors of the community be party to knowledge? It is by keeping knowledge from the rest of the community that the political process is being manipulated. A document headed 'Olympic Dam' states:

On 18 September 1986, Hugh Morgan and I met with Premier Bannon of South Australia and, later, Hon. Ron Payne, Minister of Mines and Energy, to discuss the Government's proposed licensing regulations for radioactive materials.

Present at the meeting with the Premier were:

Hon. J. Bannon	Premier
Geoff Anderson	Premier's Office
Terry Tysoe	Cabinet Office
H. Morgan	WMC
G. Witham	WMC
J. Auston	WMC
R. Ritchie	BP

The document further states:

BP and WMC earlier had protested the introduction of the proposed regulations as being in contravention of the indenture and unnecessary to ensure health and safety conditions at Olympic Dam. The attached note setting out the joint venturers' position was provided to the Government representatives, and Morgan presented the case following this note.

Once again we can quite clearly see that they have been party to knowledge that virtually no-one else in South Australia has been party to and they seem to be going along a rather interesting track where they think they should be getting special conditions regarding radiological standards that are not acceptable anywhere else in South Australia. That is obviously a farcical position to take and also a position of self-interest. Returning to the document, it further states:

Bannon said that he did not wish to negotiate the issue in this meeting, because the Minister of Mines and Energy and the Minister of Health would have to be present to do this. He expressed his desire to settle the matter soon, but said that there were yet further changes to be made to the proposed amendments. He would not wish to put the matter to the House before all these matters were resolved between the two Cabinet Ministers involved. We complained of having been given wholly inadequate time for review of the amendments, and he promised that we would be provided opportunity for further input before the Bill proceeded.

They are complaining about inadequate opportunity! They got an opportunity way beyond anyone else in the State.

The Hon. I. Gilfillan: What about the UTLC?

The Hon. M.J. ELLIOTT: The UTLC knew nothing about it at all. The document further states:

He asked what the reaction of the joint venturers would be were the Government to proceed with the amendments in a form considered unsatisfactory. We responded that both corporations view the current proposal to be a potentially serious obstacle to progress of the project, and a breach of the spirit and letter of the indenture. Neither of us could predict the reaction of our Boards were the issue to be resolved adversely, but the Premier should be aware that both corporations view it as a serious matter.

Here is a veiled threat. It is not the first one and it will not be the last one. The joint venturers are manipulating this State and this Government. All they have to do is consistently say that the venture is under threat and the Government will give them what they damn well like. They say that they have 1 500 jobs at stake and that, if the Government does not do this or that, the jobs will go. Their line has been consistent. It was the line they used for uranium to be mined at all, the line they use to sell to France, the line they use to sell to Taiwan and in fact the line they use when they want to do anything. Every time the Government caves in: it is absolutely weak. As for talk of breach of the spirit and letter of the indenture, it was clear at the time the indenture was signed, even though I personally oppose the mining of uranium, that in the political climate in South Australia there would be strict guidelines on where uranium would go and nobody would have had any expectation of the uranium going to a place which had not signed the non-proliferation treaty, such as France, Taiwan or any countries such as that. So much for talking about the spirit and letter of the indenture! The document continues:

Bannon referred to Gilfillan's current private Bill seeking revision to the indenture, and implied this was unacceptable. He said that there would only ever be changes to the indenture if all parties to it were agreed or if there had been the gravest possible differences between the Government and the joint venturers.

As the Hon. Mr Gilfillan has pointed out, what does make up the gravest possible difference? I think the Hon. Mr Bannon cannot be believed when he says that he dislikes something intensely and then is unwilling to do something about it. The document continues:

We then discussed progress of the project, with Bannon indicating he would like to make a visit to the site in the near future. The meeting lasted about 45 minutes.

After the meeting we moved to Parliament House to visit Hon. Ron Payne, Minister of Mines and Energy. We told him of our earlier meeting with the Premier, and provided him with a copy of the notes discussed at that meeting.

Payne left little doubt in his comments that he accepts our view that the policing of radiation regulations at Olympic Dam should be in the hands of the Mines Department and administered within the Mines and Works Inspection Act by mines inspectors. There is clearly a strong difference between him and the Minister of Health, Cornwall, with the latter insisting that the Health Commission be the lead regulatory agency for radiation matters.

Payne said that Cornwall takes the view that he doesn't want on his shoulders the forty extra cancer deaths. He alleged that the Health Commission continues to bricf politicians and others on the basis that the standards at Olympic Dam are and will be inadequate and constitute a health risk.

It seems that Dr Cornwall is taking his responsibility as Health Minister seriously in this matter and I certainly would support any move that would be made for these matters to be brought under the Health Act where they rightly belong.

The very concept of the Department of Mines and Energy regulating safety standards, particularly in radiological matters, with which it has little experience, is a farce. Of course, with regular ongoing contact that the Department of Mines and Energy officers have with mining companies, how can one expect them to ever have a completely unbiased view towards these matters? It is ludicrous.

The Hon. M.B. Cameron: That is very unfair.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: I do not mind mining engineering matters coming under the Department of Mines and Energy—obviously engineers can handle those sorts of things. Why, when we set radiological standards for all other industries to be regulated by the Department of Health, do we make this one exemption? If it is made again it will illustrate how easily the Bannon Government bows to a little bit of pressure. The document further states:

Payne said that it was only through his intervention that WMC and BP got to see the proposed amendments beforehand, because Cornwall was on his way to moving the Bill ahead without the joint venturers having any prior review. He undertook that he would bend his efforts to ensure that we would have opportunity to participate in continuing formulation of procedures for Olympic Dam.

Who else saw the amendments, and why the special treatment? The next document is marked 'Strictly confidential. File note'.

Members interjecting:

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

The Hon. M.J. ELLIOTT: It is headed 'Adelaide visit—6 and 7 October 1986' and states:

During this visit to Adelaide I made contact with a number of political advisers.

Mines and Energy: discussions were held with Des Petherick, Secretary to the Minister of Mines and Energy, and Paul Woodland, Assistant to the Minister. Des is the public servant and has held the position for eight years. Paul is a recent appointment and is the political adviser with a very good awareness of the political scene and the consequences of any decisions—

written through the eyes of a BP person, the implication is quite clear: this person is certainly thinking along our lines—

that may affect Roxby Downs. He came to the Minister's Office from the office of the Opposition Leader in the Northern Territory. The radiation problem is currently with Paul and has assured me that it will be solved and will phone me with the result perhaps next week.

It is not bad that we have one of these functionaries from the office who says, 'Don't worry boys, it is under control, I will give you a ring to let you know what is happening.' The rest of the State does not know what is damn well happening.

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: It further states:

It was confirmed to me that the Minister of Health has taken the uranium debate very seriously.

I assume that that is correct, Dr Cornwall?

The Hon. J.R. Cornwall: I always take it seriously.

The Hon. M.J. ELLIOTT: So that bit is correct. The document states:

It was confirmed to me that the Minister of Health has taken the uranium debate very seriously mainly because he is up for pre-selection and, as he has made a number of blunders lately, he may well be pandering to the Left to secure pre-selection.

Members interjecting:

The ACTING PRESIDENT: Order! There is too much audible conversation; the Hon. Mr Elliott has the floor. There will be a little bit of silence from the Hon. Mr Davis.

The Hon. M.J. ELLIOTT: The document states:

It was put to me by other sources that some years ago he did take a pro-uranium stance behind closed doors.

Members interjecting:

The ACTING PRESIDENT: Order! I have asked members many times to come to order.

The Hon. M.J. ELLIOTT: I have made comments in the past about how difficult it is to bring a class of children in to watch the behaviour in this place because the sort of behaviour we see from members in this place is far worse than that of schoolchildren.

The Hon. C.J. Sumner: Especially with the speaker at the present time, because it is just nonsense.

The ACTING PRESIDENT: Order! The Council will come to order.

The Hon. M.J. ELLIOTT: The document continues:

There appears little likelihood that the Bill will get anywhere near the Parliament in its current form.

My comment is that these are the sorts of insinuations being made by a couple of public servants. I find it rather interesting that public servants ever put themselves in a position where they start making political comments about people rather than being suppliers of straight information.

Members interjecting:

The Hon. M.J. ELLIOTT: The document further states:

The Minister's office did raise one concern with me and that was the habit of Roxby—

Members interjecting:

The Hon. M.J. ELLIOTT: Mr Acting President, can I ask for your protection?

The ACTING PRESIDENT: I am trying to give it to the honourable member, but the Council will not come to order. I ask members to give the honourable member a fair go. The conversation, while it may be pleasant and entertaining, is rather audible. Members should keep conversation low so that those people who wish to hear may hear. Members can go behind the Chamber and discuss matters, if they wish, but I ask for silence and to give the honourable member a fair go.

The Hon. M.J. ELLIOTT: It shows the depth of intellectual ability of the Liberals that they do not really take much notice of anything that goes on in this place other than their own banter. The document states:

The Minister's office did raise one concern with me and that was the habit of Roxby Management Services and Hugh Morgan continually running to the top every time a problem with the project comes to light. They said the result was that the Public Service was being put off side and that we shortly will be labelled like 'the boy who cried wolf'.

Once again we see that the concern of public servants is that they are not being approached and that people actually dare to go to the Minister. What an absurd proposition! Who is supposed to be making the decisions in this place—the Ministers or the public servants? But the public servants are complaining about it. The document states:

It was put to me that the Government wants the project to continue as quickly as possible with little fuss. Most problems could be solved at the advisory level if only these avenues were used. I believe this is sound advice but believe that the correct course was taken with the radiation problem. However, it is worth noting and would suggest that we contact these two for advice if any further problems arise.

So now we have a couple of tame boys in the Department of Mines who will fix things up—'Don't worry about the political processes because it can all be done inside the Department of Mines.' The document continues:

Another area worth noting is that the Minister's office appeared to be pleased that BP was getting involved in submissions to the Minister. Previously they had only heard from RMS or WM.

I do not know whether that meant that Morgan was driving them crazy. The document then refers to 'Health' and states:

Maxine Menadue, Chief Administrative Officer from the office of the Minister of Health, was visited and appeared to be pleased to have received contact from the company. Even though the Minister for his own reasons wished to push the Radiation Bill, he also had a department sympathetic to his cause. It would appear that the main push is from Dr C. Baker, Executive Director of Public Health and Chairman of the Minister's Radiation Committee. Dr Baker is from England and Maxine said he had been in Australia for about four years. Another secretary in the department with strong views on uranium is a Jill Fitch who assisted on the McClelland inquiry into Maralinga. Maxine was keen for me to contact the department if we have any problems. The Minister will continue his current line, but I have been assured rational decisions will be taken by the Premier and the Minister of Mines and Energy.

The quite clear interpretation from this is that, while the Health Minister's office was giving assurances that the Minister of Health was going to be consistent with his line and concern about radiological standards, the advice at the previous meeting from the two boys in the department was 'Don't worry: we'll fix things up.' That is quite obviously the implication of that last sentence. The document continues:

In view of the Minister's need to gain preselection with his recent defeats, namely, marijuana and redistribution of wealth, I suggest that RMS be asked to monitor closely any new schemes he may come up with.

Once again, I think that is worth noting. BP is quite clearly talking about time for dirty tricks: 'Let's watch anything that Cornwall does, possibly does or even appears to do—and get him.' Roxby Management Services have quite clearly been asked—

The Hon. C.J. Sumner: This is a bit of misinformation from the Liberal Party.

The ACTING PRESIDENT: Order!

The Hon. M.J. ELLIOTT: Roxby Management Services quite clearly has been asked to involve itself as much as it can in the political process to gain what it wants in the uranium debate by intervening in other political questions—anything that can be used to undermine a Government Minister who opposes what they want. I do not think that any other possible implication can be taken from that—the dirty tricks are on. I say that some of the dirty tricks might be coming from the Opposition given the way that members opposite behaved in Question Time yesterday trying to set things up to go along the lines that the mining companies wanted. The document then deals with the Opposition. It states:

Discussions were held with Richard Yeeles, Mr Olsen's Chief Adviser. Richard has had previous journalistic and political experience in Canberra on the staff of Mr D. Anthony. The Opposition is keen to—

An honourable member: You should have that read into *Hansard.*

The Hon. M.J. ELLIOTT: I have my own comments to make to it. It states:

The Opposition is keen to see Roxby progress and will do all it can in the Parliament to ensure that the Government does not amend the indenture.

The Liberals are going to look after the joint venturers—no worries.

The Hon. R.I. Lucas: Jobs for young South Australians.

The Hon. M.J. ELLIOTT: And funds for the Liberals.

The Hon. R.I. Lucas: We're looking after the unemployed.

The Hon. M.J. ELLIOTT: Would the honourable member deny that he gets some sponsorship from those larger companies?

The ACTING PRESIDENT: Order!

The Hon. R.I. Lucas: You'd put your money into windmills. That's about the only jobs the Democrats would come up with.

The ACTING PRESIDENT: Order!

The Hon. M.J. ELLIOTT: If I had a windmill facing north-east right now it would work very well. The document states:

In fact, they are pleased that they made the Premier say in the Parliament on 21 August that the Government does not intend to amend the indenture. They see this as good ammunition for the future.

The performance we had yesterday from the Liberals had exactly the same intention: they set the questions up and eventually the same old one came out, 'Will you or won't you amend the indenture?' So the name of the game is to protect it at any cost.

The Hon. R.I. Lucas: You don't care about jobs for young South Australians.

The Hon. M.J. ELLIOTT: What a load of nonsense!

The Hon. R.I. Lucas: You have no concern for them; you want to leave them on the dole.

The ACTING PRESIDENT: Order!

The Hon. R.I. Lucas: Somebody has to speak up for the unemployed, Mr Acting President: the Democrats won't.

The ACTING PRESIDENT: You can do it in the course of the debate.

The Hon. M.J. ELLIOTT: Anybody who cares about unemployment in Australia will realise that the mining of uranium is no solution to that. If you count the number of millions of dollars for each job and compare it with any other industry, it is quite clear that mining, and particularly the mining of uranium, is not an industry which will give us jobs. If one looks at the successful economies of this world and at the rapidly growing economies of South-East Asia and western Europe they are not dependent on mining and the mining of uranium as a major industry. What a nonsense to say we rely for jobs on the uranium from Roxby Downs. That is the biggest political lie that South Australia has heard for a long time. The Liberals have perpetuated that lie and people should have enough sense to see through it. The document continues:

As Adelaide is a small city there are few secrets in political circles and the Opposition is aware of the Minister of Health's radiation proposals. The Opposition is aware of the bad points of the Occupational Health Bill and will fight these aspects.

Richard said they had received a large number of representations and the Government was aware of the groups opposed to the legislation.

By the way, the Liberal Party continued its dirty tricks campaign yesterday—

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: If I could continue: in relation to the carryings on of Mr Lewis in the Lower House yesterday and his unprecedented attack on CANE, claiming that CANE was planning bombing offences and such like, I suggest that he come out very quickly with the evidence for those statements. If one wants to talk about dirty tricks, that is one, for sure. I think Mr Lewis should come up with the evidence for those comments. It is a blatant political stunt, if he has not got the evidence to support it. From my limited contact with CANE, I believe it is a group that believes in non-violent action. That being the case, the honourable member's claims made yesterday simply do not fit in. The document states:

The visit to Adelaide was very satisfactory from the viewpoint of relationships created and advice received. It would be of great use in my future dealings if I could visit the mine in order to get a greater feel for the project. I believe it important for BP to be active in community sponsorships, etc., in and around Adelaide in order to ensure community acceptance of BP if the uranium debate heats up in that State.

So, as we touch on the political process once again—money can buy influence. The last lengthy quotation I will make is from a document entitled, 'Briefing note—Olympic Dam, Health and Safety'. It states:

Two recent legislative developments in South Australia may impact on Olympic Dam:

(a) Proposed amendments to bring the operation under the Radiological Protection Act;

and

(b) Enactment of legislation on Occupational Health and Safety, which may extend to mining operations.

(a) Radiological Protection Act

The indenture governing Olympic Dam stipulates that monitoring and control of radiological standards in the workplace will be governed by specific Australian and international codes, and that no standards more stringent than these will be imposed. The Depart-

ment of Mines has been designated as the principal agent of the Government in this and other areas.

To date the Olympic Dam operation has been deemed to be of a type and class exempt from licensing provisions of the umbrella Radiological Protection Act. A move is under way now to amend this Act such that mining operations like Olympic Dam will be included. Enforcement of the regulations thereby would fall to the Department of Health. Some of the procedures in these regulations are draconian, and their enforcement would be in the hands of inspectors with no knowledge of mining operations.

I might add that they have not had a great deal of knowledge about radiological matters. The document continues:

The potential for a cumbersome regulatory situation is high, with no commensurate increase in standards of health or safety. The joint venturers have accepted that some form of licensing regulation will be instituted. They have petitioned Premier Bannon to ensure that this remains in the hands of the Department of Mines, however, and that the joint venturers are consulted as to a workable approach.

So, the joint venturers want a special exemption—granted to no other industry—and they want to be especialy consulted on this matter. The document continues:

Bannon has agreed to delay introduction of the amendments pending further review, and to allow the joint venturers an opportunity to consult with the Government. We have told him that we consider the issue to have serious potential for infringement of the indenture through creeping regulation.

The joint venturers are having a special say. Everyone in South Australia has one vote, but if you happen to be a joint venturer, even from outside this State, you get a whole lot of top level contacts and information. The document continues:

At the heart of it all on the Government side is a heated dispute between Messrs Payne and Cornwall, the Ministers of Mines and Health, respectively. Bannon will have to adjudicate the issue between them.

(b) Occupational Health and Safety Act.

A Bill constituting an omnibus Occupational Health and Safety Act has been introduced. Although not specifically stated, by inference the regulations would extend to mining.

I ask, 'Why not?' The document continues:

As in the case of the Radiological Protection Act enforcement would rest outside the mining industry, this time in the Department of Labour. Once again there is every potential for cumbersome implementation with no commensurate gain. Of added concern is the provision for appointment of employee committees, with enforcement powers but with no necessary qualifications. The potential for frivolous use of these powers would be high.

The argument is being put to the Government that enforcement should rest in the hands of the existing system of mining inspectorates within the Department of Mines, which has operated satisfactorily in other States for many years.

In that respect, I would ask, 'In whose mind?' The document continues:

In respect to both Acts the joint venturers have made it clear they accept the need for high standards of health and safety, and for a system of licensing and monitoring. The principal plea being made in each case is that enforcement be concentrated in the hands of the Department of Mines so as to ensure formulation and application of the regulations in a fashion consistent with the specifics of a mining operation, and without overlapping authorities of three departments.

I felt that it was important that those documents be read into *Hansard*, because future generations, when they look at the question of uranium mining, will be judging this generation on what we have done. The politicians in this Council will also be judged, and I think that these documents will provide an important background to the understanding of the way that the political processes worked in South Australia during the 1980s, when the Government made a significant reversal on uranium mining and related matters. That significant reversal, in the light of history, may be extremely important, and we will all stand judged by this. The presence of the contents of those documents in *Hansard* I hope will help provide an accurate history of this matter.

On the matter of health risks, I have been led to believe that the South Australian Health Commission does intend to impose stricter standards on a whole range of medical and radiation practices and industrial activities involving radiation exposure, not just in relation to uranium mining at Roxby Downs. This step is consistent with the thinking of a number of prominent overseas epidemiologists. Although there are differences of opinion about how much, there is a growing view outside the uranium and nuclear industry itself that the hazards of radiation exposure have been under-estimated.

I believe that the Health Minister has been reported as saying that he does not want on his shoulders 40 extra deaths. At the heart of the matter is the question of the lives of the miners. The Minister's comment was probably made on the basis of advice of commission officers familiar with the revised estimates of radiation risks. Possessed of the knowledge of the hazards, and with Labor's promises to improve health and safety, the Minister's apparent emotion is understandable. The uranium industry has been referred to as a likely repeat of the asbestos industry.

There is no such thing as a safe level of radiation. Hence, Dr Cornwall's reference to extra cancers. However low the exposure level is set, there will remain some risk of cancer. Even as we stand here now there is radiation around us, and that radiation can be causing cancer in us now, and I refer, for example, to the radiation coming from the marble, which I imagine the pillars here are composed of. So, there is always radiation, and there is always a risk of cancer. No matter what sort of environment we are in, we are always exposed to radiation. As that radiation level increases, there is a commensurate increase in the risk of cancer.

Setting a permissible exposure level involves making estimates of the number of cancers likely to result. Some standards take into account economic and social considerations. Not unexpectedly, the management at Roxby is swayed by economic considerations. That is obvious. If it has to weigh up the cost to the company, versus lives, it is obvious that the economic considerations will be uppermost in its mind. I am not saying that it will be brutal and kill as many as it can, but were it given a choice of where to put the line it would probably be willing to take more risk. That is understandable. Management says that the stricter standards will not produce commensurate benefits. This is different from saying 'No health benefits'. Of course, health benefits do not fit into the sorts of sums that we are going to expect from the joint venturers. That is simply a statement of economic fact.

The mine at Roxby Downs is an underground mine. Dr Wagoner of the United States State National Institute of Safety and Health has suggested that even with the present improved ventilation of mines, uranium miners will still suffer twice the incidence of lung cancer of the general population. In past times, the cancer rate amongst uranium miners was up to four times that of the general population. I hope that when we are considering the Workers Compensation Bill members will be aware that one of the claims against workers compensation in future will be the lung cancer deaths that have occurred amongst the people working at Roxby Downs.

The South Australian Radiation Protection and Control Act and the regulations under it are paralleled by similar measures in other States to implement more stringent controls over radiation exposures in medical and industrial situations and those measures are long overdue. There would seem no justification to exclude the mining industry, or to

take the administration away from the authority responsible for health matters. Essentially, it is a health matter.

In relation to the documents, I think it is clear that the Federal Government is considering sales of uranium to Taiwan, which is a non-member of the Non-proliferation Agreement. The joint venturers' optimism in relation to the approval is very clear. The joint venturers are determined to disregard the Australian Government's stand not to sell to non-members of the Non-proliferation Agreement. Australia is really acting in a farcical way. The joint venturers' assessment of the Minister for Trade (Mr Dawkins) quite clearly is that he is on side. There have been references to members of his Ministry hastening him to that conclusion. The bureaucrats are making political decisions. This is at the Federal Government level. It is impossible to accept that members of this Government were not aware of the efforts of the joint venturers. I request that up-to-date information of the present state of negotiations between the South Australian Government, the joint venturers and anybody else involved in overseas sales be made public. As I said, I do not believe that the democratic process works when the people of this State do not know what is going on.

The Hon. R.I. Lucas: We need freedom of information.

The Hon. M.J. ELLIOTT: We certainly do need freedom of information. It is obvious that the joint venturers know that this Government is relatively powerless or, I should say, is not willing to do anything to prevent sales to Taiwan. It will be a quid each way every time. I do not want to see underhand deals and political decisions made by bureaucrats who can give assurances about the way that this Government will behave.

In relation to health and safety, some concerns have been raised by the venturers creeping regulations and breaches of conditions as outlined in the Roxby Downs (Indenture Ratification) Act. I believe that if we set a standard of safety for South Australia, that should apply to everybody in South Australia and special exemptions should not be granted just because of the Roxby Downs (Indenture Ratification) Act.

I refer to Mr Bannon's compliance in delaying amendments that the venturers have no intention of respecting. Delay is a first move and abandoning them is the only acceptable second move from the venturers' point of view. The joint venturers are happy at best to ignore research in relation to the health and safety of miners, showing the same sort of attitude that the companies displayed in the manufacture of asbestos. It was interesting to see the assessment of useful people in the Department of Mines and the alleged agreement with Paul Woodland that he would solve the radiation problem and I suggest that that means problems between Dr Cornwall and Mr Payne. Quite clearly, the Opposition is hand in glove with the Government and the joint venturers and will fight the bad points in occupational health and safety legislation to keep—

The Hon. R.I. Lucas interjecting:

The Hon. M.J. ELLIOTT: Yes, but we have quite a different idea as to what a bad point is and that is the significant point. We are about to see BP being active in community sponsorship in and around Adelaide, in case the uranium debate hots up. Dr Cornwall is quoted as saying that he does not want 40 extra deaths as a result of cancer on his shoulders. Even if Dr Cornwall has his way, how many deaths can we expect? Does Mr Payne have broader shoulders than Dr Cornwall? Finally, even if Mr Bannon has no intention of allowing a submission of amendments to the Radiation Protection and Control Act, he must now spell out very clearly what they would achieve. He must give details of health and safety measures so that we can be assured of a safe operation.

Returning to the original motion, I believe that the question of health and safety of mine workers is seriously at risk at Roxby Downs, but they are at risk anyway. Even if stringent safety measures are taken, they will still be at a higher risk than the general population, because they are in a highly radioactive environment. We need to do as much as we can to limit those dangers and, as such, it is imperative that the Government acts, and acts quickly, to introduce controls which will be applied throughout South Australia and to apply them to Roxby Downs as well.

I am extremely concerned about the behaviour of the Government at this time, as well as certain Ministers and certain public servants. On the question of marketing uranium from the mine, it is about time that the State Government, rather than saying, 'We do not like something' said, 'We will do something about it,' otherwise the public will begin to think, as they have begun to think about the Federal Labor Government, that they are only words; that a promise made means nothing whatsoever. I support the motion.

The Hon. M.B. CAMERON (Leader of the Opposition): I suppose that if one stands in Parliament having moved a motion and then seeks support for it, one would not go about it in the way that the Hon. Mr Elliott has, because he unsuccessfully attempted to cast aspersions on the Opposition, on everybody associated with the Opposition, on their attitude to uranium mining, on their attitude to Roxby Downs, what was in the minds of people in relation to Roxby Downs when the Bill was passed and the inference is that there was some special knowledge in Mr Elliott's mind that was not in the minds of members of Parliament when the matter was discussed in 1982.

As the Hon. Mr Elliott is a new member of Parliament, I inform him that members from both sides of the Council sat on a select committee for a long period of time (two years) all day, every Friday, listening to every known expert in the world from the conservation side, from the anti-nuclear side, from the pro-uranium side, from the uranium enrichment side and every possible opinion was obtained. I suggest that it might assist in the Hon. Mr Elliott's education process if he went to the vault and retrieved the evidence and read it through, because it is an extremely interesting document which well deserves, even in these days, constant reading by people who were associated with that select committee so that one can be kept up to date with the evidence of that committee.

The Hon. T.G. Roberts: What about if he read them in the vault?

The Hon. M.B. CAMERON: That would be a good idea: we could lock the door. The Opposition finds the motion unacceptable. If the wording were changed, possibly we could have supported it. If it condemned the Government for its continued hypocrisy from 1982 onwards on the matter of Roxby Downs, perhaps the Opposition would have supported it, but the motion does not read that way. It contains a number of asides and I certainly do not intend to amend it.

The motion has been moved by the Democrats and, in its present form, it will be rejected by the Opposition. The whole question of Roxby Downs has exercised a lot of time in this Parliament and I do not intend to go through chapter and verse everything that has occurred, except to say that, when the Bill was introduced into Parliament, it went through a lot of trauma. At that stage, it was soundly rejected by the Opposition of that day and the principal speaker at that

time was the present Minister of Health. At that stage he tried to support both sides: he attempted to amend the Bill in such a way that he knew it would be unacceptable.

It was a very carefully detailed agreement between the Government of the day and the joint venturers, and any amendment would have led to the agreement being rejected by the joint venturers. The Minister and his Party knew that. Fortunately—or perhaps unfortunately—the Parliament passed the provision due to the change of mind of one of the members of the select committee who had listened carefully to the evidence that was clearly—

The Hon. J.R. Cornwall: It was a very poor political tactic.

The Hon. M.B. CAMERON: I refer to the Hon. Norm Foster, and I will not go into the political tactics, but I have my own thoughts on that. The Hon. Norm Foster was a man of very high principle. He was probably one of the most vehement members of the select committee on uranium mining.

The Hon. L.H. Davis: He was relentless.

The Hon. M.B. CAMERON: Yes, he certainly gave us a hard time, but in the end the evidence of people from all around the world convinced him. Thus the Bill passed, and it passed in a form which, because an election was held shortly afterwards, the Government of this day suddenly found acceptable. It made absolutely clear that it was very acceptable, that Roxby Downs was a good project—things change. Some of us were a bit bewildered by the change of attitude, although I understand that it has not led to the Hon. Norm Foster's being taken back into the Party, even though members opposite now agree with him.

The Hon. L.H. Davis: He was the first of them to be right.

The Hon. M.B. CAMERON: That is so.

The Hon. G.L. Bruce: He wasn't expelled—he resigned.

The Hon. M.B. CAMERON: Yes.

The Hon. L.H. Davis: He jumped before he was pushed.

The Hon. M.B. CAMERON: I wonder what will happen to the Hon. Lynn Arnold. Perhaps that part of the Bill will be defeated today. Rumour has it that that will be the case. The first part of this motion deals with the health and safety of mine workers. Let me tell members of this Council that that was one of the matters that exercised the minds of the members of the select committee constantly. When the Bill came before the Council, that part of it was examined very carefully by the Government of the day. Whether the Minister likes it or not, the ALARA principle is basically built into that Act through section 10. In all the debate and in all the moves being made by the Minister we are saying to the joint venturers, who are very significant in terms of the development of the State, 'Even though you haven't started, we don't trust you. We will show you that we don't trust you to comply.'

Everyone who is associated with this legislation knows that the three codes of practice are built into the Act and any changes to those codes of practice automatically become part of the Roxby Downs (Indenture Ratification) Act. We do not have to amend the Act for those provisions to come into force. The Minister was sneaking along to Cabinet without talking to anyone associated with the Act, putting a proposition to Cabinet. That proposition was rejected by Cabinet, and the Minister was sent back to rethink the whole matter. He was defeated by 12 to one. I happen to know that, because I have very good information on that matter.

The Hon. R.I. Lucas interjecting:

The Hon. M.B. CAMERON: Perhaps it was 11 to one, because the Minister of Mines and Energy now claims that he was not at that Cabinet meeting. I am not sure about that. The leak from Cabinet was not good to that extent.

The Hon. R.I. Lucas: They leaked, did they?

The Hon. M.B. CAMERON: Yes, Cabinet leaked. The Minister was forced to go to the joint venturers and discuss the matter—that is in the documents. I do not care about the veracity of the various sections of this document: it is quite clear that the Minister of Health ignored the Roxby Downs joint venturers in his attempt to change certain aspects of the Roxby Downs (Indenture Ratification) Act or to include certain requirements.

One would have thought it was a matter of courtesy to ensure that those people were involved in the discussions. If the Minister now says, 'I did involve them in the discussions' frankly I would want proof of that, given what happened with the tobacco legislation, and the Minister said the same thing about taxicabs and those involved with that Bill, but that proved to be incorrect. I would want some pretty clear evidence before I accepted the Minister's word on those matters. The debate on the health and safety of mine workers took a long time, and there is no member in this place who does not put that aspect of the legislation at a very high level. The whole question of whether there will be 40 extra deaths during the life of the mine is a matter of theory, as the Minister would know, based on certain epidemiological studies, and whether or not that is correct is a matter of one's interpretation of those studies.

I am fully aware of all the background, in case the Minister of Health says that I do not know what I am talking about. I was a member of that select committee and I was aware of every detail. Of course, the Minister knows that in the first part of his dissenting report he said that he would like the codes of practice reduced in certain areas to a quarter of what the standards were, and I understand that that is what he is doing now. He has never stopped moving in that direction. I trust that he has the same attitude in other areas where people's health and safety are put in jeopardy by the use of certain drugs in the hospital system, but I will have more to say about that tomorrow. We will wait and see what the Minister says about that aspect. This is an area where the Minister can do something directly at present. We will see how concerned he is about that matter, and perhaps he will give some answers—we will wait and see.

The whole subject of Roxby Downs has been debated *ad nauseam* in this place in the past. I suppose that one could best describe this motion as a political stunt. I believe that the Democrats are anti-uranium and anti-Roxby Downs. It is absolutely clear at every move, and I had the experience of the Hon. Mr Milne's drawing up a select committee report. It took a long time. I thought at the finish that, because I had discussed the matter with him fully, shall we say being the go-between on that committee, we would end up with a report that would be signed. It was with some surprise that I noted an appendage to the select committee report by the Democrats at the 11th hour to the effect that they did not agree with it. I must say that that was something of a surprise to every member of the select committee, including me. However, it made clear that the Democrats were anti-Roxby Downs.

Of course, the Hon. Mr Gilfillan is well known for his support of the people who go up to demonstrate at Roxby Downs. He took some trouble to get up there during very active demonstrations (and I will not use the words 'violent demonstrations') which resulted in great costs to the State to protect the joint venturers and the property. Some of that money, if we still had it, could have been used in areas where there have been budget cuts. I trust that the Demo-

crats do not now try to claim in this place that they are pro-Roxby Downs. The sale of uranium, let me make absolutely clear, through a third party to Taiwan would not have the support of the Liberal Party—absolutely not.

The Hon. M.J. Elliott interjecting:

The Hon. M.B. CAMERON: Yes, provided they reach agreements similar to those that have been reached with other countries in regard to safeguards. That has to be done, but to sell through a third person is just not on. It would not proceed with our support. I do not accept that and I am surprised that the Minister for Trade, Mr Dawkins, was proceeding down that track. I trust that he has been stopped in his tracks until such time as proper agreements are reached between Taiwan and ourselves.

The third part of the motion refers to the role played by public servants giving undertakings which should properly be made by the Minister. I guess that the Democrats are relying on the documents that have been leaked by somebody.

The Hon. M.J. Elliott: BP has confirmed it.

The Hon. M.B. CAMERON: They are authentic; there is no doubt about that. Nobody would disagree that the documents themselves are authentic. Certain areas, of course, are true, particularly in relation to the Hon. Mr Cornwall. With his preselection he has to be in trouble because he has made a mess of his portfolio. If he had to stand for preselection in the whole State he would not get 5 per cent and everyone knows that. It is possible that he will muster enough support to get in and we hope that he does as he is a valuable member of our team, in the sense that we want to depict him next election as the continuing Minister of Health so support will pour to us when people realise that he will still be there. That is getting off the subject of the motion—the role played by public servants.

I am always terribly careful about using the names of public servants in this place unless there is documentation signed by the public servant; that makes it a different matter. Even then we have to be reasonably careful about accusing or abusing public servants in these matters. I would want to see documentation from the public servant concerned before I would be prepared to support an item such as paragraph 3 of the motion. We cannot accuse them of a role if in fact we do not have actual documentation and if we are doing it through a third party. I warn the Hon. Mr Elliott that that is a dangerous area to play because these people do not have the power to defend themselves. I have in the past used public servants' names in this place.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: I do not intend to do so to you. I have used public servants' names in this place because the documentation concerned was signed by them. In fact, if we want to argue on that matter, the Minister himself got up in the Council and apologised for the inaccuracy of the document and he withdrew it. That is understandable. In that instance the Opposition proved quite conclusively, to the point that the Minister backed off, that the document was inaccurate. That is a different matter and if the Minister wants to debate it we will move another motion and have another go at it. I am happy to do that. There have been some other problems lately in another area and I will be saying more on that tomorrow.

The Hon. J.R. Cornwall: I am shivering in my boots.

The Hon. M.B. CAMERON: That is good. If the Minister misses out on anything I will send it to him as I would like him to be right up to date. We would hate the Minister to be behind; he should know how successfully he is being knocked about the head. Any time that he wants to go to the public and do a poll I will be very happy. He can name the time and the questions and we will go right ahead. I would be delighted to accommodate him and even share the cost.

Getting back to the motion in hand, it should not be supported by the Council as it is not well worded. It is a political stunt, although in some areas I feel inclined to support it, namely, at the beginning where it says that the Council condemns the Government for its handling of the Roxby Downs mining venture. However, in certain areas the Government perhaps has done the right thing by continuing the venture when in fact originally it refused to do so. I do not support other areas of the motion and consequently we will not be supporting the motion.

The Hon. J.R. CORNWALL (Minister of Health): The Government opposes the motion. It does so for substantially different reasons from those of the Opposition. It is a fact that the ALARA principle—as low as reasonably achievable—enshrined in the national code of practice is not enforceable under the existing indenture Act and indenture agreement. Those two documents were drawn up in secrecy by the then Minister of Mines, Roger Goldsworthy, and in considerable haste. They were certainly drawn up with reckless disregard for any input of the expertise of radiation physicists. They worked on the basis of what industry calls 'an acceptable risk'. In the case of what was acceptable to the then Tonkin Government, of course what happened in practice was an open cheque.

The codes of practice are certainly accepted. The current codes of practice are acceptable to the Government and always have been, but the fact that they are unenforceable is not acceptable. We will move in the near future, having now been through long, careful, and conscientious negotiations with the joint venturers, departments and the Health Commission, to introduce amendments to the Radiation Protection and Control Act. However, that is a matter for another day.

It is not appropriate nor particularly desirable that I discuss that in any detail at this time, but we will introduce legislation during this session to ensure that realistic penalties will apply to any breaches of the codes of practice. I repeat again that there is no intention to alter the Roxby Downs indenture in any way, nor is there any intention to amend the Indenture Act in any way. I turn for a moment to the extraordinary document drawn up by the not so quiet non-achiever, a document that was read into the record almost *in toto* today by the Hon. Mr Elliott. I have already described it as idiotically inaccurate.

One of the first idiocies that it contains is that I am concerned about my preselection. I shall digress for a moment. The standard of this debate has been abysmally low, so I do not know that I need to rise to great heights on this occasion. Let us address this matter of my being concerned about my preselection. At the time of the next State election I will have been in this Parliament for almost 15 years, half of that time as a Minister, and my superannuation will be looking quite healthy.

The Hon. R.I. Lucas: How much?

The Hon. J.R. CORNWALL: I have not done the forward sums on it yet.

The Hon. R.I. Lucas: Three-quarters of a million dollars?

The Hon. J.R. CORNWALL: No, but certainly quite healthy. If, in fact, the Party in its wisdom took the unprecedented step of failing to endorse a sitting member, then it would probably be doing me a great favour. I could embark on my third career somewhere, sitting in the sun and no doubt being able to supplement that substantial superannuation by perhaps acting as a consultant.

The Hon. R.I. Lucas: A few boards?

The Hon. J.R. CORNWALL: No, I would prefer to sit in the sun. Consultants are in these days: they seem to be able to get $60 or $80 an hour.

The Hon. R.I. Lucas: What could you consult on?

The Hon. J.R. CORNWALL: A wide range of matters on which I have very substantial expertise. Of course, that is not going to happen unless I take a deliberate decision that I should retire. I have no intention whatsoever of retiring from politics. My standing with the left and the centre left has never been higher. I have no reason at all to have any concern about my preselection, so that comment in that document, as I said, is totally stupid. If that person was paid any amount of money at all for that document, then as his employer I would have been extremely upset. I believe that to be the case. I would be surprised if he is still working for the company.

Unfortunately, the Hon. Mr Elliott showed a scant regard for the conventions of this Council in reading a number of public servants' names into the *Hansard* record. He has showed as much disregard in this matter as the Hon. Mr Cameron and the Hon. Mr Lucas did when, under privilege, they slandered two of my very senior people in the Health Commission. When those people were totally absolved by a full Auditor-General's report those honourable members did not have the decency to withdraw. As the Hon. Mr Elliott has raised these names, I think that I am obliged to defend at least three of them.

This causes me some considerable pain, but the documents are now in widespread public circulation and names have been read into the record, I think quite recklessly, by Mr Elliott. First, there is Maxine Menadue, who is one of the most respected members of the South Australian Public Service. She is my Chief Administrative Officer. She is a public servant and is not a political appointee. She was the Administrative Officer to my predecessor, Jennifer Adamson, as she then was. She has been in the office of the Chief Secretary or the Minister of Health now for a period of something like 18 years. She started originally directly from school.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: No, Maxine Menadue, whose name was most disgracefully, in my view, read into the *Hansard* record by Mr Elliott.

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: The honourable member has read the name into the record. The document quite clearly reflects on Maxine Menadue. It suggests very clearly that she was not loyal to her Minister. The impression is clearly given in the documents, and the honourable member knows it, that she was friendly to this snook. Despite the fact that the Minister, of course, by inference is quite irresponsible and something of a mad dog because he does not lie down in the matter of worker safety, there is a nudge nudge element there suggesting that quite clearly Mrs Menadue said, to paraphrase, 'If there are any problems, feel free to contact this office.'

I have to tell the Council that Mrs Menadue is taking legal advice. She believes that she has been grievously libelled by the circulation of those documents, so I warn anybody who might be involved in their further circulation, or who was involved in the initial circulation, to seriously consider their position. That is the position, quite clearly.

Then there is an idiotic and grossly ignorant reference to another secretary in the department, and this has been read into the record, a Jill Fitch. I mentioned yesterday that Jill Fitch is a Senior Radiation Physicist who has a Masters Degree in science. She was not one who assisted the McLelland royal commission: she was, in fact, a Royal Commissioner. It shows a measure not only of the idiocy of the author of this particular document but the extraordinary sexist nature of the fellow that he could not possibly appreciate that a woman could be employed in such a senior and responsible position. A third person, whose name was read into the record by Mr Elliott, again, is Des Petherick, who is also a senior public servant. He has been Secretary or Chief Administrative Officer to the Minister of Mines and Energy for a period of eight years, so he was in that position at the time that Roger Goldsworthy was Minister and he has stayed in that position, as a most trusted employee, during the entire time that Ron Payne has been the Minister of Mines and Energy.

I know that he is just as angry as is my Chief Administrative Officer that his name has been bandied around by this fool who prepared the dossier. That now is on the record. I am sorry that I had to address those people by name but, of course, part of the motion refers to 'the role played by public servants who are giving undertakings which properly should be made by the Minister'. No undertakings have been given by any public servants named in that document; that must be clear and must be on the record.

I will now talk briefly about the marketing of uranium from the mine and about proposed sales to Taiwan and to any other country. The marketing or the issuing of export licences is entirely a matter for negotiation between Roxby Management Services as managers of the Roxby Downs project and the Federal Government. Only the Federal Government can issue licences. It is, I would suggest, not unreasonable for the joint venturers, and for Roxby Management Services on their behalf, to explore overseas markets. It would be unreasonable, of course, if export licences were granted for sales to countries, directly or indirectly, that are considered to be any sort of risk by the standards of the Nuclear Non-proliferation Treaty.

The State Government, obviously, does not get involved in those matters. It seems extraordinary to me, however, that every time something like this is raised, every time there is a suggestion that the partners at Roxby Downs are seeking to sell their product, there is an immediate call from the Democrats to cancel the indenture. As I said yesterday, we stand sensibly and reasonably in the middle; we have a clear commitment to the development of Roxby Downs; we have a very clear commitment to the protection of miners and other workers involved in the mining and milling of the ore body at Roxby Downs; and we certainly do not take a stand of recklessness, or a stand of 'dig it up and ship it out at any price regardless' as the Liberals do.

On the other hand, we have been very careful and responsible in our dealings with the joint venturers to see that the principles of the indenture have been adhered to and as I have said on many occasions the indenture will remain intact. So, the marketing of uranium from the mine, clearly, is a matter for commercial negotiations that will be conducted by the partners in the venture. The export licence, on the other hand, is very clearly a matter for the Federal Government. It is a matter on which any Federal Government, I would hope, would exercise its responsibility with suitable caution.

The other part of the motion, of course, calls on the Government to ensure that optimum attention to workers' health and safety will be maintained and that it will be under the control of the Minister of Health. Let me assure members that, as a result of those long and careful negotiations, in which we have been involved both between the commission and the Department of Mines and Energy and, in turn, with the joint venturers, we are very close to having

a series of amendments to the Radiation Protection and Control Act finally drafted which I believe will be satisfactory to all the parties. I would expect that those amendments will be introduced in Parliament during this budget session.

So, let me conclude, as I started, by saying that we continue to support the Roxby Downs development. We continue to be scrupulously careful to act responsibly. It would be grossly irresponsible for any of the parties to talk about cancelling the indenture every time there was a matter for negotiation, and in practice that is not happening, and will not happen. The indenture will remain intact. The Roxby Downs (Indenture Ratification) Act will remain intact. Fortunately, we have now reached a position where not only will that remain intact but the spirit and intent of the codes of practice and the as low as reasonably achievable principle, social and economic factors being taken into account, will be enforceable.

The Hon. I. GILFILLAN: I assume that I am closing the debate, as there has been no indication of any other speaker. I want to deal briefly with a couple of points raised by other speakers. First, in relation to employment, there has been a remarkable de-escalation of anticipated employment. Roxby was always vaunted in its early days as being a massive employer—I think its peak was to be at the 30 000 level, but that has now shrunk to just over 2 000. So it is quite a ridiculous observation to make out that the Democrats show a lack of concern for people who are unemployed. We simply question the safety of the health of workers at Roxby Downs and the recipient nations of its product. It is not only quite fatuous in being inaccurate but also I emphasise what my colleague said, that mining is not a big employer of people and, in particular, it does not make inroads into the numbers of people who are currently unemployed.

A significant point in the current debate is that, although the Minister of Health has attempted to assure us that the issue of who is responsible for the safety of workers has already been decided and that it is in good hands, the Premier has clearly indicated that he has not decided and will not do so for another week. So, quite obviously, the issue has to be resolved, and the debate, one assumes, still goes on. This tug of war over who will appropriately control the radiation supervision and health supervision of the miners at Roxby is still a tussle within Cabinet. Although an attempt has been made to cast aspersions on the papers quoted, in essence, they remain the product of a very senior executive of BP, the bulk of them probably being from Mr Rob Richie, who is the commercial marketing manager of BP. They are internal documents which would have been compiled for no motive other than the revelation of what that person believed to be the truth of the situation—with some personal interpretations, which were quite clearly separated from what was put forward as fact. So the documents stand as authentic and accurate reflections, in the eyes of a very senior person at BP, on what went on. The question of discussion with the joint venturers of the radiation protection and control amendments is interesting.

The Hon. J.R. Cornwall interjecting:

The Hon. I. GILFILLAN: I notice that the Minister did not address this question, although it was put to him twice. The Government goes to all lengths to discuss the matter with the joint venturers but not with the UTLC. How many discussions have been held with the union representing the workers? Therefore, I consider that that is again an example of the Government's fawning attitude to the joint venturers virtually overriding any other priority. A question which I asked over and over again and which was completely ignored by anyone attempting to answer on behalf of the Government was in relation to the Premier's assuring the joint venturers, when he was capitulating to them over the indenture, that it would never be changed except for the gravest possible difference. No-one has put up a suggestion of what is a 'gravest possible difference'. No-one has indicated that in fact a sale to France—an abhorrent nation according to the Premier, the leader of the Government—is a gravest possible difference. Well, I am absolutely at a loss to understand how, then, that phrase can have any meaning at all. I think it emphasises the whole point of this motion.

There is no sincerity or substance in the pretence of the Government masquerading as if it has some objection to certain recipient countries. The Government was pandering to those people in the State ALP who have some conscience over what happens to uranium. In my opinion, the Premier stands as an arch hypocrite. He said that and had his two bob each way, but I think he has lost it both ways. To me it is completely scurrilous behaviour. The Government posed as having a concern and then when it came to taking some action it did nothing.

The Government says that this motion talks about destroying the indenture. What rot! As the alterations to the Interim Gas Supply Act indenture indicate, indentures can be modified. Why shouldn't there be in the Roxby Downs (Indenture Ratification) Act certain prescribed nations, which are unacceptable as recipients of our uranium. Why can we not put into the legislation that a country must sign the Non-proliferation Treaty and enter into the full scope of safeguard arrangements, and various other conditions, which may well include a ban on the testing of nuclear weapons, within our scope of control? Why can we not define which countries we are prepared to sell our uranium to?

Instead of doing that, the Government has gone to the joint venturers, cap in hand, and said 'Don't worry: there is no way we will dent this indenture; you are as safe as houses. No matter that the Labor Government said that it would do this or that.' What it comes down to is that nothing will be done—that is obviously the indication from the other two Parties. It is a sad day for South Australia that our leading political figure, the Premier of the State, has made great play on an issue of principle of a country. Even if the Federal Government is considering selling to Taiwan, there is that alternative that we as a sovereign State should be having a say. This motion was an attempt for that to come to pass. It was an attempt also to protect the workers at Roxby and also an attempt to indicate that we believe that political responsibility starts and finishes with the elected representatives.

I am sorry to say that the other major Parties in this place have chosen to deal with the matter on a very lightweight and superficial level. I urge support from those who are perhaps still listening and have reconsidered the matter at the last moment, particularly Government members in this place who still feel profound concern that our uranium is being sold to France, and the potential that it could be sold to Asian nations and Taiwan.

I urge them to reconsider their position. Obviously, it is an issue of conscience. Why can they not exercise their conscience in this vote? A leading Minister has exercised a conscience vote in another place on another matter, but what did we hear about conscience votes in the Council? Why can members in the Council not reflect the same sensible maturity as was reflected in the other place? I urge all members to support this motion.

The Council divided on the motion:

Ayes (2)—The Hons M.J. Elliott and I. Gilfillan (teller).

Noes (17)—The Hons G.L. Bruce, J.C. Burdett, M.B. Cameron (teller), B.A. Chatterton, J.R. Cornwall, Peter Dunn, M.S. Feleppa, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, Carolyn Pickles, R.J. Ritson, T.G. Roberts, C.J. Sumner, G.J. Weatherill, and Barbara Wiese.

Majority of 15 for the Noes.

Motion thus negatived.

PROSTITUTION BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1328.)

The Hon. PETER DUNN: I do not support the Bill. I have listened to most of the long debate, and what debate I have not heard I have read. I think that most of the points have been made quite clearly in the past, so I now enunciate my reasons for not supporting it. I have to ask myself the question: would I like any member of my family (or even myself) to be traded, trafficked or prostituted. I think this legislation regulates that.

In Ms Pickles' preamble to this Bill, she said how humane it would be if this Bill were introduced. I think she made some very good points and that she tried very hard to paint a clear picture to Parliament. I congratulate her on that, but I cannot agree with the principle that she espouses. Of course, prostitution is not illegal, because sexual intercourse can occur between consenting adults and, if money is exchanged, who is to know, but I cannot agree with the advertising (and therefore making it acceptable) of that practice within the community. I have a daughter aged 26 and I would not like her to enter that profession. That profession carries with it not only the odium of trafficking in flesh, if you like, but also the odium of the other well documented problems relating to drugs and the sale of drugs. For that reason, I cannot support this Bill.

Studies were undertaken by the United Nations some years ago and it held the view that society should not have slavery. I suppose this Bill would not be deemed to be legalising slavery, because people enter the profession of their own free will, but generally there are some external forces involved. If people make money from other people, it does not matter what laws are in place. There will always be soliciting and trafficking by a third party. As long as a sign can be erected saying, 'I am here for your use, whether you be male or female', other people always will be involved in it.

I understand that the Bill to legalise marijuana has just passed in the other place. Some people may enjoy manipulating other people by using mind bending drugs, etc. However, there is a very severe and avid response by the Minister of Health in relation to the traffickers of the more extreme drugs. Time and time again we have heard the Minister say that he does not agree. He calls them scum and the like, and he is quite correct in what he says about trafficking in those drugs. I believe that trafficking in human flesh is equally as bad. It causes just as much pain, and it need not happen today. Women, or men for that matter, may like the thrills of leading that sort of life, but I bet it does not continue for too long. All those activities involve younger people. If they continue in that way, I do not see a lasting effect. I do not know why prostitution is necessary, or why sexual relations cannot take place within a stable relationship, one to one.

In this world there are plenty of partners. It is not true to say that there is a lack of partners. If people want fun, satisfaction, or associations, there are plenty of people for that rather than advertising the fact that one is involved for monetary gain. That is not at all sensible in today's society. After all, our society has developed over many thousands of years, and to this stage in our development we are able to agree or disagree across a forum such as this about the way life should carry on and our future direction. A lot of that is due to our Judaic-Christian background, which I believe still permeates our society. Those tenets have clearly laid down that prostitution is not in the best interests of our community, and I would hold that that is still very true.

One may say that the Ten Commandments do not apply today, but they were developed many thousands of years ago and it was deemed that, by carrying out those actions, society could cling together and there would be greater happiness in the community if people obeyed those rules and regulations. Today, those rules tend to be bent somewhat, and I suppose that there are good arguments for that, but we should not traffic in persons. I would agree with that fully. Our nation has agreed with the United Nations study on the traffic in persons. One only has to cite the Franklin dam or the Gordon River issues. The Federal Government very strongly upheld those conventions dealing with the Franklin dam and the retention of native vegetation. Here we have another convention that has been agreed to by Australia and yet we do not carry it out. It seems that it is convenient for the Government to adopt that principle.

I hope that the members of this Parliament who have some background in what is occurring in the rest of the world and who have a Christian or Jewish background consider this Bill and its provisions. In the United Nations 'Study on Traffic in Persons and Prostitution', it is pointed out that regulation does not cure the problem. Under 'Program of action', it states:

> The regulation system, by legalising prostitution and the existence of licensed houses, offers a lawful market to prostitution and to the traffic in persons which, as clearly stated in the Consolidated Convention, are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community. Governments should, therefore, enact legislation for the abolition of any form of the regulation of prostitution, and particularly for the closing of licensed houses.

That is quite clear, and the emphasis is on the family and the community. Our society is built around families and communities. If we regulate prostitution and make it acceptable in society, someone can put up a sign to indicate that a house is a brothel. That makes prostitution acceptable in the eyes of society. It will become the norm, and I am sure that that will not be approved by many of us.

I refer now to the Planning Act. We have noted the objections of the Adelaide City Council. I ask members to consider whether they would like a brothel to be established next to their house, in their suburb or, if they live in the country, in their town. Members must ask themselves those questions, because someone will be living next to a brothel, regardless of whether or not people agree or disagree with what takes place there. People will come and go at all hours of the night. I understand that those who represent the prostitutes have said that they do not agree with daylight saving, and I can understand that very well—it shortens their hours of business. The siting of a brothel next to where I or anyone else lives is an impediment that we need not put up with.

The Bill provides that no brothel may be sited within 100 metres of a church or school, but that is not far enough. I believe that 400 metres is a reasonable distance, and I hope that we can consider that issue in Committee. If the Bill reaches the Committee stage, it should be amended so that brothels must be sited farther from schools or churches.

I know that it is more than likely that brothels will be sited in commercial areas and therefore there will not be the problem of houses being close by, but that is not at all clear in the Bill.

It appears that under the Planning Act, where councils have not prepared adequate development plans, brothels could be established next to people's homes in country areas. I know that many people have objected to that. Some 500 signatures have been collected and given to me opposing decriminalisation of prostitution, but they were not put on the correct forms so that they could be presented to Parliament, but I emphasise that that indicates the concern. Those people were so concerned that they got together and put their signatures on paper, clearly marked at the top 'We the undersigned are totally opposed to the decriminalisation of prostitution.'

However, it is clear what they are wanting. As members of Parliament we have all received many letters and have had a lot of contact with people who do not wish to have prostitution decriminalised. It heartens me to see people give an indication to politicians when they do not like something or do like something that goes to the Parliament. Many Bills come into this Council and go out and we get no contact at all. When we have had as many contacts as we have had recently it must surely indicate to the honourable member who introduced this legislation that it is not all go, and that it will not please the majority of people.

In fact, the Bill really only deals with a few people in this community. We have to look at its broader effect rather than simply at the desire of a few people. We must look at the broader context and the effect this Bill will have in the long run. I understand that Victoria has moved in this direction but is not happy with what is happening at the moment. The people who are using the system may be happy, but I am not sure that the general public are happy. So, I do not support the Bill.

The Hon. M.J. ELLIOTT: I rise to speak in support of this Bill. It is an issue that I most certainly would not have raised of my own volition. It is a matter which, until raised in this place, has occupied none of my time. However, that happens with many Bills. What is important in cases such as this is that an honest decision is made, a decision which I believe I made very carefully. I have spent an enormous amount of time discussing and reading about the issue and have indeed received a large amount of correspondence.

I must admit at this stage to my own personal bias—we all have a personal bias. I do not like prostitution and it is a gut feeling conditioned by my upbringing. I can be honest and look into myself and look at my own gut feelings and ask myself why I have such feelings. I am particularly heartened by the moves in this Bill which seek to protect minors.

The Hon. Peter Dunn: It doesn't.

The Hon. M.J. ELLIOTT: I believe it is significant. As to the question of prostitution itself, a number of arguments have been put up, but I do not believe that most of those arguments hold a lot of water.

The first argument one consistently comes across is that it will do terrible things to the family and that people do not want this to happen to their children. I have two children—a five year old daughter and a three year old son. They have to grow up in this world and I am not prone to making decisions adverse to them. I would not come to a decision likely to harm them. As a person who spent nine years as a teacher and much time working with children and caring about them, I am conscious of the world in which they have to grow up. Those decisions I have not taken lightly.

As to the argument that the Bill will result in breaking up families, that was the beginning and the end of the comments made. People said, 'It would be terrible for families' and gave no explanation of why. The next common argument is that drugs are a serious problem with prostitution and that prostitution causes drug taking. I dismiss that claim. Drug taking is a symptom of a society that has deeper problems. The existence and level of prostitution is also a symptom of similar things. If we see drug taking amongst prostitutes, the drug taking is not because they are prostitutes but the causes for involvement in both may be similar. For those involved in heavier drugs, it is likely that drug taking preceded the prostitution and not the other way round. To suggest that prostitution leads to drug taking is almost certainly a nonsense view.

We have people who have this rather vague feeling that society will collapse. Amongst letters I have had from people pleading not to allow prostitution a common plea was not to allow homosexuality. It indicates that many people have been whipped up into a great fear about our collapsing society. Our society, indeed, does have serious problems, but attempts to increase penalties for prostitution do not tackle the underlying problems in our society. They do not tackle the problems of greed, of lack of care for others and the materialism of our society. Until we are willing to tackle these issues we will always have problems with drugs and other things that are symptoms of problems in society rather than the problems themselves.

I have noticed a number of people of late quoting the United Nations. Almost without exception the people quoting the United Nations are those opposing the Bill of Rights and saying that it is a terrible United Nations communist plot. It is a two bob each way argument. People quote the United Nations to attack the Bill of Rights, because the United Nations is some left wing movement, and then quote the United Nations because it provides a supporting argument. Many of the people who are now saying that perhaps prostitution laws do need to be changed and that we do need a different approach are the same people who once would have supported what the United Nations had to say. Ideas grow and progress and the realities of the way the world works are further appreciated.

The problem of prostitution has been put in a clearer perspective in many minds. Another concern often put to me is the fact that husbands would be led to infidelity. The people who are so worried about prostitution causing that are failing to admit that every night in Adelaide somewhere in hotels and other places there are constant acts of infidelity that have nothing to do with prostitution whatsoever. For anybody to suggest that prostitution would cause families to break up and such like is absolute nonsense. If a husband is going to commit an act of infidelity he is much more likely to do it in some sort of casual relationship not involving money at all. That is not an argument in support of prostitution, but the argument that it would cause the break up of families is nonsense. If husbands are going to go elsewhere looking there is some other problem. The problem is not prostitution, but some problem in the family. People are attacking the symptom rather than the problem.

The Hon. M.B. Cameron: You are a social worker too?

The Hon. M.J. ELLIOTT: I have had a go at most things. I would like to see prostitution disappear. I would like to see people not taking drugs. There are many things in society that I would like to see. The question I must ask myself is, 'How are those ends achieved?'

There being a disturbance in the Strangers Gallery:

The ACTING PRESIDENT (Hon. J.C. Burdett): Order! If there is any more noise in the gallery, I will have to clear it.

The Hon. M.J. ELLIOTT: I find it extremely sad that people are not willing to admit what are the real problems in our society. They are continually going around 'Don Quixote like' attacking the symptoms and not looking for the very real problems. We must tackle those if we want these things that we do not like to go away. I think that we must look at prostitution as we should look at drug taking as being quite different crimes from murder, arson and such crimes.

The argument has been in relation to prostitution, and I am supportive of it, that we will never get rid of it by trying to ban it; it is not known as the oldest profession for nothing. In fact, there is a fair degree of evidence in police records tht the number of active prostitutes in Adelaide has continued at a high level throughout this century regardless of how hard the police have tried to crack down on it. No matter how hard the police try to stop prostitution, all they do is move it around. Whenever there is a crackdown the activities of escort agencies pick up, we see more prostitution in the streets and less in brothels. But the number of prostitutes, generally speaking, does not change—simply the mode by which they operate.

I think that trying to crack down on it by using the law will fail. People must realise that prostitution has been very much a personal decision. I would say this with the exception of minors, who I think are not in a position to make up their own minds about being involved in such a thing. I do not see any victims in the act of prostitution other than what people may do to themselves. In the case of murder, etc., there is quite clearly a victim. When there is clearly a victim there is no problem in saying that a law must remain.

We should ask ourselves what is the likely outcome if, as some people suggest, we come down harder on prostitution in the hope that this problem will go away. Prostitution will be in the hands of criminals and the more the law tries to crack down on it the more likely it is to be in the hands of criminals. I believe that in South Australia that is not the serious problem that it has been in Victoria. However, if we try to crack down further we are likely to push it into the hands of organised crime and we will see prostitution on the streets.

We are more likely to see drug use among prostitutes, because with the crackdown those people working the streets are more likely to get work, so prostitution will become more attractive to them. Certainly, any chance of trying to stop the spread of venereal disease would have no hope at all. If prostitutes feel safe in being able to go to health centres without fear of prosecution, then they will do so.

While there is no clause in the Bill which looks at the problems of venereal disease, one of the outcomes of the Bill will be that venereal diseases associated with prostitution will decrease markedly. Another major problem as things exist at the moment is the problem of liaison between the police and prostitutes. Obviously, if a prostitute goes to the police now they will be more interested in prosecuting that prostitute than in taking notice of any information that the prostitute might have.

I believe that the prostitutes themselves are extremely concerned that there may be, for instance, child prostitution going on. They would be likely to know that it is going on, and would be willing to go to the police; without the fear of prosecution they would go to the police, providing a better chance of controlling child prostitution. I think, also, that they would from time to time come across what might be termed as nutters and the presence of those nutters can much more easily be notified to police. I would have liked to speak to this Bill at greater length, but because other matters hang over us I did not have time to prepare a lengthy speech. I believe that it is our responsibility to look for the real problems in our society and to stop looking for scapegoats—a very easy thing to do.

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

CONTROLLED SUBSTANCES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ROXBY DOWNS (INDENTURE RATIFICATION) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 August. Page 676.)

The Hon. G.L. BRUCE: I have already indicated to the Council my contempt for and rejection of the policy of the Democrats. It is a policy I have described here as being one of no care and no responsibility. Their actions in relation to this Bill, and in many other areas, indicate no more than a cynical flitting from issue to issue in a bid to maintain the support of their particular small group of followers. We see this ongoing cynicism reflected in the actions of these members in relation to the Roxby Downs Indenture and the issue of radiation control at the mine.

Only this week we saw the Leader of the Democrats wringing his hands in public and rolling his eyes about the issue of worker safety at Roxby Downs. We should not be misled by this act. These people have no interest in worker welfare. The position of the Government on the issue of Roxby Downs and the Roxby Downs indenture is clear: we support and stand by the indenture.

However, within the bounds of that document we will make every endeavour to ensure that the safety of workers at the mine is adequately protected; further, their protection will be the highest priority of the Government. This Council has only one course of action to deal with this Bill. That action is quite simple—we should reject this Bill.

We should take this action for the reasons I have already outlined. This project is fundamentally important to the economic development of South Australia and is significant to Australia's well being. This project has already involved investment of $150 million, 83 per cent of which has been allocated in South Australia. Further, it involves the commitment of investment worth at least $600 million and will involve a thousand jobs. Not only that, but Roxby is a symbol for the development of this State.

We have seen only this week the benefits that may begin to flow to this State arising from the business community's favourable impression of the management of the Grand Prix. All of that will be for nothing if we as a State breach the promise which is embodied in the indenture. There will be no further investment in this State—a blow which will threaten the jobs of many South Australians. We should also reject this Bill because of the motivation behind it, which is one of cynical politics. I oppose the Bill.

[*Sitting suspended from 6 to 7.45 p.m.*]

The Hon. C.J. SUMNER (Attorney-General): The Gov-

ernment opposes this Bill. The Bill constitutes a unilateral amendment to the indenture, that is, an agreement entered into by the South Australian Government and the joint venturers of the Roxby Downs project, and ratified by the Parliament in 1982. There is little doubt that this Bill, if passed, would place the whole project at risk. In 1982 the Labor Party opposed the Roxby Downs (Indenture Ratification) Bill. But it passed the Parliament: the Parliament expressed its will on the Roxby Downs project in 1982 and at the 1982 election the Labor Party committed itself to maintaining that project, if elected. That remains the position, and indeed it was reaffirmed during the most recent election at the end of 1985. So, we have a situation where the Liberal Party has supported the Roxby Downs project through three elections—1979, which it won, 1982 and 1985 which it lost—and the Labor Party has supported the project through elections in 1982 and 1985. So, it is only the Democrats, who would have achieved in round figures about 6 or 7 per cent of the vote in any of those elections, who are now in effect moving an amendment to an agreement which was ratified by Parliament. It would, in effect, mean that the project would be wound up. It is worth recalling that this amendment is not an amendment at the periphery of the indenture: it is central to it and to the whole project. This Bill, introduced by the Hon. Mr Gilfillan, which purports to amend the indenture would be tantamount to a repudiation of the agreement between the South Australian Government and the joint venturers and ratified by Parliament in 1982.

The Hon. J.C. Burdett: A unilateral repudiation, too.

The Hon. C.J. SUMNER: It would be a unilateral repudiation, as the honourable member says, that is, a repudiation by Parliament, by one of the parties to the agreement. It is not an amendment to the indenture which is at the periphery of it. I think it would be true to say that no Parliament would say that in all circumstances an indenture cannot be amended. We have had amendments to indenture Bills passed by this Parliament on a number of occasions, but they have not been amendments that have been central to the whole agreement. They have not been amendments which, in effect, amount to a repudiation of the agreement. There is little doubt in my mind that this Bill, as proposed by the Hon. Mr Gilfillan, does in effect amount to a repudiation of the agreement. The Bill for an Act to amend the Roxby Downs (Indenture Ratification) Act seeks to do three things, namely:

1. Require the Roxby joint venturers to stock pile uranium (clause 2),

2. Radically alter the obligations of the State to provide township facilities and infrastructure (clause 5),

and

3. Substantially increase the obligations of the joint venturers to pay basic royalties that is, an increase of 100 per cent up to and including year 5, and an increase of 128 per cent therefter (clause 6).

Before turning to these three principal items of the Bill, I think it appropriate to draw attention to clause 52 of the Roxby indenture, entitled 'Derogating Legislation'. That clause provides as follows:

> Without in any way derogating from the rights or remedies of the joint venturers or any of them or an associated company in respect of a breach of this indenture, if the Parliament of the State should at any time enact legislation which materially modifies the rights or materially increases the obligations of the joint venturers or any of them or an associated company under the ratifying Act or under this indenture or materially reduces the obligations of the State under the ratifying Act or under this indenture the joint venturers shall have the right to terminate this indenture by notice to the State and to require the special tenements or any of them to be converted to any tenement under the Mining Act or other lease, licence, easement, tenure or right of such form so conditioned and for such term and at such rental compatible with legislation at that time in force in the State as the Minister and the joint venturers may agree.

In my view, the provisions of this clause would entitle the joint venturer to:

(a) terminate the indenture,

(b) retain the mining tenements granted by the indenture, but under the Mining Act (and so preclude any other company from developing the deposits),

and

(c) possibly (and this would be open to some debate) claim damages from the State for breach of contract.

I point out that the terms of the Bill do not preclude such an action. If the Bill passes, it is possible that the joint venturers will, for economic reasons if for no other, abandon the Roxby project completely. Leaving aside the provisions of clause 5 of the Bill, dealing with the infrastructure, the costs of complying with clauses 2 and 6 would be such that it is almost certain that the project would cease to be economic. The current low price of copper, the loss of income from the uranium sales, the fact that the uranium must be processed, at some considerable expense, and the substantial increase in royalties would almost certainly combine to constitute a kiss of death for the entire project.

I turn first to clause 2 of the Bill , that is the requirement that the joint venturers stockpile uranium and, in this respect, I think it appropriate to look briefly at the processes through which the ore, after production from the mine, will pass. Upon being raised to the surface the ore:

(a) will be crushed and ground to a fineness similar to that of facepowder;

(b) the powder will be passed through a flotation process which will produce concentrate and tailings, both of which contain uranium;

(c) the concentrate will be leached to remove the uranium, which uranium comes out in the form of uranium dyurinate;

(d) after leaching, the concentrate is smeltered to produce blister copper;

(e) the blister copper is electrolytically refined to produce (almost) pure copper, gold and silver;

(f) the tailings are chemically leached to remove the residual uranium, which uranium comes out in the form of uranium dyurinate;

(g) the uranium dyurinate (an unstable substance) from leaching of both the concentrate and the tailings is processed to produce uranium oxide (yellow cake).

Thus, the joint venturers, if they are to produce copper and gold whilst stockpiling the uranium product, will be required to spend substantial sums processing the uranium which will be subsequently unsold, unproductive and, I assume, not inexpensive to store. I point out that a substantial portion of the funds which will be used by the joint venturers to fund the project will be borrowed. This means, I believe, that any event (be it a change in either physical or economic circumstances or a change in the law) which has the effect, especially early in the life of the project, of increasing costs whilst decreasing income, places the project in economic jeopardy.

I turn now to clause 5, which deals with the proposal by the State to provide township facilities and infrastructure. The obligations of the State to provide certain basic facilities within the proposed township are set out in clause 22 of the indenture. These obligations lie upon the State and not upon the joint venturers, so that the passage of clause 5 of the Bill will probably mean that many of these facilities

will not be provided at all. The Bill seeks to remove the obligations of the State to provide any facilities other than kindergartens, schools, police station and courthouse, a library, State Government offices and garbage disposal facilities. The State will not be obliged to provide any housing, so the question of where police officers, school teachers, etc., will live, becomes interesting and quite problematical.

Clause 6 proposes a substantial increase in the royalty payable. I am not able to say precisely what effect such an increase will have on the project, although the following consequences are clearly possible: first, it could tip the economic balance against the project and thus prevent it; secondly, it could give rise to fears that further increases in royalty could be made through legislative processes, thus shaking confidence in the security of the indenture; thirdly, as royalties are assessed on the value of the product as it leaves the mine site, any chances of further processing the product must be viewed as extremely remote; and, fourthly, it could cause the joint venturers to decide not to process the product at all at Roxby and to seek ways to smelt and refine the ore elsewhere.

The passage of the proposed Bill would totally destroy any confidence which the joint venturers and their financiers have in the security necessarily conferred upon the joint venturers by the indenture, which lack of confidence, even taken alone, could be enough to cause the joint venturers to abandon the project. In my view, that would be the almost inevitable result of the passage of the Bill proposed by the Hon. Mr Gilfillan.

I now deal with some of the legal issues which may be raised by the Bill. First, the Commonwealth clearly has the legislative power to render inoperative any State legislation seeking to restrict the sale of uranium. It could rely upon the defence, external affairs, corporations or export powers. No legislation conferring such powers appears to be in existence, although under sections 38 and 39 of the Atomic Energy Act of the Commonwealth, there is power to promulgate regulations authorising the production and distribution of uranium, but such regulations have not been made and, in any event, that power is restricted to defence. So, although nothing is actually in place at the moment, the Commonwealth has the legislative power to render inoperative any State legislation seeking to restrict the sale of uranium. That factor needs to be taken into account also by members in considering the Bill. The fact is that this Bill, if passed, insofar as it seeks to restrict the sale of uranium, could be overridden by Federal legislation.

Further, to the extent that the provisions of clause 2 of the Bill would restrict the interstate (not the overseas trade directly from South Australia) trade or movement of uranium, the proposed provision would be in breach of section 92 of the Commonwealth Constitution. Whether or not the joint venturers intend to engage in the movement of uranium across State borders, they could be expected to choose to do so if the legislation were passed. The legislation could then only be supported if the provision were seen as reasonable regulation of that trade. It may be difficult to argue that the provision is of any benefit to the health, welfare, etc., of South Australians, but this is a matter to which further attention would need to be given. The Commonwealth Parliament could override any State restriction on the sale of uranium and, secondly, the Bill would almost certainly run up against problems relating to section 92 of the Federal Constitution. It may be possible to avoid section 92, but that is a matter that is not by any means clear.

The Hon. M.B. Cameron: It is always—

The Hon. C.J. SUMNER: It may be possible to vary the special mining lease, so as to provide that the uranium remain the property of the Crown and to make it a special requirement, as a condition of the lease, that the joint venturers stockpile all uranium but, again, that would constitute a breach of the indenture and, in any event, I do not think that the Democrats have given sufficient attention to the problems that may arise with this Bill, including the technical and legal problems.

If this Bill were passed, first, almost certainly it would result in a reassessment of the project by the joint venturers. Secondly, it would almost certainly have quite disastrous effects on South Australia's standing in the Australian and international community as far as investment was concerned. Thirdly, I point out that there are clear constitutional difficulties with the Bill as introduced by the Democrats, but of course that never bothers the Democrats. The Democrats are not interested in sitting down and working through the hard issues with which the major Parties have to contend in this Parliament. Essentially, they are concerned with momentary cheer-chasing and grandstanding.

There is little doubt that the Democrats of today are a vastly different Party from that which Lance Milne led into this Parliament. His concern for South Australia and its people was very well known and articulated on many occasions. The present Democrats have little concern for South Australia. They are interested in grandstanding on issues which they simply could not do if they were a majority Party. They come to this Parliament as guardians of the morality of all members of Parliament. They assert that they have a monopoly on morality, yet any examination of their actions and of their statements in this Parliament would reveal that the positions generally adopted by the Democrats show absolutely no regard for any basic principles of democracy. As I said, essentially they are concerned with grandstanding.

I suppose that what I find most astonishing is the sanctimonious preaching of the Democrats, just as if they were in the pulpit. They know full well that they have no chance of doing anything in Parliament and no chance of actually contributing anything constructive to the deliberations of Parliament. Knowing, as they do that, on this topic, in three successive elections the people of South Australia have voted for this project to proceed, they still come to Parliament with the sort of Bill that would mean the end of the project, but, of course, they do not say that. They want to have it both ways. They do not say that it will mean the end of the project, although in practice it will. They introduce a Bill which is quite deceitful.

While pontificating about how they are pure as the driven snow and that they always stick to their principles, they come to Parliament and try to con the people of South Australia by asserting that their Bill can pass and, at the same time, the project can go ahead. They say that the Bill can be passed and at the same time the international and national community will continue to have confidence in South Australia. I can tell the Democrats that that is absolute nonsense. Their attitude to development (and not just on this project) if implemented throughout South Australia would simply decimate South Australia's position as a place for investment.

The fact is that they know that they cannot amend the indenture in this way and get away with it while still retaining the project. They know that 90 per cent of South Australian electors in at least two elections have voted for Parties which have supported this project and in 1979 a Liberal Government was elected on that basis.

The Hon. R.I. Lucas: Would you like to bring school children in here to see this situation?

The Hon. C.J. SUMNER: I would not bring school children in here to hear the Democrats under any circumstances. They are a disgrace.

The ACTING PRESIDENT (Hon. C.M. Hill): Order! We have a long night ahead of us. Members must not interject.

The Hon. C.J. SUMNER: I thank the Hon. Mr Lucas for his assistance. I would not bring my children in here: I would not bring my grandmother in here to hear the Democrats, because she would be astonished at their attitude. Despite the fact that the Democrats parade themselves as the guardians of morality, saying that they have a monopoly on all things pure, moral and decent in the South Australian community, they come into this place with a deliberate act of deceit. This is what this Bill that the Hon. Mr Gilfillan has introduced is, and he knows what it is. He knows it is probably as deceitful a thing as has been brought into this Parliament since I have been here. He knows that, if this Bill is passed, the Roxby Downs project will be finished, and that in terms of investment, jobs and promoting South Australia, South Australia will be finished. Knowing that, the Democrats try to have it both ways.

I know what the Hon. Mr Gilfillan would do when he trots off (and he is occasionally invited) to see the business people around town: he would say, 'This doesn't mean the end of the project. We are in favour of development, the ASER project, the Grand Prix and everything. We don't think the alteration of the Roxby Downs indenture would affect the investment situation in South Australia.' That is what the honourable member tells the majority of the South Australian people, but of course he then goes back into the corridors of his Party and says, 'We will stop this Roxby Downs project at all costs, but it will not have any effect on South Australia's status and the development of this State.'

The fact is that the Democrats cannot have it both ways, but that is what they are trying to do. That is why I say that this Bill is an exercise in gross deceit, and they ought to know it. They should own up to what they are trying to do, and that is to stop the Roxby Downs project and to produce an image for South Australia that would be completely untenable within Australia and the international community. I did not participate in the debate this afternoon, but I believe that the debate on the motion put by the Democrats probably was of the poorest standard I have ever heard in this Parliament.

The Hon. M.B. Cameron: Are you talking to me?

The Hon. C.J. SUMNER: No, I am talking about the contributions of the Hon. Mr Gilfillan and the Hon. Mr Elliott. All they did was come into this Parliament and read out great chunks of extracts from a leaked document that had been prepared by a B grade research officer in BP. They did not take any care to see whether there was any veracity in the points made in the report. They read out that document to the Parliament at great length. But there was no attempt to analyse it or to be critical: there was no attempt to put any factual basis to the propositions they were putting to the Parliament. That was a disappointing and incredibly low standard analysis of the issue by the Democrats.

There is little doubt that if this Bill proceeds it will mean the end of the Roxby Downs project, and the end of South Australia's position as a credible place for investment. The Democrats have not addressed, as they never do, the serious constitutional issues that are raised by the Bill as introduced. They never do that, because they are not interested in achieving any concrete result. They are interested only in grandstanding. If the Australian Democrats was a majority Party in this Parliament (which it is not), the Democrats could not take any of these actions.

The Hon. R.I. Lucas: Thank goodness!

The Hon. C.J. SUMNER: Yes. They would not be able to get away with it, and that is another immoral aspect of the Democrats' actions. Not only do they deceive the public of South Australia but also they ignore the fact that through three elections a majority of South Australians—and a clear majority—have supported this project at Roxby Downs. The fact is that, if the Democrats were in a majority position, if they were anywhere near achieving a majority position in the Parliament, they could not run these sorts of lines in this Parliament, and they know that. That indicates to me the sort of people with whom we are dealing.

The Hon. R.J. Ritson: Power without responsibility.

The Hon. C.J. SUMNER: Absolutely. They pontificate about morality, and yet when we examine their actions we see that they really have no morality except trying to grandstand in order to get a few more votes at the next election.

The Hon. M.B. CAMERON (Leader of the Opposition): It is almost tempting to say 'Us too', and sit down. The Attorney-General really put the position.

The Hon. Peter Dunn: He had a good dinner.

The Hon. M.B. CAMERON: No.

The ACTING PRESIDENT: Order!

The Hon. M.B. CAMERON: I thought that he spoke extremely well. I think he has improved considerably over the years, since 1982, on the subject of Roxby Downs.

The Hon. I. Gilfillan: Do you recollect when he had a different point of view?

The Hon. M.B. CAMERON: Yes, and I would go and look for it if I had time. On reflection, I find that he has—

The Hon. M.J. Elliott interjecting:

The Hon. M.B. CAMERON: I think he has come right around. In fact, I might go to Party headquarters tomorrow, get a membership application and send it to him. He has come right down the line and I am very impressed. I would certainly find him an acceptable colleague on the subject of Roxby Downs.

The Hon. K.T. Griffin interjecting:

The Hon. M.B. CAMERON: I point out to the Hon. Mr Griffin, before he gets too worried, that it is very good to hear the Attorney's absolute and solid support. I trust that that goes through to Cabinet in relation to any changes that might be contemplated by the Minister of Health, because I believe that he has been playing little games with this venture and I am somewhat concerned about the effect of his little games on the project and the attitude of companies in terms of investment in South Australia.

I trust that any moves do not in any way upset what has been a very good relationship since 1982 when the original flare-up between the Government and the joint venturers occurred, because this is an extremely important project. Any moves that the Minister of Health has made without discussion with the joint venturers should cease. Their concurrence should be obtained before any moves are made. I do not wish to add further to the debate. I think that the Attorney has done us proud in the way he—

The Hon. C.J. Sumner: What do you think of the Democrats?

The Hon. M.B. CAMERON: I think the same as the Attorney thinks—they do not have a policy. I was surprised to hear the Hon. Mr Elliott say that they have a consistent policy.

Members interjecting:

The Hon. M.B. CAMERON: I must say this carefully—I tend to see the Democrats as a birds and bees, flowers

and trees Party, and the people of the State tend to fly by them. That could well be unfair, but that is how I see them and it is the public image of them. It could be that they do not sell themselves well and that they need training in PR skills. That is the impression I have, especially since the Hon. Mr Milne left the Parliament. He was a man for whom I had considerable respect.

The Hon. C.J. Sumner: He had an interest in South Australia. He had to resign from them in the end.

The Hon. M.B. CAMERON: He had clear roots in South Australia. Out in the corridors hang pictures of his father, great uncle and grandfather. His roots were deep in this State and he understood the Parliament. However, we are not talking about the Democrats tonight. I can see, Mr Acting President, that you are slowly building yourself up to stop me. I do not support the Bill. I agree totally with the Attorney-General that it is designed to kill Roxby Downs. That is the role of the Democrats in this whole project and has been for some time. It is quite clear that during demonstrations at Roxby Downs—

The Hon. C.J. Sumner: Do you think they would introduce it if they had 49 per cent of the vote?

The Hon. I. GILFILLAN: On a point of order, a question and answer session is going on.

The ACTING PRESIDENT (Hon. C.M. Hill): That is not a point of order.

The Hon. M.B. CAMERON: I am happy to answer the questions put to me. It is good practice for three years hence when we will take over the Government benches, with the assistance of the Minister of Health who does his best to ensure that the Government will be defeated. However, that is also irrelevant to the debate. To answer the Attorney-General, this Bill would not have been introduced as it would be too important to the people of South Australia and to those who are out of work. That is what we have to keep in mind. It is all very well being the 'greenies' Party, but one cannot do that in a majority Party. One then has to think of the ordinary people and the economy of the State. We cannot do things required to be done to provide a decent life for the citizens if we do not have the finances to do it. We cannot have public hospitals, the institutions of Government or anything else if we do not have the money.

The Hon. C.J. Sumner: I am not sure that the Democrats want them.

The ACTING PRESIDENT: I must ask the Hon. Mr Cameron to speak to the Bill.

The Hon. M.B. CAMERON: I am speaking to it because Roxby Downs will provide the finance to the State for the very things to which I refer. If you, Mr Acting President, were in my place you would take that same point. In fact, I have heard you argue with the Chair on points similar to that. I am not reflecting on you in saying that, but indicating that often you take strong exception to the Chair trying to direct you when in fact you are speaking directly to the Bill. The Bill is Roxby Downs and Roxby Downs will provide finance for this State and finance gets back to the very things I am talking about—the institutions of the State that the Government and the people require and are asking for. I indicate clear concurrence with the majority of the statements of the Attorney-General and believe that he put the case extremely well and I ask the Council to reject the Bill.

The Hon. I. GILFILLAN: I am not sure to what I am replying. I gather from the flavour of the peroration of the Attorney-General's speech, which should have been more responsible, constructive, and that he seemed to be dwelling entirely on the personality and his perceived ethos of the Democrats and was showing a very cowardly evasion of the issues of the Bill, whereas he should have been provoking a sensible response. I am struck with admiration for both speakers—the Attorney-General and the Leader—in their histrionic ability. It may well happen, the way they are currently speaking, that they will not have a long career here as the State Theatre Company would offer them fat salaries as they have remarkable power of eloquence but they are low in substance and integrity. Their memories are rather short, particularly that of the Attorney-General. When he criticises the Democrats for bringing in a measure attempting to put some degree of responsibility and restraint on the sale of uranium and the countries to which it could be sold, the Labor Party and the people of South Australia turned to us as the staunch defenders of some integrity in the handling and sale of uranium.

The Hon. C.J. Sumner interjecting:

The Hon. I. GILFILLAN: Yes, it does. I put on notice an amendment. I ask you to read it some time. I know you are a busy man, but if you get through them you will find it there. The issue is not the closing down of Roxby Downs, and another lapse of memory—

The Hon. C.J. Sumner: You are joking; that is exactly what it will do. Go and talk to the joint venturers.

The Hon. I. GILFILLAN: —and those who wish to reflect with some accuracy will remember that our first public statements about Roxby Downs were that as a copper mine we had no objection. It was a vast ore body and should be developed in due course. As the Labor Party trenchantly held in those days, uranium was taboo. Because we have held to that line and modified it so that we only restrict it to countries to which it is sold we are attacked. It is stabbing in the back because of guilt—that is what it is. If there were any ethical position in the ALP's current stand we would not be subjected to the diatribe to which we have listened from an unwilling speaker, the Hon. Gordon Bruce, who had words shoved through his mouth reluctantly by some twirp in the Department of Mines and Energy who felt that they had no ethical position but that they would have a go at the Democrats. We expected that this would be the track for the Opposition which suddenly found it had an ally. They have enjoyed this wonderful rapport as they have on other occasions when the major Parties confront an ethical or moral position. The numbers are stacked and there is simply a pure selective air of the Democrats.

Someone on the back bench of the Opposition referred to the consumption of another and more acceptable South Australian product, our red wine, leading to a little intemperate ingredient in the speeches. That may well have been so because the Government is attempting to hide the fact that it is manipulated by the major mining companies at Roxby Downs. Western Mining has a whole lot of neat strings. It pulls one and up jumps the Minister of Mines. It pulls another and up jumps the Attorney-General and what a wonderful blurb he gave. I ask who or what is the paramount authority in South Australia—the South Australian Government or Western Mining?

Members interjecting:

The ACTING PRESIDENT (Hon. C.M. Hill): Order! The honourable member is entitled to be heard in silence.

The Hon. I. GILFILLAN: I extend my heartfelt thanks, Mr Acting President. You, Sir, are probably the only person, apart from the Hon. Mr Elliott, who respects the fact that this is an important subject and not one that should be subjected to vicious innuendo. The point I am making clearly and succinctly is that the Government knows it is intimidated by Western Mining, and Hugh Morgan is a guru. He almost has a Svengali effect on the South Austra-

lian Government. He hypnotises the Minister and the department and they trot off and give him all that he wants in regard to Roxby Downs.

What is more, Mr Acting President, watch what happens at Kingston, which was a finished issue. The Liberal Opposition knew, and this is where it showed some responsibility and integrity, that it would have been the height of irresponsible mining in South Australia to allow the rupture of those water tables in the South-East at Kingston. Yet Western Mining keeps coming back again and again, because their people know that they have friends in high places in the South Australian Government and that if they keep pushing hard enough and threaten a little bit, and if there is the lure of what might be political bribery by way of money coming into the State, they will get their way.

I think that the reason why the poor, innocent, inoffensive, diminutive Democrats are subjected to this vicious line of abuse is guilt and an attempt to protect their flanks from what are very trenchant criticisms made by the Democrats, who are, in fact, the voice of conscience of the Labor Party and the Labor Government.

It is with complete certainty and complete confidence that I say that the words that we have spoken in this place today apropos of Roxby Downs, the sale of uranium and dealing with Western Mining, is the voice of a very large section of the Australian Labor Party, many of whom are elected to this very Chamber, and certainly more in the other Chamber. The issue is far from dead.

One way of attack is to try to stop the mouth of conscience; that is why the Attorney has been—may I use the word—bellowing. It was very indicative of what his target was. Can you remember, Mr Acting President, how many times he referred a remark to you as the Chair? Never. As soon as we appeared, the poor, innocent, defenceless Democrats, he swung with full volume and venom on two poor human beings who are attempting to be the defenders of integrity in South Australia. I make the point, finally, in rebutting what the Attorney rather flatteringly said would be a speech in reply, although there was nothing to reply to—

The Hon. C.J. Sumner: You were not here.

The Hon. I. GILFILLAN: I know what they have been shouting because they have been parroting it over and over again: 'You cannot change the indenture.' What happened before Christmas to the Gas Supply Act? In came an indenture to change the legislation. We snapped it over and this Council imposed, mandated a price on the producers for their product. Mandated a price! If that is not an intrusion into indenture, this holy ground that the Government now that it suits them (or suits Western Mining) to change this holy writ, something that came down from Mount Sinai. It is a complete corruption of the integrity and sovereignty of a State Government that it will stand and say that an indenture is inviolable and will not be changed and that if we change part of it these people will take their bat and ball and leave the State.

It is an absolutely idiotic bit of logic and, unfortunately, is the only 'defence' that the Government has got. The Hon. Mike Elliott and I can predict the result: it is unlikely that we will win the vote on this matter. But I cannot be sure about that, but in due course, with supervision from the Chair, we will test this matter. I urge honourable members to see the wisdom of the Bill before us and support the second reading.

Second reading negatived.

OMBUDSMAN ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Ombudsman Act 1972. Read a first time.

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

That this Bill be now read a second time:

It provides that any body which is created under an Act of Parliament may be declared to be an 'authority' for the purposes of the Ombudsman Act. This will enable the Ombudsman to conduct an investigation into the administrative acts of any such declared body. The existing definition in the Ombudsman Act of 'authority' restricts the Ombudsman to inquire only into the administrative acts of bodies which are created by an Act only and does not extend to those created by a statutory instrument.

The Bill will enable such bodies as public hospitals, health centres and other statutory bodies which have been created by proclamation or other statutory instrument to be declared as authorities as may be necessary for the purposes of the Ombudsman Act. The beneficial objective and remedial purpose of such extension to the Ombudsman's jurisdiction will be the provision of an independent and impartial process for investigation of any matter of administration on the part of such bodies. I seek leave to have the explanation of the provisions of the Bill inserted in *Hansard* without my reading it and indicate that in respect of clause 4 there are also some other amendments to the principal Act that are being made in conjunction with the proposed reprinting of the Act. The proposed amendments are contained in a schedule to the Bill, and in most cases either eliminate unnecessary or outdated material or revamp provisions so that they accord with modern drafting practices.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides for a new definition of 'authority' for the purposes of the Act. The new definition makes reference to bodies created under an Act and declared by proclamation to be authorities for the purposes of the Act.

Clause 4 provides for various other amendments to the principal Act that are being made in conjunction with the proposed reprinting of the Act. The proposed amendments are contained in a schedule to the Bill and in most cases either eliminate unnecessary or out-dated material or revamp provisions so that they accord with modern drafting practices.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

COMMERCIAL AND PRIVATE AGENTS BILL

In Committee.

(Continued from 28 October. Page 1505.)

Clauses 2 and 3 passed.

Clause 4—'Interpretation.'

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

Page 2, lines 22 and 23—Leave out all words in these lines.

The Attorney-General gave a response to a number of questions which I asked in the course of the second reading debate on this Bill and, whilst most of them clarify the

matters that I raised, there are several that are still in what I would class as the grey area. However, I do not propose to deal with those matters in detail. The two matters of most significance concern the definition of 'agent' and the definition of 'commercial agent'. The definition of 'agent' at paragraph *(b)* (x) allows the Government to prescribe additional functions, which may bring persons exercising those functions within the definition of 'agent' and therefore require them to be licensed. The same applies with the definition of 'commercial agent', because the same provision allows the Government to prescribe, by regulation, functions which are not in the contemplation of the definition at present but which would allow the Government to extend the ambit of this legislation to include persons who are not presently required to be licensed.

I have a real concern about any Government exercising a power of legislating (broading the ambit of a statute) by regulation—and that is what this does. It sets out specifically those persons who are required to be licensed, both as agents and commercial agents. Although from time to time there may be persons, such as those who have a para-police role, who it is felt should be covered by the legislation, that ought to be subject to a conscious decision of the Parliament and not a decision embodied in a regulation which comes before the Parliament only by way of a motion for disallowance. Whilst a regulation is convenient and can be prepared quickly, I would suggest that, if a person exercising a particular function, not presently encompassed in the definitions, is deemed to be a person who ought to be licensed, then that really ought to be a matter for Parliament and not for the Executive.

There does not seem to have been any great difficulty in the past with the 1972 Commercial and Private Inquiry Agents Act. It has been amended on several occasions, as was indicated at the second reading stage. It was amended substantially in 1978. If loopholes appear from time to time, why not bring a statute back to Parliament. That is the place to do it. So, I have a very strong view that the definitions ought not to be extended by regulation but ought to come back to this Parliament for decision. It could mean of course that anybody, even those not remotely covered by the present definition of 'agent', could be required to be licensed, if they provide some service. That seems to me to be drawing a very long bow for this legislation, and I do not believe that it ought to be approved by Parliament. Accordingly, my amendment removes from any Government of the day the power to prescribe by regulation persons performing functions other than those already specified in the definitions. As I have said, if others are to be included in the licensing and disciplinary provisions of the legislation, that ought to be done by a separate amending statute.

The Hon. C.J. SUMNER: What the honourable member says has some superficial attraction.

The Hon. K.T. Griffin: Substantial attraction.

The Hon. C.J. SUMNER: Well, the honourable member can interject. The only reason for this regulation-making power is so that the public interest can be protected quickly, if it needs to be protected quickly. The problem is that there are things that can be done by various people that may affect the security of houses or businesses but which do not come within the present definition of 'agent'. I mentioned a couple of examples in my explanation last evening. I pointed out the instance not covered by legislation at the time of guard dogs being trained and sold to people, having been trained for the purpose of being docile when certain people entered the premises. The legislation did not cover that at the time when that practice was found to be occurring. So, there was no way that disciplinary action could be taken against people who were training dogs in that way. Also, in the past there have been problems with security alarm installers. They are now covered by this legislation.

I suspect that in future there may be other activities arising that do not come within the strict definition of 'agent', and that may affect the security of premises. If a practice of that kind is found, if the honourable member's amendment is passed, then the capacity for the Government to act quickly in the public interest is severely curtailed. So, that is the reason for having an activity of a prescribed kind included in the definition of 'agent'. It is so that the Government can act quickly if in the public interest action must be taken in relation to a practice which has arisen but does not come within the existing legislation and which may have potentially bad effects in terms of the security of people's property and premises. I would concede I think that the prescription by regulation of certain activities as those coming within the definition of 'commercial agent' is less compelling than those coming within the definition of 'agent' generally, which includes all those security orientated activities. So, the honourable member's amendment has some superficial attraction.

If support is found for his position, and if we find that when Parliament is not in session one of these activities occurs and the Government cannot act, we will blame the honourable member, but I suppose that that is not much consolation to the people who may have their homes burgled or their premises or person violated in some way. I ask the Committee to maintain the provision as contained in the Bill.

The Hon. K.T. GRIFFIN: The Attorney-General's argument is superficially attractive, but it misses the real point, which is that the ambit of this legislation, with all its licensing requirements, its penal provisions and the obligations which are placed on individuals who are required to be licensed, is to be extended by regulation to include people who are not at present subject to the licensing requirements, obligations and penal provisions. The executive arm of the Government is able, by regulation, to extend it by the stroke of a pen. As a matter of principle, I find that objectionable.

The Attorney-General suggests that if, when Parliament is not in session, some function suddenly comes to light which ought to be proscribed, the Government will not be able to act for two, three or four months until the commencement of the next session, but I suggest to the Attorney-General that it is very rare for something to crop up as quickly as that. If there is a practice that is undesirable, it usually comes to the notice of the authorities over a period of time and that is the time within which action can be taken. The Attorney-General knows as well as I do that, if an amending Bill is required, and if Parliament is in session, it can be introduced into Parliament within a period of 24 hours. I know also that one can enact a regulation very quickly, but I suggest that in real life it will always take some months before either a regulation is enacted or an amendment to the Bill is introduced to Parliament.

The problem of dogs being trained to be docile in the presence of a particular trainer was mentioned, but that has been common knowledge for quite some time. It is not knowledge which has come to light in the past few weeks and which has prompted the Attorney-General to put this in the Bill.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: I am referring to your example. The fact is that it did not come to light and require action within a matter of days. The Bill was introduced in February or March and, quite reasonably, lay on the table to enable

public consideration of it. It is now five or six months since the Bill was first introduced. There has been no great urgency about it and there has been no great problem with that matter.

The Hon. C.J. Sumner: That is covered already by the existing legislation. It was just given by way of example—the sort of thing that can arise.

The Hon. K.T. GRIFFIN: Even in relation to the other legislation it was not discovered one day and introduced by way of amendment the next day. A long period elapsed. In regard to people who install alarm systems, that problem has been around also for a long time. It is not something which, on the basis that it is so crushingly urgent, had to be introduced immediately. The same can be said for those persons who exercise a para police role; that matter has been around for a long time. Again, it is not something that the Government has suddenly decided ought to be remedied. Time has elapsed and we have been able to give consideration to it in this legislation.

There is no persuasive argument in favour of allowing the ambit of this legislation to be expanded by executive acts through regulation. If the ambit is to be broadened, the normal and proper democratic process is to introduce legislation into Parliament. I urge members of the Committee to support my amendment on that matter of principle and not to be persuaded by the superficial arguments of the Attorney-General.

The Hon. I. GILFILLAN: Superficial or otherwise, I usually pay proper respect to the Attorney-General's argument, but it seems that, if we allow 'a function of a prescribed kind' to fit into this, why list any of them? Why not leave it to the whim of the Government of the day? It has been the practice of the Democrats to object to this sort of arbitrary power of the Government to add to these various things wherever they crop up in legislation and I expect that we will continue to do that, regardless of who is in power. Goodness knows who might be in power in due course. If other exigencies are to be covered in this legislation, now is the time for the Attorney-General to use his fertile imagination and to think of them and have them included in the legislation. He may have a few extras. I support the argument of the shadow Attorney-General that paragraph (x) should be deleted.

Amendment carried.

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

Page 2, lines 41 and 42—Leave out all words in these lines.

This amendment seeks to achieve exactly the same thing as that amendment which has just been carried.

The Hon. I. GILFILLAN: I support the amendment.

Amendment carried.

The Hon. K.T. GRIFFIN: I raise one question relating to a matter of drafting. On page 3 in the definition of 'trust money' there is reference in the last line to money received 'to which the agent is not wholly entitled at law and in equity'. I query whether it should be 'at law or in equity' so that they are in the alternative. My understanding is that the two more happily can be dealt with separately rather than conjointly.

The Hon. C.J. SUMNER: I prefer the advice of Mr Geoff Hackett-Jones, Q.C., to the advice of the shadow Attorney-General. This is a negative notion. Money received is money to which the commercial agent is not wholly entitled. He has to be not wholly entitled at both law and equity. Because it is a negative notion we have to refer to both law and equity as being the correct formulation.

Clause as amended passed.

Clause 5 passed.

Clause 6—'Exemptions.'

The Hon. K.T. GRIFFIN: Is there any intention at this stage to exempt a specified person or class of persons, or transaction or class of transactions from compliance with the Act or any provision of the Act? If there is, what is being contemplated?

The Hon. C.J. SUMNER: There is no intention at this stage to exempt anyone. Loss adjusters were to be exempted, but that is now provided for in the Bill.

The Hon. K.T. GRIFFIN: Are there any current exemptions under the Act and, if so, what are they?

The Hon. C.J. SUMNER: On 24 February 1983 there was the following exemption, by proclamation:

. . . Associated Grocers Cooperative Limited and its employees.

1. Exempt Associated Grocers Cooperative Limited . . . from section 14 of the Commercial and Private Agents Act . . . in respect of the licence categories of inquiry agent and security agent to the extent specified in paragraph 3 hereof.

2. Exempt each employee of the cooperative who is licensed as a store security officer from section 14 of the Commercial and Private Agents Act . . . in respect of the licence categories of inquiry agent and security guard to the extent specified in paragraph 3 hereof.

3. The exemptions referred to in paragraphs 1 and 2 hereof shall apply only to the extent that the cooperative acts as an inquiry agent or a security agent and the employees of the cooperative act as an inquiry agent or a security guard for or on behalf of a shareholder of the cooperative.

On 17 January, 1974, there was the following exemption:

. . . Exemption of certain officers of Royal Automobile Association of South Australia Inc. from licensing under the Act . . . hereby exempt from licensing under the said Act those officers of the Royal Automobile Association of South Australia Inc., whose duties and functions do not include:

(a) the investigation of any loss or injury arising from the use of a motor vehicle;

(b) the assessment of any pecuniary compensation or damages likely to be awarded in respect of any such loss or injury;

or

(c) the making, commencing, resisting, negotiating, compromising or settling of any claim in respect of any such loss or injury

—for or on behalf of any person carrying on the business of insurance.

The Hon. K.T. Griffin: Will they be continued?

The Hon. C.J. SUMNER: Yes, if they need it.

Clause passed.

Clauses 7 to 12 passed.

Clause 13—'Duration of licences.'

The Hon. K.T. GRIFFIN: This clause among other things, requires the payment to the Registrar of a prescribed annual licence fee. What is that licence fee likely to be?

The Hon. C.J. SUMNER: I cannot say at this stage. Apparently, it has not been adjusted since 1983, so some adjustment may be necessary. The object is at least to cover the cost of administration.

The Hon. K.T. GRIFFIN: What is the present licence fee and in the case of the body corporate is the fee payable both by the body corporate and each of the employees who are licensed under this Bill?

The Hon. C.J. SUMNER: The annual fee payable for each category of licence under the Act is as follows: commercial agents, $75; commercial subagents, $35; inquiry agent, $75; loss assessor, $75; process server, $75; security agent, $75; security guard, $30; and, store security officer, $30. That applies to corporations as well as to individuals.

The Hon. K.T. GRIFFIN: I am concerned about subclause (8). I do not intend to vote against it as it has been debated on another occasion in relation to both builders licensing legislation and travel agents legislation in the session earlier this year.

Clause passed.

Clauses 14 and 15 passed.

Clause 16—'Tribunal may exercise disciplinary powers.'

The Hon. K.T. GRIFFIN: I have some concerns, particularly about subclause (10), but do not intend to dissent from the clause on this occasion, as I recognise that the issues have been debated in respect to those two earlier Bills last session. I still believe there are problems with the subclause and injustices are likely to arise. The issue having been resolved, I merely place that concern on the record.

Clause passed.

Clauses 17 to 25 passed.

Clause 26—'Excessive charges may be reduced by the tribunal.'

The Hon. K.T. GRIFFIN: This clause relates to excessive charges. The Attorney-General has replied in relation to my earlier comments in the second reading debate. I take it that it is proposed that the scale of fees be promulgated by regulation after consultation with those who represent various persons who may be licensed or be liable to be licensed under the Act. Is that the position?

The Hon. C.J. SUMNER: Yes, that is the case for commercial agents.

The Hon. K.T. GRIFFIN: But not for anybody else? Does that mean that, if the clause is only to be applied to commercial agents at this stage, in respect of all other agents required to be licensed under the Bill the tribunal might periodically review the fees charged? If that is the case what are the criteria likely to be applied? By what standard will the reasonableness or otherwise of fees be judged?

The Hon. C.J. SUMNER: The honourable member is correct. The problem has been with commercial agents and that is why they will be dealt with by regulation. With respect to others, if there were individual cases of excessive charge the person aggrieved by that excessive charge could apply to the tribunal to have it reviewed under clause 26. I cannot imagine that that would be a frequent occurrence. If it were, then clearly it would be a case of stepping in and providing some scale of charges for other than commercial agents.

Clause passed.

Clause 27 passed.

Clause 28—'Trust accounts.'

The Hon. K.T. GRIFFIN: I made the point in an second reading that when we were dealing with travel agents there was some debate whether or not they should have trust accounts. That ultimately was not proceeded with by the Parliament after it had been initially carried in this Chamber. In this instance we have trust accounts being required to be kept by commercial agents who, I suggest, would not have anywhere near the amount of money passing through their hands as travel agents have.

Whilst I do not disagree with the concept of commercial agents being required to keep trust accounts, I merely make the point that there seems to be an inconsistency in the way in which the Government treats these two different bodies of people, travel agents on the one hand and commercial agents on the other, both of whom handle money for members of the public.

The Hon. C.J. SUMNER: First, there are provisions for trust accounts in the existing commercial agents legislation. There is not in travel agents. The second point is that the travel agents' scheme is a uniform scheme throughout Australia. The third point is that with travel agents there is an indemnity scheme, a compensation fund to be established and there would be additional resources required to administer trust accounts for travel agents and therefore, in addition to the impositions on industry, in respect of the licensing system and the compensation system, with travel agents there would be the additional imposition of a trust account when the experience in New South Wales is that they have not worked. Furthermore, commercial agents are carrying money and transferring money about which there may well be a dispute and that seems to me to be a further reason for the need for trust accounts. All I can say is that there are different circumstances in each industry.

Clause passed.

Clauses 29 to 39 passed.

Clause 40—'Form of letters of demand.'

The Hon. K.T. GRIFFIN: Although this matter was raised by me during the course of the second reading debate and the Attorney-General provided some information in reply, I would like to get clear exactly what the Government envisages in dealing with letters of demand by commercial agents. Is the Government going to identify a particular pro forma letter by regulation or, if not, establish certain criteria and, having established the criteria by regulation, then allow letters of demand to be made without requiring approval to be sought from the commercial tribunal? Will the Attorney-General give some indication of the mechanisms that are likely to be in operation in regulating these letters of demand.

The Hon. C.J. SUMNER: The intention is to have a code of practice to be developed in conjunction with industry as to what is appropriate for letters of demand. That will not be the precise form of the letter, but the principles of the letter. Those people wishing to use them will be required to produce a letter which complies with that code of practice and which would then be approved by the tribunal.

The Hon. K.T. GRIFFIN: I am not sure that that is what the clause provides. Subclause (1) requires a letter of demand to be approved either before or within 14 days after it is used first by a commercial agent. In subclause (2) it says that a form of document or letter approved by the tribunal under subsection (1) shall be deemed to comply with any provisions as to the form of document or letters of demand contained in a relevant code of practice prescribed by regulation. That seems to me to say that if it is approved by the tribunal it is then deemed to be consistent with the relevant code of practice prescribed by regulation.

It does not say the converse. It does not say that if it complies with the code of practice that it then does not have to be approved also by the tribunal. It seems to me that it does not deal with the situation where a commercial agent, for example, can write a letter of demand which is consistent with the code of practice without also having to have it approved by the tribunal. In all respects, on my interpretation of clause 40, it has to be approved by the tribunal whether or not it conforms with a code of practice. That is different from what the Attorney-General just suggested to me, as I recollect it.

The Hon. C.J. SUMNER: The bottom line is that it has to be approved by the tribunal.

The Hon. K.T. Griffin: In all instances, even if it complies with the code of practice?

The Hon. C.J. SUMNER: Yes. That was the general consensus and view of the working party. It was perceived that this was a major area of concern and this was the way developed of dealing with it. I suppose that if the honourable member wanted to say that if a complaint was raised the individual using the letter of demand could use compliance with the code of conduct as a defence then that is another approach to the matter. However, it has been drafted in this way, I understand, because of the major concern that existed about these letters.

The Hon. I. GILFILLAN: As someone reading this from a lateral point of view, my understanding is that there are two options, one that the form can be approved by the

tribunal or a form which has not in fact been approved directly by the tribunal but is assumed to have complied with the code, according to subclause (2). I am not sure whether that is the intention of the drafting, but my reading of it is that, if every document is to be approved by the tribunal, subclause (1) *(b)* does not necessarily oblige the commercial agent to have had that form approved by the tribunal.

The Hon. C. J. Sumner: It has to be lodged with him.

The Hon. I. GILFILLAN: It says 'lodged with the Commissioner'. Is that the same as the tribunal?

The Hon. C.J. SUMNER: Not precisely. The end result is that a document has to be lodged with either the tribunal or the Commissioner. One cannot proceed with a letter or document of demand unless it has somehow or other been lodged with an authority. In one case it can be approved by the tribunal and in another case it can be lodged with the Commissioner. If the Commissioner is not happy, he can apply to the tribunal to have, presumably, the commercial agent called before the tribunal to answer why the letter did not comply with the code of practice.

Clause passed.

Remaining clauses (41 to 54), schedule and title passed.

Clause 13—'Duration of licences'—reconsidered.

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

Page 7, lines 39 and 40—Leave out '28 days' and insert 'six months'.

This clause deals with the duration of licences and I indicated that I had raised an issue in relation to subclause (8) in previous legislation—relating to builders licensing in particular—and that I had lost that battle. But the Attorney-General very kindly indicated to me that I was mistaken, that I had not lost the battle, and on checking the Builders Licensing Act that passed the Legislative Council I note that where a person carrying on a business in pursuance of a licence dies then the personal representative of the deceased or some other person approved by the tribunal may continue to carry on the business for a period of six months and for such period and subject to such conditions as the tribunal may approve. This Bill specifies 28 days. My argument on the previous occasion was that 28 days is an unreasonably short time within which the personal representatives of a deceased licensee are able to get some of the licensee's affairs together—in dealing with a grant of probate and a variety of other matters to enable an application to be made for approval to continue the business. The Council, by majority, did agree to the extension of that period from 28 days to six months. Accordingly, I seek the support of the Committee for my amendment.

The Hon. C.J. SUMNER: I oppose this amendment, although as the honourable member has pointed out, six months is provided for in the Builders Licensing Act and the Travel Agents Act. I think it is too long a period. I think it is easy enough, even within 28 days, for a person to get the approval of the tribunal to continue the business. It is not necessary to get probate within 28 days. It is important that the public know who is running the business, following the death of a licensee. I think it is important that as soon as possible the tribunal and the public should know who is running the business. The proposition put forward by the Hon. Mr Griffin is that the public and the tribunal do not know for up to six months, and anything could happen in that time. There might be someone who is quite unsuitable running the business. I strongly opposed the six month proposition previously, but the Democrats in their—

An honourable member: Wisdom!

The Hon. C.J. SUMNER: No, no—in their usual perversity supported the Hon. Mr Griffin. All I can say is that the six months provision is quite wrong. When a problem arises in relation to someone trading for six months after the death of a licensee, a person who as it turns out does not have the qualifications or is not able to carry out the business properly, I will direct my attention to honourable members in this Chamber.

The Hon. I. GILFILLAN: The Democrats did support, and I think correctly, the extension of time in relation to the Builders Licensing Act. The activity of building and that in relation to commercial agents and other factors covered here are somewhat different. Upon mature deliberation (that we give to these matters) we consider that the instances are not completely identical, and although the shadow Attorney felt that they were identical, they are not, as the two activities are different. The building industry is subject to outside surveillance; it must match certain standards and the normal projects can be expected (certainly in my experience) to take probably well up to six months.

I think that in those days the reason for the Attorney-General's objection was more as a result of pique at finding that what he wanted was frustrated by the wisdom and debate in this Council. However, in time the roles reversed and we accept that it is reasonable that the period be 28 days, because the tribunal has the option to extend that period and we trust that it will make the right judgment, so we oppose the amendment.

The Hon. K.T. GRIFFIN: I suggest that there is no difference between the builders licensing area and this area. The point I made on another occasion was that it will most frequently take more than 28 days to get a grant of probate of a deceased licensee's will or a grant of letters of administration. If there is no grant of probate or grant of letters of administration of the deceased's estate, there is no-one with authority to apply to the tribunal. If the beneficiary is not in a position to apply quickly (as generally they will not be) to the tribunal for approval of some person to carry on the business, this clause makes it very difficult for them to carry on and to maintain the business. I suggest that there is no difference between this and building. There are more likely to be greater problems with building than with commercial or other agents covered by this Bill and there is surveillance from the department as there can be by inspectors. All of the powers of inspection and investigation applying to a licensee continue to apply, whether it is 28 days or six months. I am rather surprised that the Democrats take that view, because I suggest that there is no difference.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

GOODS SECURITIES BILL

In Committee.

(Continued from 24 September. Page 1133.)

Clause 2 passed.

Clause 3—'Interpretation.'

The Hon. K.T. GRIFFIN: My amendment on file seeks to delete paragraph *(a)* of the definition of 'prescribed goods'. At the moment paragraph *(a)* provides:

A motor vehicle registered under the Motor Vehicles Act, 1959, or a motor vehicle that has been so registered but is not currently registered under that Act or under the law of another State or a Territory of the Commonwealth.

My amendment on file seeks to insert a new paragraph *(a)* so that 'prescribed goods' means a motor vehicle currently

or previously registered under the Motor Vehicles Act 1959, or the law of another State, or a Territory, of the Commonwealth. It seems to me that that is a more appropriate way of developing the definition of 'prescribed goods', because it means that any vehicle that comes into South Australia, or even a vehicle outside South Australia for the purposes of registration in South Australia, can be covered by the provisions of this Bill.

I know that the Attorney-General said in his reply in the second reading debate that, if we sought to broaden the scope of the definition of 'prescribed goods', there would be difficulties with other States, but I suggest that my proposed amendment does not create the sort of problem that has been envisaged. The present definition in paragraph *(a)* is very restrictive and I suggest that it excludes certain vehicles, particularly those which might be registered in another State and brought across the border for sale in South Australia, but for which South Australian registration has not been effected. In those circumstances, if the prescribed goods come across the border into South Australia, they would not meet the definition in paragraph *(a)* and therefore there could be no registration of any security interest until the vehicle was registered in South Australia under the Motor Vehicles Act 1959. It seems that that leaves a hiatus which is inappropriate and which ought to be covered. My amendment adequately covers that.

The Hon. C.J. SUMNER: This amendment is not acceptable. Such an amendment would be an appropriate part of a truly national system but, as yet, we do not have such a system and we cannot get one for some time, even if Queensland and Western Australia soon introduce similar legislation.

It has not yet been possible to get agreement amongst the States either as to details of the law or as to procedure and administrative matters which would allow a national system, necessarily computer linked, to be set up. Work towards a national system is continuing. The honourable member's amendment would create more problems than it would solve. If there are financial interests in a vehicle, the interests being registered in Victoria and South Australia, it would set up 'in dispute' situations, choice of law and other conflict of law problems.

As mentioned in the second reading debate, the holders of interstate financial interests will not be entirely unprotected if the vehicle is brought to South Australia and reregistered here. Work is continuing on developing a system to notify the holders of interstate registered interests when a vehicle is transferred to South Australia. They will then have an opportunity to reregister their interest on the South Australian register. It is agreed that this is less easy than a national system, but it is the best we can achieve at present. It is better than the present position, and I believe that it would generate fewer problems than the proposed amendment.

The Hon. K.T. GRIFFIN: Is the Attorney-General saying that the register as proposed will cover all vehicles registered under the South Australian Motor Vehicles Act and motor vehicles which have been registered here but which are now registered in other States, or am I misinterpreting his reply?

The Hon. C.J. SUMNER: The definition of 'prescribed goods' provides that we are talking about motor vehicles registered under the South Australian Motor Vehicles Act 1959 or a motor vehicle which was at one time registered under that Act but which is not currently so registered—in other words, a vehicle that is off the road. It covers those vehicles which are registered in South Australia and those which have been registered in South Australia, but it does not cover interstate vehicles.

The Hon. K.T. GRIFFIN: So, vehicles that are situated in South Australia and not registered under the Motor Vehicles Act, and have never been registered under that Act, such as off-road vehicles (in relation to which there may not be a requirement to register), are not included in this scheme. Anyone who takes security over them will have to ensure that a bill of sale, for example, is registered or that the provisions of the Consumer Credit Act apply. If the vehicle is owned by a company, a charge will have to be registered at the Corporate Affairs Commission.

The Hon. C.J. SUMNER: That is correct at present.

The Hon. K.T. GRIFFIN: I put my amendment on file, because I wanted clarification of the position. I certainly do not want to create problems with the other States in terms of the ambit of this legislation, and therefore I will not move my amendment. We will explore the consequences of the implementation of the legislation over a period and hope that a uniform scheme will ultimately be adopted throughout the Commonwealth.

The Hon. C.J. SUMNER: I will withdraw my amendment, as it is not necessary.

The Hon. K.T. GRIFFIN: I asked whether there should be a definition of 'goods lease' under the definition of 'security interest'. The Attorney said that it is his view that that definition is clear enough, but I suggest that there is some doubt about it. I will not press the point, but I put on record that 'goods lease' should be defined. If it is not, at some time in the future there may be an argument about that description.

Clause passed.

Clause 4—'The register.'

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

Page 3, line 9—Leave out 'as the Registrar thinks appropriate' and insert 'as may be prescribed'.

This amendment is based on the same principle as an amendment that I moved to another Bill that was before the Council this evening. It requires that certain information be prescribed by regulation rather than leaving it to the discretion of the Registrar. Clause 4 deals with the establishment of the register, which is to contain such information as is required to be entered in the register by this Act and such other information as the Registrar thinks appropriate. It seems to me inappropriate that the Registrar may require information that may not be consistent with the obligations placed on the person seeking registration. If clear, consistent and uniform guidelines are established by regulation, it will be much clearer for everyone.

The Hon. C.J. SUMNER: I do not oppose the amendment.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—'Change of particulars.'

The Hon. K.T. GRIFFIN: The Attorney-General has already responded to the matter I raised during the second reading debate concerning variations, but I am still a little concerned about priority in relation to variations of the particulars of registration of the security interest. I accept what the Attorney said—that this is to some extent experimental and that the problems must be worked out as they are identified. However, I have some concerns about the relationship between registered security interests and variations and the extent to which those variations may affect priority. I do not at this stage have a proposal to clarify it further, but hopefully that can be kept under review as this legislation is implemented.

Clause passed.

Clause 7—'Cancellation of registration.'

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

Page 4, lines 4 to 7—Leave out subclause (4) and insert:

(4) It is a defence to a charge of an offence against subsection (3) to prove that the defendant—

(a) was not immediately aware of the discharge of the security interest;

and

(b) within 14 days after becoming aware of the discharge, made application for the cancellation of registration.

Clause 7 provides that it is an offence for the holder of a registered security interest to fail to apply for cancellation of registration of the interest within 14 days after discharge of the interest. Subclause (4) provides that it is a defence to prove that the failure is not attributable to any lack of proper diligence. Representations relating to the clause have been received and after further consideration it is thought that the defence may not be adequate in circumstances where the holder is not immediately aware of the discharge of the interest, for example, where the security interest is discharged under section 11 because the goods have been sold by a dealer or because the Registrar has issued an erroneous certificate in relation to the goods. The amendment provides that it is a defence to prove that the defendant was not immediately aware of the discharge of the security interest, but within 14 days after becoming so aware made application for cancellation of registration.

The Hon. K.T. GRIFFIN: I support the amendment. It is certainly clearer than what is in the Bill and is less likely to create problems for defendants than the provision in the Bill. I therefore support it.

Amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9—'Certificate of registered security interests.'

The Hon. K.T. GRIFFIN: I am not proposing any amendment to this clause and understand the reasons why the Attorney-General is not proposing a scheme requiring the lodgement of the whole security document for public scrutiny but really is relying on a certificate of registered security interest. That still has problems in it. If there is to be a register, which is to affect the question of priorities, the document under which the priority is sought ought to be produced when notice of the registration is given and the actual interest registered. There ought to be public scrutiny of that document because of the possible consequences which might flow if full access to the security document was not granted.

In his reply the Attorney-General said that this was really designed to alert a person to the existence of an interest in prescribed goods and then a request can be made to the holder of the security interest to give access to it. The difficulty with that is that there is no obligation on the holder of the security interest to disclose the details of the security interest or even produce the document creating the security interest for scrutiny. I suggest that there is a deficiency there and perhaps there ought to be an obligation placed on the holder of the security interest to make the document available for scrutiny by a person with a legitimate interest in it. Unless that is placed in the statute the suggested follow up by the Attorney-General by a person who has obtained a certificate of a registered interest would come to no effective result.

I raise that in the hope that the Attorney-General might be able to give further consideration to the need either to provide for production of all documents on registration or at least some statutory entitlement to a person wishing to obtain information about a security document, having obtained a security interest, so that the access can be made fully and freely available.

The Hon. C.J. SUMNER: I do not accept that the concerns raised by the honourable member are valid. First, to require the registration of lodgement of the security document seems to lead to unnecessary bureaucracy, to say the least. It would add substantially to the bureaucratic requirements of this legislation. It is, after all, designed to put people on notice if there is a security interest over a motor vehicle. Once they have that notice they are then able to approach the person dealing with the motor vehicle to see whether they are prepared to reveal the details of that security interest. If they are not, then presumably the prudent purchaser would not deal with them any further.

If the vendor wishes to actively sell a vehicle on which there is still a security interest undischarged, presumably it is in the interests of the vendor to give the details of that security interest to the person with whom he wishes to deal, whether it be a purchaser or another finance company from whom he may wish to raise money. It would seem that, if the person who wishes to raise money on the motor vehicle wants to proceed with the transaction he will have to disclose the interest to the purchaser or the finance company to which he is applying. If he does not, then a prudent finance company or purchaser will not have anything more to do with him.

Clause passed.

Clause 10 passed.

Clause 11—'Discharge of security interests.'

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

Page 5, line 36—Insert 'in respect of the goods' after 'discharged'.

This amendment is in response to the comments of the Hon. Mr Griffin that clause 11 (1) may result in the discharge of the whole of a security interest on the sale of prescribed goods subject to the interest—that is, if the interest covered goods other than prescribed goods it would also be discharged in relation to those goods. It is by no means clear that the clause would be interpreted in that manner. To put the matter beyond doubt the amendment expressly limits clause 11 (1) to the discharge of the component in respect of goods.

Amendment carried; clause as amended passed.

Clause 12—'Order of priority.'

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

Page 7—

Line 1—Leave out 'subsection (2)' and insert 'section 11 (2)'.
Lines 3 to 6— Leave out subclause (2).
Line 7—Insert 'and section 11 (2)' after 'subsection (4)'.
Lines 22 and 24—Leave out subclause (8).

After consideration of representations received from the Law Society, and the general review of the priorities leading to the Bill it is thought desirable to remove subclauses (2) and (8) of this clause. The amendment will ensure that credit providers can rely on a search of the Goods Securities Register as a guarantee of priority over interests not disclosed through the search. If subclause (8) is given precedence over clause 11 (2), credit providers will be required to conduct duel searches of the Goods Securities Register and the Register of Charges under the Companies Code. It is not required of consumers purchasing goods and is impractical due to the mechanics of the companies register. Removal of subclause (8) will place registered charges in the same position as a registered Bill of Sale.

Removal of subclause (2) will ensure that a credit provider will not lose priority to the holder of an unregistered security interest who repossesses goods after the credit provider has acquired an interest in the goods but before that interest has been registered. The subclause was included in the Bill to parallel Victorian proposals. Its removal is consistent with the underlying principles of our Bill, and in this context can be removed without undue hardship to any person. The remaining amendments to the clause make clear

that subclauses (1) and (3) of clause 12 are subject to clause 11 (2).

The CHAIRPERSON: The Hon. Mr Griffin has an amendment on file at line 18 which comes half way through the series of amendments moved by the Attorney-General. Does the honourable member wish to proceed with that amendment?

The Hon. K.T. GRIFFIN: Yes, I do. This amendment is unrelated to the questions of priority to which the Attorney-General has referred. I support the amendments that he has moved because they do clarify the questions of priority that I raised during the second reading stage. I will mention my amendment and formally move it at the time that you are putting various amendments.

My concern was that in relation to variations dealt with in subclause (7) of clause 12 there is a reference to debts or other pecuniary obligations not contemplated in earlier particulars. It seemed to me that that was very wide and might involve a debate as to what was in contemplation and that the preferable word was 'included', so that that would clearly identify the debts or other pecuniary obligations which, in fact, have security.

I think that it is important that that point be clear, and that the change of word from 'contemplated' to 'included' would certainly do that. I think that the word 'contemplated' has a certain vagueness about it, which might promote discussion and even litigation in some instances, where the word 'included' would not have that same element of vagueness about it and the ambit is quite clear. At the appropriate time I will move that amendment.

The Hon. C.J. SUMNER: That is not acceptable. The concern is that the honourable member's amendment does not really add much to the drafting of the Bill as expressed at present and, in fact, may detract from what is intended. The Government believes that the word 'contemplated' is preferable drafting. A later advance under an interest which is clearly contemplated, if the possibility of it is referred to in the initial particulars, might be thought by some people not to be included in those particulars until such time as it is specified. If this was so, it would get a lower priority. On balance, the Government prefers to avoid the argument by using the word 'contemplated'.

The CHAIRPERSON: I put the first three parts of the Attorney-General's amendments in relation to lines 1, 3 to 6, and 7.

Amendments carried.

The CHAIRPERSON: At line 18 is the Hon. Mr Griffin's amendment.

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

Page 7, line 18—Leave out 'contemplated' insert 'included'.

I will not go to the barricades over the change of words. I think that my proposal is less likely to create uncertainties than the Attorney's.

Amendment negatived.

The CHAIRPERSON: I now put the amendment by the Attorney-General to leave out subclause (8).

Amendment carried: clause as amended passed.

Clause 13 passed.

Clause 14—'Commercial tribunal jurisdiction.'

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

Page 7, line 35—Leave out 'in consequence of administrative error'.

This amendment makes clear that the manner in which an error is made by the Registrar (that is, through computer failure) is not relevant for the purpose of determining whether compensation is payable to a person who suffers loss or damage in consequence of that error.

The Hon. K.T. GRIFFIN: I support the amendment. I think it broadens the ambit of compensation. It is a good amendment.

Amendment carried; clause as amended passed.

Clause 15—'Goods Securities Compensation Fund.'

The CHAIRPERSON: I point out to the Committee that clause 15, being a money clause, is in erased type and no question can be put in Committee on such a clause in this Council. The message which transmits the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill.

Clause 16 passed.

Clause 17—'Annual report.'

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

Page 8—

Line 25—Strike out 'as soon as practicable after 30 June' and insert 'on or before 31 October'.

Line 28—Strike out 'that day' and insert 'the preceding 30 June'.

These amendments stipulate a date by which the report is to be presented to the Minister. At the moment the provision is fairly open ended, being 'as soon as practicable after 30 June'. The 31 October date, it would appear to me, gives reasonable flexibility to the Minister, and I think that date is consistent with dates in other legislation in relation to the requirement that reports be provided to the Minister. In fact, I think it is probably a bit more generous than that. I think in some cases reports are required to be actually tabled by 31 October. However, I am prepared to be generous on this occasion, and I seek the support of the Committee for my amendments.

The Hon. C.J. SUMNER: If we cannot get it done by then, we will have to get more public servants.

Amendments carried; clause as amended passed.

Clauses 18 to 20 passed.

Clause 21—'Exemption form Stamp Duties Act, 1923, s. 27.'

The CHAIRPERSON: Again, I point out that clause 21 is a money clause and is in erased type and cannot be put to the Committee.

Clause 22 passed.

Schedule 1.

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

Page 10—Insert after the amendment to the Consumer Transactions Act 1972, the following:

Section 4—Mercantile Law Act, 1936—Insert after subsection (4) the following subsection:

(5) This section does not operate to defeat an interest that is registered under the Goods Securities Act, 1986.

Section 4 of the Mercantile Law Act 1936 provides powers to mercantile agents in possession of goods to, with the consent of the owner, dispose of those goods. The amendment ensures that the section does not operate to defeat a registered security interest.

Amendment carried; schedule as amended passed.

Schedule 2.

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

Clause (1), page 11—Insert 'under this Act' after 'registered'.

I must confess that I had difficulty interpreting the transitional provisions, but it seems to me that it is clearer if the words 'under this Act' are inserted after the word 'registered', so that, where a security interest is registered under this Act during the transitional period, certain consequences flow.

The Hon. C.J. SUMNER: The Government supports the amendment.

Amendment carried; schedule as amended passed.

Title.

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

Page 1—Insert 'the Mercantile Law Act 1936,' after 'the Consumer Transactions Act 1972,'.

This amendment is consequential upon the amendments that we have just made to the schedules relating to the Mercantile Law Act.

The Hon. K.T. GRIFFIN: I have no problem with that. In relation to another matter, I forgot to ask the Attorney-General a question and I ask if I may be permitted to raise the matter briefly now. A question has been put to me about the proposed arrangements for weekend telephone inquiries for register information. I understand that a lot of business will be conducted particularly on Saturday mornings and maybe Saturday afternoons and that there will be a need for some access to the register, at least during the trading period on a weekend. Can the Attorney-General give an indication as to what sort of weekend service is likely to be available? If no-one is to be made available, does that mean that no transactions can be concluded on the weekend, if the parties desire to have access to the register and cannot get it?

The Hon. C.J. SUMNER: The Registrar of Motor Vehicles, who will bear responsibility for administering this scheme is aware of the problems raised by the honourable member, and he is addressing the matter. I am not in a position to give the honourable member any details as to how it may be resolved, but the Registrar of Motor Vehicles is certainly aware of the problems.

The Hon. K.T. Griffin: Could some information be provided for the debate in the other place?

The Hon. C.J. SUMNER: Certainly I do not have details at the moment as to how that problem will be overcome, but the Registrar of Motor Vehicles is aware of it and I guess that for the register to be effective there ought to be access to it beyond 9 to 5 on Monday to Friday. But I will ask the officers to obtain a response to be provided during debate in the Lower House—and if the honourable member can encourage someone to ask a question then that response can be provided.

Amendment carried; title as amended passed.

Bill read a third time and passed.

COMMONWEALTH POWERS (FAMILY LAW) BILL

In Committee.

(Continued from 28 October. Page 1505.)

Clause 2 passed.

Clause 3—'Reference of certain matters relating to children.'

The Hon. K.T. GRIFFIN: In his reply the Attorney-General indicated that there was to be consultation between the Commonwealth and the States in relation to the legislation conferring the new jurisdiction on the Family Court. He indicated also that that had not yet been drafted. Is the Attorney-General prepared to make those drafts available when the Commonwealth has progressed in its own drafting procedures, on the basis that the Opposition has a legitimate interest in that area of the work of the Commonwealth?

The Hon. C.J. SUMNER: I do not have any problem with that, provided that there are no strictures placed by the Commonwealth on my use of the Bill. I will note the honourable member's request and, if I can comply with it, I am happy to do so, but it may be that the Commonwealth will require some confidentiality in the discussion on it and, even if that is the case, I will see if it is possible to discuss it with the honourable member on a confidential basis but, in principle, I have no difficulty, provided that I am not constrained in some way by the Commonwealth.

The Hon. K.T. GRIFFIN: I thank the Attorney-General for that. The other matter relates to the cross vesting of jurisdiction in Federal and State courts. Since the Attorney-General gave his reply yesterday I have not been able to obtain a copy of the Commonwealth Bill which was introduced on 22 October, but I will endeavour to do so. If the Attorney-General is able to obtain it more quickly, is he prepared to make a copy available? In addition, can he indicate when the South Australian Bill is likely to be drafted and introduced?

The Hon. C.J. SUMNER: I will arrange for a copy of the Bill to be sent to the honourable member as soon as we have a copy of it. The Solicitor-General, in conjunction with the Director of Policy and Research, is examining it. We have some queries about the Bill which we are taking up with the Commonwealth. Although the principles were agreed to, the final draft of the Bill was not actually agreed to at the Standing Committee of the Attorneys-General. We now have the Commonwealth Bill and some aspects of it may need some further clarification before it proceeds, but the South Australian Government is firmly committed, and I say in all modesty that I took a reasonably active role in encouraging the Commonwealth to proceed with the proposal. We still have to finally conclude the matter, that is, agreement with the Commonwealth and all the States on the precise wording of the Bill. Since the meeting last year of the Commonwealth and State Attorneys-General, following the Constitutional Convention in Brisbane, the principle was established, but some fine tuning had to be undertaken. We now have the Commonwealth Bill introduced. There may need to be some fine tuning done to that, but we are in the process of examining it. I am happy to get copies of the Bill to the honourable member.

The Hon. K.T. Griffin: When will the South Australian Bill be introduced?

The Hon. C.J. SUMNER: The South Australian Bill will be introduced as soon as possible. It may be that discussions with the Commonwealth hold that up, but I certainly hope that our Bill can be introduced before Christmas in this current session.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

STATUTES AMENDMENT (PAROLE) BILL

In Committee.

(Continued from 23 October. Page 1421.)

Clauses 2 to 6 passed.

Clause 7—'Court shall fix or extend non-parole periods.'

The Hon. K.T. GRIFFIN: This is an appropriate clause under which to make a few general observations about the fixing or extending of non-parole periods, and the question of remissions can be dealt with under clause 14. Clause 7 amends section 65 of the principal Act, which allows the court to fix or extend non-parole periods. Clause 7 has the desirable effect of removing the restriction which previously existed whereby the court was required to fix a non-parole period unless there was a special reason for not doing so. The amendment is also desirable in that it removes the previously existing restriction whereby a court could not extend a non-parole period on the application of the Crown unless it was satisfied that it was necessary to do so for the protection of some person.

I was highly critical of that provision when the original parole scheme was introduced in December 1983, and I

have remained critical of that restriction. The Act remains deficient in respect of those prisoners who were given a non-parole period at the time when release on parole was not automatic. There are a number of prisoners (and earlier this year there were about 80), particularly those serving life imprisonment, in respect to whom courts set non-parole periods in the belief that, at the expiration of the non-parole period, the Parole Board would decide whether or not they would be released. Under the old law, when a judge fixed the non-parole period, he did so in the knowledge that the non-parole period did not attract remissions. There is a situation now where in respect to certain prisoners longer non-parole periods would undoubtedly have been set under this new system because of the introduction of remissions and the automatic release provisions.

I have raised this issue publicly on many occasions. At least on two occasions since December 1983 when the parole legislation was before the Council, we have attempted to amend it to achieve that objective, but we have not been successful, and therefore I do not propose to move an amendment in that context. I merely reiterate the criticism that the present parole system applies to prisoners where non-parole periods were fixed under a totally different regime. That has resulted in a number of notorious criminals, particularly a couple of drug traffickers and some rapists, getting out much earlier than the courts ever contemplated.

The other aspect on which I want to comment is that the second reading explanation pointed out that conditions of parole must be observed for the duration of the parole period, that is, to the expiration of the head sentence. I point out that that is correct for sentences of fixed periods, but it is not so where the head sentence is life imprisonment, because, where prisoners are serving life sentences and were released on parole prior to the commencement of the 1981 Prisons Act Amendment Act, they now remain on parole for the rest of their sentence, that is, for the rest of their life. Since the new system came into operation, the Parole Board recommends to the Governor and the Governor fixes a period of parole for a person serving a sentence of life imprisonment of not less than three years nor more than 10 years for which the prisoner should continue on parole.

My observation is that it is somewhat unfair on those prisoners who were released before the system changed. Regardless of that, the three year parole period is far too lenient for any case of murder and 10 years is not adequate for all but the most exceptional cases. It is proper to make those points yet again in considering this Bill, and it seems to be appropriate to make those comments in relation to this clause. The Opposition supports clause 7, because it removes some of the constraints upon the courts in respect of non-parole periods, but I suggest that there are some problems with the whole concept of the scheme that will remain even after this legislation is passed, because it will really not affect automatic remission, unless my amendment is carried, in which case the courts will have a more flexible jurisdiction than at present.

The Hon. I. GILFILLAN: I am very concerned about clause 7, and I ask the Attorney to indicate whether there have been discussions with people in the correctional services institutions about what they see as the effect of subclause (4) *(c)*. Although the shadow Attorney saw fit to debate the whole issue of parole I will not do that, but I reiterate that I believe that in the main the current parole system is an improvement. With remissions, it has provided a disciplinary tool for those who manage the prisons. I have spoken to senior people at Yatala specifically and asked for their comments on this legislation. They are unanimous that the effects of this subclause will seriously erode their ability to manage the prison. People who have not had the opportunity to see how a prison works from the inside, given the stresses and strains, may imagine that correctional officers have ultimate authority and can use a whip or other means to exercise their control and handle the inmates at will. That is not the case.

I regret that, unfortunately, many more members have not had first hand experience of the inside workings of a prison. I think they would agree with me that it is very important to consider the management within the prison. That aspect is possibly as important as the other areas that we will consider, such as the relevance of sentencing. If subclause (4) absolves a judge from setting a non-parole period, according to our understanding, judges who have not liked the parole system may, in sentencing, decline to set non-parole periods. This will impose on a section of the inmate population of prisons a different and less equitable form of sentencing than applies to others.

The question of whether a lifer, who in these circumstances has been refused a non-parole period, should have an opportunity for review and have his or her situation reviewed and possibly a non-parole period set through that sentence is important to be considered in this context for the same reason. There are two factors: first, I am advised that people who have an indeterminant and apparently never ending sentence and have no hope become very intransigent and uncooperative and a problem to the management of the prison system. I am advised that Yatala is receiving a new lifer every four to six weeks, which is an unfortunate reflection on both our crime incidence and the sentencing that goes with it.

I urge the Government to consider that the aspect of the results of this legislation viewed from inside the prisons is a very important factor to be considered. The severity and effectiveness of the sentence imposed would be, as far as I can judge, very marginally influenced, if the effect of this Bill were deleted, and there remained an obligation to set a non-parole period. If we have any exceptions to that, those who are not set non-parole periods should have the opportunity, upon application, for a review. I believe that we are loading an extra burden on those who are performing one of the most difficult tasks that we ask anyone to perform in South Australia, namely, to run our prisons. My advice from these people is that this subclause will add substantially to their problems and I urge the Government to reconsider it and either delete it at this stage or have it amended.

The Hon. C.J. SUMNER: That is simply not acceptable to the Government. The honourable member seems to have forgotten the last election and the Premier's policy speech. He seems to have forgotten that this Bill gives effect to commitments made to the public of South Australia during that poll. The Government announced before the December 1985 election that it would amend the relevant legislation to give courts greater power to decline to set a non-parole period, to give courts wider powers to extend non-parole periods, and to ensure that remissions are lost if prisoners are guilty of other offences or misbehaviour while in prison.

The first commitment was to give courts greater power to decline to set a non-parole period. We will not resile from that commitment given at the last election, even at the prompting of the Hon. Mr Gilfillan.

The Hon. I. Gilfillan: You gave an undertaking to give the courts what?

The Hon. C.J. SUMNER: Greater power to decline to set a non-parole period. That commitment was made in the Government's policy document given by the Premier. He referred to it specifically on television in his policy speech.

The Hon. K.T. Griffin: He had to—he didn't have much choice.

The Hon. C.J. SUMNER: The honourable members says that he had to.

The Hon. L.H. Davis: Having introduced terrible legislation.

The Hon. C.J. SUMNER: That is not true. It was basically good legislation. It is accepted in other States. It would be a foolish Government that would radically alter the existing system. I concede that problems occurred with the previous proposal because the new system of remissions and the new provisions for release applied to non-parole periods set under the old Act. As the Hon. Mr Griffin has mentioned, that led to some prisoners being released before they probably ought to have been. Somehow or other that proposal got into the Bill as a result of the urgings of the Hon. Mr Gilfillan. That has basically been the problem with the legislation and that is a transitional problem.

The Hon. I. Gilfillan: What has been the problem?

The Hon. C.J. SUMNER: The problem has been in applying the new 1983 law to the non-parole period set under old legislation.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: You agree! You proposed it!

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: They should have been able to apply to have a new non-parole period fixed given the new legislation and new release procedures.

The Hon. I. Gilfillan: We have no complaints with the current legislation.

The Hon. C.J. SUMNER: The present legislation is basically good legislation. There was a problem with the transitional period, and that will finish in time, I agree. I do not accept the earlier interjection of the Hon. Mr Davis.

To return to the Hon. Mr Gilfillan's point, the commitment made at the last election was to give the courts greater power to decline to set a non-parole period. This Bill gives effect to that. Under section 65 of the Correctional Services Act the courts can decline to set a non-parole period now if there are special reasons for it. What we are doing in the amending Bill is specifying the sorts of things to be considered when declining, if they so decide, to set a non-parole period. It widens it in the sense that it goes beyond special reasons. The courts can decline to set a non-parole period if they consider it inappropriate by reason of the gravity of the offence, the criminal record, the behaviour of the person or any other circumstances. It is giving effect to the policy of widening of the capacity of the courts initially to set a non-parole period.

One must bear in mind the power to refuse to set a non-parole period exists now under the legislation. I do not anticipate that there will be a large number of cases in which the courts decline to set a non-parole period, but some sentencing judges are concerned that when they see a person for sentence after trial they feel some qualms about setting a non-parole period because they are not sure what the future behaviour or psychological state the prisoner might be. This gives them the capacity and flexibility, if they feel that it is in the interests of the administration of justice or of the individual prisoner, not to set a non-parole period.

The remissions will apply to the head sentence, unless the courts impose life imprisonment without any non-parole period whatsoever. That has not happened recently, not even in the most notorious case of Von Einem. In that case, a non-parole period was fixed. The notion that the courts would leave life imprisonment without a non-parole period would be only in exceptional circumstances if it were to apply at all. It may apply in exceptional circumstances, but it would be very much the exception. Normally, a head sentence of some kind will be fixed and remissions will be earnt on that head sentence or a non-parole period. If the courts initially decline to set a non-parole period the prisoner can re-apply to the courts to have a non-parole period fixed.

The Hon. I. Gilfillan: How?

The Hon. C.J. SUMNER: 'How?', the honourable member asks! I presume he consults a lawyer or goes to the Legal Services Commission, as they all do.

The Legal Services Commission makes an application to the court. The fact is that the Bill does not preclude a prisoner from going back to the court to apply to have a non-parole period set. There may be some problems with that in its practical application as time goes by, and we will have to monitor that. It may be that we get prisoners applying every six weeks to have non-parole periods set after they have had them refused. That may create a problem for the courts and, if it does, we will obviously have to examine it. I do not envisage that there will be a great number of cases where the courts decline to set a non-parole period, so I do not think that the problems outlined by the honourable member will be of major concern in terms of prison management, because the remission system will still apply to the head sentence.

In fact, the honourable member may note that in Victoria they have recently introduced legislation which provides that the courts do not have to set a non-parole period if they feel that the offence is so grave and the circumstances and antecedents of the prisoner so bad that no non-parole period should be set and the sentence served is the sentence imposed by the court with remissions in accordance with the provisions of the Act. I certainly cannot withdraw this proposal in the Bill as it gives effect to a firm commitment given by the Government at the last election and I do not think that the concerns raised by the honourable member are justified.

The Hon. I. GILFILLAN: Has the Government consulted with senior staff of the Correctional Services Department actually involved in prisons as to whether they feel that this measure will have an effect on management in the prison system? I refer to those actually involved in the prison system and not administrative personnel in the department. I noted that the Attorney-General indicated that he did not expect that there would necessarily be a lot more head sentences set with no non-parole period determined. If a prisoner has had a head sentence from which there has been remission and the prisoner is successful in getting a non-parole period set, does the Attorney-General see the need for an instruction to the sentencing judge? How does he see that that remission will adjust to a non-parole period? Will he give an indication of the Government's willingness (if I am unsuccessful, as it appears I will be, in achieving a change in relation to this matter) to undertake that there will be close monitoring of this? If there is a profusion of sentences without non-parole periods being set by the court, will he give an undertaking that the Government will review the situation and, if necessary, make amendments to this legislation?

The Hon. C.J. SUMNER: If the honourable member examines clause 18 he will see that the courts shall have regard, in determining sentence of imprisonment, or in fixing or extending a non-parole period in respect of a sentence of imprisonment, to the fact that the prisoner may be credited with a maximum of 15 days of remission for each month served in prison. That is from the sentencing side of it. From the correctional services side of it, the

remissions will apply to the head sentence if no non-parole period is set; if a non-parole period is set, then the remissions would apply to the non-parole period. Whatever happens, the prisoner will earn remissions.

The Hon. K.T. GRIFFIN: I will pursue a question of drafting. Under proposed subsection (1) *(b)*, where a court sentences a person to imprisonment the court shall, if the person is subject to an existing non-parole period, review the non-parole period and extend it by such period as the court sees fit. That is all very well, as far as it goes, but it goes on, 'but not so that the period of extension exceeds the period of imprisonment that the person becomes liable to serve by virtue of the sentence or sentences imposed by the court'. I am unclear as to what that means.

It could mean that the period of extension is not to exceed the new sentence or sentences imposed by the court. I understand that to be the situation at present. Or it could mean that the period of extension shall not exceed the total that the person is now liable to serve; that is, the old sentence plus the new sentence or sentences. I think that that needs to be clarified. It may be that some amendment is necesary to put the meaning of it beyond doubt. Can the Attorney-General indicate what is actually meant by that paragraph?

The Hon. C.J. SUMNER: It means that, if a person is subject to a non-parole period and is sentenced again, in imposing that subsequent sentence the court will review the non-parole period and extend it.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: In effect, the period of extension is not to exceed the sentences that are imposed—as that, presumably, would make a nonsense of the operation of the section. In other words, if a non-parole period is to be set, presumably it is set at something less than the head sentence. That is as I understand that provision.

The Hon. K.T. GRIFFIN: I merely draw attention to the fact that I think there is a lack of clarity in the provision. I do not intend to move any amendment, but I put my observation on the record.

The Hon. I. GILFILLAN: I want to make a couple of further comments about the matter. I believe that the Government is not fully aware of the situation. I am conscious of the fact that the Attorney did not answer a question that I asked earlier about whether or not there had been consultation with senior staff in the prison system, with those who are actually working in the prisons—so I assume that that did not take place.

The Hon. C.J. Sumner: The honourable member should not make those assumptions. The Hon. Mr Griffin got up and asked a question before I could answer it.

The Hon. I. GILFILLAN: I do not really think that whether or not I ask the question is a point of real concern: the real concern is whether there was adequate consultation on this matter.

The Hon. C.J. Sumner: Yes, there was consultation.

The Hon. I. GILFILLAN: With senior staff inside the prisons? In that case, I would ask the Attorney to identify the positions of the people with whom the Government, through whatever people the Attorney wants to nominate, actually consulted in detail on this legislation. If the answer is 'Yes', I want to know specifically who was consulted.

The Hon. C.J. SUMNER: I do not know how the Department of Correctional Services works exactly, but I understand that they have an institutional heads planning committee (which actually is a more novel name than bureaucrats usually have for their committees). I am advised by the adviser from the Department of Correctional Services that the matter was raised in that forum.

The Hon. I. Gilfillan: Did they approve of it?

The Hon. C.J. SUMNER: I do not think they go around taking votes.

The Hon. I. Gilfillan: Then why were they consulted?

The Hon. C.J. SUMNER: Because they might have had some suggestions. The honourable member is an amazing and astonishing person. He came in here this afternoon on the uranium issue and castigated the Government because, according to him, decisions were being made by public servants, being taken out of the hands of Ministers. The honourable member spent an hour and a half this afternoon wasting the Council's time with the most nonsensical diatribe that I have ever heard. The gravamen of his complaints this afternoon was that public servants were making policy decisions about matters that the Government ought to take the responsibility for. Now he comes in here hours and hours later, having wasted the Parliament's time, and complains that apparently the Bill has not been approved by the public servants in the Department of Correctional Services. He is astonishing, amazing; I really cannot imagine what the man is up to. What does he want? Does he want the Government to take a vote with the heads of the institutions in the Department of Correctional Services, to get their approval to introduce this Bill—despite the fact that the Government made a firm commitment to the people at the last election, with this Bill giving effect to that commitment? I am not going to stand here and tell the honourable member that so-and-so was consulted, and so on. It is ridiculous. Believe it or not, the Government makes the policy: it is not the Department of Correctional Services. All I am telling the honourable member is that I am advised that the senior people in the department were consulted about the Bill.

The Hon. I. GILFILLAN: I think it is probably appropriate to ignore the bulk of what the Attorney has just said. The fact is that it is very important that the prisons continue to work on some sort of equitable basis. No-one will benefit if we get resentment and rebellion occurring at Yatala—as was the case not that long ago. Certainly within my memory Yatala was unmanageable. It is not beyond the realms of possibility that that could occur again—due to ignorant legislation that has not been drafted sympathetic to the needs of those on the other side of the fences surrounding Yatala, Adelaide prison and the other retention centres. It is just as important an area as far as responsibility for sensible consulting is concerned. That consultation takes place is an obvious obligation for anyone who wants to get a full picture before making a final decision. That is what the point of my question was.

The Hon. C.J. Sumner: I told the honourable member that they were consulted. What more does he want to know?

The Hon. I. GILFILLAN: I want the chance to say what I think, rather than having my ear bashed by the Attorney's rather inane and noisy objections. It is quite obvious that at least two of the senior people I have consulted do not approve of this and are very concerned. I am making that point as clearly as I can to the Government, and the Government should be very conscious of it. The other point about which they are extraordinarily concerned is the effect of indeterminate sentences on inmates in prisons. One of the things that correctional officers want is a tranquil prison. They are paid by us to run our penal institutions: it is a very onerous responsibility, as they are in the front lines and are the ones who get bashed, and possibly even killed. Certainly, they are the ones who cop it if things go wrong in that human to human contact. It is very important that their situation be considered. It is also important that the

actual mental state and development of those whom we sentence to prison—

The Hon. C.J. Sumner interjecting:

The Hon. I. GILFILLAN: If you do not set a non-parole period, there is the option that they can apply for one. There is always this uncertainty.

The Hon. C.J. Sumner: It is not indeterminate.

The Hon. I. GILFILLAN: Madam Chair, could I ask that at least you request that the Attorney lower the volume? If I must be subjected to these persistent interjections, could they be at a lower volume? Could I ask for some mild restraint on the Attorney?

The CHAIRPERSON: There is no Standing Order relating to the volume used.

The Hon. I. GILFILLAN: In that case, I am sorry that I did not bring my Grand Prix earplugs with me!

The CHAIRPERSON: I presume that the Noise Pollution Act would operate, but I do not have a decibel meter with me.

The Hon. I. GILFILLAN: I will persist, because I really do feel that this is a very important issue for us to be aware of tonight. The reaction by people who are sentenced and who do not have a clear indication of the amount of time that they can anticipate spending in a prison causes uncertainty and an atmosphere of turbulence within a prison. Therefore, we must consider the matter. In relation to the questions that I have been asked, I am trying to explain that the indeterminate character is not so much relevant to the sentence itself but to the period of time that the prisoner expects to spend within the prison system. As long as there is the hope that by appealing or seeking a non-parole period, there is always this instability, this uncertainty. Those who deal with prisoners year after year assure me that that is a major part of the cause of disquiet amongst the prisoner body. I think that anyone who is responsible for prisons disregards the information that we get from these people at the peril of our penal system. So, I indicate that I am so concerned about this matter and the potential for causing disturbance and a difficult management situation in the prisons that I will, by my voice, vote against this clause, because I really feel that there has been an inadequate measure of the effect that this will have in the prisons.

The Government was under pressure which, to a certain extent, I regret, because the cry outside the system is always for more penalties and for changing what was portrayed, I think irrationally in the media and by the Opposition, as a super lenient penalty and parole system. That pressure pushed the Government into making what I think was an over hasty undertaking. I am sorry to see the possible implementation of what I think could be a detrimental move, and I will vote against this clause.

The Hon. C.J. SUMNER: It is not an indeterminate sentence.

The Hon. I. Gilfillan: It is, for those who are in prison.

The Hon. C.J. SUMNER: The only really indeterminate sentence is life imprisonment and recently in South Australia that has not applied. Even for the most serious offence committed in South Australia in recent times the prisoner has received a non-parole period.

The Hon. I. Gilfillan: What about Laurie O'Shea?

The Hon. C.J. SUMNER: That is a different issue.

The Hon. I. Gilfillan: He got an indeterminate sentence.

The Hon. C.J. SUMNER: He didn't get an indeterminate sentence. He was referred under a specific section of the Criminal Law Consolidation Act dealing with sexual offenders to be put into prison at the Governor's pleasure, because the judge considered that that was an appropriate course of action, given the prisoner's history. The Hon. Mr Gilfillan does not seem to give a fig for the victims. He has absolutely no sympathy whatsoever for victims, or for people who happen to get injured, hurt or damaged, or who have lost property as a result of criminal activity. On every possible occasion he comes here and supports the prisoners. He does not seem to care about the boys who might be sexually assaulted by people who have a proclivity for it and who have committed the same offence on previous occasions, but I will leave that matter aside.

Again, it is an example of the Democrats wanting it both ways, because they pander to the Victims of Crime Service and try to curry favour with that group. The Democrats then come here and take actions which generally are against the interests of the victims of crime. All I say is that the honourable member's characterisation of this as an indeterminate sentence is wrong. The only indeterminate sentence that is applicable is life imprisonment, if no non-parole sentence is set.

Apart from that, head sentences are set with non-parole periods, but this clause will give the court power to set a head sentence without setting a non-parole period. That is not an indeterminate sentence. It determines at a certain point in time—the time that has been set by the court. It may be uncertain in the sense that the person can apply for the setting of a non-parole period but, if he does that, that is a bonus. If he does not get it, he still has his determinate sentence, which is reduced by the amount that is allowed for remissions.

To say that the Government is oblivious to concerns about prisons and prison management really is not a fair statement. Obviously, we are concerned and obviously the remission system has provided a tool for prison management that did not exist under the previous system. I do not see that this legislation will derogate from that general certainty, although it may do in some circumstances. The courts may consider that the declining to set a non-parole period is in fact in the interests of the prisoner at a particular point in time. The judge might decide that it would not be appropriate to set a non-parole period, fixed and immutable forever, for a particular prisoner immediately after the trial. It is not a one way process in terms of repression or oppression of prisoners, if that is the way that the honourable member wants to put it. As far as the interests of the prisoner are concerned, it may be a factor that the judge also bears in mind. This legislation gives effect to the commitment of the Government. I anticipate that, in most cases, non-parole periods will continue to be set, but that there will be some exceptions.

The Hon. I. GILFILLAN: I think that the Attorney-General reflects what is the common ignorance of those who do not know what it is like in gaol. It is not a question of the head sentence but, rather, it is a question of how much time one is to spend in that hell hole that really affects people's idea of what their sentence is. To a prisoner the indeterminate nature of a sentence is how long they are locked away and that is the point that I am trying to make.

The Hon. C.J. Sumner: It is not indeterminate.

The Hon. I. GILFILLAN: It is if you do not know what your non-parole period is. I suppose it will be shown in time whether the situation is as bad as it could be if the legislation allows for a whole series of sentences without non-parole periods: time will tell. Were I as quick on my feet as the Hon. Rob Lucas when I feel slightly incensed, I would have asked earlier for a retraction. I take serious objection to the inference that I do not care for the victims of crime. It may be good and entertaining politics for the Attorney to stand up and slander me in that way, but I consider it the height of insult and I ask him either to

apologise in some form now, which I am prepared to accept, or I ask you, Ms Chair, to use whatever powers you have. If what the Act said is not casting an injurious reflection on my integrity and compassion, I cannot imagine what would. I take very strong exception to it. It was completely uncalled for. It was an irresponsible and, I consider, an insulting remark.

The CHAIRPERSON: If the honourable member is asking me to make a ruling, I would not feel that that was unparliamentary language.

The Hon. C.J. Sumner: After everything he said about me.

The CHAIRPERSON: Order! I would not regard it as unparliamentary language, but I would view the honourable member's comments explaining his position as being in the nature of a personal explanation. That is what personal explanations are designed for, as set out in Standing Orders.

The Hon. I. GILFILLAN: It may be an interesting question to ask the Attorney whether he in fact belongs to or supports OARS, which is an organisation which supports victims of crime.

The Hon. C.J. Sumner: I don't belong to any of them.

The Hon. I. GILFILLAN: He seems to have a fairly high standing with them. I do not want to pursue this. I think that anyone who has taken a responsible position in Parliament about the matter ought to show very serious concern for both the victims and for the criminals in our society. I assure members that those who spend terms of imprisonment in our prisons are not all bashers, rapists and murderers. A lot of people have committed less horrendous offences, some of which I think have been as a consequence of their social situation. It behoves us to show consideration of that. The fact that this legislation does not deal with the victims of crime is some justification for any remarks that I make in this context applying to the criminals or the prisoners rather than showing the very serious concern that we feel for the victims of crime and the support that we have indicated that we would give for compensation in that area. Once again, I point out that I consider that the Attorney was completely unjustified and unreasonable.

The CHAIRPERSON: I will permit that comment as an extension of a personal explanation. It seems that it is wandering slightly from clause 7, which is the clause under consideration at the moment, but I feel that the honourable member's comments, although not given as a personal explanation, certainly served that purpose and I hope that honour is satisfied and that we can now return to clause 7.

Clause passed.

Clauses 8 to 11 passed.

Clause 12—'Cancellation of parole by board for breach of conditions other than designated conditions.'

The Hon. K.T. GRIFFIN: It has been suggested that proposed new subsection (4) is deficient, because it does not specify that a prisoner can be released on parole only if they accept the conditions laid down by the Parole Board. The second reading explanation in relation to clause 12 states that a parolee can elect to remain in prison to serve the balance of his sentence. That is correct: that election can be made. However, the balance of the sentence in reality is the balance of the sentence less remissions credited both prior to the release on parole and after the return to custody. It seems to me that clarification is required in relation to the release only after acceptance of the conditions laid down by the Parole Board. Does the Attorney see that as a problem?

The Hon. C.J. SUMNER: I am advised that, although the honourable member feels there is a problem, the conditions originally imposed will continue once the prisoner is released after the period for which he is recommitted to prison following a breach of parole.

The Hon. K.T. GRIFFIN: The Attorney is saying that the parole continues even though there has been a breach.

The Hon. C.J. SUMNER: Yes.

The Hon. K.T. GRIFFIN: I will not pursue the matter. It is on the record. If there is a problem, it can be dealt with later. It seems to me that there may be a problem, but the Attorney is satisfied, so we will leave it at that.

The Hon. I. GILFILLAN: If a person who has been returned to prison pursuant to proposed new subsection (4a) commits an offence while in prison, the person is liable to serve in prison the balance of the sentence, or sentences, unexpired as at the date on which the offence was committed. Is there a definition for the offences involved or are they prescribed? For example, would that provision apply if the offence was that a prisoner did not make his bed one morning?

The Hon. C.J. SUMNER: That is not an offence and the provision does not apply.

The Hon. I. GILFILLAN: Is there a definition of 'offence' in this context?

The Hon. C.J. SUMNER: Parliamentary Counsel considers breaches of disciplinary regulations not to be offences.

Clause passed.

Clause 13 passed.

Clause 14—'Remission for certain life prisoners and prisoners serving sentences exceeding three months.'

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

Page 5—After line 17 insert new paragraph as follows:

(ba) by inserting in subsection (2) 'or such lesser maximum number as a court may have ordered' after 'not exceeding 15'.

This clause deals with remission, and it is appropriate to address a few remarks to the subject generally and then deal with my amendment. The problem that is perceived with the system of remissions is that they are in the nature of being granted automatically—15 days per month—rather than being earnt. On my information, the general practice is to say that everyone gets 15 days for a certain month except X, Y and Z (who lose 2 days for a disciplinary problem) and A, B and C (who lose five days for hitting a prison officer). It is not the case, as many people perceive, that remissions are earnt. There is no incentive to behave positively. It is designed to manage the prison system by automatically granting 15 days each month if there is no misbehaviour.

There is a fairly important distinction there. I have been informed by a prison officer, who shall remain anonymous, that whilst the remission is a valuable tool in maintaining discipline and order in the system, it is in fact abused. Even if a prisoner spits in an officer's face there is generally only a warning initially and no remission is deducted. The remission is not used for disciplinary purposes, but given to everybody to keep them quiet. I was informed recently that there were several spot fires at Yatala and no-one lost their remission on that occasion.

There was a stop work meeting not so long ago when prison officers were on strike: that is, the general duty officers were out, and the chief officers were supervising the prison system. Every prisoner got two days remission for every day that the general duty officers were out. There is a difficulty in the prison system with short staffing where, I am told, morale is down and absenteeism is up and there is a concern about the lack of discipline in the way the remission system is used. If one looks at the system, this Bill does not do much to effectively overcome the problem in the virtually automatic granting of remissions.

We saw earlier last week the judges of the Supreme Court presenting a report and making the following observations on the question of remission:

The judges recommend an amendment to the Correctional Services Act to abolish remissions for good behaviour of the sentence and non-parole period fixed by the court. Remissions for good behaviour have been a feature of the penal system for very many years and in 1983 were extended to non-parole periods. The current provisions are to be found in Part VII of the Correctional Services Act, 1983. Such remissions seriously distort the sentencing process and mislead the public as to the true effect of sentences imposed by courts.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: I am quoting the judges. I will make some observations in a moment. They further state:

The framing of an appropriate sentence for an offender is a complex process carried out painstakingly by a judge after considering the evidence and the representations made for the prosecution and the offender. The judge endeavours to frame a sentence which is tailored to meet the needs of the particular case and which keeps a proper balance between the often competing demands of the various purposes of sentencing, namely, punishment, deterrence of others, protection of the public and the rehabilitation of the offender. He is precluded by law from taking into account the likelihood of good conduct remissions. To do so would be to flout the will of Parliament that the proper sentence be reduced for good conduct. When the appropriate sentence and non-parole period for the case, thus painstakingly arrived at, are reduced by administrative action by as much as one-third, the sentencing exercise is rendered largely futile.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: I will comment in a moment. The judges continued:

Experience shows that in the overwhelming majority of cases the sentence and non-parole period are reduced by one-third or almost one-third. Not only is the protection of the public, which the sentence seeks to achieve, thereby impaired, but the public is misled as to the practical affect of the sentence announced in court.

Public faith in the integrity of the system of justice is of the utmost importance. That faith tends to be undermined when it is seen that the appropriate sentence and non-parole period devised by the court does not correspond with the punishment which the offender actually suffers.

The Criminal Law and Penal Methods Reform Committee, presided over by Dame Roma Mitchell, recommended in its first report in 1973 the abolition of good behaviour remissions and the institution of alternative measures for maintenance of prison discipline (paragraphs 3.10 and 3.16). It is proposed that those recommendations should be implemented.

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: That is what the judges said. The fact is that remissions have been part of the prison system for quite a long time. What is different now under the system is that the remissions are in fact granted off the non-parole period as well as the head sentence and it is the granting of the remissions off the non-parole period that distorts the system, although the courts have in fact been ordering longer non-parole periods. Everybody can see that with the life sentences that have been imposed in cases of murder, for example, long non-parole periods have been imposed. Those long non-parole periods have been imposed partly to take into consideration the prospect of automatic remission and also to reflect a growing concern in the community that a lot of prisoners were getting out of gaol too early.

Honourable members may remember that Mr Justice Wells, as he then was, did raise some questions about the system in January 1984 and threatened to bring the Minister of Correctional Services before his court to try to explain the system which had been imposed. There was some reference by the Minister that a circular was to be sent to the courts giving them information about the Government's understanding of the way the system should work. That really is what set the whole thing alight.

The real problem is in remissions. It becomes a problem in this context: if the maximum sentence fixed by statute for indecent assault is seven years, the courts under the Bill before us can refuse to fix a non-parole period, so remissions will be earned on the maximum penalty if so imposed. So, there will still be remissions even though the courts may regard the crime in the category of the most serious of such crimes.

The Hon. C.J. Sumner: They know the remissions system so they can adjust the sentence.

The Hon. K.T. GRIFFIN: That is right, but the prisoner who misbehaves in the system as administered will never serve seven years because he will get 15 days a month automatically off his sentence.

The Hon. C.J. Sumner: As they always have.

The Hon. K.T. GRIFFIN: They have not automatically.

The Hon. C.J. Sumner: Not automatically.

The Hon. K.T. GRIFFIN: It is the way it is administered at the present time. If a prisoner does not misbehave, 15 days comes off automatically.

The Hon. I. Gilfillan: What does he do to earn it—polish the shoes of the correctional services officer?

The Hon. K.T. GRIFFIN: There should be incentive for positive good behaviour such as being supportive of the prison system.

The Hon. I. Gilfillan: Like what?

The Hon. K.T. GRIFFIN: Like turning up on time.

The Hon. C.J. Sumner: If they don't they lose their remissions.

The Hon. K.T. GRIFFIN: What I am proposing in my amendment—and it is related to the substantive amendment later to clause 18 of the Criminal Law Consolidation Act—is that there ought to be more flexibility given to the courts to determine whether or not in special circumstances 15 days per month ought not to be awarded. The courts ought to be able to say that in this case there are exceptionally grave circumstances sufficient for us to order that at no time can this prisoner earn any more than 10 days remission for good behaviour in any month.

That is the situation which I am proposing and which gives more flexibility to the courts. It does not, of course, meet the situation in the judges' report, but I am not proposing that that is a reasonable alternative. What I am saying is that in circumstances where there are maximum penalties fixed by the courts they can never be served by the prisoner.

The Hon. C.J. Sumner: That happened under the old system?

The Hon. K.T. GRIFFIN: I am saying that under this sytem there is even less likelihood that they will ever be served, so either you amend the maximum penalties to increase them in the statutes, or you give to the courts a flexibility that they presently do not have to say that in the most exceptionally grave cases a prisoner will serve a maximum sentence. That is what the statute ought to be implementing and not the virtually automatic one-third off for good behaviour.

The Hon. C.J. Sumner: You used to get that under the old system.

The Hon. K.T. GRIFFIN: I am taking it further now. I am speaking to the whole amendment to both clauses 14 and 18 because they are very much related. There needs to be more flexibility to ensure that prisoners in exceptionally grave circumstances can be required to serve something more than the period they presently serve under the present system of remissions.

The Hon. C.J. SUMNER: The Government does not support the amendments put forward by the Hon. Mr Grif-

fin. The Government considers that the current remission system is working well, except for some criticism that there is uncertainty about whether or not the courts in imposing a sentence are taking into account the administrative practice of remissions. The courts, in their judgments, seem to indicate that they do not take it into account, yet if one observes what they have done one sees that the non-parole periods under the new legislation have in fact been substantially increased.

The only basis for that increase seems to be the fact that remissions are now allowed on the non-parole period. That aspect of the matter has now been clarified by inserting in the legislation the fact that the judges when sentencing must take into account the fact that remissions will be earned for good behaviour. Under the current system remissions are earned and credited monthly and provide a real incentive to prisoners to behave. Additionally, and most importantly, the remission system provides power to correctional officers in the management of prisoners in encouraging good behaviour and application to work by prisoners.

The 1980-81 Clarkson royal commission discredited the informal, illegal and *ad hoc* mechanisms which officers used to control prisoners previously. The remission system is a formal, legal and accountable system which officers have identified with and used effectively. It is the only real system available to the department. That is where I have to take issue with the judges, who seem to be putting the proposition that there ought not be any remission system without any regard at all for the practical problems that may exist in prisons. The notion that you can remove the remission system as proposed by Justice Mitchell, or remove the remission system as proposed by the Supreme Court judges, and then somehow conjure up out of the air another system to ensure good behaviour in the prisons is ludicrous, so I completely reject their proposition.

They have not put forward any viable alternative to good behaviour in the prisons and, quite frankly, I thought that their remarks on this point were utterly unmeritorious. The system at the moment is that a maximum of 15 days remissions may be earned each month. Departmental instruction 64 outlines required behaviour allowing a maximum of five days for work performance and 10 days for good conduct.

A sample of 50 prisoners in Adelaide Gaol and Yatala Labour Prison was examined in February 1986 and compared with 50 prisoners released prior to December 1983, when the new legislation came into effect. Under the old system only two prisoners lost remission, that is, under the system which was presided over by the previous Government. With the new system, 40 of the 50 did not earn full remissions. The average was 13 days a month.

These figures support the contention that the permanent head is administering the remission system fairly and accurately. The Government considers that a reduction in the maximum number of days remission could result in problems within the prison system. Prisoners would be entitled to remissions at different rates even though their behaviour in prison may be comparable. This is likely to cause prisoner resentment and frustration.

The Government's amendment to allow the courts to take remissions into account when sentencing will enshrine the practice of making non-parole periods longer. Therefore, we do not consider that there is need to modify the remissions system to allow for different maximum periods of remission. The sentence set by the court should reflect the gravity of the offence while the amount of remissions credited should reflect the prisoner's behaviour in prison.

While the point is made by the honourable member that, if you have a seven year maximum sentence, with a remission system the person would never spend the maximum in prison, that is no different from the system that existed when the honourable member was in office and when there was a system of remissions for good behaviour that still applied. The beauty of the present system is that there is certainty in it. It provides for the prisoners, apart from some exceptions, to know what their head sentence is, that is, the period that they will be under some kind of supervision either in gaol or out of gaol. It enables the prisoner to know the non-parole period, that is, the period after which, if the prisoner behaves, the prisoner will be released. Also, it enables the remission system to be known so that if the prisoner behaves he knows that he will get out at a certain time, taking into account those remissions for good behaviour.

The sentencing court now knows all the rules of the game; the prisoner now knows all the rules of the game; and the Correctional Services Department and officers involved in the administration know the rules of the game. It seems to me that with the tidying up in this Bill of the parole provisions we have a system that is satisfactory.

The Hon. I. GILFILLAN: I oppose the amendments and agree that the current system is a pretty efficient and effective method. It has taken some time for adjustment and perhaps some people are so entrenched in their old ways that they have not been able to adjust. I express some concern about clause 14 *(c)*, which states:

(c) by striking out subsection (3) and substituting the following subsection:

(3) The fact that a prisoner has been, or is liable to be, punished under this Act or any other Act or law for behaviour while in prison does not preclude the Permanent Head from taking that behaviour into account for purposes of subsection (2).

This replaced the subsection in the Act which actually prohibited the permanent head as follows:

The Permanent Head shall not in considering behaviour of a prisoner for the purposes of subsection (2) take into account unsatisfactory behaviour in respect of which the prisoner is likely to be dealt with under any other provision of this Act or any other Act or law.

It does expose a prisoner to double jeopardy, a double penalty for a single offence. It is not what is regarded as common justice outside the penal system and those people who know how prisons work realise that this causes unnecessary resentment. If there is a penalty for a misdemeanour then that is the punishment that an offender should experience and he or she should not be subjected to a doubling up. I regret that that particular clause is in the Bill but, as the main thrust of the Bill is towards making things more severe, I indicate that I oppose the amendments moved by the Hon. Mr Griffin and want it on the record that I believe that clause 14 *(c)*, which seeks the replacement of subsection (3) of the principal Act, is unfair and will add to the difficulties of discipline within the prison.

The Hon. K.T. GRIFFIN: I am disappointed that the Hon. Mr Gilfillan is not going to consider my amendments, but I suppose it is not unexpected, in the light of his persistent attitude on this, right from the days of December 1983. However, can I just make an observation on this question of double jeopardy. I have been one of those at the forefront of criticism of the present scheme, where a prisoner could go over the wall, be charged with escaping and not lose any remission for good behaviour—and I just think that is a ludicrous position. If a prisoner goes over the wall or sets a spot fire, or sits on a roof and has a protest, that is as much to be penalised by remission as by formal prosecution for a statutory offence.

The Hon. C.J. Sumner: He is not being penalised; he is just not earning his remission. It is not a penalty; it is not double jeopardy—he is just not earning the remissions for good behaviour that he would otherwise have got.

The Hon. I. Gilfillan: The Attorney is arguing the other way now. A moment ago he said that one cannot earn remission and now he is saying that one can earn it. You cannot have it both ways.

The Hon. C.J. Sumner: They were earning it before.

The Hon. I. Gilfillan: You either earn it or you don't earn it.

The Hon. C.J. Sumner: You were not listening to what I said before—you never do.

The Hon. K.T. GRIFFIN: If the Hon. Mr Gilfillan's view is accepted, then it is an automatic remission system, which I believe has been virtually the position in practice.

The Hon. C.J. Sumner: It is not automatic.

The Hon. K.T. GRIFFIN: I said that it has been virtually automatic.

The Hon. C.J. Sumner: It is not.

The Hon. K.T. GRIFFIN: The way is has been administered. However, the fact is that, in my view, the prisoner is not being penalised twice for misbehaviour, by not gaining remission for good behaviour and by perhaps having a prison sentence awarded for going over the wall. I support paragraph *(c)* of clause 14, because it does what we have been arguing should have been done back in December 1983.

The Committee divided on the amendment:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin (teller), C.M. Hill, J.C. Irwin, R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons G.L. Bruce, B.A. Chatterton, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Carolyn Pickles, T.G. Roberts, C.J. Sumner (teller), G. Weatherill, and Barbara Wiese.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. J.R. Cornwall.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. K.T. GRIFFIN: I do not think it appropriate to proceed with the amendment on file which seeks to insert new paragraphs *(d)* and *(e)* in this clause.

Clause passed.

Clauses 15 to 17 passed.

Clause 18—'Court to have regard to remission in fixing sentence or non-parole period.'

The Hon. K.T. GRIFFIN: The fate of this amendment has been determined by the previous division. I therefore do not intend to call for a divison on this amendment, but I wish to move it formally so that it is on the record, because it is the substantive part of the package of amendments relating to the question of remissions. I move:

Page 6,—

Line 3—After '302.' insert subsection as follows:

'(1) Where a court sentences a person to imprisonment for an offence, the court may, if it is of the opinion that the circumstances surrounding the offence were exceptionally grave, order—

(a) that the maximum number of days of remission that the person may be credited with for each month served in prison be reduced from 15 to such other number as the court thinks fit;

and

(b) where the sentence is to be served concurrently with or cumulative upon any other sentence of imprisonment, that the order be effective forthwith, or from such future date as the court thinks fit.'

Line 7—After '15 days' insert '(or such lesser maximum as the court or some other court may have ordered).'

I have explained already the import of this amendment. In addition, in relation to this clause I raise the question how it will work, only to the extent that the court is to have regard to the fact that a prisoner may be credited with a maximum of 15 days of remission for each month served in prison.

The question really arises how the court is to take that fact into account. Will it simply add one-third to the period that it considers the prisoner should spend in custody and run the risk that the prisoner may not be granted the maximum remissions, is some other mechanism to be adopted by the court, or is it left to the general ingenuity of the court to make a decision as to what may or may not be the application of remissions to a particular prisoner when sentencing is undertaken?

The Hon. C.J. SUMNER: It would be a matter for the sentencing court. One cannot be mathematically precise about sentencing, as the honourable member would know, but at the present time the judges say that they cannot take into account an administrative practice, even though in practice they seem to do that. This will mean that they will be required to take into account the administrative practice. The extent to which they do that is still a matter to be determined by the courts.

Amendment negatived; clause passed.

Clauses 19 and 20 passed.

Progress reported; Committee to sit again.

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October. Page 1486.)

The Hon. L.H. DAVIS: Land tax is a significant vehicle for tax gathering in South Australia. The budget estimate for 1986-87 is that $45 million will come into State Government coffers from land tax. In fact, that is more than was collected by financial institutions duty, the so-called tobacco tax and liquor taxes. In fact, it is not far short of what the State Government is projected to receive in 1986-87 from lotteries. However, the point must be made that land tax is gathered from far fewer people than the other taxes to which I have referred.

Since the Labor Government came to power land tax in South Australia has increased by a staggering 89.9 per cent. In other words, in the four year period from 1982-83 to the projected 1986-87 budget estimate, there has been a massive 90 per cent hike in land tax. That is the third largest increase in major State taxes in that period. I seek leave to insert in *Hansard* a purely statistical table which sets out details of receipts of State taxation with reference to land tax and other taxes.

Leave granted.

RECEIPTS—STATE TAXATION

	1982-1983 $m	1983-1984 $m	1984-1985 $m	1985-1986 $m	1986-1987 (Est.) $m	Increase % 1985-86 1986-87 %	Increase % 1982-83 1986-87 %
Land Tax ...	23.7	28.0	33.2	38.5	45.0	16.9	89.9
Gambling Lotteries, TAB, etc. ...	25.0	31.0	40.0	43.5	54.0	24.1	116.0
Casino	—	—	—	5.2 (part year)	111.9	—	—

RECEIPTS—STATE TAXATION—*continued*

	1982-1983 $m	1983-1984 $m	1984-1985 $m	1985-1986 $m	1986-1987 (Est.) $m	Increase % 1985-86 1986-87 %	Increase % 1982-83 1986-87 %
Motor Vehicles Registration fees, licences	58.6	60.0	63.3	71.1	90.0	26.6	53.6
Pay-roll Tax	222.8	233.6	253.8	265.6	283.0	6.6	27.0
Stamp Duties	118.3	168.3	207.6	205.0	219.5	7.1	85.5
Business franchises							
Liquor—publican and other licences	18.9	22.7	30.7	31.1	33.1	6.4	75.1
Petroleum	25.8	38.6	48.5	46.4	46.5	0.2	80.2
Tobacco	16.1	29.3	38.5	38.9	41.5	6.7	157.8
Statutory Corporation contributions							
E.T.S.A.	19.1	21.9	25.7	28.2	28.5	1.1	49.2
State Bank	8.1*	5.3*	7.4	12.5	12.2	-2.4	50.6
Financial institutions duty	—	11.1 (part year)**	28.8	31.1	33.5	7.7	—

* State Bank and Savings Bank before amalgamation in 1984.
**New tax.

Source: Budget papers.

The Hon. L.H. DAVIS: This Bill gives effect to a measure foreshadowed in the State budget. It provides for the introduction of a modified scale of land taxation. It seeks to increase from $40 000 to $60 000 the general exemption level from land tax.

It also removes the metropolitan levy where the taxpayer owns land with a taxable value or aggregate taxable value of $200 000 or less. As members would well know, those individuals who have land in aggregate are particularly savaged by land tax. In addition, this Bill provides for partial remission of tax: where the taxable value of all land held by a taxpayer does not exceed $200 000, the remission is 25 per cent and above $200 000 it is $470 plus 10 per cent on that part of the taxable value exceeding $200 000. But the important thing that I suspect a lot of landowners do not understand is that the clause providing partial remission of land tax applies for the current financial year only—it is not a permanent measure.

Notwithstanding the modest relief granted under this Bill, the statistical table above highlights not only the sharp increase that we have seen in land tax over the past few years but also the fact that there is a budgeted 16.9 per cent increase in revenue from land tax in the 1986-87 financial year. In other words, the Government is expecting to collect 17 per cent more in land tax this financial year as compared with last financial year. That is twice the projected rate of inflation for 1986-87. The Government has provided some explanation for this sharp increase in land tax in recent years and into the future by suggesting that, because the Valuer-General has implemented a computer based system of property valuations, property valuations can be kept up to date much more easily than was the case in past years. Members will recollect that not so long ago there was a review of property values on a five year cycle. Thus, land tax tended to be averaged out over a longer period and reflected any sharp increases in land prices much more slowly.

The second reason the Government has advanced for the increase in land tax is that the value of commercial and industrial properties has continued to increase, although it is admitted there has been some levelling of values of residential properties. That is also undoubtedly a true observation. But the fact is that, while land tax is based on property values, which have increased sharply, that has dramatically affected the viability of many small businesses.

Many examples were advanced in the other place of sharp increases in land tax bills over recent years. I have been referred to several examples which illustrate increases in excess of 150 per cent in only two years. In particular, those who hold, for example, 10 units bear a great burden, as land tax is calculated on an aggregated basis and, when divided out amongst the various users of that property, represents a steep impost in land tax on a weekly basis.

There have been many complaints by small businesses about the sharp rises in recent years which have outstripped increases in retail prices and the rate of inflation by a hefty margin. It is worth putting on the record that the Liberal Party, before the last election, publicly committed itself to abolishing in its entirety the metropolitan levy. Of course, that would have afforded enormous relief to many people, in particular, small businesses, which are recognised as being a vital cog in South Australia's economic wheel.

The Liberal Party is proud of its record in land tax having granted relief to all people who had a house only which had previously been subject to land tax before the Tonkin Government came to power in 1979.

I am not sure whether the Attorney-General is able to indicate the Government's intention with respect to the clause affording a partial remission of tax for land of a value not exceeding $200 000 where the remission for the next 12 months is 25 per cent, and for the remission afforded land where the taxable value is above $200 000. That was part of its election package—a relief of land tax.

Notwithstanding the relief of land tax that will flow from the amendment to the Land Tax Act, the Liberal Party remains concerned at the sharp increase in tax from this area and that the Labor Party does not have any long-term plan with regard to the injurious and often inequitable impact of land tax. It is also significant to note that an increasing number of persons who have been slugged hard by savage rises in land tax have complained to the Valuer-General about the inequitable valuation. There has been a growing number of complaints about the value on which land tax has been based. It will be of interest to know what increase there has been in the number of complaints and the subsequent adjustment to land tax.

I have heard of several examples where people have lodged appeals and have been subsequently successful in having their land tax assessment adjusted downwards. Of course, we do not live in a perfect world and sometimes genuine mistakes occur. Because valuations of property today reflect the market value more than was the case years ago, there is much greater room for error, especially when there is volatility in the market.

On the Government's admission we have seen some slow down in domestic house prices. In my view there has been a reduction not only in money terms but in real terms of housing prices in certain metropolitan suburbs. Commercial property seems, as the Government noted in the second reading, to be holding firm. Certainly, it has slowed down and again in real terms I suspect it is relatively stable and perhaps in some areas may be even falling off a trifle.

It is important that the Government is sensitive to this levelling out and falling off in real estate prices. With a computer it will be in a position to make adjustments to land values and, of course, it may well be that, if this sluggish economy we are now witnessing, particularly in

South Australia, moves more deeply towards a recession and perhaps ultimately even to a depression, that land taxes will fall in future years rather than rise because land taxes today are based very much on an up to date valuation of property.

As I have said, in the past where it was based on a five year cycle, the movements upwards and downwards in property prices tended to have levelled out in land valuations and subsequently the land taxes payable. Today, with the up-to-date valuation of commercial, industrial and domestic properties because of the application of a computer based system for property valuations, it will mean that the Government could be facing a fall-off in the take from land tax in the event of a sharp downward movement in property prices.

So, it is not the Opposition's intention to oppose this measure being as it is a legislative measure consequent on a promise given in the State budget of just two months ago. Indeed, it is a financial measure which traditionally this House has always supported. However, it is appropriate to voice concern about the failure of the Government to recognise the plight of small businesses, a plight which the Liberal Party recognised before the last election in promising to remove the metropolitan levy.

It is also of concern that the Government has made a promise only for partial remission of tax which will see a sharp movement upward automatically at the end of that 12 month period. I would be pleased if the Attorney-General could advise the Council—perhaps not in the debate tonight but in due course—of the Government's intention with respect to land tax after this exemption period has expired.

Finally, I put on record the concern of the Opposition that some of the valuations apparently have been out of line with what many people believe they should have been, and that, in my view, has led to an increase in the number of complaints.

The Hon. C.J. Sumner: They can appeal.

The Hon. L.H. DAVIS: Certainly, but I am making the observation which I believe to be true that there have been an increasing number of complaints. With those reservations, the Opposition supports the second reading.

The Hon. K.T. GRIFFIN: I briefly want to put on record one matter which has been drawn to my attention in relation to land tax and which highlights the extent to which land tax is being collected in South Australia on certain properties. It relates also to the question of valuation to which my colleague the Hon. Legh Davis has just referred. Although there is a mechanism for appeal, as the Attorney-General interjected, it is somewhat disconcerting for a property owner to receive an indication of the values of his properties and consequent increases in land tax by almost 100 per cent. I will now include a table showing increases in site values and land tax between 1985-86 and 1986-87.

Property No.	1985-86		1986-87	
	Site Value $	Land Tax $	Site Value $	Land Tax $
1.	13 000	357.80	42 000	742.30
2.	35 000	963.31	127 500	2 253.38
3.	8 400	231.20	28 500	503.70
4.	8 000	220.19	27 000	477.18
5.	6 400	176.15	21 000	371.14
6.	15 000	374.15	40 000	706.95
7.	15 000	374.15	40 000	706.95
8.	15 000	374.15	40 000	706.95
9.	11 500	296.74	31 500	556.72
10.	12 500	322.54	34 000	691.00
11.	9 500	245.13	20 000	353.47
12.	3 500	96.31	14 000	247.42
13.	74 000	1 591.17	155 000	2 739.41
14.	65 000	1 118.13	65 000	1 148.79
Total:	291 800	6 741.12	685 500	12 115.27

So, there has been a marked escalation in the value because of the progressive scales of land tax; a dramatic escalation in land tax and, as a result of that, these properties, which are let at very low rents to people on unemployment and social security benefits, may well be up for an increase on an average $7 a week rent which they can ill afford, or otherwise the premises will have to be vacated.

Land tax in these circumstances is escalating at a dramatic rate, is quite iniquitous, and, although the Bill before us gives some partial temporary relief, it does not deal with the major problem of escalating property values. With the reservations which I have expressed, I support the second reading.

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

ADJOURNMENT

At 12.35 a.m. the Council adjourned until Thursday 30 October at 2.15 p.m.