## LEGISLATIVE COUNCIL

Wednesday 18 March 1987

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

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

## QUESTIONS

### AUDITOR-GENERAL

**The Hon. M.B. CAMERON:** I seek leave to make a short statement before asking the Attorney-General a question about the Auditor-General.

Leave granted.

**The Hon. M.B. CAMERON:** The Attorney-General will no doubt have noted an article in the *Advertiser* today which was based on claims in the 6 March issue of *Business Review Weekly* by a Mr Emery who, it was alleged, accused the South Australian Auditor-General of publishing 'partial and highly misleading' data on the State's indebtedness.

In that article the Premier, Mr Bannon, indicated that he had accepted Mr Emery's explanation that his paper had been misreported by *Business Review Weekly*. I now have a copy of the relevant part of the paper presented by Mr Emery to the Australian Society of Accountants 1987 National Government Accounting Convention in Perth in February this year. It shows what Mr Emery, as Deputy Head of the South Australian Treasury and Chief Executive of the South Australian Government Financing Authority (SAFA), said. I seek leave to table that document.

Leave granted.

**The Hon. M.B. CAMERON:** The paper states:

> It is also interesting to note the differences between Victoria and South Australia in the roles of the Treasuries on the one hand and Auditor-General's Departments on the other in the publication of these more comprehensive and useful data. In the Victorian case, the Department of Management and Budget had been under criticism for some years from the Auditor-General and a parliamentary committee for not publishing such data. In the South Australian case it was partly, but by no means wholly, due to dissatisfaction with the partial and highly misleading data published by the Auditor-General which led to the Treasury publication.
>
> It is surely the responsibility of Government accounts, auditors and statisticians to ensure that public finance data are published in a way which is reliable and meaningful. In the absence of such data, decision-making and public commentary obviously cannot be well informed.

There is absolutely no doubt that any person interpreting these quotes of Mr Emery would conclude that they directly imply that the Auditor-General has been publishing material in an unreliable and non-meaningful way and that that material has been partial and highly misleading data. They are not my words—they are the words of Mr Emery.

These are extremely serious accusations against the office of the Auditor-General, who has a unique position in this State and who, like the Ombudsman, is accountable to the Houses of Parliament. The incumbent Auditor-General has been highly praised by Ministers and members in this Council, and from time to time has been used to inquire into matters which are deemed to require an impartial investigator. He presents material which is often critical of departments, and it is that office which performs the most valuable role in terms of the finances of this State. Any reflection on him, which is a very serious matter, should be the subject of either an inquiry or a statement to this Council by the Attorney-General, as Leader of the Government in this place, indicating quite clearly support for the Auditor-General and guaranteeing his independence from the arm of Government. In fact, I have received (and I think you may also have received it, Madam President) a letter from the Auditor-General on this matter addressed to the Speaker. A copy has been sent to me and to the Attorney-General: perhaps you might not have received it, Madam President. Perhaps it would assist members if I sought leave also to table that letter.

Leave granted.

**The Hon. M.B. CAMERON:** Just before I do, the Auditor-General said, in relation to the matter:

> Finally, I can assure the Parliament that the independent role of the Auditor-General will be preserved at all times. In line with established practice, I will continue to report on matters of efficiency and economy of public sector operations, and will continue to ensure that the financial operations of Government are disclosed in a proper and meaningful way.

My questions to the Attorney-General are: Will he make a clear statement on behalf of the Government indicating his and the Government's support for the Auditor-General and reject the reflection cast on the Auditor-General which has called into question the integrity of the Auditor-General? If not, will he institute an immediate inquiry into these allegations with a view to presenting a statement back to this Council at the earliest opportunity?

**The Hon. C.J. SUMNER:** If I read the Auditor-General's letter to the Speaker of the House of Assembly, it will probably resolve the matter for the honourable member. The letter states:

> I refer to an article published in the *Business Review Weekly* of 6 March 1987 in which it was stated that the Deputy Head of the South Australian Treasury criticised the Auditor-General for publishing 'partial and highly misleading data' concerning the State's indebtedness. The article was raised in Parliament yesterday by the member for Light, Dr Eastick. I believe the statement in that article needs to be corrected and placed in context.
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> The data referred to by Mr Emery were linked to a Treasury prepared statement also included in the Audit Report. From press articles at the time, it became clear that, while the published information (by both Audit and Treasury) may have been meaningful to those with a knowledge of Government finance and accounting, it was open to misunderstanding by those without that detailed knowledge. In the event, the Treasurer advised Parliament that Treasury would prepare a document to clarify the position and that document was made available in late 1985.
>
> Audit saw little point in duplicating that work by conducting a similar exercise, as it was planning to do. Like my colleagues interstate, I am concerned that the public, through the Parliament, is provided with factual and meaningful information, and that there is full disclosure and accountability on the increasing and diverse operations now conducted by Governments generally. Many changes have been made to the audit report in recent years (including public debt) to achieve this aim, in many cases by encouraging Government agencies to be more informative in their published accounts. I see this aim continuing to be achieved through cooperation rather than a high profile approach.
>
> Finally, I can assure the Parliament that the independent role of the Auditor-General will be preserved at all times. In line with established practice, I will continue to report on matters of efficiency and economy of public sector operations, and will continue to ensure that the financial operations of Government are disclosed in a proper and meaningful way. A response along these lines was forwarded to the *Business Review Weekly* on 11 March 1987 with a request for it to be included in their publication of 20 March 1987. I have forwarded a copy of this letter to the Premier and Treasurer, the Leader of the Opposition, the member for Light, and the Attorney-General, and to the Leader of the Opposition in the Legislative Council.
>
> Yours sincerely,
>
> T. A. SHERIDAN

That adequately explains the situation. Obviously, there was some difference of opinion with respect to some of the information that was produced with respect to the public debt and, in the letter that I have just read to the Council, the Auditor-General indicates that there was some concern that the information may have been open to misunderstanding by those without detailed knowledge of Government

finance and accounting. From a reading of the Auditor-General's letter, that seems to have been resolved, so I do not see that there is any present cause for concern about the matter. The Government supports the Auditor-General in his role, which is a very important one. It does not necessarily—

**The Hon. M.B. Cameron:** You are happy with the words 'highly misleading'?

**The Hon. C.J. SUMNER:** I am not referring to Mr Emery's comments. That is something that Mr Emery and the Auditor-General will need to sort out. I assume from this letter from the Auditor-General (Mr Sheridan) that the matter has been the subject of some communication and has been resolved. Obviously, the Government supports the Auditor-General; that is clear. There is no need for any special reaffirmation of that position. However, if it makes the honourable member more contented, I affirm that the Government supports the Auditor-General in his role. That does not mean that the Government or anyone else in the Parliament must uncritically accept everything that an Auditor-General might say. There can be differences of view and opinion about these matters just as there can be in reports that might be produced from other statutory officers whether or not they report to the Parliament directly.

**The Hon. M.B. Cameron:** The words 'highly misleading' were very foolish.

**The Hon. C.J. SUMNER:** That is the honourable member's opinion. They are not the Government's words and the paper to which the honourable member refers clearly has the qualification attached to it that the views expressed are those of the author (Mr Emery) and not necessarily those of the Government of South Australia or its agencies; it could not be clearer than that. Mr Emery gave a paper in which he expressed a view about certain information that was made public by way of the Auditor-General. He said specifically that those views were not necessarily the Government's views. The matter has obviously been the subject—

**The Hon. M.B. Cameron:** Nobody's trying to blame you; you're too sensitive.

**The Hon. C.J. SUMNER:** I am not being sensitive in the least. Since then there has obviously been some consideration of the matter by the Auditor-General. His position is stated in the letter which was tabled by the honourable member and which I read into *Hansard*. I do not think that there is any more that I need add.

## PRIVATISATION

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

Leave granted.

**The Hon. L.H. DAVIS:** During the 1985 State election campaign Premier John Bannon attacked the Liberals' privatisation proposals. The Prime Minister (Mr Hawke) supported this attack while in Adelaide for the election campaign. He described the Liberals' privatisation policies as 'ideological clap-trap' and also attached the Liberal proposal to offer Housing Trust tenants the opportunity to purchase their homes by saying:

> It is absolutely illegal under the provisions of the Commonwealth-State Housing Agreement to privatise public housing by selling off the South Australian Housing Trust houses.

In the past 15 months the State Government has sold off the State Transport Authority's Roadliner service, has offered residents in Housing Trust dwellings the opportunity to buy equity in their houses, and more recently has sought to privatise Amdel, understandably copping flak from the Public Service Association, which claims the Government has gone soft on its pre-election promises. It appears now that the Prime Minister no longer believes that privatisation is 'ideological clap-trap'.

Last week it was revealed that the possible sale of Australian Airlines was on the agenda of the Federal Government's Expenditure Review Committee and that the sale of Australian Airlines has the backing of Treasurer Paul Keating. Mr Hawke was quoted as saying that there could be advantages from the sale of Australian Airlines:

> There would be both a capital acquisition to the Government and there would be an end of a necessity to inject capital funds into a Government enterprise.

It appears that the Labor Party at the State and Federal level has recognised there are benefits in privatisation; in particular, the privatisation of Australian Airlines could lead to cheaper domestic travel and be of benefit to South Australia's tourism industry. I understand the South Australian branch of the Labor Party has already condemned the proposal to privatise Australian Airlines, although the State Labor Government through its actions with the Housing Trust, State Transport Authority and Amdel privatised public assets. My questions are as follows:

1. Will the State Government support moves to privatise Australian Airlines in view of the potential benefits to South Australia?

2. Does the State Government accept that its privatising programs in STA, Housing Trust and Amdel over the past 15 months and the Federal Government's current serious consideration of the sale of Australian Airlines demonstrate hypocrisy of the worst order and expose both Governments to a charge of being political chameleons.

**The Hon. C.J. SUMNER:** The answer to the second question is 'No'. In asking his question the honourable member, as one expects from honourable members opposite, engaged in parading some half truths to the Council. First, the Roadliner service was not privatised—its operations just ceased. It was not sold to anyone. That was not privatisation and to suggest that it was is, as I have just said, deals with only half the truth.

The proposition put forward by the Liberal Party at the last election with respect to the Housing Trust was to sell off Housing Trust stock at less than market value. Under the Commonwealth-State Housing Agreement that was not possible without the approval of the other parties to that agreement. That was overlooked completely by Mr Olsen at the time of the last election. There is no comparison between that and the State Government's proposition with respect to the Housing Trust as this Government's proposition does not involve the selling off of Housing Trust stock at a reduced price.

I believe that that would have had significant effects on the Housing Trust's operation, particularly in terms of where the Housing Trust would maintain rental stock, because it was an offer made at large and at prices below the market value. The Government's approach is to offer equity in certain Housing Trust stock, under certain conditions at a certain percentage of value. Now, clearly, there is a difference—

*The Hon. L.H. Davis interjecting:*

**The Hon. C.J. SUMNER:** Before the last election, the honourable member wanted, contrary to the Commonwealth-State Housing Agreement, to sell off Housing Trust stock, holus-bolus, at less than the market price, in order to get a bit of quick money. That is what they were on about. That is the sort of privatisation policies—

**The Hon. L.H. Davis:** Tell us about Australian Airlines—come on!

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** I will.

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order!

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order! Mr Davis, I have called for order three times.

**The Hon. C.J. SUMNER:** In asking a question like this the honourable member ought to put the whole situation. In terms of the social development of South Australia, and of Adelaide in particular, I believe that it is not satisfactory to engage in a prvatisation policy such as that outlined by the Liberal Party prior to the last State election in respect of the Housing Trust, because under that policy the Housing Trust would have lost all control over which houses or units were sold. I think that in terms of having a decent mix of rental accommodation (about which there is already criticism in South Australia; the suggestion is that there is perhaps not enough rental accommodation), in particular rental accommodation in the city of Adelaide, that policy would have exacerbated the situation where there was not a reasonable mix.

**The Hon. C.M. Hill:** You are selling houses now.

**The Hon. C.J. SUMNER:** Under different conditions.

*Members interjecting:*

**The Hon. C.J. SUMNER:** Under completely different—

*Members interjecting:*

**The Hon. C.J. SUMNER:** We are certainly not flogging off houses at less than the market value, holus-bolus, contrary to the law, irrespective—

*The Hon. C.M. Hill interjecting:*

**The Hon. C.J. SUMNER:** I am not ashamed of it. I am merely trying to put the facts straight as far as the Hon. Mr Davis's question is concerned. He said that the Roadliner was privatised: it wasn't—the operation was discontinued.

**The Hon. C.M. Hill:** You have a group meeting in private now looking at privatisation—and you know it.

**The PRESIDENT:** Order!

*The Hon. L.H. Davis interjecting:*

**The Hon. C.J. SUMNER:** There is obviously a lot of scope—

**The Hon. L.H. Davis:** Tell us about Australian Airlines; tell us the truth about that.

**The Hon. C.J. SUMNER:** I will in a minute, once I set the facts straight in regard to the Hon. Mr Davis's half truths given to the Council on the question of privatisation.

*The Hon. L.H. Davis interjecting:*

**The Hon. C.J. SUMNER:** The honourable member was clearly wrong in respect of Roadliner, he was clearly wrong in respect of the Housing Trust, and I would have thought that the issue of Amdel had been discussed sufficiently in this Parliament for the honourable member to know what is happening in that respect. The South Australian public sector is retaining majority control in Amdel.

**The Hon. L.H. Davis:** We were doing it with SAOG as well.

**The Hon. C.J. SUMNER:** We were not doing it with SAOG. You were flogging off more than that.

**The Hon. L.H. Davis:** We weren't.

**The Hon. C.J. SUMNER:** And it was a successful operation, you see. The problem with members opposite is that—

**The Hon. L.H. Davis:** We have the facts and the truth on our side—that is your problem.

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** You haven't.

**The Hon. L.H. Davis:** Things are not the same when they are different.

**The Hon. C.J. SUMNER:** What the honourable member had to say in his question was not particularly truthful; it was half truthful.

**The Hon. L.H. Davis:** Tell us about Roadliner.

**The Hon. C.J. SUMNER:** What about the Roadliner? You said it was privatised, but that is rubbish. The honourable member talked about the Housing Trust: I point out that in relation to members opposite their stunt with the Housing Trust was contrary to the law, and they could not do it.

*The Hon. L.H. Davis interjecting:*

**The Hon. C.J. SUMNER:** It was, and you know it was. You examine it at the time; it was examined carefully, but what you are trying to do was contrary to the law. You come in here and represent that as a policy that the Government has now picked up—and that is clearly not true. With respect to Amdel there is a majority public sector holding remaining with an attempt by the sale of Amdel to some private interest and, in any event, Amdel was always a combination of private interests, the Commonwealth Government and the State Government. It was not a statutory corporation that has been sold, that has been so-called 'flogged off'. It was always an organisation that had the mining industry and the State and Commonwealth Governments involved. What is happening is that there is a diversification of the interests that are involved in Amdel, and quite reasonably to give it some capital from which to expand its activities. The Government does not wish to resile from that decision, which I believe was a correct decision and which was in the long-term interests of Amdel.

So, having put the record straight with respect to the misrepresentation of the position by the Hon. Mr Davis, I have answered the second question and the answer to the first question is that the Government has not considered the question of the sale of Australian Airlines. However, the State Labor Party has made it clear that it is opposed to the sale of Australian Airlines.

## LAW REFORM

**The Hon. K.T. GRIFFIN:** I seek leave to make an explanation before asking the Attorney-General a question about law reform.

Leave granted.

**The Hon. K.T. GRIFFIN:** In August 1986 the Attorney-General indicated that the Law Reform Committee was to be disbanded at the end of 1986 after being in existence since 1968. In the Budget Estimates Committee the Attorney-General said that, because of the retireent of the Chairman from the Supreme Court bench, the Government would have to make a decision before the end of the year about the future of law reform in this State.

Later, in this Council, the Attorney indicated that Mr Justice Zelling would work on until the end of December 1986 and that there were a variety of options that were being considered by the Government, including a full-time commissioner in the Attorney-General's Department. Of course, 31 December has long since passed, but we have not heard what the Government proposes for law reform in the future. That is a matter of concern that has been drawn to my attention by members of the legal profession who believe that the quiet and diligent work of the South Australian Law Reform Committee has provided valuable reforms to the law. It is also a matter of interest and concern to me as to what is to happen to law reform: whether it is to be continued in South Australia under the independent responsibility of a body such as the Law Reform Committee

or will it come more under the umbrella of the Public Service? Therefore, my questions to the Attorney-General are:

1. What decision has the Government made on the future of law reform in South Australia?

2. If no decision has been reached, when will it be made, and what are the interim arrangements for reform?

**The Hon. C.J. SUMNER:** The Government is considering the future of law reform in the budget context and the most appropriate way to deal with the issue. As was mentioned yesterday, a legal constitutional committee of Parliament has been suggested in the past and it may be that we will have to look at the future of law reform in the context of what might be able to be done through the committee system of Parliament. For the moment, I need to check the precise position with respect to the references. The previous Law Reform Committee had certain outstanding references and the Chairman (Mr Justice Zelling as he then was) offered to continue with the work on the references which were outstanding and which could be completed within a reasonable time. I will get a report on where those references are and whether or not they have been completed yet.

As I understand it, they are being completed at present. The Government will not be able to proceed with a permanent statutory or administrative law reform commissioner because funds simply will not permit that. The decision has been taken to proceed with a law reform committee (probably in a slightly modified form) but, that, too, must now be addressed specifically in a budget context. Obviously that will occur over the next two or three months.

As an update to the honourable member, I will get the situation with respect to Mr Zelling QC's completion of the references that he agreed with me that he would complete. I can say categorically that a law reform commissioner—a full-time officer with staff and the like—will not be proceeded with. However, it is interesting to note that that was the honourable member's policy at one stage.

*The Hon. K.T. Griffin interjecting:*

**The Hon. C.J. SUMNER:** You wanted a law reform commission with a full-time officer. That is what the honourable member wanted. That was the original proposal.

**The Hon. K.T. Griffin:** An independent body.

**The Hon. C.J. SUMNER:** The law reform commissioner would have had independence in terms of his—

**The Hon. C.M. Hill:** What about the sailing boats, hotels and things like that? We didn't waste money on those other things.

**The Hon. C.J. SUMNER:** Which hotel are you talking about now?

**The Hon. C.M. Hill:** The hotel in Currie Street and the hotel on North Terrace that I hope I will hear about today when the Attorney replies to the debate on the Supply Bill.

**The Hon. C.J. SUMNER:** You're astonishing with remarks like that.

**The Hon. C.M. Hill:** You're wasting a lot of money.

**The Hon. C.J. SUMNER:** There is not a lot of money being wasted.

**The Hon. C.M. Hill:** Put it into worthwhile services.

**The Hon. C.J. SUMNER:** The honourable member referred to yachts. It is absolutely typical of the Opposition when it comes in and throws around these remarks, despite the fact that Mr Olsen did not seem to mind parading around and drinking champagne on the *Magna* when it was in Fremantle.

**The Hon. C.M. Hill:** On the what?

**The Hon. C.J. SUMNER:** Obviously you don't know very much about it, but your Leader did not seem to mind sending telegrams to this State's America's Cup entrant.

*An honourable member interjecting:*

**The Hon. C.J. SUMNER:** No, that is the sort of thing that the Hon. Mr Davis's coalition partners do.

*The Hon. L.H. Davis interjecting:*

**The Hon. C.J. SUMNER:** It is obvious that he is still in the coalition; he has not been taken out of the coalition.

*An honourable member interjecting:*

**The Hon. C.J. SUMNER:** That is right. We know all about that. We have seen the polls today which apparently show that Sir Joh and Mr Peacock will apparently sweep the pool but, obviously, it will be without Mr Davis because he does not think that Sir Joh has—

*The Hon. C.M. Hill interjecting:*

**The Hon. C.J. SUMNER:** The Hon. Mr Hill interjects, quite irrelevantly, about support for promotions. The Government does not resile from them because they were positive promotions for the State of South Australia, and indeed they were supported by the Opposition and by Mr Hill's Leader, in another place, Mr Olsen. I know that the Hon. Mr Hill is in his last term and that he does not have to take much notice of his Leader in this place, or anywhere else for that matter. However, the Hon. Mr Hill really should get his facts straight before interjecting like that.

*The Hon. C.M. Hill interjecting:*

**The Hon. C.J. SUMNER:** Again the honourable member does not seem to understand the situation. Has he spoken to his Federal Leader, Mr Howard, lately? Apparently Mr Howard wants to chop $5 billion off the Federal deficit.

**The Hon. C.M. Hill:** Don't whinge that you have no money, when you wasted—

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** Mr Howard also wants to cut payments to the States. At the same time, the Hon. Mr Hill interjects that he wants us to spend more money. He is astonishing.

*The Hon. M.B. Cameron interjecting:*

**The Hon. C.J. SUMNER:** The Hon. Mr Hill is enjoying himself in his retiring years, in his last three years in Parliament (we understand). Of course, he is a bit of an unguided missile: he does not take any notice of the Hon. Mr Cameron on random breath testing; and he does not take much notice of his Leader in another place with respect to the South Australian America's Cup entrant. However, with respect to the Hon. Mr Griffin's question, I indicate that a law reform commission will not be established. I am surprised that the Hon. Mr Griffin was critical of that seeing that it was a proposition that he floated at two or three elections.

**The Hon. K.T. Griffin:** That's not correct.

**The Hon. C.J. SUMNER:** It is; I have the material, and I can get it and table it, if that is what the honourable member wants. The honourable member proposed a full-time law reform commission. I will produce that material, if you want me to.

**The Hon. K.T. Griffin:** That was early on; it was not at the last election. At the last election it was significantly modified—you know that. Go and get it and look at it.

**The Hon. C.J. SUMNER:** That is all right, but at one time you proposed a full-time law reform commission.

**The Hon. K.T. Griffin:** A commissioner understands the responsibility—

**The PRESIDENT:** Order!

**The Hon. K.T. Griffin:** You wanted a bureaucrat to do it.

**The Hon. C.J. SUMNER:** The Hon. Mr Griffin misunderstands the position with respect to a law reform commissioner. In any event, funds will not permit that to proceed, and a modified law reform committee is being considered. The Government would wish to proceed with that, but at this stage we are still examining the financial position as part of the budget.

## WOMA

**The Hon. M.J. ELLIOTT:** I seek leave to make a brief explanation before asking the Minister of Health a question about funding for WOMA at Port Augusta.

Leave granted.

**The Hon. M.J. ELLIOTT:** When I was in Port Augusta about two weeks ago I met with a number of Aborigines and discussed the question of dry area regulations and their effects. The Aborigines told me that the WOMA centre was having difficulties with funding and, as a result, it could not be opened as regularly as had occurred previously. I understand that staff at WOMA would provide a meal and refer people with various health or welfare needs. When I returned to Adelaide I telephoned WOMA because I did not have a chance to talk to staff there on my visit to Port Augusta. The staff members I spoke to on the telephone suggested that the Department for Aboriginal Affairs had cut $106 000 from their funding on the understanding that the Health Commission had offered a similar amount. They also suggested that the Health Commission grant was being withheld because WOMA had failed to agree to certain conditions.

I am concerned that the services previously offered by WOMA have been seriously eroded. Apparently there is much more domestic violence occurring with the dry area regulations (and some people had suggested that this would occur). The WOMA people are frequently approached by police to go with them to homes. Apparently that works very well. At the moment, because of funding difficulties, WOMA is winding back. Can the Minister say whether what I have said is correct, and what can be done about funding?

**The Hon. J.R. CORNWALL:** The honourable member's explanation is scattered all over the place. The Hon. Mr Elliott has put a couple of facts and has made a number of allegations.

**The Hon. M.J. Elliott:** Which are the facts?

**The Hon. J.R. CORNWALL:** I will tell him. A number of the allegations are shot through with inaccuracies. In Port Augusta and Davenport there is an Aboriginal community controlled health service known as the Pika Wiya Health Service (which means 'our health service'). As I recall, it was established during late 1984 as a direct result of the Foley report into Aboriginal health services in South Australia. It now has a budget of about $1.1 million a year, which comprises Federal and State funds. It is one of the major community controlled health services in this State and indeed in the country. On the other hand, the WOMA organisation is completely funded by the Federal Department for Aboriginal Affairs.

It is an Aboriginal sobriety organisation which has existed for quite a number of years. The efficiency or effectiveness of WOMA, both as a sobriety organisation and as a support, treatment and rehabilitation organisation for alcohol problems, has been under scrutiny for some time. It is true that some of the WOMA funding has been redirected into other areas by the DAA. It is also true to say that the efficiency and effectiveness of WOMA generally has been called into question on a number of occasions. With regard to the dry areas, they are created under the liquor licensing legislation and have nothing to do with me as Minister of Health, and nothing specifically to do with Aboriginal communities.

**The Hon. I. Gilfillan:** It affects the Aboriginal community directly.

**The Hon. J.R. CORNWALL:** Does it if there is a ban in Moseley Square, Glenelg? Does it if there is a ban in Hindley Street, Adelaide? Does it affect the Aboriginal community if the Noarlunga council is granted its request to declare certain areas in the vicinity of the Noarlunga shopping centre dry areas? Does it if we accede to the request of the Tea Tree Gully council to declare certain areas to be areas in which alcohol cannot be consumed? There is no racism in the liquor licensing legislation which allows local councils to submit applications under the legislation for certain areas within their control to be declared areas in which the public consumption of alcohol is not permitted.

The so-called dry areas legislation has nothing directly to do with Aboriginal communities, white communities or any other communities. It has to do with local governments in South Australia and with local communities generally. Frankly, I cannot support a situation which says that people are at liberty to become drunk and disorderly, to consume liquor in public places and to behave in ways that are socially unacceptable, whether those people are Aboriginal or white Anglo-Saxon Protestants, or members of any other group in the community. So, let us not have that as some sort of red herring.

**The Hon. M.J. Elliott:** You brought that up.

**The Hon. J.R. CORNWALL:** No.

**The Hon. M.J. Elliott:** You put your own interpretation on that.

**The Hon. J.R. CORNWALL:** You mentioned dry areas in the context of the WOMA organisation and services in Port Augusta generally. In summary, the WOMA organisation is not considered to be an effective or efficient organisation. There were very positive negotiations prior to December last year for WOMA to become incorporated under the umbrella of Pika Wiya. Unfortunately, those negotiations broke down. Nevertheless, the offer is still open. We would be pleased to see WOMA incorporated under the constitution of Pika Wiya which, in turn, is incorporated under the South Australian Health Commission Act, while retaining a substantial degree of independence.

*Members interjecting:*

**The Hon. J.R. CORNWALL:** Yes, like the hospitals. We are also in the process of making a bid for some money in the 1987-88 budget to enable the Health Commission, the South Australian Government, to establish a detoxification centre in Port Augusta, probably under the auspices of the local hospital. In fact, we have a $1.1 million Aboriginal community controlled health service which is working—and working rather well. We have WOMA, which is not working, unfortunately.

**The Hon. M.J. Elliott:** It hasn't got any money!

**The Hon. J.R. CORNWALL:** We do not fund WOMA, nor have we any intention of funding WOMA.

**The Hon. M.B. Cameron:** You did at one stage.

**The Hon. J.R. CORNWALL:** No, we did not ever have any intention of funding WOMA—except under terms which would have made them accountable. It is said of WOMA that all they were doing with their $360 000 was providing employment for six people and providing cut lunches. It is very doubtful, on all the objective evidence that I have, that WOMA ever functioned effectively as a sobriety group for the Aboriginal people in Port Augusta and Davenport. We are very happy to support WOMA and very happy to

expedite the incorporation with Pika Wiya, provided those two organisations take the decision themselves.

There is no point in having Aboriginal community control but not allowing them to control their own destiny. For that reason, we have been very patient with the warring factions in Port Augusta and Davenport. It seems to me a great pity that a small number of Aboriginal people are far more concerned, it seems, with power and their own local power plays than they are with the wellbeing of more than 2 000 of their own people. The sooner those two warring factions get together for the common benefit of the more than 2 000 Aboriginal people in Port Augusta and Davenport, the better it will be for everyone.

**The Hon. M.J. ELLIOTT:** I have a supplementary question. Could the Minister tell me what conditions the WOMA group is failing to fulfil at this stage which would allow them to come under the Health Commission or whatever it is that is being discussed?

**The Hon. J.R. CORNWALL:** For them to attract the support of the South Australian Health Commission we would require them to negotiate satisfactory terms with Pika Wiya to amalgamate: that is, they should operate under the one constitution.

**The Hon. M.B. CAMERON:** I have a supplementary question. Is the Pika Wiya health service an independent health service under the control of the Aboriginal people? If so, have there been recent changes to the constitution of the Pika Wiya health service, and what are they?

**The Hon. J.R. CORNWALL:** Yes, it is an independent health service. I am unaware of any changes which have been proposed recently in the constitution, although I do not claim to be entirely up to date with anything which might have happened in the immediate past. Certainly, I am unaware of any request which has come near my desk for changes in the constitution.

## AGEING CITIZENS

**The Hon. DIANA LAIDLAW:** I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about the Older Persons Advisory Committee.

Leave granted.

**The Hon. DIANA LAIDLAW:** Last month the South Australian Consultative Council of Pensioners and Retired Persons Associations was incorporated as an informal advisory body under the Commissioner for the Ageing Act. This step, I understand, aims to provide our older people with a direct link to Government planning on issues ranging from accommodation, recreation and leisure to transport, health care, work and retirement. I note, however, that the move to incorporate the consultative council under the Commissioner for the Ageing is contrary to the recommendations of the consultative report on the role and function of SACOTA, the South Australian Council of the Ageing, a study carried out at the instruction of the Minister last year. The second term of reference of that study required the consultant to consider the relationship between SACOTA and the South Australian Consultative Council of Pensioners and Retired Persons Associations.

In relation to that term of reference, the consultant (Dr Leon Earle) made eight recommendations, the principal ones being the following two: that Government funding of SACOTA for consultative council secretarial services continue in 1987; and that SACOTA and the consultative council establish closer liaison with the Commissioner for the Ageing through regular meetings for mutual exchange. My questions to the Minister are: Will he advise why these two important recommendations by the consultant, together with the other recommendations relating to the consultative committee, have been rejected in favour of the current position which incorporates the consultative committee under the Commissioner for the Ageing? Does the decision suggest that the Minister is not satisfied with the progress that SACOTA has made on implementing all of the consultant's recommendations?

**The Hon. J.R. CORNWALL:** The Hon. Ms Laidlaw will really have to lift her game and do a lot better if she wants to continue in the shadow portfolio. On most occasions in this place she does not know what she is talking about. No wonder they call her the two brick woman: she carries two bricks in her handbag on windy days. She is, as I said the other day—

**The Hon. L.H. Davis:** Just climb out of the gutter and stop making such personal attacks.

**The Hon. J.R. CORNWALL:** She is, as I said the other day—

**The Hon. L.H. Davis:** Do you carry on with your staff like this—

**The Hon. J.R. CORNWALL:** She is, as I said the other day—

**The Hon. L.H. Davis:** —abusing people? You do, don't you?

**The Hon. J.R. CORNWALL:** If the honourable member has finished, I will continue.

**The PRESIDENT:** Order! The Minister has the floor.

**The Hon. J.R. CORNWALL:** If the Hon. Mr Davis wishes to continue to bellow like a bull, I will resume my seat, because it is not reasonable to expect me to continue while he is bellowing in the most unintelligent way that one can imagine.

**The Hon. L.H. Davis:** Just use some dignity in the Chamber.

**The Hon. Diana Laidlaw:** You pressure everybody in Community Welfare, but you can't take the pressure yourself.

**The PRESIDENT:** Order! I call the Hon. Mr Irwin.

## CHILD ABUSE

**The Hon. J.C. IRWIN:** I seek leave to make a brief statement before asking a question of the Minister of Health about child abuse.

Leave granted.

**The Hon. J.C. IRWIN:** As we all know, there is now greater awareness of child sexual abuse in our community. Children are being asked to say 'No' and to 'tell'. They are being encouraged to come forward and seek help. Child abusers are also encouraged to seek help. All this is moving in the right direction and is a good thing. I received advice from a person who is a child abuse expert and who has just published a book on the subject. The author said that, following the publication of the book, television appearances and newspaper articles, calls were received from self-confessed child abusers, all of them professionals working with children. The author telephoned St Corantyn's Clinic and found a six months waiting list. The author was told that a psychologist at Adelaide Gaol might help but no-one was prepared to risk calling there. The author has said for a long time that offenders should be encouraged to come forward for treatment: but where is the treatment? My questions are:

1. Is the Minister aware that many people are seeking treatment as self-confessed child abusers?

2. Is he aware that there are only very limited facilities to turn to?

3. What plans does the Minister have to increase the facilities available to treat not only the self-confessed child abusers but those identified by the abused following the increased awareness campaign promoted by the Government?

**The Hon. J.R. CORNWALL:** I am acutely aware of the fact that the current treatment counselling services for child abusers, whether they be guilty of physical or sexual abuse, are quite inadequate. They are inadequate here and elsewhere in the country, and that is a matter of some concern. The report of the task force on child sexual abuse referred quite specifically to this deficit and made a number of recommendations. For example, task force members were unable in the short term, at least, to recommend diversion from the criminal justice system for treatment programs because of what they considered to be a very substantial lack of adequate treatment and counselling services. Obviously, as the Minister responsible, I regard that as a high priority area. I am seeking additional funds in the 1987-88 budget against a background where everybody is being asked to tighten their belts, where the conventional conservative wisdom of the day—

**The Hon. R.I. Lucas:** Hawke and Bannon.

**The Hon. J.R. CORNWALL:** Where the conventional conservative wisdom of the day coming from Petersen, Howard, Andrew Hay and various others, too numerous to mention, is that we ought to be involved federally, at least, in tax cuts and, more importantly, in massive cuts in public funding of the order of $5 billion to $7 billion, depending on which of these particular Messiahs one listens to.

**The Hon. R.I. Lucas:** Hay wants $10 billion.

**The Hon. J.R. CORNWALL:** Hay may well want $10 billion.

*The Hon. R.I. Lucas interjecting:*

**The Hon. J.R. CORNWALL:** Why don't these people opposite stand up and tell us where they stand in the conservative spectrum? How much would the Hon. Mr Lucas want? How much would the Hon. Mr Davis, the economic guru, de facto shadow Treasurer, want? How much would the Hon. Mr Davis think is a reasonable figure?

**The Hon. C.J. Sumner:** He wants more money to spend.

**The Hon. J.R. CORNWALL:** He wants more money for the arts, among other things. He consistently—

**The Hon. L.H. Davis:** That is a bad piece of acting, John. You need to go to drama school.

**The Hon. J.R. CORNWALL:** I really don't ponce about in this place. I am not practised in that at all. I was never in the school debating club.

**The Hon. L.H. Davis:** I was never in the school debating club, either.

**The Hon. J.R. CORNWALL:** The honourable member developed his juvenile habits at university, presumably, because he has been behaving like a 15-year-old school boy debater ever since. The simple fact is, as I say in this Chamber every day (it cannot be said too often), funding cuts and cuts in public sector employment mean fewer doctors, nurses, teachers and fewer people generally in the human services area, who are so important to the functioning of a caring and civilised society. When these people get to their feet and call for more and more public sector cuts, they have to realise that we are not talking about male white collar workers sitting behind desks on the eighth, 10th or 12th floor. We are not talking about faceless men and women in clerical occupations; they are a small minority of public sector employment. We are talking about doctors, policemen, nurses, firemen and all of these people who, in the past 50 years in particular, we have come to expect will be available to make and preserve the fabric of our civilised society.

I conclude by repeating that we are aware of the lack of adequate services and, as Minister of Health, Minister of Community Welfare and Chairman of the Human Services Committee of Cabinet, I give that a very high priority indeed.

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## SELECT COMMITTEE ON SECTION 56 OF THE PLANNING ACT 1982 AND RELATED MATTERS

**The Hon. G. WEATHERILL:** I move:

That the report of the select committee on section 56 of the Planning Act 1982 and related matters be noted.

I thank committee members for their cooperation in the preparation of this report, which has been tabled. I commend the report for the consideration of honourable members.

**The Hon. DIANA LAIDLAW:** In supporting this motion, it is my intention to speak at greater length than did the Hon. Mr Weatherill. This is about the fifth occasion in the past two years on which I have spoken in relation to section 56 (1) *(a)* of the Planning Act. On previous occasions I have addressed Bills introduced by the Government to repeal that section. On all those occasions I have opposed moves to delete all reference to the rights of owners to develop property where they have an existing use in a zone now deemed to be a non-conforming use.

On 26 August, the last occasion this matter was raised, I successfully moved that a select committee be appointed to inquire into and report upon the section and related matters and to recommend appropriate amendments. As a member of that select committee I am pleased to be associated with the report that you tabled on our behalf yesterday. That report, the seven recommendations and the accompanying Bill represent a compromise, one I believe that is constructive, logical and positive: it is certainly a compromise on the very firm views expressed in this Chamber on the previous five occasions, both for and against the repeal of section 56 (1) *(a)*.

In the past I have staunchly opposed the repeal of this section for a wide range of reasons. A number of those reasons were presented in evidence to the committee and are noted on page 4 of the report. It is important, at least to those people who have spoken to me in the past, that I read this part of the report into the *Hansard* record. The committee noted the following:

Opponents of the Bills argued that section 56 (1) *(a)* serves an important function because 'development' as defined in the Act includes not only a change in the use of land but activities in the nature of construction and alteration where the same use is to be continued. In other words, it ensures the right to expand or intensify existing uses where such activities involve no change of use. As such, 56 (1) *(a)* was seen to reinforce long standing common law rights.

Opponents of repeal noted that invariably redevelopment of a particular use of land is required for the use to remain viable and/or to comply with changing circumstances, e.g. provisions of later legislation or regulations. To deny a guaranteed redevelopment right could effectively remove the ability of the activity to continue or the basis upon which an investment decision has been made. It was argued that in either instance it would be unjust considering the existing use was established prior to the current planning controls deeming the use to be non-conforming. Also, it was argued that a measure of protection was required

where future owners invested in a particular permitted use, on the understanding that redevelopment will be possible, and are affected by subsequent changes in the planning designation of the land concerned.

In addition, it was argued that ramifications arising from repeal of 56 (1) *(a)* have to be considered in the light of amendments in 1985 to the following sections of the Planning Act:

Section 47 (9) to provide that a planning authority shall not consent to a proposed development that is seriously at variance with the provisions of the development plan; and

Section 53 which repealed the requirement that the Planning Appeals Tribunal must grant leave for the continuation of third party appeals.

Notwithstanding the validity of all of those arguments, as a member of the committee I was aware that section 56 (1) *(a)* had been suspended since 29 November 1984, for well over two years, and that in the meantime, in May 1985, the Parliament had approved a repeal of the existing use provisions in the City of Adelaide Development Control Plan.

These facts, together with a number of submissions that identify problems where development of existing use rights had previously affected the rights and quality of life of owners and users of land adjacent to the development site, convinced me that the resurrection of section 56 (1) *(a)* in its current form was not an acceptable option to continue pursuing. That being the case, the committee has come forward with seven recommendations, a few of which I will speak to.

The first was that the Planning Act should operate in such a way as to ensure the protection of established lawful activities from the operation of planning controls. With regard to that recommendation, the committee accepted that planning controls should not seek to prevent the continuation of established lawful activity. In so doing, we recognised that recent legislation in Victoria had not upheld this principle, so I for one am particularly pleased that all members on the committee were prepared to put their names to this recommendation.

The second recommendation that the Planning Act contain an express provision to ensure the continuation of existing lawful use is not subject to the development control provisions of the Act. In respect of this recommendation, the committee took the firm view that it was important to enhance community understanding of development rights and where uncertainty exists in contentious areas such as existing use rights, that it was desirable for express provisions to be inserted in the Act to clarify those rights. We believe that this was extremely important, not only because we were keen to see that the amount of litigation witnessed before the courts in recent years is reduced as much as possible, but also because we were firmly of the view that legislation such as the Planning Act must be available and understood widely in the community and that it is not legislation simply for the benefit of lawyers and judges. The more widely understood that we can make legislation the better we will be serving the community.

With regard to this express provision, we also believe that it will help to ensure that the regulating power to extend the definition of 'development' is not used to impair the right of an existing use to continue. In respect to the change of use issue the committee took the view that the matter was adequately addressed by the existing definitions, by the provisions of appeal rights and by a substantial body of precedent.

The third recommendation was that the express provision protecting existing use rights be drafted in a manner so as not in itself to authorise further development as defined in the Planning Act and its regulations.

This recommendation recognises that there are and will continue to be many justifiable and legitimate reasons for allowing existing activities the right to further development. The committee also recognised that to provide a guaranteed universal right to further development in the Act may seriously erode the rights of users of land adjacent to that development site.

In relation to this matter, the Environmental Law Association, which in itself reached a compromise in this matter of existing use rights, had concluded that it would be wise that the select committee consider the use of the term 'minor' in relation to further development. However, the committee believed that there would be practical administrative problems if we adopted such a course. One problem would involve knowing the original condition of the land so as to determine the limits of further development; a second problem would be the need to define the extent of those rights.

As I said earlier, the committee believed that it was very important that as much as possible these problems be resolved at the local level, and need not be determined by resort to the courts. We believe that the council would be the appropriate forum for resolving matters at the local level, and we have recommended that all councils in preparing supplementary development plans must take adequate cognisance of existing use rights in the preparation of those plans. When those plans are submitted to the Joint Committee on Subordinate Legislation, that committee should see that adequate consideration has been given by councils to the issue of existing use rights. We believe that that recommendation can be accomplished by extending the role of the Subordinate Legislation Committee. At present that committee has the capacity to determine plans that contain statements dealing with prohibited and permitted development. We believe that the role of the Subordinate Legislation Committee could easily be expanded beyond the confined role that it plays at present.

Recommendation 5 refers to the right of appeal for applications for prohibited development, but only to the extent to which the development concerned is required under the provisions of some other Act. I was particularly keen to see this right of appeal provided. I was very conscious of the fact that many people would consider the repeal or amendment of section 56 (1) *(a)* to be the removal of existing rights and that therefore the amendments proposed by the select committee would mean that some people would be disadvantaged.

In addition to that matter, I was very conscious that the amendments that we passed in May 1985 provided ready access for third party appeals to these matters, and it seemed to me that all parties other than the actual owner of the existing use right would have this right of appeal. That seemed to me to be totally unjust, and I am very pleased that the committee has supported that view, although we have—and I believe wisely—confined that right of appeal to applications where development is required due to other legislation; it could be in relation to fire, pollution or noise regulations or legislation.

The select committee has drawn up a Bill, which accompanies the select committee report. That exercise in itself was interesting: where one can make recommendations, the actual transference of those ideals into a draft Bill is a quite exacting exercise in itself. I understand that the Bill may well be accepted by the Government. I certainly hope that that is the case. If so, it would be ideal if the Bill could be introduced and passed swiftly through Parliament to ensure that we do not have to seek further suspension of section 56 (1) *(a)*. The present suspension of that provision is due to lapse on 30 May this year.

Before closing my remarks in noting the select committee's report, I would like to add to the words of the Hon. Mr Weatherill to indicate that I found it a particularly rewarding task to work with him and other members on the select committee. I commend you, Ms President, on your handling of the select committee. As I have indicated, it was a difficult section to deal with. Certainly many of us had very fixed views when we began work on that select committee. I believe that you, Ms President, handled a very complicated matter, and one in relation to which there were very strong views, most ably. I commend you for that and I believe that you should gain much satisfaction from the conduct of the select committee itself and the report that we have all accepted.

I would also like to thank our research officer, Mr Phil Smith. I have worked on many select committees in the past and, without reflecting on the ability of other research officers, I think Mr Smith excelled in his role, and I thank him for all his support and assistance. I also thank the Minister for releasing him to work with us on this important matter.

**The Hon. J.C. IRWIN:** I support the remarks of the Hon. Diana Laidlaw and the Hon. Mr Weatherill in noting the adoption of the select committee's report. The experience of working on the select committee has greatly enhanced my understanding of the whole matter of planning. While working on a select committee, where people are locked up in a room on various occasions over a number of months, one comes to appreciate how other people think and how differing views can eventually become quite harmonious—as we have seen in this report. This was well expressed by the Hon. Ms Laidlaw. I must say that I first entered the general debate on section 56 of the Planning Act quite some time after the events some years ago which sparked off so much interest in this section and related sections.

As a farmer prior to the 1985 State election, I was well aware of the great interest in the community regarding scrub or native vegetation and clearance. My property, in fact, still retains about 1 600 acres of native vegetation, so, I have a natural interest in this matter. I do not have to declare that interest, because, as everyone knows, the native vegetation issue is now dealt with under an Act specifically for that purpose, and that plays no part in this select committee report. However, there is no doubt that the principles laid down by the High Court in the C.R. Dorrestijn and another and the South Australian Planning Commission judgment, delivered on 29 November 1984, have application to other matters still dealt with under the Planning Act.

Of course, as well there is a great body of common law relevant to the Planning Act. I do not intend to go through the select committee's report point by point and the advice that it seeks to give to Parliament, but I strongly urge anyone interested in this matter to read the whole report because it sets out clearly and, in my humble opinion, in an outstanding fashion, the background, the problems and the proposed solutions.

One of the prime targets of the select committee was to produce a report and recommendations that were couched in relatively simple and easy to understand terms. I hope that we have been able to achieve that aim. Of course, the lawyers, planners and experts will have their private and public arguments and will no doubt be giving us advice on the Planning Act amendments to be introduced by the Minister on behalf of the Government. They may or may not be exactly the same as the ones that we published with the report, but I emphasize that we set out to produce a report that could be easily understood. We recommended amendments to the Act that reflect the conclusions reached by the select committee. The great majority of people using the Planning Act are not experts and they just want to know what they can do and what are their parameters. I support that point made earlier by the Hon. Ms Laidlaw.

Much of the credit for the written report should be given to Mr Phillip Smith, the select committee's research officer. I acknowledge and appreciate his clear and concise understanding of the Planning Act. Also, I acknowledge the Chairpersonship of you, Madam President, as you obviously knew the subject of planning well through your experience gained in this matter over a number of years in this Council. I also acknowledge the work and contribution of members of the select committee from the three Parties represented in this Chamber.

I understand that the important provisions, section 56(1)*(a)* and *(b)*, have been suspended since 29 November 1984 in respect of paragraph *(a)* and 11 December 1984 in respect of paragraph *(b)*, which is some 28 months. They have been the subject of a select committee, which lapsed because of the 1985 election. All told, they have been missing from the Act for far too long, and that point has been acknowledged by others. There is no doubt that a solution had to be found, and there is no doubt that some sort of compromise had also to be found. I sincerely hope that I have helped in some small way to find a reasonable solution.

I have to state the obvious: I am not a lawyer, I am not a planning expert and I have had only limited experience in planning matters while being a member of a rural council. Further, the committee did not have the advantage of ongoing advice from outside, from private sector lawyers and planners, people out there doing the planning. It has been acknowledged that we had the services of Mr Smith from the Environment and Planning Department at every meeting, and we had advice from Parliamentary Counsel when drawing up the suggested amendments that are part of the report. Of course, we also had advice at the beginning from those people who gave verbal and written evidence to the committee, and those people and organisations appear as Appendix A.

I am leading up to say that I review the report as one step in the whole process of public discussion. We have a select committee recommendation. No doubt we will have public discussion and advice flowing from that. We will have Government amendments. There may be time for some limited public discussion once the Government's amendments are known. Then the Act will be amended and those amendments no doubt will be tested by time and in the courts.

Although I have obviously supported the unanimous report, I am not locked in (and neither is my Party nor anyone else) to what the Minister may eventually bring in as amendments to the Act. I await with considerable interest the fair, thoughtful and balanced public comment on what we have done. Madam President, I will make brief comment on a couple of points. One is relatively minor and the other I hope will address the considerable apprehensions of people in rural areas.

First, I refer to proposed new section 41(15), which provides:

> If, at the expiration of 28 days from the day on which a supplementary development plan was referred to the committee—
>
> the Subordinate Legislation Committee—
>
> the committee has neither approved nor resolved not to approve the plan, it will be conclusively presumed that the committee has approved the plan.

Simply, if there is a very long period when Parliament is not sitting, as happened in 1986, there would be no sitting or meeting of the Subordinate Legislation Committee. This

has always been the case, I understand, but I highlight that this long blank period could cause considerable holdups in the approval of supplementary development plans. We should find a way to overcome this problem. Councils have waited long enough without our adding to their problems. This proposed subsection (15) provides that, if at the expiration of 28 days there has been no resolve from the Subordinate Legislation Committee, the plan is deemed to have been approved. I understand that it has been the practice of Ministers of Planning not to take advantage of a long break in the Parliamentary sitting schedule to surreptitiously, as it were, have a plan passed through subordinate legislation without the proper process of looking at the plan taking place.

Madam President, my final point relates to broad acre farming and primary production areas. It would be accurate to say that a number of words scare the daylights out of people practising and representing primary production anywhere in this State and how they relate to planning. I refer to 'change of land use' and 'intensification'. First, referring to 'change of land use', I refer to page 7 of the report which, I hope, will set some minds at rest, as follows:

> In association with protection of existing uses, a number of submissions to the committee raised concern with the concept of 'change in use'. It was put to the committee that planning controls could be interpreted in a manner which could govern matters such as the type of goods sold in a shop, or the type of crop planted by a farmer. The committee recognises that the question of what constitutes a change in use requires judgment and, on occasion, such judgments can be questioned. The committee contemplated the insertion of a more detailed definition of 'change of use', and 'use of land' into the Act. On balance, however, the committee has chosen not to recommend this course of action for a number of reasons. First, questions such as these can be tested by reference to already established definitions contained in the development control regulations under the Act. Those definitions define terms such as 'shop', 'farming', and so on. It is clear from the definitions that planning controls are concerned with the nature of an activity, and its external impact. The definitions reinforce that it is not the content of shop shelves which constitute the land use, but the nature of retail exchange. Similarly, it is not the type of seed which is planted, but the nature of the farming activity concerned. The committee also noted that these definitions cannot be altered without recourse to a public process set out in section 42a of the Act, and without being subject to disallowance by Parliament.

This should reassure anyone that changing from barley to wheat or from sheep to cattle is not a change in land use under the Planning Act. I refer now to some of the definitions in the Act to allay anyone's fears in regard to the word 'farming', as follows:

> 'farming' includes the use of land for any purpose of agriculture, cropping or animal husbandry, including horse keeping, pig keeping and poultry keeping, but does not include horticulture, commercial forestry, intensive animal keeping or a stock slaughter works.

I refer now to the definition of 'horticulture'. There were no submissions on this matter specifically to the committee, although there are many instances where these practices—market gardening, viticulture, floriculture and orchards—are under intense pressure because of the urban spread. It becomes tangled up with what was a very necessary industry close to a city population. The definition of 'intensive animal keeping' includes:

> . . . a feed lot, piggery, poultry battery, dairy, kennel and stables, but does not include a stock slaughter works.

However, it does not include, for instance, sheep yards on a property or a woolshed where animals congregate in an intensive manner. Again, there was not a submission given in evidence to address these well known and accepted definitions.

One must bear in mind that, where these activities now take place, there is nothing to stop their future use continuing. Finally, the definition of 'stock slaughter yards' means:

> . . . any building or part of a building primarily used for the slaughter of stock or poultry for the production of meat or meat products.

Again, no submission could be stretched to include home slaughtering for domestic use in a shed mainly used for other things. The word 'intensification' is not defined in the legislation or in the regulations.

The very definite and deliberate advice to me, following questions in the select committee, is that (like 'change of land use') to further define intensification in legislation or in regulation would be impractical. Such a matter often comes to questions of fact and degree and would depend on a range of matters. These are questions of judgment.

I understand that there is nothing to fear from intensification. It will not apply to moving from one sheep per acre to two or three sheep per acre, and it will not apply to moving from one cow per acre to two or three cows per acre or from one horse per acre to two or three or more anywhere in this State, including the Hills face zone—provided all the time that the farmer is carrying on an existing use. I will watch very closely to ensure that the Planning Act is not used to control farmland use in this State either by intended or unintended consequences flowing from any amendment to the Planning Act that may follow the select committee's report. Further, any move to control farmland use, including intensification, must not happen without the full cooperation of those representing farming interests and those involved in farming interests. Finally, I support the select committee report on section 56 of the Planning Act and related matters. I hope that the amendments brought in by the Minister on the recommendation of the select committee are suitable for acceptance by both Houses in fairly rapid time.

**The Hon. M.J. ELLIOTT** secured the adjournment of the debate.

## ROAD TRAFFIC ACT AMENDMENT BILL (No. 3) (1987)

Adjourned debate on second reading.

(Continued from 11 March. Page 3305.)

**The Hon. R.J. RITSON:** I begin by thanking the Hon. Mr Murray Hill for introducing this Bill, which demonstrates his sense of public responsibility and his deep concern for the victims of road trauma and his recognition of the prominent role played by alcohol abuse in the generation of road trauma. I understand the Hon. Mr Hill's argument that the Bill is a significant statement of protest against drink driving. I understand his motivation. However, I oppose the Bill in so far as it reduces the statutory limit for blood alcohol content while driving to .05 per cent.

I had the privilege and duty to be involved, first, in the debates in this Chamber in 1979-80 in relation to the introduction of the principal legislation to enable random breath testing. I recall at that time making a number of rather emotional statements and resisting attempts by the Hon. Mr Sumner to refer the matter to a select committee. However, the Hon. Mr Sumner's attempts were successful and I then served on that select committee, which sat at length and received a large amount of scientific evidence. As a result of the recommendations of the select committee, random breath testing was introduced with a statutory limit of .08.

One of the most remarkable observations during the period of time that the controversy raged in the press and in Parliament and before the first of the new random breath

testing legislation was introduced was the very significant fall in the rate of road deaths and alcohol related road deaths. I recall at that time during a seminar on the subject that the then Government Analyst (whose office has since been absorbed into the Forensic Science Division) who was responsible for handling the statutory analysis of the blood of road accident victims said that concurrent with this reduction in the road toll was a reduction in the mean blood alcohol levels of the specimens sent to him for analysis.

So the first observable and measurable effect of the legislation was that, before it was introduced and while the limit was .08, there was a substantial reduction in road trauma. The only possible conclusion that one can arrive at is that that reduction was the result of the very high profile and the large amount of exposure given to the debate so that the community was able to perceive that it was about to face a new risk of detection and that it now had a greater responsibility. I think for that we must thank in particular News Limited which, while disagreeing with the views of the select committee, nevertheless gave the whole issue of drink driving a large amount of space in its publications for many months.

Following the introduction of the legislation, this effect disappeared and the road toll climbed back towards its previous level. It is probable that the reason for this is that the public did not take very long to forget about the issue. Once the political controversy and the debate about the Bill concluded and the units were on the street (in very small numbers so that one hardly ever saw them), that was the end of the public discussion.

That was the end of the public perception that they faced an increased risk of detection. That was the end of the benefits of the legislation. The question of whether the statutory level has much to do with the deterrent effect or whether the perceived risk of detection is the important factor was considered by the select committee at that time, and considered by the subsequent select committee which was appointed to review the operation of the legislation in accordance with the sunset clause previously inserted. The committee came to the conclusion that the really important factor is the perceived risk of detection.

If people do not see the units, are not tested very often and there is not much about it in the newspaper, then people's good habits slide. So, I want to state fairly categorically my view: there is one thing and one thing only which will significantly reduce the road toll as it relates to alcohol, and that is a very high level of perceived risk of detection. Over the last three Governments (one Liberal, two Labor) there has not been sufficient funding for the type of intensive saturation testing which we know works.

During the 1980 debate reference was made in this Council to some experimental testing patterns in Melbourne. Those patterns involved saturating a particular quadrant of the city of Melbourne with all available resources. The units were set up early in the evening so that it was almost impossible to drive to a restaurant without driving past them. They operated intensively and, within that region of the city, the police were able to observe a marked reduction in the rate of accidents; that reduction persisted for some weeks—from memory, for approximately two months after that saturation treatment—and then gradually within that area the accident rate returned to something like its previous level.

It did, however, demonstrate that if it is done visibly and intensively enough a substantial reduction can be obtained. We must consider what would happen—apart from any other effect—if the limit were reduced to .05. First, at the anecdotal level, a number of my medical practitioner colleagues have said to me, 'Look, Bob: I don't care if you increase the limit to .1, because most of the people we have to patch up due to alcohol related accidents are way over that. What you have to do is spend the money on catching them before they have their accidents.'

That is anecdotal rather than scientific comment, but the scientific comment came from Dr Jack McLean, the Director of the Accident Research Unit, both when he was giving evidence to both select committees and subsequently in recent press comment. Dr McLean, using very large samples, has charted the accident involvement rate in relation to people of varying blood alcohol levels from zero to .2 or more. That is an interesting graph, because it shows firstly that people with a blood alcohol count of .02—equivalent to about two drinks—have a lower accident rate than the total pool of sober drivers, drivers with zero alcohol.

In fairness, of course, the interpretation of that should not be that two drinks improve one's driving—they do not. There are two areas of distortion. First of all, it may be that the people who have two drinks and no more are, by and large, people above the minimum age for drinking and are therefore, probably, not learner or P plate drivers, so the accident involvement in the pool of zero alcohol drivers may contain a disproportionate number of learners. It may be that the people at .02 who have two drinks and no more because that is a responsible thing to do are also experienced and responsible drivers who take more care instead of less care, and thereby keep their accident rate down.

In answer to people who might say that the general adult population ought to have zero alcohol, what does a legislator do about punishing the people at .02, as a group which has the lowest accident rate of all drivers, for whatever reason? Yet there are people who say that it would be a good statute if we said, 'Absolutely no alcohol for anyone.' The increase of accident involvement as the blood alcohol level rises is small at the levels of .05 and .08. The line is pretty flat, then beyond about .12 it zooms upwards.

That represents the state of intoxication at which, no matter how extensive one's driving skills and how much care one is trying to take, one's physical impairment, even if one were the best racing driver in the world, makes one's driving unacceptably dangerous. That is where the vast majority of serious alcohol related accidents occur. It would make sense to not look for signs in the sky while ignoring the earthquake at one's feet, but to go straight to the most obvious and most serious part of the problem and increase the detection rates of the people who are driving with those much more dangerous levels of blood alcohol.

The next thing I want to say is that the breath analysis equipment is a machine which does not, in fact, measure blood alcohol directly but measures biochemical changes. All machines are subject to inaccuracies. The machine itself, as far as the accuracy of measuring the chemical reaction is concerned, is said to be very accurate, but I would just like to explain to people a little bit about breath.

When one breathes in and out one has different sorts of air in different parts of the chest. There is air in the tiny bags in the lungs, which has a certain relationship to the blood. One has air in the small breathing tubes, in the big windpipe and in the mouth. When one breathes out, of course, the air that is in the mouth, not being in contact with the blood vessels, has very little of the substance one is measuring. The air that comes in the latter part of the breath has a much higher percentage of the substance one is measuring. Of course, every device that purports to measure a certain mix of the two types of air must assume that every human being has the same sort of relationship between what is called his dead space air and his alveolar air. Of

course, every human being does not have the same sort of average.

I turn now to the other distortion. If a person takes a deep breath and breathes most of the first part of the breath as a sample, there will be a slightly different reading from the reading one would expect if a person expired the first half of the exhalation into the air and gave the police machine the second half of the exhalation.

In the case of the breath analysis machine, if one takes all of the variables and assumes that they all fall one way, one could have variations of 20 per cent. Notwithstanding that, it is probably true that, if someone reads .08 on the breath analysis machine, it is certain that that person has had more than .05 and probably should not drive. Hence the use of a statutory limit, which is not meant to dispense exact justice at all or to dispense scientific infallibility. It is meant to create a statutory offence of strict liability whereby if people go off and have seven or eight drinks, they should know that they are in jeopardy. If one were to reduce the statutory limit, as I have said, the scientific research provided by Dr McLean indicates that, to begin with, there would be more convictions, but not fewer accidents. It does not seem to me that that would serve any purpose except to boost general revenue. Furthermore, the lower the quantity one tries to measure, the more significant is the potential for variation and error in the way the sample is taken. It is possible that somebody who is in fact .03 could register .05, whereas it is impossible that someone who is .04 could register .08, because the machinery and the variations in human respiratory anatomy are not that great.

Considering all the variables, the .08 limit is just. It is a level before the steeply accelerating and most dangerous part of the accident involvement curve. It is a level that cannot be achieved, even given variations, with one or two drinks. A person cannot by accident and without realising he has had too much to drink produce a reading of .08 on that machine. It is possible that a slightly built person having had two or three drinks could, for a brief period, produce a reading of .05, and I do not want people in that situation who may drive perfectly satisfactorily to suffer what are very stringent minimum penalties under the legislation.

The heart of the matter is that Governments must pick up the responsibility for funding the publicity and the intensive testing so that those people who drive at the very dangerously high levels will be detected. In addition, penalties must be such that those people who are not deterred, or who are alcohol and drug abusers as a function of their personality and if they do it all the time, should be put off the road for a very, very long time. The present situation is that repeated offenders with high blood alcohol levels are referred to the drug and alcohol clinic and the restoration of their licence depends not on the efflux of time but by certificate of that clinic that they are no longer drinking in a dependent and alcoholic fashion. I saw with some relief and satisfaction the headline in yesterday's *News* about the latest Government initiatives. I share the Hon. Mr Cameron's anxiety and desire to have Government assurance that it will be done properly this time because, so often in the past, announcements have been made but the police have not been given the necessary resources.

Having said that, I oppose the Bill because of Dr McLean's evidence, because of what I learnt when I sat on those select committees and because I cannot see the sense of a law which produces more convictions without producing fewer accidents. I thank the Hon. Mr Hill for raising the issue. It may be that only by having raised it and producing public debate was the Government moved to announce its further measures and, indeed, Mr Hill may have saved several lives by raising the matter. I commend the issue of road safety to the Council and to the Government, and I oppose the Bill.

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

## GOOLWA FERRY

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

That the regulations under the Highways Act, 1926, concerning Goolwa ferry permit revocation, made on 22 January 1987, and laid on the table of this Council on 12 February 1987, be disallowed.

The revocation of the Goolwa ferry priority permit for residents of Hindmarsh Island ignores the genuine case presented so forcefully by residents of the island. Sadly, it reflects the extent to which the State Government is in the pocket of the union movement. The Bannon Government can hardly claim to care for the people of South Australia when we see such shameful displays of ministerial muscle and union pressure. I am appalled that the Government in the face of community outrage has not reintroduced the priority permit system after a full discussion with the parties concerned. I, along with a number of my colleagues, have received many letters from residents of Hindmarsh Island. In fact, I have received 54 such letters, and those letters express anger, frustration and concern at this extraordinary decision. Many of the residents face economic loss. For some, it has caused great personal distress and/or inconvenience. In the course of my speech, I will mention examples from those letters to underline the rightness and justice of the fight which the Hindmarsh Island residents have taken up in recent weeks.

To be blunt, this State Labor Government and the union movement, acting in concert, have kicked the residents of Hindmarsh Island in the guts. The Minister of Transport (Mr Keneally) has acted in a deplorable and high-handed fashion. He has refused to consult with the residents of Hindmarsh Island whose employment, domestic and health requirements, and reasonable community activities have taken second place to the need to placate the union involved. I have been in Parliament for 7½ years and I can say quite unequivocally that this is one of the worst examples of the wrongful use of power that I have seen in that time.

The background to this sorry saga is as follows: a permit system has operated for the island for approximately 20 years, and I will elaborate on that in due course. In 1976, the Highways Department took over the operations of the Goolwa ferry from the District Council of Port Elliot and Goolwa, but the council continued to administer the priority permit system which provided residents of Hindmarsh Island and those who gained a livelihood from Hindmarsh Island with a priority disc for their vehicles. That enabled them to have priority access to the Goolwa ferry.

That ferry is the only way in which people can get on to or leave the island. The priority permit system was investigated by the Highways Department in 1982 and a new system was administered by the Commissioner of Highways after that date. The Minister, however (on evidence it seems largely from the ferry operators and the Highways Department), has decided to end the priority permit system. There will in future be no preferential treatment for residents of Hindmarsh Island and as from 1 February 1987 residents who have in the past had the benefit of a priority permit system to gain access to and to leave the island will have to queue for the ferry like everyone else.

That information alone would suggest that there is no great hardship and that concern should not be felt for the residents of Hindmarsh Island. On the contrary, there should be real concern expressed by members on both sides of this Council, and by the community at large, about the outrageous treatment that has been meted out to those residents. That observation will become more obvious as I take members step by step through what is a quite disgraceful and deplorable affair.

I have already mentioned that there is no other access route to the island. Hindmarsh Island is unique and different from other ferry operations on the mainland of South Australia because those operations provide access to a town or village and continuity of travel across the Murray River, for example. However, in the only way one can get to Hindmarsh Island is by ferry. The economic status of residents of Hindmarsh Island varies. There is a small farming group. Farming on Hindmarsh Island is relatively marginal, I would have thought. There is an increasing group of retired people who wanted to leave the rush and bustle of the city for a peaceful and tranquil environment, so many retirees have settled on Hindmarsh Island in recent times, particularly on the river front.

There are many self employed people on the island, or people who have a business off the island in Goolwa, Victor Harbor or Port Elliot. Those self-employed persons range from those engaged in cottage industries to those in commerce who actually have businesses on the island. There are many people who commute from the island to businesses on the mainland, or who are employees of firms on the mainland. I restate that there is no alternative way off or on to the island apart from the Goolwa ferry. Residents all accept that there are some disadvantages which go some way to offsetting the advantages of residing on the island, but they accept those disadvantages willingly: they cannot post letters, for example, have mail delivered, do not have a daily paper delivered and there is no reticulated water supply or public transport. These people need personal transport and need to use the Goolwa ferry crossing for access to the mainland.

Hindmarsh Island, for all its disadvantages, has certainly been a growing attraction for both permanent residents and tourists who have come into the busy and increasingly popular tourist area on the south coast—Goolwa. They see the ferry and many of them are inquisitive, wanting to go on to the island to see what it is all about, so they queue to use the ferry. As I have said before, for 20 years residents have been able to cross without too much delay because of this regulated permit system, but on 1 February 1987 all that changed.

I think it should be emphasised that we are only talking about residents of Hindmarsh Island who have actually had the advantage of the priority system. Shackowners and weekenders who live in Adelaide or elsewhere were not eligible for the priority permit system—it was only for the permanent residents of the island. The residents of the island accepted that there were some inconveniences associated with the ferry. Although it is relatively new, it needs regular maintenance because it is sophisticated machinery: it is serviced from Adelaide, Murray Bridge or Morgan. That results in lengthy delays when it is being serviced, but the community of Hindmarsh Island reluctantly accepts that.

The underlying fact of this argument is that the self employed, and employees in particular of the island, need a regular and reliable transport service which will enable them to arrive at their place of work on time. Although there are many people in Australia who are slow to understand that there are seven days in a working week and not five, the fact is that many of the residents of Hindmarsh Island do in fact work on weekends when, of course, the build-up on the ferry is largest. Mr R.J. Hockey, one of the many people who wrote to me (and I have no doubt to other members of this place) said:

> We now face the situation of being unable to go about our business regardless of our social standing, be it businessman, farmer or retired person, without being disadvantaged at our only means of crossing the river.

That, I think, puts the matter very succinctly.

**The Hon. G. Weatherill:** How many people are involved?

**The Hon. L.H. DAVIS:** I will come to that: I am painting the picture slowly. Patience is not always a virtue of backbenchers in the Labor Government. I can understand that: it can be very frustrating for members of a certain faction of the Labor Party who have suffered such sharp reversals in recent days. I hope that this does not extend their angst and cause them to take it out on the people of Hindmarsh Island.

**The ACTING PRESIDENT (Hon. T.G. Roberts):** Order! The Hon. Mr Davis will return to the subject matter before the Council.

**The Hon. L.H. DAVIS:** I turn now to a letter from Mr H.E. Gremmert of Valmai Terrace, Hindmarsh Island, who put this matter in very good perspective when he made the following comment:

> Just recently the Minister of Highways, Gavin Keneally, revoked a priority sticker system which up until now has been in force for nearly twenty years, preventing us, the residents, who have employment on the mainland, and persons who have employment on the Island, from carrying out our daily routines.
>
> Just a few examples: our everyday jobs, doctor appointments, shopping, sports activities for both young and old, Church, casual part-time jobs and a host of many other things that people do during the week and more importantly, during the weekends, which of course the holiday periods fall on or include, and it is then the permits really come into effect and constant use.
>
> A lot of people here on the Island have regular or part-time positions on the mainland and in a majority of these cases, more jobs are created during the holidays to meet the demand of the visiting public and tourists to our area. The demand for the ferry service is quite heavy, causing a delay of two to three hours or more. Not only is this the plight of the residents of the island, but also people who receive their employment and income from this area, i.e. various tourism concerns, private employment and professional people.
>
> When we heard that the system was going to be cancelled we held meetings on the island, voted in a committee to act on behalf of the residents, who then approached Mr. Keneally for a meeting and his response was 'that there was no discussion necessary' as his mind was made up.

He might be the Minister of Transport, but he certainly could not qualify as Minister for consultation. The letter continues:

> Through the meetings held on the island, everyone had agreed there could be stipulations placed on the permits i.e. one permit per family (or more, depending on circumstances). If a person abused the system at any time then their permit would be revoked, allowing only a total of three permit vehicles on each ferry crossing during congestion time or at the discretion of the ferry operators. Discussion with Mr Keneally fell on deaf ears. As I mentioned earlier he had made up his mind and no correspondence would be entered into as far as he was concerned.
>
> Hindmarsh Island, Goolwa, is unique with its ferry service as it is the only means of getting goods, services and vehicles to the island with no other access available, and employees and residents had relied on the permits to carry out their everyday needs just like everyone else who lives and works on the mainland. The permits have been going for 20 years and now that employment and tourism is increasing in the South Coast area, Mr Keneally puts a spanner in the works and stops the permit system, which could jeopardise the development within our area, for no apparent reason. The Government spent some $60 000 upgrading the priority lane on Hindmarsh Island causeway and now this will all be wasted.

That $60 000 worth of upgrading has occurred in the past 18 months, would you believe. It is a case of 'Yes Minister' stuff, isn't it, to spend $60 000 on something which is then closed down 18 months later—great stuff!

I have quoted at length from that letter, and I will continue to quote at length from the many letters that I have received, to show just how iniquitous, how foul this decision made by the Government is. I now quote from a letter from another resident of Hindmarsh Island, a Mr Roger Cook, as follows:

It would appear that because some of the ferry drivers, or in particular one of the ferry drivers, finds it hard to cope with the discrimination between permit holders and non-permit holders that the union has put the Minister for Transport under some pressure to not discriminate against general tourists to the island.

Thus, a practice which has been going for 20 years has now been abolished and this seems quite extraordinary only 12 months after the Government spent quite some money upgrading the causeway to enable a special lane for priority holders.

The up-shot of this move is that the residents and the business people on the island now have to queue for up to three or four hours during peak periods to get on and off the island and this of course is absolutely disastrous particularly in the case of people who have to work or have business to attend to.

I pause there to emphasise the point that business people on the island have to queue for up to three or four hours during peak periods—and, of course, that is the gravamen of the charge against the Government, that it is an extraordinary inconvenience for people to have to do that. That is both ways.

*The Hon. Carolyn Pickles interjecting:*

**The Hon. L.H. DAVIS:** The Hon. Miss Pickles says, 'On how many days a year does that occur?' Well, if she will be patient I will tell her: it is on at least 30 days a year—although people in Government do not seem to be aware of that fact.

**The Hon. G.L. Bruce:** Well, you'd better read the evidence that has been tabled; they are aware of that fact and evidence has been presented to us.

**The Hon. L.H. DAVIS:** Well, they are not very aware of it. I will read some of the evidence later.

**The Hon. G.L. Bruce:** The evidence is there; the committee has tabled all the evidence.

**The Hon. L.H. DAVIS:** The Hon. Gordon Bruce has foolishly introduced the matter of evidence that has been tabled. I will be quite happy to give him a serve of that, as it just shows how outrageous the whole thing is.

**The Hon. G.L. Bruce:** You just said that the Government was not aware of the situation, but we heard a witness this morning, whose evidence has been tabled, who told us that it occurs on 30 days a year. So, to say that the Government is not aware of it is not true.

**The Hon. Diana Laidlaw:** Well, if it is aware of it then that seems even worse.

**The Hon. L.H. DAVIS:** Exactly. If the Government is aware that it occurs on 30 days a year (which, of course, is at variance with some of the evidence presented earlier), that makes the decision even worse, because the Government knows what an inconvenience that really is. I further quote from Mr Cook's letter as follows:

I understand that only about 200 permits are on issue, as each family had their number reduced by 50 per cent last year, so that there is now only one permit per family regardless of the number of vehicles.

That of course was an admission that the permit system had got out of control just a little the year before, and people had fixed that by volunteering and agreeing to have one permit per family. The number was cut by at least 50 per cent, and the abuse was checked. One could well ask why the Highways Department allowed an abuse to occur in the system, given that it took over the administration of the system in 1982. It seems that, until the Highways Department got into the act, there really had not been any problems. Mr Cook continues:

This in itself was a major inconvenience but was palatable as it at least enabled people on the island to still commute to the mainland. The Government makes concessions for Kangaroo Island residents and also for Port Lincoln residents in that both fare and loading concessions are available to help offset the financial disadvantages of their location.

In this case, the Hindmarsh Island residents are simply seeking the ability to commute between the mainland and the island on a realistic basis. In addition, the Government will not commit itself to duplicating the ferry system nor providing some form of bridge. The island has been earmarked in the PATA Tourist Report as an important ingredient in the tourist fabric of the South Coast. It is one means of people getting some sort of view of the Murray Mouth.

So, that is a further view from Mr Roger Cook. I now turn to some of the evidence that was presented. The Hon. Miss Pickles asked on how many days a year this problem inconveniences local residents. The answer in some of the earlier evidence seemed to be not much. However, I refer to some evidence from the Joint Committee on Subordinate Legislation that was tabled only an hour or so ago. I refer to some of the earlier evidence given by Mr Roger Cook, who I take it is the same person from whose letter I recently quoted, as follows:

As a farmer on the island and as an employer of labour on the island I find that the lack of a priority system is very burdensome in trying to operate a farm, which is totally unpredictable. The needs of the farming community in relation to buying things on an *ad hoc* basis when they break and the need to get to the stock market in the past with the priority system has meant that we have been able to go to Strathalbyn or Victor Harbor, which are our closest sources of farming supplies, whenever the need arises. However, without a priority it has got to the stage where one has to try to plan ahead to make a trip so as not to spend maybe one or two hours in a queue. Even on the weekend—

there Mr Cook is talking about last weekend—

and we are now into March and well out of the Christmas period, the queues were over an hour to get off the island on Sunday. That makes it very difficult, as anyone can imagine, when trying to run a business. I find the whole thing totally bewildering because only a year ago the permit numbers were reduced by 50 per cent. That in itself proved to be difficult because families were reduced from having two permits to one. The reduction was to one permit per family which meant that families then had to plan the use of the vehicle accordingly.

That is pretty strong stuff, again coming from Mr Cook, and there he is arguing, quite logically, that those queues are even longer when we experience Indian summer conditions such as those that we have had recently. Even more importantly evidence has been given (which I will present in due course) that this pressure is building up quite rapidly because of the growing interest in tourism in this area. So, the queues are continuing to build up at an extraordinarily rapid rate.

**The Hon. C.M. Hill:** Even if they were only inconvenienced for 10 days of the year, they should enjoy their privilege of going straight on to the ferry.

**The Hon. L.H. DAVIS:** That is right. I refer to evidence presented today to the Joint Committee on Subordinate Legislation by Mr John Ledo, Assistant Commissioner of Operations in the Highways Department. He stated:

The problem is really in peak periods. Indications are that the average daily traffic on the ferry is about 650 vehicles. The ferry we have now is modern and takes the equivalent of 12 cars. The cycle time loading, crossing the river, unloading, loading and coming back again—is seven minutes, provided there is no time wasting. It only takes something of the order of 1½ minutes to actually cross the water and the rest of the time is in loading. We reckon that something of the order of 30 days in the year gives a significant problem, and the worst period is during the January long weekend, which happens to clash with the Goolwa-Milang yacht race, when it is rather chaotic down there. We have recorded delays of up to 2¾ hours at that time.

I have received several pieces of information that show that delays are certainly longer than that—up to four hours. I do not know whether the Subordinate Legislation Committee has that evidence.

**The Hon. Diana Laidlaw:** I was delayed over three hours on the day that I tried to get there.

**The Hon. L.H. DAVIS:** There is some evidence which I hope the Hon. Mr Bruce will take on board: the Hon. Miss Laidlaw, who is not unfamiliar with the area, was delayed over three hours. The evidence continues:

On normal working days through the week there does not seem to be much of a problem.

Mr Ledo's evidence then goes on to say (and this, mind you, is evidence from the Assistant Commissioner of Operations for the Highways Department; this is the human face of the Highways Department to which I am going to refer later):

Our feelings towards the locals were that it should not be difficult for them to rearrange their own activities around those peak periods, which we believe are pretty well known. In terms of the operation, the difficulties our operators had—they are not in the position of acting as policeman, to come the heavy on people, although they have certain powers to direct traffic, but it is a fairly unpleasant task for them when they get abused by all parties. In the face of all this, we thought it would be appropriate for the locals to readjust to the situation of no permits, and made recommendations accordingly.

That is the evidence of the Highways Department. It is saying, 'Never mind the residents—we are just worried about the ferryman.' It certainly reminds me of the intrigue of that marvellous television series *Who Pays the Ferryman.* At page 50, Mr Ledo goes on:

Bearing in mind that the problem period is really in the holiday period, our sympathies tended to rest with the ferry operators to a very large degree . . .

That is the Highways Department. It does not give a damn about the residents: it thinks it is important to protect the ferry operators whom I would have thought ought to be providing a service for the residents.

**The Hon. Diana Laidlaw:** And paid well for doing so.

**The Hon. L.H. DAVIS:** Exactly, and they are paid very well for doing so. I now want to refer to the District Council of Port Elliot and Goolwa. I quote from evidence which was presented by the District Clerk and councillors from that council area to the Joint Committee on Subordinate Legislation on 25 February 1986 and duly tabled in this Council, as follows:

It is of some concern that the same Government can make a decision to take away those priorities when funding was given which indicated that the priority system would continue.

That is, within 18 months the Government had spent $60 000 on upgrading the priority lane and had then changed its mind and withdrawn the priority permit. The evidence continues:

That is hard for the community to come to grips with. During the whole discussion about the priority system there has been a lack of consultation between the Highways Department, council, community and the operator.

A decision was made to reduce the number of priorities in early 1986 to one car per family on the island. We tried to negotiate that with the Highways Department. A representative came to one council meeting and said they would respond but nothing happened. Had we been able to sit down with all the parties and communicate we could have overcome some of the difficulties and come to a solution. You must recognise that Goolwa is one of the most rapidly growing tourist areas in the State.

Again, I just want to refer to the letter from the council which was tabled in the Subordinate Legislation Committee. The letter was signed by Mr G.W. Sheridan, District Clerk. In particular, I want to refer to the lack of consultation. Indeed, the letter contains a heading 'Lack of consultation', and states:

Council believes that there was a complete lack of consultation with the council or the community regarding the decision. The Highways Department officers attended a council meeting on Monday 21 April 1986 over the reduction of priority permits to one car per family. Neither department officers or the ferry operators were prepared to meet with community leaders to discuss alternatives. Council had a deputation to the Minister on 6 August, with no success, and the decision was taken to remove all priorities.

Council believes that the residents were denied their democratic rights of being heard over this issue. A ferry committee was formed and a letter was forwarded to the Minister of Transport seeking the opportunity to negotiate the issue and providing some operating suggestions.

This offer to negotiate was totally ignored. It is no wonder the residents are agitated and angry over the removal of the permits.

The Minister of Transport (Hon. G.F. Keneally), the Minister for non-consultation, is hiding behind the union. The letter continues:

Council seeks the opportunity to renegotiate the whole issue of priorities with all parties, the Highways Department, ferry operators, union officials, council and community representatives and are sure that a compromise solution can be found.

The council goes on to state:

The decision to revoke the priority regulations has been taken without offering any other alternatives. Consideration has not been given to either duplicating the ferry or building a bridge to reduce the delays. Council believes that the priority system should remain in force until an alternative is made available.

I want to say on the public record that this council has acted in a responsible manner. It is a good example of local government in action. Local government is closest to the problem, it is nearest to the difficulties, and it is in touch with the real crisis facing residents of Hindmarsh Island. These people have acted responsibly and opened their doors to the Government, to the Highways Department, and to the union and their offers for consultation and communication have been totally ignored.

I return to the point that I made originally: this is a good example of the South Australian Government's showing itself to be in bed with the union movement. It shows that the Minister of Transport has been got at by the union movement, the ferryman operators, who have told him that they do not like what is happening and so the Minister has backed away from the real problem. Never mind consultation with the residents who have been disadvantaged; never mind consultation with the council; and never mind a compromise. Let us just stop the priority permit system, which has operated successfully for 20 years. Let us come down to what people think of this situation. I just want to quote from this sheaf of letters that have been presented to me and doubtless to other members who have shown some interest in this matter.

I want the letters to do the talking. I hope the Government listens to what is said. The first letter is from Joy Barton, Nangkita Stud, Barton Road, Hindmarsh Island. She states:

I wish to protest against the decision of the Minister of Transport to cancel the Hindmarsh Island Ferry Priority System. His decision was taken without consulting local authorities and finally against their unsought advice. The Minister seems to have based his decision in sympathy with two or three lazy disgruntled ferry drivers and some irate weekend residents.

That is the first letter. The second letter is from K.R. and O.M. Jenetsky of Hindmarsh Island, who say:

As the Minister of Transport has arrogantly refrained from listening to our case by refusing to discuss the problems with the residents, closing off all correspondence on this matter and instructing the ferry operators not to meet and discuss same with residents' representatives, this letter to you seems our only redress.

The Minister states emphatically and dogmatically that residents now have no ferry priority whatsoever and emergency vehicles only have priority in emergencies. We would like the Minister to define emergencies and priorities.

He says in *Hansard* (22 October 1986) in answer to a question that a vehicle carrying ice could have priority at the operator's

discretion. Does the resident who arrives at the ferry with produce, frozen and iced products, have priority. If not, why not? We submit, Mr Premier, that he has placed the ferry operators in a self-selective priority system that will cause them more trauma than they say they have had in the past. Is the ice vehicle going to open Pandora's box?

Then we have a letter from K.R. and. G.B. Palmer, P.O. Box, Goolwa. I quote briefly from the letter, as follows:

Mr Keneally claims the system has been abused by residents lending cars to visitors. As the ferry operators know very well who has a permit, abuse of this system could be simply stopped by loss of permit to the guilty party—not the whole island. Mr Keneally claims that other ferry crossings have 'similar needs' and does not have a permit system. This is untrue—Hindmarsh Island is unique.

Again, a very important point is made in that letter. The fact is that, if there was an abuse—and I believe that the abuse has been largely cut back by the fact that the number of priority permits was severely reduced in the previous year—the residents were quite happy to have a policing mechanism to cut out that abuse. Certainly, to come down with a hammer to smash a walnut was not the correct approach to this problem. The letter also states:

Mr Keneally claims that the ferry operators have suffered abuse. If it were true, then telling the operator to grin and bear it or use their official authority to discipline the offender would have shown a great deal more leadership. Instead, he has upset a whole community and turned them against these operators. If he is bowing to union pressure and claims of extra work, this also indicates a lack of understanding of the issue.

I also have letters from Mr A. Dorman and Mrs V. Dorman. Mr A. Dorman's letter states:

Our situation can be likened to that of a city dweller who goes shopping and cannot return to his home because his street is blocked. This happens not 30 days of the year but more like 60 days.

There is a fair bit of anecdotal evidence and evidence in writing to indicate that it is more than 30 days; and it is likely to be more than 30 days in the years to come as tourism pressure builds up. The letter continues:

The reply given by the Minister to the question—'what we do in times of emergency' was that the ferry is equipped with a radio telephone. We tried this avenue of communication. It took three fruitless calls before getting a response. Abuse by commuter against ferry operators was also cited as a reason. Most of the operators are good blokes, except one, who seems to have insulted every regular commuter.

That point comes out in quite a few of the letters. The second letter from Mrs V. Dorman (who is no doubt related to the previous correspondent) states:

I am angry and disgusted to think that we were unable to have talks with either the Minister of Transport, the Highways Department or the ferrymen and their union to discuss this matter and find out the reason why we had them taken away from us. Everyone is being penalised. School buses, the caravan park proprietor, sick people, cement trucks, ice and milk trucks. The busy period is now about 60 days.

Finally, on this question of lack of consultation by the Minister and the disadvantage being suffered by the residents of Hindmarsh Island, I refer to a letter from Mr J. and Mrs H.E. Stein of Price Street, Hindmarsh Island, as follows:

It has been said by the Minister that there are only 30 days of the year when we are disadvantaged because of the traffic flow from visitors, but he has failed to take into consideration that with the new school holidays many more days will be added to the list.

That, if I may interpose, is a very valid point. The first term school holidays this year begin in early April. If we have balmy weather (as we are currently having), that will undoubtedly mean that there will be much more visitation to the island by tourists, apart from the regular commuting by the residents of Hindmarsh Island. The letter continues:

Also, he—

that is, the Minister—

seems to be completely oblivious to the fact that the ferry itself is constantly having repairs done to it. In fact, whilst I write this letter repairs are being executed on it and it will be out of commission for at least one hour.

I have talked in general terms about the frustration shown by residents of the island against the Minister, the lack of consultation, the lack of communication, the very unreasonableness of the Government's approach and the quite clear—

**The Hon. J.C. Burdett:** The previous Minister refused to take this action.

**The Hon. L.H. DAVIS:** Yes; in fact, he upgraded the system. It was the Hon. Mr Abbott (the then Minister of Transport) who upgraded the system by spending $60 000 to ensure that the residents of Hindmarsh Island had better access, and that speeded up the priority system. Taxpayers' money amounting to $60 000 spent 18 months ago has now been totally negated by a reversal—a 180 degree bend—by this Government.

**The Hon. C.M. Hill:** He stood up to the union.

**The Hon. L.H. DAVIS:** That is right. At least the Hon. Mr Abbott, whatever his failings as a Minister, had commonsense and decency on his side. He cared for the residents of Hindmarsh Island, as indeed members at least on this side of the Council care. I now refer to matters which I think will make the hair of members opposite stand on end. I will now talk about the disadvantage suffered by employees and self-employed residents of Hindmarsh Island and, first, I refer to a letter from Kelly Bavin, as follows:

My name is Kelly Bavin, and I live on Hindmarsh Island. I work at a real estate office in Goolwa 5 days a week. I sometimes work on weekends as well. I start work at 8.30 a.m. and finish at 5.15 p.m.

I sometimes work on public holidays which in some cases I would need to have a permit to get to work on time. If I was in a line of about 30 cars or more I would not get to work on time and therefore I would probably lose my job because of not having a permit.

I am 17 years of age and sometimes have to go to the doctors for an appointment or dentist appointments during the holiday season and therefore would need a permit to get across. I sometimes need to come home from work to water the ducks and feed the animals on hot days and during the holiday season it is impossible to get back to work on time without using my ferry permit, and as before I would lose my job if I had to wait for the ferry line to die down. Hope to see our ferry permits reinstated.

That is probably not the best grammar in town, but the sentiments come straight from the heart and certainly hit the nail right on the head from a young man worried about losing his job.

I turn now to a letter from a Mr K.V. Wood of Hindmarsh Island, as follows:

As we are one of very few farms left on the island, how are we to carry on business with the only access road to the mainland blocked by tourists? Our business is seven days a week, 52 weeks a year, which require us to make many trips to the mainland for supplies and for businesses to deliver essential goods to our property. For example, many veterinary calls and some emergencies 24 hours a day, AI services—

I take that to be artificial insemination services—

seven days a week, milk tanker, weekly fuel supplies plus services for breakdown and regular maintenance on all equipment and machinery. Are they meant to sit and wait for 2-3 hours?

D.F. and M.J. Maxwell of Hindmarsh Island make this plea:

We are business proprietors on Hindmarsh Island. We are writing this letter with regard to the cancellation of the ferry priority system. In writing, Mr Bannon, we are hoping that you will be able to reconsider the rash decision made by your Minister the Minister of Transport, Mr Keneally. We feel that the letter we received from the Minister showed a lack of consideration in the matter and the points that he made were far from correct.

I refer to a few of those points, as follows:

There are only approximately 30 days in the year when there are significant delays [according to the Minister]. I would like to bring to the Minister's attention that we had May, September and December school holidays, long weekends, Easter, etc. These periods are always busy. the island is fast becoming a most popular destination because of its 'get away from it all' situation. So the 30 days is a long way out. May I also point out that the ferry loading is no longer predictable and many of us must travel several kilometres before we can ascertain the actual situation.

That is a very good point. One can no longer tell when the ferry is going to be busy or not busy. One must go to the crossing point to decide that and, of course, that involves more time delays and added fuel costs in the running of a vehicle. Mr and Mrs Maxwell then get down to tin tacks. They have the Narnu Pioneer Holiday Farm and they say:

I would like to list the difficulties that we will encounter in the day to day running of our holiday farm:

*(a)* We cater for large groups of children and adults throughout the year where it is necessary for us to obtain most of our supplies and perishables from Goolwa. How are we to cope with this?

*(b)* We are both actively involved in our pioneer farming program with the children and it would be very difficult for us not to be able to predict the length of our pickup times.

*(c)* Garbage disposal is a problem as we are required to transport our business refuse to the Goolwa rubbish dump.

*(d)* We will be further disadvantaged by not having RAA facilities for guests utilising our holiday farm.

*(e)* Certain commercial deliveries currently being made to the island will cease.

In summing up, Mr Premier, in order to run our business, we need the reintroduction of the priority system for permanent residents.

I refer next to a letter from Mr Roger Searle. It is a long letter but I will just refer briefly to it. It is addressed to Mr Keneally, and I have received a copy. It states:

I write to you concerning the forthcoming loss of my ferry priority permit for the Goolwa-Hindmarsh Island ferry. I am the proprietor of the Hindmarsh Island Caravan Park and the adjoining delicatessen. During the Christmas holiday season and the Easter and October long weekend my caravan park is full to capacity with tourists. I supply a full range of grocery items plus ice, bait, etc. not only to the tourists who are resident in the caravan park, but also to all the day trippers, the weekend shack owners, and also to many permanent residents of the island.

To fulfil my obligations to both holiday makers and residents alike, it is necessary for me to make the ferry crossing to collect fresh bread, pies, pasties, newspapers and also ice. Without a permit allowing priority crossing I will have to curtail my service as it will be impossible for me to be away from the business for long periods due to ferry queues.

Is that not outrageous! Is that not ludicrous, that that situation should be allowed to exist! I continue with two more examples, which are evidence presented to the Joint Committee on Subordinate Legislation. The first is from a Mr Denver, who has one of the largest properties on the island. I quote this evidence direct from the Subordinate Legislation Committee minutes of evidence of 25 February:

We work one of the largest properties on the island. We have to take our cattle on Sunday afternoons for Monday market starting at 8 a.m. I try to leave at 3 p.m. to allow time for cattle to be unloaded in the hours before 8 p.m. under supervision, otherwise they go into any pens, but I prefer to see them in the correct sequence. Sometimes I have to wait in a queue for two or three hours and the cattle become highly stressed, badly bruised and no-one would want them. I recently brought some across and while waiting for the ferry children ran up to look at these cattle which had just come out of the swamps and were highly excitable, and I had to choose either not to go or to find an alternative means of getting them there. It is important to get stock across as quickly as possible.

We irrigate on eight hour shifts three times a day and I need to organise myself. It is difficult when one cannot be sure that one can drive straight on the ferry or be subject to a long wait. It can throw the time table completely out of schedule. Dairy farmers, of which I am not one, milk twice a day. If they come back and cannot get to the island or get their cows in before dark they can be severely disadvantaged.

At certain times of the year, during calving, we have to race to the vets for supplies. They just have a limited shelf life. We have an agreement with the vets that we can get them from them. At harvest time, the middle of summer, it is the peak period for tourists. We can only keep a certain amount of grain in storage. We try to have a quick turnover, and must go to Strathalbyn to deliver our grain and come back again. If we are delayed for any length of time either side of the ferry, it will make it very hard to do this.

They are three fairly devastating points made by Mr Denver to the Joint Committee on Subordinate Legislation. I want to wind up with some examples of personal inconvenience. They are very severe and differing examples of personal inconvenience suffered. The first is again evidence to the Joint Committee on Subordinate Legislation, from Mr Cole, which states:

My brother attended college in Adelaide and my children are booked in and once a month have exeats. We pick them up on Saturday morning and they have to be back by 6 o'clock on Sunday night. If I wait in a queue for three hours to get on the island and leave at 3 o'clock to get back by 6 o'clock, it does not leave much of their one weekend a month at home. We can spend six hours of our weekend at the ferry waiting to get home for the other six hours.

That really is a pretty miserable situation. We have another example of an employee before I move to the other personal examples. This is a letter from D.A. Edwards, and reads:

As a self-employed building contractor based on Hindmarsh Island, my business will be affected by permit cancellation. A major portion of my time at weekends is occupied on the mainland. Prospective clients normally visit Goolwa to discuss matters with me at weekends. If I now receive a call from a prospective customer, it will be difficult to make appointments as one will not be aware of the ferry waiting time until one reached the ferry.

The next is a letter from R.J. Bartlett of Hindmarsh Island. He has aged parents who live at Middleton and Goolwa and on doctor's orders are to be checked daily. He says:

Please tell us how we are to do this on days when there is a 2 hour (or more) wait at the ferry—we could use 4 hours of the day waiting to cross the river! Recently my wife's mother was taken by ambulance to the hospital. Due to the lack of a permit my wife was most distressed to arrive at the hospital some considerable time after the ambulance.

There is a letter from J.M. and C.J. Blanchard, again highlighting health problems, which states:

I have a heart condition and am quite unable to queue in a car in hot weather for six to eight hours for a double journey each time I need to go to Goolwa for essential supplies or services.

*The Hon. Carolyn Pickles interjecting:*

**The Hon. L.H. DAVIS:** I suppose what the Hon. Carolyn Pickles is saying is that if they do not like it they can leave Hindmarsh Island. They have bought their house there: they are entitled to stay there. I continue:

I also am on diuretics and would be quite unable to hold my water for that period and would be forced to urinate at the roadside, even on cool days. This is not a matter of inconvenience, as the Minister infers; it is a matter of survival on hot days and dignity on cool days. I am not the only resident in this situation. Other war veterans will be writing to the Premier as I have done asking for advice. My doctor and my specialist are both concerned about this but it does not seem to bother the Minister who, so far, has not commented on this aspect.

I have a letter from Roma and James Laught, and I quote briefly from it. It says:

We retired to live on the island and this is our only place of residence. Our position is such that my wife and I need constant medical attention, and over the Christmas period it was necessary for me to have an injection on 30 December at 10.30 a.m. The appointment was made with the doctor and I left home at 10 a.m. to find on arriving at the ferry a line-up of some 60 or more cars. It was necessary for me to use my priority, but what is going to be my position should this arise again.

We must commute with the mainland to get our food supplies, medical attention, fuel supplies, mail and for any other service. The bloody-mindedness of the Minister and the trade union has

placed unnecessary strain on the living conditions of many aged couples such as we are.

Perhaps we have not a lot to contribute now, but in the past our family business did employ some 13 people and trained our share of apprentices. We wonder if the people who are so hell bent on stirring up issues that cause so much trouble to innocent people could apply some of their energy to getting our country off its knees and moving again. Nothing can be achieved by negative attitudes.

The next letter is from A. and K. Amidzic, and states:

The main reason that we were granted a permit was because we have a young son Alan who is disabled. Alan is a profoundly multi-disabled child who cannot initiate any physical movement and is dependent on others to meet his every need. In transporting him from one environment to another he should be transferred as quickly as possible and preferably in an air-conditioned vehicle and with the least possible delays.

So that my wife and I could have some pleasure in life, whilst at the same time devoting ourselves to Alan, we built ourselves a modern, comfortable brick holiday home at Lot 84, Price Street, Hindmarsh Island. We are happy to look after and care for our disabled boy and not have him placed in an institution, but should we suffer from delays in coming to and going from our holiday house, it means that the little pleasures we can now give our son will be taken away because of the selfishness of others. We are prepared to supply documented proof of the statements regarding our son's position should you desire them.

Finally, to sum up the stupidity of it all, I have a quote from Mr Denver, who gave evidence to the committee. He says:

The Minister in charge of the Highways Department, despite spending $50 000 in the last 2 years to widen the road for a permit lane, hasn't any regard to approaches by local council and committees to change his mind and has accepted the advice of people that wish to make our life and business just that much more difficult.

Being a farmer, the ability to move to and fro across the river for the transport of livestock, moving irrigation equipment which runs to a timetable, checking of stock before and after sporting and social activities, and with a young family to be taken to church, doctors, shops, and their various other outings, up to three hours delay isn't on.

I want to say that I do not think it is on, either. I think what has happened is outrageous. It is high-handed Government behaviour in cahoots with the ferrymen's union, which has not liked what has been happening there. Despite the imperfections that may have existed in the system, everyone from the council and the residents of Hindmarsh Island downwards believe that it is capable of being resolved amicably and fairly to all concerned if there was some preparedness by the Government and the union to consult and to communicate.

That they have failed to do. They should hang their heads in shame for that failure and, as I said at the beginning of my speech, it underlines the way in which this Government bends to the winds of pressure from the union movement. It ignores the rights of people such as the residents of Hindmarsh Island with those very real economic and human concerns that have been so amply demonstrated in those letters that I have read today. Certainly, I have taken my time in doing this but, in my 7½ years in Parliament, I have not seen such a flagrant disregard for the rights of people such as those residents of Hindmarsh Island. I passionately believe that the Council should disallow this outrageous regulation.

**The Hon. C.M. HILL:** I commend the Hon. Mr Davis for the very comprehensive contribution that he has just made to the debate. He touched on all the matters that members on this side would have referred to because we have all received a host of letters from people on Hindmarsh Island putting their situation before us. Because I know the area very well and have known it intimately all my life, and because I feel very strongly about this issue, I want to make a small contribution in support of the disallowance.

As the Hon. Mr Davis said, the people on Hindmarsh Island are not just a group of farmers as they were some years ago. The island has an extensive local community whose interests are very wide. However, most of those interests are closely associated with the social and economic life within and near Goolwa. The people of Hindmarsh Island are isolated from that township, with their only vehicular means of communication being the ferry.

Based upon the letters that we have all received, it appears that these people are trades people and business people. Some, but not many, are still farmers. They all have families and are entitled to live in a way comparable to that of the lifestyle of other residents in this State. With the permit system, they have had some privilege in the way in which they can communicate readily with their local town. That is what they have been doing but the Minister, for the reason put forward, has been under pressure from the union movement about the operation of the ferry. He has yielded to that pressure and has proposed that the permit system be abolished.

I have had some contact with people who have been daily visitors to the island and who have seen the advantage given to local people in moving on to the ferry; yet the people to whom I have spoken have not objected strongly to the system. They say that it is a system which the daily tourist should understand because, once it has been made known to them, they accept it. It comes back to one fact only, that the union has put pressure on the Minister and he, with a sweep of his pen, has revoked the permits. Because we are dealing with a group of South Australians who are exceedingly genuine and sincere in their attitude to this matter (that fact came out in the snippets from the letters read by the Hon. Mr Davis), who mean very well and who simply want a fair go in their lifestyle, the Council should strongly oppose this regulation. It should be disallowed and the system should return to what it has been.

Perhaps discussions could take place to see whether some form of compromise can be reached, with some changes being fashioned that would be acceptable to the people who live on Hindmarsh Island and to the Government. My very strong view is that the Council should not permit this to go through, with the heavy hand of the Minister, and upset these people. When it comes to the vote, I hope that the regulation will be disallowed.

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

## LOCAL GOVERNMENT ACT AMENDMENT BILL (No.2) (1987)

Second reading.

**The Hon. I. GILFILLAN:** I move:

*That this Bill be now read a second time.*

In speaking in support of this Bill, I remind the Council briefly what it purports to do and how it came about. Some considerable effort has been made by the Government and those in the Opposition who were concerned about local government to devise a means whereby amalgamations can be properly considered and fairly implemented. A local government advisory commission has been given the authority to determine amalgamations between councils, and the Government's intention is that this commission will have the power to impose its decision on the councils involved. The reason for the Bill is that considerable disquiet exists about the mandatory powers of the commission to determine and impose amalgamation without any voice from the electors in the affected areas.

From debate on the matter prior to Christmas, and the amendments that were considered then, this Bill is the result of an undertaking to introduce a Bill that would allow a poll of all electors in the area involved in an amalgamation before a recommended amalgmation could go ahead. In an attempt to obtain some background opinion from local government itself, the Local Government Association undertook on my behalf to send a survey to member councils seeking their reaction to the whole matter. I intend to read this letter into *Hansard* so that the detail of the questionnaire and its results will be there for all interested parties to read. The letter is addressed to me from the Secretary-General of the Local Government Association (Mr J.M. Hullick), as follows:

Late last year I undertook to provide you with additional information on the amalgamation process as a result of proposed amendments to section 29 of the Local Government Act.

The association has conducted a survey of member councils on the issue. Initially, however, I must remind you of the policy of this association as adopted at our Annual General Meeting on 10 November 1986:

> 1.3 The Local Government Association should represent councils on the Local Government Advisory Commission, it supports the Commission's responsibility to consult with council and communities which would be affected by any proposed restructuring or changes to boundaries of councils and more specifically, no council shall be included in a proposal to the Local Government Advisory Commission unless that council has agreed to be in such proposal.

The association supports that policy and will continue to seek the above (unless the policy is varied at a subsequent general meeting of the association).

The following tables outline the result of our survey, to which 113 councils have responded. As you will see, the opinions of councils remain divided on this issue.

The following table shows the primary options and the number of responses favouring each option:

| No. of responses | | Options |
|---|---|---|
| 38 | (1) | Maintain the existing powers of the Local Government Advisory Commission only. |
| 6* | (2) | Return to the Parliamentary Select Committee Process for considering amalgamation proposals. |
| 29 | (3) | Allow a poll of electors of some form to block the involvement of an unwilling council in an amalgamation proposal. |
| 14 | (4) | Allow the vote of a council to block its involvement in an amalgamation proposal. |
| 21 | (5) | Option (3) and/or Option (4)—no preference indicated. |
| 5 | (6) | Don't know or council position not clear. |

113

*(N.B. Among comments from councils which did not favour option (2) there were several strong statements opposing the use of the Parliamentary Select Committee process because of its political nature).

In addition, the following options were favoured by any councils indicated a preference for the method of conducting a poll or timing of a vote of the council:

POLL OF ELECTORS

| No. of Responses | | Option |
|---|---|---|
| 21 | *(a)* | Poll prior to L.G.A.C. investigation. |
| 45 | *(b)* | Poll following L.G.A.C. investigation, but prior to any Ministerial action. |
| 40 | *(a)* | Poll including only the council requesting it. |
| 25 | *(b)* | Poll aggregating result from all councils affected. |
| 54 | *(a)* | Poll decided by a simple majority of voters. |
| 35 | *(b)* | Poll decided by a simple majority of all electors. |

VOTE OF COUNCIL

| No. of Responses | | Option |
|---|---|---|
| 25 | *(a)* | Vote prior to any investigation. |
| 26 | *(b)* | Vote after L.G.A.C. investigation but prior to any Ministerial action. |

I trust the above information will assist you in your deliberations.

Yours sincerely, J.M. Hullick, Secretary-General

Anyone who has listened (and I would not be surprised if there were very few who have) may draw the same conclusion as I have, that the results of that survey, far from helping, really stir the muddy waters further. There is no clear indication from that survey what particular line a clear majority of councils wish to follow.

I have received correspondence from councils which have written to me directly. I will read some of those letters into the *Hansard* record to show members the variety of attitudes existing on this issue. A letter from the Millicent council states:

With respect to the question of compulsory amalgamations of councils, my council does not support compulsory amalgamations as the right to amalgamate should be able to be determined by the council and the electors of the area. If there is an amalgamation question, the council of the area concerned should be guided by the opinions of its electors and if the majority of electors are not in favour of amalgamation, then there should be no means by which that council should be forced to amalgamate with another.

In summary, my council is totally opposed to any form of compulsory amalgamation.

A letter from the City of Unley states:

These documents—

that is, the draft Bill and the issues of compulsory amalagamation—

were placed before council at its meeting held on 27 January and I am directed to advise that council resolved not to support your proposed amendment to the Local Government Act.

A letter sent by the District Council of Carrieton to the Secretary-General of the Local Government Association, Mr J. Hullick, states:

*(a)* That legislation should provide for the right of electors in any area to be responsible for their own destinies by requiring that change to local government boundaries be the subject of a poll of electors within that area.

The next letter was from the City of Whyalla and states:

Council is opposed to any compulsory attitude to amalgamation and believes that the autonomy of councils that may become involved in such a process should be retained.

I have, also, a quote from the Clerk of the Naracoorte corporation that I will read into the record, because I believe it indicates the thinking of some of the people involved in this matter. It states:

There is a saying that no man is an island. Similarly, no local government body can operate in isolation (whether large, small, rich or poor). We, in local government, must take care not to become too parochial, and too supportive of our own electorate; such that neighbours may be affected and receive less than their rights. Naturally we all fiercely protect our democratic heritage—but remember that our democracy is based on obtaining the most for the majority—not in permitting everyone to do as they wish regardless of their effects on others.

Boundary reorganisations or amalgamations often are not pleasant prospects—but sometimes they may be best for the region as a whole—such options should be discussed by the respective councils—and if they are not able to be discussed, then there must be an avenue for resolving the problem. The best avenue for solution surely is with an independent arbitrator. The Local Government Advisory Commission is such an independent arbitrator in that it is comprised of an eminent legal practitioner with local government experience, a person nominated by the Local Government Association, a person with senior local government knowledge (nominated by the Minister), a representative of the Trades and Labor Council, and an appointee of the Minister of Local Government.

He includes the policies that are repetitive of the Local Government Association, as follows:

No council shall be included in a proposal to the Local Government Advisory Commission unless that council has agreed to be included in such proposal.

Therefore, although the Clerk acknowledges the value of the commission (which I do, as well, and I do not think that anyone challenges that) he makes the point that the policy is for a poll. A letter from the District Council of Wakefield Plains states, in part:

That the District Council of Wakefield Plains strongly opposes any reintroduction of polling provisions in the Local Government Act (excluding the present indicative polling provisions) pertaining to the restructuring of local government in South Australia and accordingly reinforces the view that the present system is extremely fair, as it affords councils affected by any proposal the opportunity of being heard by an independent, non-political tribunal whose responsibility is to simply report its findings to the Minister.

A letter from the Corporation of the City of Port Adelaide relates to the question in the poll about a poll regarding amalgamation. The question put states:

3. Allow a poll of electors held at the request of a council involved to veto an amalgamation proposal . . .

In response to that, the Port Adelaide council provided the following answer:

This gives rise to the situation where a noisy minority, often for the wrong reasons, can have undue influence to the detriment of ratepayers as a class of people regardless of boundaries. Again a poll of electors could be indicative and need to be taken into account, but a power of veto, in my view, is inappropriate, unless the whole of an area affected is covered. Now this may mean that if there was a proposal to annex a small part or a small municipality with a larger one, are those affected only those in the smaller municipality. Indeed they are not. Take a situation where a small municipality may well be parasitic on a larger one and the interests of the ratepayers of the larger one are just as important as the interests of those of the smaller.

The Corporation of the Town of Walkerville responded as follows:

Regarding the private member's Bill by the Hon. I. Gilfillan MLC, the Bill is good down to the last clause 29a (2) *(b)* which should be amended so that larger councils cannot 'swamp' smaller councils at polls. The amended subclause would read 'the recommendation may not be submitted to the Governor for the making of a proclamation unless a majority of the electors voting at each poll vote in favour of the proposed amalgamation'.

The District Council of Strathalbyn has voted in favour of maintaining the existing powers of the commission, but it has indicated that, were a poll to be conducted, such a poll should cover all the councils involved and the result should be aggregated. Finally, I quote from the response received from the District Council of Georgetown. This council has been one of the most vociferous councils in opposition to compulsory amalgamations. It has criticised my Bill in that a poll is not restricted to just one council area. The letter from the Chairman of the District Council of Georgetown states:

Our only objection to your Act is in clause 2 *(b)* where it appears that if a poll is undertaken it encompasses all the areas involved in an amalgamation proposal rather than individual council areas. In other words, it would seem that a large centre of population could easily outvote a completely rural council.

It should be quite plain to honourable members that this indicates beyond doubt that there is a diversity of opinion in the local government world and a quite strongly held difference of opinion to the extent that any further deliberations on this matter by the Local Government Association have been stymied by its inability even to arrange a further meeting to discuss the matter. They have said, 'Leave it to the parliamentarians'—which is fair enough but, having done that, they will not be able to complain, with any justification, if the end result is not as the Local Government Association would have preferred, had it had a chance to discuss this matter further. So, it is up to us to do the best we can for the local government tier, and that is why I am urging the Council to support my Bill. I believe that I am justified in thinking that it will be enthusiastically supported at least by members of the Opposition, and I trust by those thinking members of the Government. But it is important that it is given a clear debate, so that the simple issue can be made abundantly clear to not only honourable members but also the public through the media and to local councils, which will be affected quite dramatically by the proposal.

The Government's original intention was that there be a commission with an arbitrary power to impose amalgamations. The Bill provides specifically that if there is an objecting council to that proposal it can, on its own initiative, call for a poll that will embrace the whole area. All the councils that are involved in the amalgamation proposal will be compelled to conduct a poll, and it will be decided on a simple majority of all those voting in that area. This is at odds with the current Local Government Association policy, which is somewhat tenuously held, that the poll should be held but that, if only one council area opposes it, on the indication of the electors within that council area, then the amalgamation will not proceed.

Let it be quite clearly understood that this Bill does not put into practice the current policy of the Local Government Association. I believe that, if the Local Government Association had further debate and discussion and had been able to have another general meeting to discuss the matter, this may very well have changed. There is enormously strong feeling about this matter. I forgot to mention the Mount Gambier council's almost brusque and rude response to the material that was sent to that council, as they are so devoted to the authority of the commission having its way. But at the other end of the scale there are people who are absolutely horrified at the thought of being forced, without the say of the electors, into an amalgamation, which they dread, fearing an annihilation of their district as a unit. So, that is the position in relation to polls. It is our job to do the best that we can with the authority that we have as a State Parliament. I am glad to be able to say with conviction (as indicated by the Hon. Murray Hill, whom I trust and respect as a parliamentarian and as a person) that there is unqualified support for this Bill as presented at this time from members of the Opposition.

In concluding my remarks on the second reading, I would say that surely there is an obligation on councils and local government areas to allow their electors a democratic voice in relation to amalgamation. Surely that democratic voice can and should extend beyond the parochial barriers of what might be just purely a historic boundary of a local council and involve all those people who are involved in a proposed plan for amalgamation. It is quite plain that we have been left with this responsibility by the Local Government Association. We must bite the bullet. I repeat again that I am very sorry and deeply regret that as an organisation the association did not see fit to take the responsibility. I remind the Council that the Bill as currently drafted would not require boundary realignments to be associated with the option of a poll; it is purely in relation to amalgamations of councils.

This is a matter that members may want to consider further during the second reading debate or in Committee. I would like to give access to any of the correspondence that I have to any honourable member who wishes to look at it more closely. I will be very happy to cooperate in any way. If members wish to see the letters that I have received and have any further discussion with those councils, I am happy to make those letters available.

I commend the second reading of the Bill to the Council and urge honourable members to look at it from the viewpoint of the best for local government in future in South Australia and not as an immediate *ad hoc* measure, kowtowing to small councils who may be the most strident in their cries or to those which feel that they have all the answers and that the commission comes out, inspects and speaks *ex cathedra* and not have that statement put to the

vote through a poll of the councils involved if any of the councils involved so wish. So, with those remarks I endorse the second reading of the Bill.

**The Hon. C.M. HILL** secured the adjournment of the debate.

## PROSTITUTION BILL

(Continued from 5 November. Page 1836.)

Order of the Day, Private Business No. 12.

**The Hon. CAROLYN PICKLES:** I move:

That this Order of the Day be discharged.

The Council divided on the motion:

*While the bells were ringing:*

*Members interjecting:*

**The Hon. R.J. RITSON:** Madam President, I think a member wanted to speak.

**The PRESIDENT:** Order! No debate is allowed on a discharge motion.

Ayes (13)—The Hons G.L. Bruce, J.C. Burdett, M.B. Cameron, J.R. Cornwall, T. Crothers, M.S. Feleppa, K.T. Griffin, C.M. Hill, Diana Laidlaw, Carolyn Pickles (teller), R.J. Ritson, T.G. Roberts, and G. Weatherill.

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

Majority of 11 for the Ayes.

Motion thus carried; Order of the Day discharged.

**The Hon. CAROLYN PICKLES:** I move:

That the Prostitution Bill be withdrawn.

Motion carried.

## SECONDHAND MOTOR VEHICLES REGULATIONS

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

That the general regulations 1985 under the Second-hand Motor Vehicles Act 1983, made on 7 November 1985 and laid on the table of this Council on 11 February 1986, be disallowed.

These regulations were promulgated on 7 November 1985 shortly before a State election in December 1985. The first opportunity to give some consideration to the regulations by Parliament was in 1986. It was not until the commencement of this session in the latter half of 1986 that problems with the regulations were drawn to my attention. The particular problem relates to the compensation fund, which is established pursuant to section 29 of the Act. Regulation 27 provides:

Pursuant to section 29 of the Act each licensee is required to pay to the Commissioner the contribution referred to in the eighteenth schedule in accordance with the provisions of that schedule.

The eighteenth schedule provides for contributions to the compensation fund of $500 to be paid for each registered premises from which a licensee carries on business as a dealer. That is a one-off payment in relation to each registered premises.

Under the provisions of the Act a person carrying on business as a second-hand motor vehicle dealer is required to be licensed and all of the premises from which the business is carried on are also required to be licensed. The application fee for licensing, on the lodging of the licence, is $30; on an order being made for the granting of a licence it is $90; and on the filing of a separate application to register premises it is $30.

The concern that has been drawn to my attention is that the $500 fee relates to each of the registered premises regardless of the volume of business that might be undertaken. It applies equally to the small rural second-hand motor vehicle dealer who may trade only a handful of vehicles in a year as well as to the large metropolitan dealer or large provincial dealer operating from a number of sites and having a quite extensive turnover of second-hand motor vehicles.

The major area of concern came from dealers in country areas of the State who drew attention to the fact that times are hard in those areas, that trade was down, that their prices had to be trimmed, that their margins were small and that their turnover was not, generally speaking, as buoyant as it had been in past years when economic circumstances in the rural areas of the State had been much more optimistic and profitable.

They drew attention to the fact that in the country also it was very much less likely that second-hand motor vehicle dealers would be guilty of any breaches of the Second-hand Motor Vehicle Dealers Act. Generally, they knew their customers and they were generally well known themselves and, if their business practices were anything less than scrupulous, it would have been a matter of public comment within the community and their business would have suffered as a result of that trading activity. So the prospect for default was very much less among rural dealers than among metropolitan dealers. But the $500 fee in relation to the compensation fund was payable regardless of the claims experience (as one might describe it) and also without regard to the level of business.

It also applied to each premises. I have a comment in respect of certain dealers in Mount Gambier who have up to four registered premises and in respect of each they must pay $500. In one instance just across the road from a principal dealer's premises there is a display yard without an office. Staff who work from the principal office periodically cross the road to show potential customers the vehicles in the display area. However, the display area is regarded as separate premises and $500 must be paid in respect of it. That is a difficulty, and I do not think that it is particularly equitable. One can understand it where there may be two operating premises each with its own office area. However, it is difficult to comprehend the need for a separate $500 payment in respect of each display area. Of course, even if it is a small area, the same amount must be paid as for some of the big car yards on Goodwood Road, Main North Road and West Terrace where there are perhaps over 100 vehicles on display at any one time.

The comments made to me by dealers in country areas range from quiet protest to angry reactions to the regulation. They all say that there is no equity in an across-the-board figure which does not take into account the volume of vehicles sold. The Motor Traders Association, while recognising a difficulty in identifying the volume of sales, believes that there is inequity because of the way the fee is imposed. I want to place on record the fact that there is this concern and urge the Government to consider alternatives. Although, as I said, the Motor Traders Association has expressed anxiety about the way in which the $500 fee impinges upon small business people, it does suggest that there might be some difficulty in relating it only to the volume of sales.

A dealer from Keith has suggested that, if we must protect people from themselves, the fund should be supported on a per unit retail sales basis and divided into specific groups, that is, metropolitan franchise dealers, metropolitan used dealers, country franchise dealers and country used dealers. Each group would be self-supporting and would not be able to touch each other's fund. This would serve several purposes. I do not think the last part of that suggestion is practicable, but I think that more serious consideration

should be given to the per unit sales volume. Another dealer from the Keith area has said that in his own case he sells about 50 used vehicles a year which, on the basis of the $500 fee, amounts to $10 per vehicle. That amount must be passed on to the customer and must be compared with a dealer who may sell about 500 vehicles a year where the cost per vehicle of the contribution to the compensation fund is only $1.

Quite obviously, it does not do much for the competitive nature of the business of Keith used car dealers when there is that level of disparity between those who are trading different volumes and are required to pay into the fund.

Therefore, I place on record the concern about the way in which that fee has been promulgated in the regulation. I urge the Minister of Consumer Affairs to consider a more equitable basis upon which that figure can be fixed. In the meantime, in order to get this matter before the Council, to air it publicly and to seek some careful consideration from the Minister, I move this motion of disallowance.

**The Hon. J.R. CORNWALL** secured the adjournment of the debate.

## STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

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

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

*That this Bill be now read a second time.*

I seek leave to have the explanation of the Bill inserted in *Hansard* without my reading it since it has come from another place.

Leave granted.

### Explanation of Bill

The Government recently announced that to enable the new Workers Rehabilitation and Compensation Act 1986 to be brought into operation on 30 September 1987, it is necessary for the State Government Insurance Commission (SGIC) to undertake certain delegated functions on behalf of the Workers Rehabilitation and Compensation Corporation.

Whilst the Workers Rehabilitation and Compensation Act contains appropriate provisions to facilitate the delegation of the necessary powers and functions to the SGIC, the Crown Solicitor has advised that some technical amendment to the State Government Insurance Commission Act is desirable in order to clarify that the commission has power to exercise the delegated responsibilities.

Clause 1 is formal.

Clause 2 provides for the insertion of a new subsection (3a) in section 12 of the principal Act. This subsection states that the commission is a public instrumentality to which a delegation may be made under the Workers Rehabilitation and Compensation Act 1986 and that the commission has the necessary power to exercise any power or function that is delegated. The commission will, when acting as a delegate, be required to comply with the conditions of the delegation, policies enunciated by the corporation and directions given by the corporation. The commission will be able to sub-delegate a delegated power or function.

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

## UNCLAIMED GOODS BILL

Adjourned debate on second reading.

(Continued from 12 March. Page 3368.)

**The Hon. K.T. GRIFFIN:** The Opposition supports this Bill, which seeks to provide a mechanism for dealing with unclaimed goods where there is no other statutory provision enabling the goods to be disposed of. It does not affect provisions for disposal of unordered goods and services, nor does it affect the sale of goods which may have been left in a warehouse under the Warehousemen's Liens Act. It does not affect the disposal of goods in pursuance of a lien under the Workmen's Liens Act, and other legislation, such as the Consumer Credit Act and Consumer Transactions Act, relating to repossessed goods and chattels, is not affected by this Bill.

It seeks to establish a scheme by which goods under the value of $100 can be sold without reference to a court. It provides for goods between the value of $100 and $500 to be sold subject to appropriate notices being given, and goods over the sum of $500 to be sold by public auction after appropriate periods of notice. The regime which this establishes is one which the Opposition supports. This is an area of the law which is very grey and, although other States have legislation which enables the disposal of unclaimed goods, South Australia has not had such legislation. We do, of course, have the Unclaimed Moneys Act, which has existed for many years, to deal with payment of moneys into court if they are unclaimed, with a right in the person who is actually the owner of those moneys, if subsequently found, to be able to claim them from the Treasurer of South Australia.

A similar sort of provision applies in this Bill in relation to the net proceeds of the disposal of unclaimed goods. The net proceeds are forwarded to the Treasurer and into consolidated revenue, but there is always a right to make a claim if an owner subsequently is discovered. In the other place, an amendment by the Opposition has been supported, namely, to extend from 28 to 42 days the period of notice before sale. That is appropriate. It is really a compromise between the 28 days in the Bill, which the Legal Services Commission, in particular, thought was too short, and the 60 days which it thought ought to be the period. The period of six weeks now in the Bill is appropriate.

The Master Builders Association has drawn to my attention a concern it has, namely, that it believes that the steps of $100 to $500 and over are too low. It suggests that the first step should be $200 and the second up to $1 000, and thereafter the third step should be over $1 000. I am not convinced about that, although I can see the association's point that the cost of advertising, the cost of undertaking sales by public auction and, generally speaking, the cost of disposing of something of $500 in value is likely to be very much the amount which might be received on a forced sale, remembering that, although the value of the goods might be about $500 or $600, when they are sold they will ordinarily bring a much lower figure. That is the experience of those who repossess goods and sell them at repossession sales.

It is a problem to which the Master Builders Association draws attention in the context of four-litre cans of paint. It suggests that, when purchased from the retailer, they will probably exceed $100 in value but, when they have been sitting around for three months or more on a property and then are offered for sale, they will bring very much less than $100.

The same problem occurs so far as landlords are concerned, when a tenant might do a midnight flit from prem-

ises rented by the tenant, leaving behind some furnishings—perhaps a wardrobe or cupboards—which might be valued at more than $100 but which, when auctioned, will bring merely firewood value. I would like the Attorney-General to give some consideration to the levels provided in the Bill in light of the representations made by the Master Builders Association. The association also submits that it does not see any need for the Supreme Court to be involved. I do not have that concern, because I see the Supreme Court being involved only in limited circumstances where the goods are of a significant value.

There is another problem in relation to clause 5 that I would like the Attorney-General to consider. Subclause (2) *(d)* does not appear to deal with the situation where an owner of goods is unknown. It seems to presume that there will be an owner who is known, even if the address is not known and, if that is the case, I think it is a deficiency and ought to be adequately covered.

They are the major questions that I would like the Attorney-General to consider. There may be other issues which I will raise during the Committee stage, but I hope that before we get to that point the Attorney-General may be able to address those issues. I support the second reading.

**The Hon. M.S. FELEPPA** secured the adjournment of the debate.

## DANGEROUS SUBSTANCES ACT AMENDMENT BILL

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

## ADJOURNMENT

At 6.5 p.m. the Council adjourned until Thursday 19 March at 2.15 p.m.