HOUSE OF ASSEMBLY

Tuesday 31 March 1987

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) ACT AMENDMENT BILL (1987)

His Excellency the Governor's Deputy, by message, intimated his assent to the Bill.

PETITIONS: ELECTRONIC GAMING MACHINES

Petitions signed by 109 residents of South Australia praying that the House reject any measures to legalise the use of electronic gaming machines were presented by the Hon. J.C. Bannon and the Hon. D.J. Hopgood.

Petitions received.

PETITION: HOUSING TRUST OFFICE

A petition signed by 65 residents of Parafield Gardens praying that the House urge the Government to maintain the South Australian Housing Trust office located on Salisbury Highway, Parafield Gardens, was presented by the Hon. Lynn Arnold.

Petition received.

PETITION: MARIJUANA

A petition signed by 391 residents of South Australia praying that the House reject legislation proposing an expiation fee for marijuana offences was presented by Mr D.S. Baker.

Petition received.

PETITION: STA BUS ROUTES

A petition signed by 126 residents of South Australia praying that the House urge the Government to retain STA bus routes 193 and 194 was presented by the Hon. D.C. Wotton.

Petition received.

PETITION: BRIDGEWATER TRAIN SERVICE

A petition signed by 1 520 residents of South Australia praying that the House urge the Government to upgrade the Bridgewater train service was presented by the Hon. D.C. Wotton.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 254, 289 to 291, 293, 296, 298, 310, 312, 316, 320, 326, 332, 334, 340, 341, 344, 345, 348, 350, and 354; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

TEACHERS' COUNTRY SERVICES

In reply to **Mr BLACKER** (12 February).

The Hon. G.J. CRAFTER: Country teachers are granted the right of return to the Adelaide metropolitan area after four years. In order to allow this, teachers are required to transfer to the country. The agreement with the South Australian Institute of Teachers allows teachers who are required to undertake country service four options; resignation, deferral, exemption, and leave without pay for four years. The agreement also allows female teachers who have not undertaken country service to extend their accouchement leave for four years and to count this as country service.

A few teachers have taken the resignation option, but it is possible that these teachers would have left the teaching service anyway. Teachers may seek either a deferral of or an exemption from country service for personal and family reasons. Since the aim of the agreement is to create a metropolitan area vacancy for teachers who are returning from the country, teachers who take four years leave without pay create such a vacancy. The further concession which is granted to female teachers is provided under the Equal Opportunities Act, which allows employer to discriminate in favour of females in so far as the procedures relate to accouchement. The procedures are reviewed annually and the four-year leave without pay option has not been challenged in the past. Nevertheless, the matter will be raised in the context of the next annual review to be conducted in March 1987.

ETSA FINANCING ARRANGEMENTS

In reply to the **Hon. E.R. GOLDSWORTHY** (18 March).

The Hon. J.C. BANNON: The honourable member's attention is directed to the 1986 Annual Report of the Electricity Trust of South Australia, p. 29, note 9. The actual date on which the Northern Power Station lease agreement took effect was 7 January 1986.

TAFE COLLEGE FEES

In reply to **Ms LENEHAN** (18 February).

The Hon. LYNN ARNOLD: I have received further information in relation to the question raised by the member for Mawson on 18 February 1987 regarding the concession policy with respect to the general service fee. The Department of TAFE, while introducing the general service fee (November 1983), issued guidelines regarding the granting of concessions by the principal of a college. Due to queries the guidelines were further clarified (6 December 1983). Since that time the department has been satisfied that any variations in interpretation were minor and within acceptable limits. Principals of three colleges within the Southern Region have indicated that a total of 29 concessions have been granted so far this academic year (23 out of 29 applications, 0 out of 2 applications and 6 out of 20 applications being the individual numbers). As the ratio granted by one college is significantly higher, steps have been taken by that college to, in conjunction with an adjacent college, review procedures and to prepare further guidance for staff of both colleges. It is considered that this step is adequate and at this stage there are no plans to hold a statewide review.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. J.C. Bannon):

Lotteries Commission of South Australia—Report, 1985-86.

By the Minister for the Arts (Hon. J.C. Bannon):

History Trust of South Australia—Report, 1985-86.

By the Minister of Transport (Hon. G.F. Keneally):

Metropolitan Taxi-Cab Act 1956—Regulations—Special Purposes Vehicles and Non-Smoking signs.

Motor Vehicles Act 1959—Regulations—Driving Test Fees.

By the Minister of Education (Hon. G.J. Crafter):

Supreme Court Rules—Supreme Court Act 1935—Companies Rules—Various.

Acts Republication Act 1967—Schedules of Alterations made by Commissioner of Statute Revision on—

Local Government Finance Authority Act 1983.

Ombudsman Act 1972.

Commercial Tribunal Act 1982.

Government Financing Authority Act 1982.

Builders Licensing Act 1986—General Regulations.

Commercial Tribunal Act 1982—Regulations—Powers of Chairman and Registrar.

Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981—Regulations—Australian Stock Exchange.

Securities Industry (Application of Laws) Act 1981—Regulation—Australian Stock Exchange.

Trade Standards Act 1979—Regulations—Disposable Gas Lighters.

By the Minister of Agriculture (Hon. M.K. Mayes):

Vertebrate Pests Control Authority—Report, 1985-86.

By the Minister of Fisheries (Hon. M.K. Mayes):

Fisheries Act 1982—Regulations—Tuna Fishery—Salmon.

QUESTION TIME

AUSTRALIA CARD

Mr OLSEN: With a final vote expected in the Senate tomorrow on the national ID card legislation, will the Premier say whether the South Australian Government fully supports the legislation and would fully cooperate in its implementation? While the Federal Government continues to attack Liberal Party opposition to the ID card, strong opposition to its introduction has also come from the Labor Party in South Australia.

In a statement in *the Advertiser* of 21 September 1985, the Premier was quoted as saying that he had 'grave reservations' about the card. In January 1986, the South Australian Government made a submission to a joint Federal Parliament select committee listing 14 major concerns over the proposed ID card. In June 1986, the Trades and Labor Council voted to oppose its introduction, and on 29 October last year, when the legislation was first before the Federal Parliament, the South Australian Attorney-General said that the South Australian Government had still not determined its final attitude.

The introduction of this system would have major implications for the States through the sharing of births, deaths and marriages records, the protection of personal information originally given on a confidential basis to State Governments and the cost of establishing arrangements to facilitate an exchange of information with the Commonwealth. I understand that, for all these reasons, the South Australian Government has had serious reservations about the introduction of the ID card. In view of the continuing uncertainty about the South Australian Government's position and the fact that a crucial Senate vote is imminent, the public should be informed of whether all the States agree with the legislation, as it obviously cannot work without the State's cooperation.

The Hon. J.C. BANNON: I am interested that the Leader of the Opposition wants my opinion on this Federal matter in view of the way that he has been ducking and weaving questions about where he stands in relation to the chaos in the coalition. I would be very interested in his attitude to, for instance, the affirmative action or equal opportunity legislation and whether his stand on it will be as inconsistent as that of his colleagues in Canberra.

Members interjecting:

The SPEAKER: Order!

Mr Lewis: Ask him.

The SPEAKER: Order! It is particularly out of order, as the Chair has pointed out to the House on more than one occasion, for a member to continue interjecting at the very moment that the Chair is attempting to restore some semblance of order. The member for Murray-Mallee should be aware of that.

The Hon. J.C. BANNON: I am very happy to respond to the Leader of the Opposition's question. Many of the problems that we have raised have been addressed by the Commonwealth, and in large part overcome. Our final position in relation to the extent to which the State Government needs to be involved in the Australia Card will be determined when we know the precise form of the legislation and its fate. If in fact the Leader of the Opposition is foreshadowing that some members of the Liberal Opposition will be crossing the floor, I am interested to hear that because it is yet another indication of the division in the Opposition ranks. As far as the State Government is concerned, the operation of the Australia Card will depend on access to certain records that we hold.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I particularly call the Deputy Leader of the Opposition to order for indulging in a practice to which I have referred previously: interjecting and then looking up to the press gallery for approval.

Members interjecting:

The SPEAKER: Order!

The Hon. E.R. Goldsworthy: I was looking at you, to see what you thought.

The SPEAKER: Order! The Chair is not that tall. The honourable Premier.

The Hon. J.C. BANNON: We would have to negotiate with the Commonwealth. In fact, all the States have a common interest in this, because we each have our own data base to which the Commonwealth would seek access. I might add that the Leader of the Opposition did not mention in his question the impact that the Australia Card is calculated to have on tax avoidance, social security fraud and a number of other factors on which I thought considerable importance was being placed by the Opposition. It is interesting that John Howard can produce—one can argue that it is fairly irrelevant but at the moment he is the Leader—a list of something like $15 billion worth of tax remissions (and anyone who complains is told, 'Don't worry, we will fix it up for you') and spending cuts ('As long as you keep quiet about them'). A quite extraordinary situation has developed in Opposition policy and, rather than direct the question to me about my Government's attitude to clearly stated Federal initiatives, I would be interested at some appropriate occasion to hear the Leader of the Opposition's attitude to what they are doing at the national level.

SPECIAL EVENTS FOUNDATION

Mr HAMILTON: Can the Minister of Recreation and Sport—

Members interjecting:

The SPEAKER: Order! The member for Albert Park would be better able to deliver his question without the assistance of the member for Hayward.

Mr HAMILTON: Thank you, Sir: dead right. Can the Minister of Recreation and Sport provide the House with information on what investigation has been or is to be carried out by his department to set up a special events foundation in South Australia? On 20 January last I had discussions with Mr Terry Penn, General Manager, Western Australian Special Events Foundation, which was formed in 1985, under the management of the Western Australian Development Corporation, with the objective of maximising the number of major sporting, cultural and commercial events held in Western Australia that would benefit the tourist industry and trade and investment in that State. Hence my question.

The Hon. M.K. MAYES: I am pleased that the honourable member has raised this issue, because it is of interest not only to the sporting community but to the tourist industry and the community at large to know what this State Government, State instrumentalities and State sporting bodies and associations are doing with regard to special events, in particular, international or national events that may be sponsored or supported by State associations and by the State Government or other local government bodies as well.

It is important to note that we are looking at a number of special events being located in South Australia. In particular, we are looking at perhaps masters games events being conducted in this State. I have had approaches from several of our State associations which are interested in supporting the concept of masters or international events at various grades, levels and age groups in their particular sports. Certainly, we are looking forward to a number of international events to be held next year with regard to the hockey stadium, the lacrosse stadium and other venues that are currently being considered.

So, it is important for us to look at the best way we can, as a Government, organise our facilities and resources, given the tight financial constraints that we face, to assist those sporting organisations and communities involved to hold major events here, not only for the benefit of people interested in the sport but also for the community at large to enjoy that sport or recreation at a national or international level with the competition that comes with it.

As the honourable member has said, the Western Australian Government, with the support of the Western Australian Development Corporation, has set up a Special Events Foundation. It was set up to meet special requirements, in particular the America's Cup, as the honourable member well knows, and it has now branched out into other activities with the objective of attracting and developing other major events in Western Australia. It has a lot of merit. As a consequence, there have been discussions with my department and the Department of Tourism, in particular, and the Department of State Development as to what would be the benefits to South Australia in setting up a special events commission or body to promote and assist associations to hold in South Australia events which would bring to the State not only tourist dollars but economic activity, as well as the enjoyment of spectators being able to see international competitors.

I assure the member for Albert Park that exploratory discussions are taking place between senior officers in those three departments. I know that the Minister of Tourism, as I am, is interested in this concept. I look forward to informing the House in the not too distant future what direction the Government will take in relation to establishing a special events foundation or commission.

AIDS COMMUNITY AWARENESS PROGRAM

The Hon. B.C. EASTICK: Will the Premier order an immediate review of South Australia's participation in a national AIDS Community Awareness program due to begin on 5 April in view of certain material to be used in this program? Certain material to be used in the program in South Australia has been brought to the attention of the Opposition, and samples are being provided to the Premier right now. He will notice that they are extremely offensive. They have been produced by the AIDS Council of South Australia.

In a statement in another place on 11 March, the Minister of Health revealed that the AIDS Council of South Australia would receive $42 000 from the Commonwealth to participate in this national program and that South Australian Health Commission resources would be made available to the council: in other words, this material has been produced with taxpayers' money. I have been informed that it is to be distributed for the first time as a promotion in the Elizabeth shopping centre later this week.

This material comprises a condom and lubricating jelly in a package carrying certain wording which can only be taken as open encouragement of promiscuous behaviour. For example, it encourages recipients to 'play the field'. One of the packets carries on its front a statement relating to sexual intercourse expressed in the most basic of terms. In a statement on 15 March, the Minister of Health revealed that a Health Commission survey had shown that young people in Adelaide associate condom use with extra-marital sex, prostitution and promiscuity.

A concerned parent of four children, who has provided this material to the Opposition, has said that such attitudes can only become more entrenched through the availability of this sort of material. He has also expressed concern that, if this material is to be distributed in an indiscriminate way in shopping centres, it could become freely available in schools. While sensitive advertising of the need to use condoms to assist in preventing the spread of AIDS has received public support, an authority with whom the Opposition has discussed this material has said that its production is completely inconsistent with the basic objective of AIDS awareness and education programs to modify promiscuous behaviour.

The Hon. J.C. BANNON: I am not aware of the material concerned, and I will certainly obtain a report on it. I might say though that, to date, the action taken in South Australia in many cases has been ahead of national initiatives and has proved to be singularly successful; indeed, at present the incidence of AIDS in our community is by far the lowest in Australia. I hope it remains that way, but it will remain that way only if we take an honest, open and, I think, bipartisan approach to this scourge.

In terms of our success so far, the fact that the television advertisement sponsored by the South Australian Health Commission has been picked up by the national campaign and is being shown nationally is an important indication of the soundness of the approach taken in our campaign. However, I cannot comment on this specific instance. I also point out that some of the material I have seen, for instance in Britain, is extraordinarily explicit. There is certainly a

strong body of opinion that suggests that this is the only way we can attack the problem. I conclude by urging that, to the greatest degree possible, our attack on this public health disease, which could be such a major scourge in our community, be on a proper, sensible and bipartisan basis.

TERTIARY ENROLMENT LEVELS

Mr RANN: Will the Minister of Employment and Further Education inform the House whether South Australia's tertiary institutions have experienced a drop in enrolment levels this year, as was widely predicted following the introduction of administration charges at the tertiary level?

The Hon. LYNN ARNOLD: At this stage I am not able to give final figures, because 30 March was the date for the final processing of enrolments. When those figures are sent through to me by the Office of Tertiary Education, I will certainly table them in this House. However, I can give the honourable member an indication of the early returns, so to speak—to use political phrasing.

With respect to the Roseworthy Agricultural College, the enrolments are at the bottom end of those expected. They had expected a range that varied by 30 from bottom to top, and in fact the enrolments seemed to be closer to the bottom end. Flinders University effectively has had no change to last year's enrolment patterns; nor indeed has Adelaide University, although there is a tendency at Flinders, I think, for more full-time studies and less part-time studies. The Institute of Technology, with one course exception apparently, seems to be slightly up on last year's enrolment figures. The South Australian College is the one college that seems to be showing major changes so far, with an apparent drop in enrolments. In particular, drops in enrolments seem to be showing up in the areas of part-time studies and external studies. They are the trends at this stage. Exact figures will be tabled in this House when they are confirmed by the Office of Tertiary Education.

I make two other points. First, the Technical and Further Education Department does not have the fee applied to it because that is largely a State funded tertiary institution and, as a result, associate diplomas, which are one area of study done not only in TAFE but also in other tertiary institutions, are not subject to the $250 administration fee. This Government would not participate in an extension of the Federal fee to cover these State funded areas. Secondly, the South Australian Government has on a number of occasions opposed the $250 administration fee imposed by the Federal Government and, in addition to opposing it in principle, has also indicated, if it is to be kept, that some attention should be given to the anomalies that are taking place.

I am pleased to say that it appears that the Federal Government has heard some of the propositions we have made in this respect and that some changes have been put in place. The Federal Government has allowed for a full refund of the $250 fee to those prospective students who have paid the fee but who withdraw before first term commences. Previously, they lost the $250. Students who were then receiving entitlements to other courses, and preferred courses later than the one in which they enrolled, ended up paying two amounts of $250. That has now been changed.

Further, there has been an extension to unemployed people to give them exemption from the $250 fee provided that they have been unemployed for three months prior to undertaking the study. Also, the Federal Government has announced the allocation of $11 million as a special grant or low interest loan fund for those who do not qualify for other forms of exemption. Many people who are studying part-time—women at home, for example, who do not qualify under other sorts of exemption areas—in fact will be able to get access to that fund.

These are not perfect but they are at least some responses to the kinds of pressure that this State Government has been putting on the Federal Government for, at the very least, improvements to the scheme. We mostly wish to see the $250 fee dropped altogether, because we do not believe that this is the way to go. We have been opposed to tertiary fees and remain so.

PRISONERS' HEALTH

Mr BECKER: My question is directed to the Minister of Correctional Services. Is it the South Australian Government's intention to make AIDS screening compulsory for prisoners? The head of the National AIDS Task Force, Professor David Penington, yesterday urged State Governments to legislate to make AIDS screening compulsory for prisoners. He said widespread prisoner homosexuality and intravenous drug abuse put prisoners at high risk and that, on release, they might put their wives, families and sexual partners at risk, thus increasing the changes of AIDS spreading into the wider community. Professor Penington's warnings are particularly timely in South Australia following information I have received that in the last fortnight two cases of AIDS and one case of hepatitis B have been confirmed amongst inmates of Adelaide Gaol.

The Hon. FRANK BLEVINS: The honourable member has actually directed the question to the wrong Minister. It ought to go to the Minister of Health.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: I am sure that the Leader of the Opposition would be pleased to confirm that the matter of prisoners' health comes under the control of the Minister of Health and is administered through the Prison Medical Service, which was formerly organised from Hillcrest but is now organised from Modbury Hospital. Cabinet would certainly pay very close attention to any proposal that was put to it by the Minister of Health relating to the health and welfare of prisoners or to the community at large.

MARITIME MUSEUM

Mr De LAINE: Will the Minister of Education investigate the feasibility of appointing a full-time or part-time education officer to the Port Adelaide Maritime Museum? Over the years members of the Port Adelaide Historical Society have provided a volunteer service in response to requests from, in particular, teachers and students to address groups and conduct tours, etc., in order to assist mostly young people to learn about their own and South Australia's unique history. Now that there is a focal point for Port Adelaide's history in the Maritime Museum, and because of the unique exhibits and educational facilities available at this world-class establishment, a real need exists for at least one education officer at the museum to allow full utilisation of these facilities.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. I will most certainly obtain information from the department on the current discussions that are under way with officers of the Maritime Museum at Port Adelaide and officers of the Education Department with

respect to our ability to provide an education officer for that important educational institution.

An honourable member interjecting:

The Hon. G.J. CRAFTER: The interjection is one of point because you, Mr Speaker, have also sought the services of an education officer for this institution. All these requests are being considered. It is a matter of what resources we currently have available and whether indeed any reallocations can be made to provide at least some assistance for these institutions which have an important educational component.

PRISONERS' HEALTH

The Hon. E.R. GOLDSWORTHY: Will the Minister of Correctional Services confirm that there are two confirmed cases of AIDS and one of hepatitis B at Adelaide Gaol? If so, will he recommend to the Minister of Health that AIDS screening commence?

The Hon. FRANK BLEVINS: I will not confirm anything about the medical condition of prisoners, the main reason being that I do not know. I have no idea at all whether any prisoners have AIDS, hepatitis B or anything else—I just do not know. The treatment of prisoners is conducted by the Prison Medical Service, which comes under the Minister of Health. If members require any information at all on the medical condition or treatment of any prisoner—

Members interjecting:

The SPEAKER: Order! I call the House to order.

The Hon. FRANK BLEVINS: If members opposite wish to know about the medical treatment or the medical condition of any prisoners they can ask their questions of the Minister of Health. My guess is that they will get very little information other than of a general nature, because we do not—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I call the Deputy Leader of the Opposition to order for continuing to interject when the House was being collectively called to order.

The Hon. FRANK BLEVINS: As I was saying, the reason why only general information is given is that the doctors in charge of these patients have a doctor-patient relationship exactly the same as the doctor-patient relationship that exists between the Hon. Ms Cashmore and her doctor. There is absolutely no difference in the doctor-patient relationship—

Mr Becker: What are you trying to cover up?

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. FRANK BLEVINS: In reply to the member for Hanson's rather inane interjection that we are trying to cover it up, I have no knowledge of any case of AIDS or of hepatitis B in the gaols. If members opposite wish to know, they should direct a question to the Minister of Health and I am sure that my colleague will answer it.

Members interjecting:

The Hon. FRANK BLEVINS: I was almost going to sit down.

The SPEAKER: Order! The Chair will try to provide the Minister with the necessary protection from members from both sides.

An honourable member: Why'd you sit down?

The SPEAKER: Order! The honourable Minister was merely seating himself in deference to the Chair. The honourable Minister.

The Hon. FRANK BLEVINS: What surprises me is that the Leader of the Opposition is a former Chief Secretary, within which portfolio he was in charge of prisons, and he should know the procedures in the Correctional Services Department. However, he clearly does not know them. Let me go through them again for the benefit of the Leader. Any medical attention required by a prisoner is not given through me or any of my staff. Doctors and nurses are employed by the Health Commission and operate through the Prison Medical Service. If treatment is required or ordered, it is given by the doctors and nurses concerned. If the Prison Medical Service orders us to take care of a prisoner in a certain way, we do so: that is all.

The matter is entirely under the control of the Prison Medical Service and the Minister of Health. The Leader of the Opposition either does not seem to understand or does not want to understand, but I repeat that I have absolutely no knowledge of any cases of AIDS or of hepatitis B in the prisons. If there are any, the Leader of the Opposition has only to pick up his telephone, call one of his colleagues in another place, and ask that colleague to ask the Minister of Health, and I am sure that his question will be answered properly.

Mr PLUNKETT: Will the Minister of Transport, representing the Minister of Health, say whether the State Government intends to legislate to make screening for AIDS compulsory for prisoners?

Mr BECKER: On a point of order, Mr Speaker. That question has just been asked. Is this a supplementary question?

The SPEAKER: Order! If Opposition members wish to take up a large amount of Question Time by repeatedly interjecting while I wait for the House to come to order, they are going about it the right way. I ask the members for Peake and Hanson to bring up their questions so that the Chair can compare them for similarities. If there is not that degree of similarity, I will allow the member for Peake to put his question again in a moment.

Members interjecting:

The SPEAKER: Order! The member for Hayward.

GLENELG TRAM

Mrs APPLEBY: Can the Minister of Transport tell the House and the community what is the future of the Glenelg tramline? I ask my question in the light of media speculation about the tram. Many of my constituents plainly have been alarmed at the thought that the tram will be replaced by a guided busway, and that it will travel through Hayward along the Sturt River to Laffers Triangle at Darlington. The alarm was triggered by a report put together by Rex Jory in last Friday's *Advertiser*. The issue of future transport planning in the metropolitan south-west was then taken up by the *News* in an article headed 'Travellers blast plan to replace trams'. An editorial comment in the *News* stated 'Abolish the Glenelg tram? No way'. That opinion is shared, I am sure, by the vast majority of the population along the line and in electorates like mine which also make use of it.

The Hon. G.F. KENEALLY: I thank the member for her question. I thought my response to a question from the member for Fisher some weeks ago explained exactly the Government's position in relation to a new rapid transport system for the southern suburbs. The Government has absolutely no plans to do away with the Glenelg tram. In fact, the Government has spent a considerable amount of money constructing a new tram barn and is spending more money

upgrading the tram fleet. In fact, I hope to launch one of the upgraded trams within the next few weeks. We have also spent a considerable amount of money upgrading the tram track. If one looks at the report in the *Advertiser*, it seems that the only people who are proposing to do away with the Glenelg tram are the Opposition (should it come to Government). The Opposition has announced that it will replace the Glenelg tram with an O-Bahn system. Let people understand—

Mr Oswald: That's wrong, and you know it.

The Hon. G.F. KENEALLY: It is in the *Advertiser*. The member for Morphett should not argue with me; he should argue with the Opposition transport spokesman, who is quoted in the *Advertiser* as saying exactly that. Once again the Opposition should get its house in order. The Glenelg tram, apart from being a very historical part of South Australia's heritage, is also a significant tourist attraction for our city. In addition, and I suspect more importantly from my portfolio interest, it is a very economic and effective transport system indeed. I will repeat what I said in the House earlier. I do not think it is reasonable for the press to frighten the people of Glenelg and Brighton or threaten people in the southern suburbs about the Government's plans. At this stage the Government has no plans at all in relation to a rapid transport system for the southern suburbs.

Members interjecting:

The Hon. G.F. KENEALLY: I thank the member for Davenport for his assistance. What is happening is a normal part of transport planning: it is a role that the Transport Planning Division has followed over a great number of years. It might be of interest for people to know that, when the Hon. G.T. Virgo was Minister of Transport, the Sturt Creek corridor was looked at to see whether it was an appropriate corridor for LRT. There is nothing new in this world because 10 or 12 years ago this was first looked at. Indeed, I would be surprised if the Opposition, when it was in Government, did not look at that corridor as a transport option.

Many options will be looked at by the Planning Division in seeking to determine the solutions to future needs. They will change as needs change and as transport patterns change. There is no submission: there is no Government plan in relation to a rapid transit or a streetcar design transport system for the southern suburbs, but it remains part of our active planning.

Mr Lewis interjecting:

The Hon. G.F. KENEALLY: Transport is a critical and important issue for many members of Parliament and the member for Murray-Mallee, who may not be interested in it, should not try to belittle the concerns of many of his own colleagues and my colleagues in their concern for appropriate public transport in Adelaide. I just want to reassure all those people who believe that this is a very desirable and much loved form of public transport in South Australia that it will remain with us so long as this Government remains on the Treasury benches.

I am concerned about the suggestion that has been made by the Opposition spokesman, who is reported as follows:

> The Opposition transport spokesman, Mr Ingerson, said the Liberal Party had proposed three years ago to extend the O-Bahn system to the southern suburbs, utilising the Glenelg tram line.

That is where the threat may come. I suggest that all those people who want to retain the Glenelg tram take that into consideration at the appropriate time.

TROTTING CONTROL BOARD

Mr INGERSON: Can the Minister of Recreation and Sport explain why there are grave inconsistencies between the claims he made in relation to the Trotting Control Board's handling of the Batik Print affair—

Members interjecting:

The SPEAKER: Order!

Mr INGERSON: —and statements on the same subject made by the Chief Steward of the Victorian Harness Racing Board and the Managing Director of the Institute of Drug Technology?

Members interjecting:

The SPEAKER: Order! I call the honourable member for Briggs to order.

Mr INGERSON: During his lengthy defence of the Trotting Control Board's handling of the Batik Print case on 18 March, the Minister dwelt heavily on the fact that the board had no knowledge that the Institute of Drug Technology was the company responsible for the analysis of swabs. This is in direct contrast to the contents of a letter the Minister has received last week from the Managing Director of IDT, Dr Graeme Blackman, who advises that his company had been performing analyses of swab samples for the board for 30 months and had 'received regular payments of invoices by the board'. Dr Blackman's letter to the Minister states:

> I must say I was surprised by the comment made by the SATCB that they were unaware of the arrangement with IDT. I was disappointed that no officer from your department contacted me in relation to this issue.

Dr Blackman's letter also sets out in detail communications between the board and his company over a considerable period of time. One communication from the board related to the Batik Print swab, found to be positive to the drug dexamethasone.

The Trotting Control Board asked IDT to run a second test on the Batik Print sample in the presence of an independent analyst. The laboratory defrosted the sample only to be told then that the date arranged was no longer suitable. Dr Blackman's letter to the Minister states:

> Whether this was a ploy to attempt to further degrade the sample I am not able to say.

The next communication to Dr Blackman from the Trotting Control Board came the next day by telephone. He was told that 'no further analysis' was to be performed on the Batik Print sample. The Minister told the House that the board's decision to drop the Batik Print case was made after it had been made 'totally aware' and I repeat 'totally aware' of a positive swab case in Victoria.

Today I contacted the Chief Steward of the Victorian Harness Racing Board. He advises me that no such evidence could possibly have been considered by the South Australian Trotting Control Board at its meeting on 1 July because the facts were not available to the Victorian board until 29 July—28 days after the South Australian board dropped the case.

The Hon. M.K. MAYES: I have received the letter to which the honourable member refers. I have asked for a report from the Trotting Control—

Mr S.J. Baker interjecting:

The Hon. M.K. MAYES: Will the member for Mitcham pipe down for a moment?

The SPEAKER: Order! If the Chair is of the view that the Minister requires protection, it will be provided.

The Hon. M.K. MAYES: I have asked for a response from the Trotting Control Board. Just before I came into the Chamber I received a precis comment from the Secretary of the board, and I will ask for a full response so that the House can be informed. The situation, as I am given

to understand now, is not as the company has suggested in most of its points under the heading 'IDT' signed by Dr Blackman as Managing Director. I am given to understand that there are a number of discrepancies between what was said, and that there is some confusion in the correspondence between what is the Trotting Control Board and the Chief Steward. In fact, I understand that what might have been communications from the Chief Steward (Mr Broadfoot) have been misunderstood or taken by IDT as being communications from the TCB itself.

Members interjecting:

The Hon. M.K. MAYES: Members opposite again show their ignorance of the industry, Mr Speaker.

The SPEAKER: Order! The honourable Minister.

The Hon. M.K. MAYES: I will endeavour to obtain a full report for the House on the TCB's response to the allegations which are made by Dr Blackman in his letter. However, I assure members that they should not necessarily take on face value the suggestions that have been made by the honourable member with regard to the letter, because I think that, once the investigations have been conducted by the TCB into the allegations, the outcome will then enlighten members and the public at large about the facts of the situation. I suggest very strongly that the underlying allegation of the member for Bragg about the conduct of the TCB is questionable. I will obtain a full report so that members of the House, the press and the public at large can be enlightened on the full facts of the situation, and not just part of the facts.

HOMOSEXUALITY IN PRISONS

Mr PLUNKETT: My question is directed to the Minister of Transport, representing the Minister of Health. What action does the Minister intend to take about reports of widespread homosexuality in prisons? During the seven to eight years that I have been a member of this House I have been concerned about reports of young offenders being raped in prison, and I am certain that that feeling is shared by members on both sides of the Chamber. This question relates to AIDS. This problem in prisons, whether in South Australia or anywhere else, has come to a point where something must be done. I am not trying to steal the member for Hanson's—

The SPEAKER: Order! The honourable member is now indulging in a grievance speech rather than explaining his question.

Mr PLUNKETT: I will briefly explain it further. Besides young offenders who are subject, in some cases, to rape, we also have read of pay-backs with rape with the intention of transmitting AIDS. To my way of thinking that is close enough to murder. The thing that really concerns me is that when these prisoners come out they are then subjecting their wives, friends or girlfriends to a very great danger. I certainly think that everyone would be interested in that question.

The Hon. FRANK BLEVINS: For the fourth time today, the person asking the question has the wrong Minister. Mr Speaker, it is a very—

Mr S.J. BAKER: On a point of order, Mr Speaker, I understand that the question was directed to the Minister of Transport in this place, representing the Minister of Health in another place.

The SPEAKER: There is no point of order. Ministers may delegate the response to one another. That has always been the tradition of this House.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: Thank you, Mr Speaker. I thank the honourable member for his question. It is a very important question, and the central point of it was the amount of homosexual activity in gaols, something that directly comes within my portfolio. I think it is possible to confuse two things here: the question of institutional sex as opposed to homosexuality which occurs between consenting adults in the community. It is a fact of life, so I am told, that in any institution where there is a large number of males (and I assume that there is a female equivalent) institutional sex occurs, whether it is in gaols, the Army, the Navy or other areas like that.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I warn the honourable member for Bragg. The degree of ire that the Chair may direct towards an interjection is not related necessarily to its volume but to its persistence in many cases.

The Hon. FRANK BLEVINS: It is a phenomenon of which I am sure all members of the House are aware. It is certainly something that in the prisons we discourage as much as it is possible to do. One of the problems with our institutions in the past has been the necessity to have more than one prisoner in a cell and, quite obviously, if more than one prisoner is in a cell, the occasions when sexual activity can take place are greatly increased. Unless there was some kind of electronic surveillance day and night within cells, it would not be possible to stop it. So, it is something of a dilemma for the Department of Correctional Services and, indeed, for the Prison Medical Service. All I can say as regards institutional sex is that, the sooner the building program is completed and all prisoners are kept in single cells, the better off we will be. Regarding the question of rape in prisons, unfortunately again it seems to be a feature of every prison that I have heard of.

The Hon. B.C. Eastick: Do you have individual showers?

The Hon. FRANK BLEVINS: I will get back to that in a moment. We do everything that is within our power to ensure that rape does not occur within prisons, the same as the police attempt to ensure that rape does not occur in the community as a whole. Unfortunately, it may happen from time to time. If there is any suggestion of its occurring, we immediately call the police. It is obviously a criminal offence, and the people to investigate criminal offences are the police.

So, if ever there is a suspicion or if a complaint is made, the police are called into the prisons immediately. Fortunately, we have such a small prison system and such a publicly open prison system that we are able to keep to an absolute minimum the incidence of coercion for sexual favours or otherwise. Prisoners do have access to telephones on a fairly unrestricted basis. The media also, I am happy to say, have reasonably unrestricted access to prisoners and to the gaols themselves, with a caveat for security reasons. So, if there is any significant amount of coercive sexual behaviour in the prisons, I am sure that the community would be aware of it very quickly. The press are able to play a very large role in that, and I am always happy, as is the Department of Correctional Services, to assist them in going into the gaols or talking to any prisoners.

I am sure that this will happen from time to time and, when it does, the police are involved. If they find enough evidence they lay charges, which are then dealt with in the normal manner. I thank the honourable member for his question and invite him or any member of the House into any of our prisons to enable them to see the conditions for

themselves, to speak with the officers and inmates if they wish and to see the steps that we take to keep to an absolute minimum any coercion or standover tactics in any area of the prison.

ENTERTAINMENT CENTRE

Mr OSWALD: In view of the fact that yet another top international entertainer is to by-pass Adelaide, can the Premier now say precisely when he intends to implement his election promise to build an entertainment centre? I refer to today's *News* report that Paul Simon is to tour Australia later this year but that he will not include Adelaide in his itinerary. His tour will take place in mid-winter, suggesting that Adelaide's lack of an indoor entertainment centre is the main reason why he will not appear here. On 7 May 1985, the Premier told Parliament that he was determined that an entertainment centre would be 'up and running without any time being wasted.' He repeated that promise during the election campaign.

However, on radio last Friday the Premier claimed that he had never even given a commitment to a starting date for the centre and, while he alluded to financial constraints, he was well aware at the time he made these promises that the budget situation was extremely tight. Following the latest disappointment to South Australian concert-goers with the news of the Paul Simon tour, there has been public comment that the Premier should come clean about his plans and say precisely how much longer the public will have to wait to see him fulfil his determination not to waste any time building an entertainment centre.

The SPEAKER: Order! The honourable member's question contained a great deal of comment. However, in view of the latitude that the Chair has extended to all other members this afternoon, I will let it go.

The Hon. J.C. BANNON: I refer the honourable member to my statement made in presenting last year's budget. I do not know where the honourable member has been for the past 12 months. In the face of the collapse in Australia's terms of trade, the reduction in economic activity nationally, the cut in our export income and a number of other factors, all of which have imposed considerable financial constraint on the State—

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order.

The Hon. J.C. BANNON: That is why last August, in presenting the budget, I said that we cannot give a precise date for the commencement of construction of an entertainment centre. However, no time has been wasted at all. To date, we are getting on with the job of land acquistion and design work along a timetable which is as fast a timetable as could be accomplished. Something of the order of $4 million has already been spent on developing, and on land acquisition.

Mr Oswald interjecting:

The SPEAKER: Order! I call the member for Morphett to order.

STRATA TITLE INSURANCE

Mr FERGUSON: Will the Minister representing the Minister of Consumer Affairs ask his colleague to request his department to investigate whether many thousands of strata title home unit owners are paying money unnecessarily to insure their properties? State legislation makes it imperative for a strata title corporation to insure the building that the corporation administers. Prior to 19 September 1984, any person taking out a loan with the Commonwealth Bank was compelled to insure the mortgage with the bank. This insurance was known as strata unit title (mortgage) insurance. After 19 September 1984, the bank no longer insisted that customers take out this insurance. However, many thousands of home owners are still renewing this policy. It has been put to me by a constituent that many people are paying this type of insurance unnecessarily. A person who has invested in a home unit with a strata title is insuring twice. Only one payout would be made in the event of damage to the building. No publicity has been given by the bank to the fact that after 19 September 1984 anyone wishing to cancel the original insurance can do so by sending in a written report to the bank to this effect.

The Hon. G.J. CRAFTER: I thank the honourable member for raising this matter and I shall be pleased to refer his question to my colleague in another place for a report.

QUEEN VICTORIA HOSPITAL

The Hon. JENNIFER CASHMORE: In view of previous statements by the Premier and the Minister of Health, will the Premier clarify the Government's attitude to the future of the Queen Victoria Maternity Hospital? In the issue dated November 1980 of a document called 'Opposition Opinion', circulated in the Premier's name while he was Leader of the Opposition, there is a reference to the former Liberal Government, and I quote the Premier's own words:

> ...finally yielding to pressure from Labor and the general public and saving the Queen Victoria Hospital from closure.

More recently, the Minister of Health said in a public statement that the Queen Victoria would have a continuing central role in meeting the needs of South Australian women following a role and function study and a detailed report on its future, that the State Government had agreed the hospital would remain on the Fullarton Road site, and that (to use the Minister's words) 'I am sure this commitment will enable the hospital to continue its fine tradition of service to the community.' The Minister's statements were made less than three months before the 1985 State election, and many concerned women have approached the Opposition following last week's publicity about the hospital's future, suggesting this is yet another broken promise of this Government.

The Hon. J.C. BANNON: That suggestion is wrong. Well the former Minister of Health might mention it, because it was certainly the intention to close the Queen Victoria Hospital and we gave an undertaking that that would not be done. As the honourable member has quoted, the Minister announced this Government's plan to assist the refurbishing and upgrading of the Queen Victoria Hospital. Members will also be aware that major redevelopment is proceeding at the Adelaide Children's Hospital at present and I understand that the boards of both the Queen Victoria Hospital and the Adelaide Children's Hospital have considered the advantages that could be gained by combining their services on the one site: in other words, instead of having two separate developments on the Queen Victoria and Adelaide Children's Hospital sites, by combining their resources they could get better services for women and children. If that is so, the Government would certainly be prepared to back it, but I understand that it is only a proposal at present. The two boards are holding discussions, and obviously the Minister of Health will take those into account.

EDUCATION FEES

Mr DUIGAN: Can the Minister of Education say whether mechanisms exist to contain the increases in education fees for private tuition? I have been approached by certain constituents, some with children at Government schools and others with children at non-government schools who are undertaking extra-curricular activities such as ballet, gymnastics, and music. These parents have expressed concern about the 1987 fee structure following the introduction of a four-term school year. I have been given examples of both ballet and music tuition fees being increased during this school year by as much as 30 and 40 per cent, because those offering the courses have maintained the one-term rate and applied it to four terms. So, instead of paying, say, $90 a year for three terms of tuition, the parents are having to pay $120 for the new four-term year even though the number of weeks tuition has not changed.

The Hon. G.J. CRAFTER: I thank the honourable member for his questioon. The levying of fees for tuition in the non-government education sector is not a matter over which I, as Minister of Education, have authority. However, I shall be pleased to look at the circumstances that the honourable member has brought to the attention of the House and to discuss them with my colleagues the Minister of Consumer Affairs and the Minister of Labour, because there may well be certain steps that can be taken in those areas that may help the honourable member's constituents.

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES (REPEAL AND VESTING) BILL

The Hon. R.G. PAYNE (Minister of Mines and Energy) obtained suspension of Standing Orders and moved:

That the select committee on the Bill have leave to sit during the sittings of the House this week.

Motion carried.

DEER KEEPERS BILL

The Hon. M.K. MAYES (Minister of Agriculture) obtained leave and introduced a Bill for an Act to establish a compensation fund and to provide for the payment of compensation from the fund for the destruction of diseased deer, and for other purposes. Read a first time.

The Hon. M.K. MAYES: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Bovine tuberculosis infection, which is a communicable disease to humans, was detected in three deer herds during 1986. The prevalence of disease was almost 100 per cent. It was the first time that tuberculosis has been diagnosed in deer in Australia. Diagnostic testing is now required in other herds in the State to establish whether further infection exists in this species. Such testing is necessary to ascertain any risk of spread of disease from deer to cattle which could jeopardise the bovine tuberculosis campaign, and to establish the disease status of the farmed deer population, in order to secure the industry's future good reputation.

The Bill provides a legislative framework under which the disease status of South Australia's deer farming industry may be adequately assessed, initially with respect to bovine tuberculosis.

It establishes an industry funded compensation fund to compensate owners when their stock are destroyed because of disease or suspicion of disease.

It also establishes an advisory committee of industry and Government members to recommend to the Minister the uses (other than for compensation) to which any excess compensation funds collected may be put.

The provisions of the Bill are as follows:

Clauses 1 and 2 are formal.

Clause 3 is an interpretation provision. For the purposes of the Bill the Inspector and Chief Inspector are the persons holding those offices under the Stock Diseases Act 1934.

Clause 4 provides for the annual registration of deer farms. The registration fee will be fixed by, or calculated in accordance with, the regulations.

Clause 5 creates offences. It is an offence to keep deer other than at a registered deer farm; to keep deer in contravention of a condition of registration of the deer farm; or to take deer from a registered deer farm unless the deer are tagged or marked in a manner approved by the Chief Inspector.

Clause 6 establishes a compensation fund into which all registration fees will be paid.

Clause 7 confers a right to compensation on the owner of any deer destroyed under the Stock Diseases Act 1934, as a result of a prescribed disease after 1 August 1986. The amount of compensation will be calculated in accordance with the regulations.

Clause 8 provides that, where, in the Minister's opinion, the amount standing to the credit of the fund on 30 June in any year is sufficient to meet any claims likely to be made on the fund in the ensuing 12 months, the Minister may direct that the amount of the excess be allocated to such programs for the benefit of the deer industry in the State as the Minister thinks fit.

Clause 9 establishes the Deer Compensation Fund Advisory Committee. The Committee is to be comprised of five persons; the Chief Inspector, three persons who represent the interests of the deer industry, and one person holding a position in the Department of Agriculture.

Clause 10 sets out the functions of the committee. They are to advise the Minister on the management of the fund, to recommend the manner in which allocations are to be made under clause 8 and to report to the Minister on matters referred for advice.

Clause 11 gives inspectors powers designed to enable enforcement of the measure.

Clause 12 consititutes offences under the measure, summary offence.

Clause 13 gives the Governor regulation making power. The regulations may provide for exemptions from the provisions of the measures.

Mr GUNN secured the adjournment of the debate.

SITTINGS AND BUSINESS

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the time allotted for—

(a) All stages of the following Bills:

South Australian Metropolitan Fire Service Act Amendment Bill;

Fair Trading Bill;

Statutes Amendment (Fair Trading) Bill;

Criminal Injuries Compensation Act Amendment Bill;
In Vitro Fertilisation (Restriction) Bill;
Occupational Therapists Act Amendment Bill;
Registration of Deeds Act Amendment Bill;
Valuation of Land Act Amendment Bill;
Real Property Act Amendment Bill;
Bills of Sale Act Amendment Bill;
Australian Mineral Development Laboratories (Repeal and Vesting) Bill;

(b) Consideration of the amendments of the Legislative Council in the following Bills:
Waterworks Act Amendment Bill;
Sewerage Act Amendment Bill;
State Emergency Service Bill;

and

(c) Referral to a select committee of the—Pitjantjatjara Land Rights Act Amendment Bill

be until 6 p.m. on Thursday.

Question—'That the motion be agreed to'—declared carried.

Mr S. G. EVANS: Divide!

The House divided on the motion:

While the division was being held:

The SPEAKER: Order! There being only one member on the side of the Noes, I declare that the Ayes have it.

Motion carried.

STATE EMERGENCY SERVICE BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 1 (clause 3)—After line 20 insert new definition as follows:

'Deputy Director' means the person for the time being holding, or acting in, the position of Deputy Director of the State Emergency Service:.

No. 2. Page 2, line 21 (clause 6)—After 'powers under this act' insert ', except the powers under section 11 (1) and (3) to assume command of operations and to extend an order assuming command'.

No. 3. Page 2 (clause 6)—After line 21 insert new subsection as follows:

(2a) The Director may, with the approval of the Minister, delegate the powers under section 11 (1) and (3) to the Deputy Director.

No. 4. Page 3 (clause 9)—After line 23 insert new subclause as follows:

(4a) The constitutions and membership lists of all SES units must be available for inspection by any interested member of the public, on payment of the prescribed fee, at the service's headquarters.

No. 5. Page 4 (clause 11)—After line 12 insert new subclause as follows:

(3a) The Director must, as soon as reasonably practicable after making an order under subsection (1) or (3), publish the order in the prescribed manner or, in the absence of regulations prescribing the manner in which the order is to be published, in such manner as the Director thinks appropriate in the circumstances.

No. 6. Page 4 (clause 11)—After line 23 insert new subclause as follows:

(7) Where both the Director and Deputy Director are absent or are for some other reason unable to exercise a power under subsection (1) or (3), the Minister may exercise that power, and a reference in this Act to an order of the Director will be taken to include a reference to an order of the Minister under this section.

No. 7. Page 5, line 5 (clause 12)—After 'direct' insert '(but only so far as is reasonably necessary in all the circumstances)'.

No. 8. Page 5—After clause 12 insert new clause as follows:

Compensation where emergency officers cause damage through exercise of powers.

12a. (1) A person is entitled to be compensated for any injury, loss or damage—

(a) that arises in consequence of anything done in the exercise or purported exercise of powers under section 12 (apart from subsection (2) *(h)*);

and

(b) that would not have arisen in any event in consequence of the emergency.

(2) In assessing compensation under subsection (1), the following must be taken into account—

(a) any amount recovered, or recoverable, by the person suffering the injury, loss or damage under a policy of insurance; and

(b) the extent (if at all) to which the conduct of the person is suffering the injury, loss or damage contributed to that injury, loss or damage.'

No. 9. Page 5, line 30 (clause 15)—Leave out the word 'lawful' and insert 'reasonable'.

No. 10. Page 7—After clause 20 insert new clause as follows:

Money required for the purpose of this Act.

The money required for the purposes of this Act will be paid out of money provided by Parliament for the purpose.

The Hon. D.J. HOPGOOD: I move:

That the Legislative Council's amendments be agreed to.

I will spend a brief time explaining the effect of the amendments made in another place. Some concern was expressed about the delegation of powers, and the original intention of the Bill has been modified in a way that causes me no pain. First, clause 3 has been amended to define 'Deputy Director' as follows:

. . . the person for the time being holding, or acting in, the position of Deputy Director of the State Emergency Service.

Obviously the definition has been included so that it can be put to work in some way. In fact, it is put to work in clause 6, which provides:

The Director may, with the approval of the Minister, delegate to any person appointed to the Public Service of the State any of the Director's powers under this Act.

That has been amended to include after 'powers under this Act':

, except the powers under section 11 (1) and (3) to assume command of operations and to extend an order assuming command.

A new subsection (2a) has been inserted, as follows:

The Director may, with the approval of the Minister, delegate the powers under section 11 (1) and (3) to the Deputy Director.

I think that goes a sufficient distance to satisfy those people who were concerned with the overall trend of delegation of power and authority in the legislation. The following new subclause (4a) has been inserted in clause 9:

The constitutions and membership lists of all SES units must be available for inspection by any interested member of the public, on payment of the prescribed fee, at the service's headquarters.

That seems to be a reasonable proposition, and one which we support. The following new subclause (3a) has been inserted in clause 11:

The Director must, as soon as reasonably practicable after making an order under subsection (1) or (3), publish the order in . . . such manner as the Director thinks appropriate in the circumstances.

A new subclause (7) has also been inserted:

Where both the Director and the Deputy Director are absent or are for some other reason unable to exercise a power under subsection (1) or (3), the Minister may exercise that power, and a reference in this Act to an order of the Director will be taken to include a reference to an order of the Minister under this section.

As I recall, there was some discussion in this place about the powers of emergency officers. A new subclause has been inserted under the general section without limiting the generality of subsection (1). The legislation lists the powers of an emergency officer, and the last one has been modified by another place by inserting after the word 'direct', '(but only so far as is reasonably necessary in all the circumstances)'. I do not know whether that adds very much to what was there in the first place, but I have no objection to it.

There are further new provisions in relation to the entitlement of persons to compensation for any injury, loss or damage suffered by such persons. The new subsection, which is self-explanatory, provides:

12a. (1) A person is entitled to be compensated for any injury, loss or damage—

(a) that arises in consequence of anything done in the exercise or purported exercise of powers under section 12 (apart form subsection (2) *(h)*);

and

(b) that would not have arisen in any event in consequence of the emergency.

(2) In assessing compensation under subsection (1), the following must be taken into account—

(a) any amount recovered, or recoverable, by the person suffering the injury, loss or damage under a policy of insurance; and

(b) the extent (if at all) to which the conduct of the person is suffering the injury, loss or damage contributed to that injury, loss or damage.

Again, that seems to be workable. Two further amendments have been inserted. The first is to clause 15, which in subclause (1) would now provide:

A person shall not, without reasonable excuse, refuse or fail to comply with a direction . . .

That seems to be quite unremarkable. New clause 20a provides:

The money required for the purposes of this Act will be paid out of money provided by Parliament for the purpose.

That is one of the standard clauses in legislation such as this. Although the new clauses do not add much to the scheme of legislation that I placed before the Chamber in the first place, I do not believe that they derogate from it either, and therefore I have great pleasure in requesting that the Committee agree to the amendments inserted in another place.

The Hon. B.C. EASTICK: I appreciate the attitude that the Minister has expressed. A number of the amendments can be covered by the phrase 'providing an abundance of caution'. In an area where we are giving to certain officers the right of breaking and entering and taking what in circumstances other than an emergency would be looked upon as draconian steps, it is important that the public generally is happily of the knowledge that, if there is a financial loss to an individual as a result of any action taken in the right spirit, there is not going to be a loser in a financial or business sense.

That being the case, I believe the Government has been wise in accepting the suggestions. Certainly there were deficiencies, as the Opposition saw it in the earlier Bill, that no direct provision was made for access to funds to provide necessary compensation, whether in relation to a person, or to the property of an individual or a corporate body, or if it happened to be in relation to the personal effects of a person who was a volunteer. That matter has been examined and satisfactorily discharged by the action currently taken in these amendments. I look forward to this Bill's coming into being and providing a very successful basis upon which the very important SES organisation can function in South Australia.

We are moving in similar directions with similar bodies to ensure that they have legislative backing, that they are structured in a proper way, that they have a responsibility to a very responsible and senior officer of the State's employ, in this case the Commissioner of Police, and I am more than satisfied at the eventual outcome of this measure.

Motion carried.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 3564.)

The Hon. B.C. EASTICK (Light): The Opposition supports this measure, which has two facets. The first is to correct a circumstance which, whilst it has worked satisfactorily, could be construed to have been 'Caesar to Caesar' in the sense that a chief officer or his deputy laying a charge against an officer would then have been the person responsible for chairing the disciplinary body. In the current environment, that is not a set of circumstances that is necessarily acceptable or desirable and, with the concurrence of the parties concerned, agreement has been reached that a legal practitioner of at least seven years standing will be placed in charge of the tribunal.

There is a safety catch, and I question whether it need be there; that is, that both the chief and also the union must give concurrence to the person who is to be the legal practitioner of at least seven years standing. It does not fuss me unduly, but we are taking away from the direct responsibility of Government to be responsible a situation where the Government may be unnecessarily influenced by either side. I make that point in passing. It is not going to hold up the Bill's passage, and I believe that the ultimate result of this change will be very practical in future activities under the Act.

The second phase is that, during the passage of time the previous Fire Brigade Officers Association of South Australia and the Fire Fighters Association of South Australia have recently amalgamated to become the United Fire Fighters Union of South Australia Incorporated, and the further amendment to the Act seeks to change the references to the two individual bodies and to insert in lieu thereof the name of the now single body. That is a very proper course of action to take.

It seems to me that a great deal of the time of the House is taken up in correcting such name changes. We get similar situations and, in fact, there is one before the House at present in another Bill where we are taking out 'Treasurer' and inserting 'Minister'. A great deal of the time of the House is associated with these technical changes which are responses to changing circumstances.

I am not suggesting for one minute that we should have a position whereby Acts of Parliament should be changed without the scrutiny of Parliament. However, I question whether there might not be in the longer term a better way to accommodate such changes as these, rather than bringing them forward as part of a Bill. It is convenient at this stage, while we are looking at the disciplinary tribunal, to make other changes. However, it would be ludicrous to simply introduce the changes to the Act in regard to the organisations which represent the membership. I believe that the spirit of what has taken place outside could be accommodated within the law and that may also be the eventual passage of such changes.

I highlight to the Committee that perhaps with the changing circumstances, with the use of the Commissioner (such as Mr Hackett-Jones QC is at the moment), we have seen a number of other measures come through by way of a report through the Subordinate Legislation Committee of changes to Acts which alter dates or which strike out material which is now superfluous because it was a transitional phase entered in the Bill at the time it was first enacted.

It may be that some of these measures—not the one relating to the disciplinary tribunal, but some of the others—may well be handled that way in the future. I offer it to the Government as a method of approach so that debating time can be more meaningfully allotted to those matters that are of great import or of public concern, even if no specific legislation is before the House.

I have ranged a little wide of the Bill, but it has given me an opportunity of picking up the simplicity of the measure in relation to the names of organisations and to make that offer to the Government. On a bipartisan basis, we might be able to look at this through Standing Orders by way of a substantive motion of the House at a later stage, or by any other means. Members in another place may want to look at it slightly differently. However, we should perhaps consider this matter in the longer term. I support the Bill.

The Hon. D.J. HOPGOOD (Deputy Premier): I thank the member for Light for his expression of support for this measure and also for the constructive comments that he made in relation to it. Those comments were really in two areas. The first related to clause 3 (3) of the Bill. I may have misheard the member, but I thought he used the word 'concurrence' in talking about the requirement for the Minister to do something in relation to the chief officer and the union. If in fact I misheard the member, I apologise. If I heard him correctly, I point out that the word is 'consult', rather than actually getting their concurrence, and that gives a broader area of action to the Minister.

The Hon. B.C. Eastick: Facing reality, it is a little bit of semantics though, isn't it?

The Hon. D.J. HOPGOOD: If the member wants to continue in that vein, I indicate that it is not unusual—and I know that he is not wanting to press the point too far—for legislation from time to time to fetter Ministers in relation to appointments, and it is something about which I concern myself from time to time. For example, it is quite usual for legislation to prescribe that, in going to a body such as the Local Government Association or something like it, that association shall be empowered to put up a panel of perhaps three names from which the Minister must choose one; and he is fettered as to his power to go beyond that. There is a sense in which I think this is very much in the same sort of category. It is a balance between, on the one hand, the Crown's power to do what it wants to do subject only to the broad general sort of democratic constraints that operate on us all and, on the other hand, those interests that are directly represented or controlled in the Bill having some say as to who are the controllers.

In relation to the second point that the honourable member made, he is dead right. He and I have been here for 17 years and we know the number of times where it has been necessary to detain this House for considerable periods of time merely so that legislation can be reworded to take account of some change in procedure where there is no change of principle at all. For example, I recall the present Chief Justice, when he was Attorney-General here, bringing in pages and pages of amendments which would have had the effect of changing references in Bills to decimal currency where pounds, shillings and pence had previously been inserted. Where it is mechanical things like this—and in a sense what I am putting to the House here is a mechanical thing—the reality is already with us.

There is now only one union in the MFS, rather than two (and we are merely recognising that; there is no change of principle), and there should be some other way of being able to do this without unduly detaining both Houses of Parliament. Certainly, I suggest that the Standing Orders Committee look at this. It should take on board what the honourable member said. It may be that some appropriate amendments to the Acts Interpretation Act may be the way to go, although when I make that suggestion I must also take into account that there are those people—and I can understand why they take this attitude—who want to be able to pick up an Act of Parliament, read it through and understand (if they possibly can) all that is in it, without having further reference to other pieces of legislation for their guide.

Whereas the Acts Interpretation Act and appropriate amendments may be one way in which we could go and which would guide the courts and those people who are controlled by the provisions of particular legislation, I must admit that that is not a perfect solution, either. In any event, all that we are saying here does not really touch the substance of the Bill. It appears that it has the support of members, and I look forward to that support.

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

PITJANTJATJARA LAND RIGHTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 3568.)

The Hon. P.B. ARNOLD (Chaffey): The Opposition supports this necessary Bill. The Pitjantjatjara Land Rights Act was introduced into this Parliament in 1981, and since that time a number of aspects of the legislation have proved to need amendment. Consequently, this Bill is now before us. While the Bill will go to a select committee at the conclusion of the second reading, it is our intention to foreshadow amendments that we intend to move so that they can be discussed before the select committee, which is the obvious place for the amendments that we are proposing to be debated, not necessarily in this House. I will outline the objective that we have in mind in relation to the amendments.

The first proposal of the Government is to amend the title 'Pitjantjatjaraku' to 'Pitjantjatjara'. Certainly, there is no objection to that whatsoever. It is a request of the Anangu Pitjantjatjara Council. The other main matters relate to the entry and conditions of entry onto land. I raised this matter two or three years ago and described some of the problems that were occurring in relation to the permits being issued and responsible persons being able to obtain a permit. At that time the Holdfast Bay Rotary Club had made an application which, for one reason or another, was rejected, although I do not know why. I take it that the Rotary Club was regarded as not being a satisfactory group, which surprised me. I would have thought that any Rotary group would be a reasonably responsible group in the community. However, that was the case at the time.

The amendment which provides for a permit for group entry will, I believe, possibly overcome much of the problem in that area. The legislation also contains amendments to the Road Traffic Act and the Motor Vehicles Act. It will also prevent the lands from being overstocked by allowing the regulations under the Pastoral Act to apply. This area was of particular concern to the member for Eyre, and undoubtedly he will speak on that matter later. It was his intention to move a private member's Bill in an endeavour to have the regulations and requirements of the Pastoral Act apply to the Pitjantjatjara lands. The Pitjantjatjara Council and the Government have obviously seen fit that this should apply, and it has been contained within this Bill. Several amendments are proposed in relation to the mining provisions of the Act. This has sparked some concern on the part of the mining companies and from the Chamber of Mines and Energy.

The Hon. G.J. Crafter: It's the same as Maralinga.

The Hon. P.B. ARNOLD: It is, as the Minister says, a direct lift-out in relation to the Maralinga lands. It does

surprise me that the Minister has brought a Bill of this nature into the House. When I contacted the Manager of the Chamber of Mines and Energy last week, he said that he was totally unaware of the Bill. I therefore sent him a copy of the Minister's second reading explanation and a copy of the Bill. Unfortunately, that was the first that the chamber knew of this legislation, which I think is a great pity. If we are trying to get smooth passage, general agreement and understanding, it is my view that all interested parties should have a copy of the legislation well in advance so that, if they have any problems with it, they have the opportunity to discuss it with the Government, and the Pitjantjatjara Council and its legal adviser. Unfortunately, that was not the case.

Amendments are also proposed in relation to the supply of alcohol on the lands. Because this Bill will be referred to a select committee at the conclusion of the second reading stage, it is my intention to briefly outline the Opposition's proposals in relation to the amendments that we believe should be added to the Bill, without detracting or taking away from the Bill in any way whatsoever, so that those proposals can be considered during the select committee proceedings and so that all those involved in the select committee and those who make a contribution to it will have our proposals before them.

Our first proposal relates to petrol and includes any form of motor spirit or gasoline. It states that a person shall not, while on the lands, be in the possession of petrol for the purposes of sniffing it. We provide a penalty for that. More importantly, we provide that a person, while on the lands, shall not supply petrol to another person for the purposes of sniffing the petrol or having reasonable cause to suspect that the other person was going to use the petrol for the purpose of sniffing. In other words, and in the same way, we are talking about the drug legislation. We are concerned about the person who will promote this activity to another, and we propose a very significant penalty in that area. So, that is the thrust of our first proposal.

Secondly, the Opposition believes that a parliamentary committee, the Pitjantjatjara Lands Parliamentary Committee, should be established—once again being a direct lift-out from the Maralinga lands legislation. That committee would report to Parliament annually. Since the introduction of the Maralinga lands legislation and the creation under the Act of the parliamentary committee (of which I am a member), and bearing in mind that that committee led by the Minister recently visited the Maralinga lands, I believe that tremendous benefits can be derived from the establishment of a Pitjantjatjara Lands Parliamentary Committee. On the occasion of visiting the Maralinga lands (although we have not reported back to Parliament at this stage), the committee had the opportunity to discuss at length with the people on the Maralinga lands in the Oak Valley area any problems that they had with the recently enacted Maralinga lands legislation.

The fact that it gets members of Parliament out into the lands, whether it be the Pitjantjatjara lands or the Maralinga lands, can only be of benefit from an educational point of view for those members who are fortunate enough to have been appointed to that committee. Too often we tend to act too remotely from the real issues that we debate in this House. In other words, we really do not in many instances have first-hand information, and it is absolutely essential not only that the Maralinga Lands Parliamentary Committee continues, but also that we create a similar committee so that we can have direct dialogue with the Pitjantjatjara Council and the people on an annual basis and report back to Parliament on any amendments and recommendations that they believe will enhance the operations of the legislation to the benefit of the whole community.

The third objective will be in relation to providing the council with by-law making powers. Our object in this area would be that Anangu Pitjantjatjara may make by-laws in the following areas: regulations restricting or prohibiting the supply, consumption and possession of alcoholic liquor on the lands; prohibiting the sniffing of petrol on the lands; prohibiting the possession or supply of petrol on the lands for the purpose of sniffing; providing for the confiscation of alcoholic liquor and petrol reasonably suspected of being on the lands for a purpose that contravenes a by-law made under this legislation; and providing for any other matter that is prescribed by the regulation as a matter in relation to which the by-laws may be made or that is expedient for the administration of the lands. The by-law making provisions that we propose would be carried out in exactly the same way as Government regulations and council by-laws, whereby they would be submitted to the Governor for confirmation. They would be subject to being laid on the table of both Houses of Parliament, and the disallowance provisions would apply if any member saw fit to move in that direction.

So, they are basically the proposals that the Opposition would like to see included in the legislation. They have been discussed at length with the Pitjantjatjara Council and its legal adviser. We believe that those proposals have the support of the council, and we trust that they will be incorporated in the legislation when this Bill returns to the House after going before the proposed select committee.

Mr GUNN (Eyre): I support the Bill and am pleased to make one or two comments on its operation. I believe the discussions that have taken place between the Opposition and the Pitjantjatjara council have been a refreshing innovation. In view of the difficulties that have taken place over recent years involving the legal representatives of that organisation, a new approach is not only helpful but will lead to better legislation than in the past, as well as a better understanding of the problems, and will allow the Parliament to make a more informed judgment on many of the issues and problems affecting the communities in the north-west of South Australia.

If the Parliament can adopt a reasonably bipartisan approach in such matters it will be in the interests of all sections of the community, as there is no purpose in having unnecessary confrontation on the floor of the House or publicly if it can be avoided. All of us want to see, in proposals of this nature, that commonsense prevails and, if possible, the wishes of those communities acceded to with courses of action being put in train that are in the long term interest and benefit of all citizens of this State.

The Pitjantjatjara legislation enacted in 1981 was new legislation. It was obvious to anyone who understood it that from time to time—would be necessary to review that legislation because obviously there were going to be anomalies and areas of concern which needed further consideration by the Parliament. Those anomalies have arisen and it has taken the Parliament some time to address them, but fortunately they will now be addressed. It is quite ridiculous to have a situation continue where it is not necessary for people to have drivers licences or to register motor vehicles.

It is the considered view of legal experts that the Highways Act and other Acts of Parliament do not apply in those areas. That in itself can create problems, but it is hoped that they will be solved, although of course it will bring added responsibility for both the police and the communities. I hope that people understand that the practice

of having vehicles registered in the Northern Territory will have to come to an end with local police on the scene, as they will insist that after three months these vehicles must be registered in South Australia. That will be a completely new issue.

The problem of petrol sniffing has been about for some time, and it is hoped that the amendments foreshadowed by the member for Chaffey will go some way towards alleviating that problem. Over a period, the community has made clear to me and other members their concerns about this problem. The problem will not be solved overnight. It is all very well for people to get terribly excited over the issue, but it has been with us for some time and will take a considerable time to solve. However, that is no reason why we should not start doing something about it now. The communities have been expressing considerable concern about this problem and have put forward reasonable and responsible suggestions; therefore, the Parliament ought to take note. The amendments that will be moved later address this problem and go some of the way. All sorts of suggestions have been put forward, including the suggestion that only diesel vehicles should be operating in those areas or that there ought to be discolouration in the petrol. One cannot eliminate petrol from those lands completely, so it is essential that the provisions outlined by the member for Chaffey be enacted.

The next matter of concern is the lack of power available to deal with minor matters fairly quickly. As we are dealing with a significant part of South Australia—about 11 per cent of the land mass—it is the Opposition's view that there ought to be a by-law making provision and the Pitjantjatjara and local communities given considerable autonomy. It appears that they are in many cases exercising a semi-local government function and that therefore they ought to have this authority to make by-laws so that they can better administer their local affairs.

People could say that it is a fairly radical suggestion, although I do not believe that anyone would say the Opposition was a radical group of people. We try to be responsible and have given this matter careful consideration. We have been convinced, following discussions with the communities, of the wisdom of this suggestion. I hope that the Minister and his colleagues will give it the proper consideration that it needs, because I have from time to time been made familiar with the problems that arise and believe that this is the best solution.

If a by-law is approved by the Parliament, it has had to go through a considerable process: the Government of the day has to be convinced, as does the Minister's department, and that by-law then has to lie on the table of both Houses of Parliament. The public has the opportunity to give evidence before the Subordinate Legislation Committee, and any concerns people have on its the operation can be properly aired, with evidence being tabled in both Houses of Parliament. It is a sensible solution to a difficult problem.

The other matter that the member for Chaffey has included in his amendments deals with the parliamentary committee. From the experience of the Maralinga committee, I believe that it has worked well and that if it were extended to include the Maralinga lands we would find a similar result. If a committee of this nature had been operating from the introduction of this legislation, the problems we are now addressing would have been solved. I realise that a number of problems that communities are facing in those lands are of a Commonwealth nature, but the State Government and Parliament have a responsibility.

The very act of bringing these matters to the attention of a State parliamentary committee means that the Minister in charge is then in a position to make strong recommendations to the Commonwealth department and Minister. We have already seen the results of a visit to the Maralinga lands, with certain action being taken to resolve difficulties that had existed in the area for 12 months with nothing being done. Following the committee's visit, action was taken to resolve the problem in the most satisfactory manner to all concerned, with the exception of one individual. If this provision were in the legislation it would solve a number of problems.

Another reason it ought to be there involves two areas of continuing concern: first, access to the area through the road system; and, secondly, the Mintabie mining area. Those who look at the matter sensibly and constructively would know full well that mining will take place in the area a long time after the existing lease expires. There will be continuing pressure on Governments and on the Pitjantjatjara Council to have the mining area considerably extended. So, there must be a group of people to make a balanced and objective assessment of competing needs and forces in the area. I believe that the most effective way of making such an assessment is by way of a parliamentary committee. Public servants can visit these areas as often as they like, and only recently we have had an example of what happens when public servants visit these areas: the result was similar to what Paddy shot at—absolutely nil.

The bureaucracy, well meaning as it may be, is usually slow to act and cumbersome, whereas members of Parliament are directly answerable to the people and can raise matters of concern. I believe that a problem of the Westminster parliamentary system is that Parliament in its wisdom passes legislation, sets up various boards and committees, and approves regulations very often without going back and looking at the results of its decisions to ensure that they are operating as Parliament originally intended and in the best interests of the people of the State. Therefore, a parliamentary committee can fulfil a most useful function and play an important role in the administration of legislation such as this. When it was introduced, this legislation was considered to be the most enlightened land rights legislation in Australia, and the Maralinga land rights legislation was based on that model, although it was somewhat modified and improved because people had the benefit of hindsight over the effluxion of time.

I believe that the amendments canvassed will improve the original legislation and continue the traditions that were implemented by the enlightened and responsible 1981 legislation. The Opposition's suggestions will continue along those lines and will effect great improvements. Over a long period, concern has been expressed about the fact that 18 per cent of the State has placed on it restrictions that do not apply to the rest of South Australia. There will be continuing pressure from the community at large that wants access to these lands. The amendments that allow groups of people to apply for access will be a great improvement.

One or two other measures in the Bill are an improvement, because over a long period concern has been expressed that applicants for access have had to wait a considerable time before receiving notification. Further, applicants can be refused admittance without being given reasons for such refusal. In the long term, continued pressure will lead to a situation where the Pitjantjatjara Council, the Parliament, and the Government of the day must come to an understanding and create a set of arrangements whereby reasonable access to these lands can be granted.

From reading newspapers, I understand that the former legal adviser to the Pitjantjatjara Council (Phillip Toyne) intends to take groups through these lands. Mr Toyne, who

I understand is head of the Conservation Council of Australia, intends to bring people such as Mr Bob Brown from Tasmania, but I do not know what value there would be in having Mr Brown travel through this area. Surely Mr Brown has caused enough trouble in Tasmania without his being brought to the Pitjantjatjara lands. I believe that bringing such a divisive and destructive character to South Australia would be of no value. Indeed, I see no purpose being served in having him traversing South Australia, because his current activities are proving detrimental to the welfare of this nation. If Mr Toyne intends to bring people such as Mr Brown to these lands, I see no value in such an intrusion. It would not be in South Australia's best interests, and we could well do without them. I make no apology for saying that. I am rather surprised at Mr Toyne, because he did everything possible—

Mr Hamilton: I thought that you and Mr Toyne were good friends.

Mr GUNN: I would not say that: rather, we were sparring partners. From time to time we tried to knock sparks off each other, and I always enjoyed pitting my wits against those of Mr Toyne. It was certainly a time when one had to consider carefully the questions that one asked him. I sincerely hope that this exercise will lead to other responsible groups gaining admittance to these lands. I regard the development of these lands as important to the communities that they serve and to South Australia as a whole.

If the Aboriginal communities are to obtain the economic independence which I am sure they want, it will be necessary for other groups to have access to their lands in order to help them develop various enterprises such as the cattle industry. Anyone who has had the opportunity and pleasure of visiting this most attractive part of the State will know that there is great potential there for cattle grazing, and it is important that the Pastoral Board has access to these lands. It is also important that the Commonwealth Government, if it genuinely wants to help the communities, should pay more attention to the way in which it provides funds. It is no good turning on the financial tap and then turning it off. That sort of procedure does no good. The Commonwealth Government should provide funds on a continuing basis and direct their disbursement in a way that will enable the communities to have a sound economic base in the long term. I hope that people with experience in the pastoral and mining industries can be encouraged to work in this area so that the communities can have access to long-term reliable sources of funding.

I look forward to this measure passing hastily through Parliament; to the deliberations of the select committee; and to hearing the evidence that will be put before it. I understand that the Chamber of Mines and Energy is somewhat concerned about this matter, and I hope that it will come forward and give evidence in a responsible and constructive manner.

The Bill is similar to the Maralinga land rights legislation, the provisions of which have worked reasonably well. I hope that the same will apply in relation to these lands. I believe that the contacts made by the Pitjantjatjara Council with the Opposition over the past few months have been valuable. Indeed, Opposition members appreciate those approaches because they have made for a far more informed discussion of this matter in this Chamber and in other places. As a result of those contacts, we have been able to advance constructive and responsible suggestions, some of which the Government had already picked up. I appreciate that, because our motives in this matter are well meaning. We wish to take a course of action that will assist these communities.

Having travelled through the area over a long period of time, I am aware of the problems in respect of which it has often been difficult to take action to resolve them quickly. I hope that the dialogue will continue on a regular basis because there will be a need to review these procedures from time to time. I therefore hope that these amendments will be seriously considered, especially during the hearings of the select committee, because I believe that, if the amendments are enacted, they can only improve the general administration of the legislation and benefit the communities living in these lands as well as all South Australians. I support the measure, and look forward to the deliberations of the select committee.

Mr D.S. BAKER (Victoria): I support the member for Eyre's remarks. Of course, I was not in this place when the original land rights legislation was introduced, so I was not privy to the previous debate. However, I am always concerned about any legislation that creates two classes of inhabitants within the State. The setting aside of a separate piece of land—in this case some 11 per cent of the State, creating a State within a State where State laws do not apply—is not only dangerous but is a most unusual precedent. We now find, with the foreshadowed amendments, that there are anomalies in the Bill; and I believe that we will continue to find anomalies because of the two legal systems which will prevail—the State legal system and the legal system within the Pitjantjatjara area. We cannot have laws which apply to only one class of person within the State.

In relation to the foreshadowed amendments, I agree with the freeholding of land and the need for entry conditions. I think it is most important that amendments to the Road Traffic Act and the Motor Vehicles Act are passed. The amendment to the mining provisions of the Act to provide for mining companies to cover the cost of mining negotiations is not something that I would want in this State. It has been stated that that already applies in the Maralinga legislation; but that does not necessarily mean that it is correct. I believe that the existence of two types of laws does not go any way towards creating harmony in the State. However, I support the Bill and I support the member for Chaffey's foreshadowed amendments. I look forward to speaking to the Bill at length after it has been considered by the select committee and it comes back before the House.

The Hon. G.J. CRAFTER (Minister of Aboriginal Affairs): I thank Opposition members who have spoken in this debate for their indication of support for this measure, albeit with the member for Chaffey's foreshadowed amendments. First, I concur with the comments of the member for Eyre, and I think the member for Chaffey, with respect to the consultation that has taken place with the traditional owners in the preparation of this measure. For the benefit of members, I should mention that amendments similar to these were introduced in this House in 1983 at the same time as the Maralinga legislation was introduced. They were not proceeded with, and now come forward again in this form. A number of the amendments are substantially the same as they were in 1983. I think it is important to learn from some of the mistakes (if I can put it as high as that) of the past.

I think errors made with respect to the Pitjantjatjara legislation have caused some harm to the traditional owners and to others. We now want to clarify those matters, and I refer particularly to the inability to apply various insurance provisions in relation to travel on these lands. That must be rectified as quickly as possible. With respect to the mining provisions, as the honourable member who has just

spoken said, the Bill brings them into line with the Maralinga legislation. During the passage of that legislation in this Parliament there were exhaustive consultations with the mining industry not only here in South Australia but indeed with the peak councils of the mining industry in Australia.

I, and I am sure other members of the select committee, appreciated the time and effort that the mining industry put into that legislation. We have a piece of legislation of which we can be proud; and indeed there has been considerable interest with respect to petroleum exploration on the Pitjantjatjara lands and exploration programs of various types on the Maralinga lands. In South Australia we have a climate and a legislative mechanism whereby exploration (and one would hope mining) can proceed on the basis that it has the support of the traditional owners of the lands; and that the exploration takes place in a way which is sensitive to the way in which the traditional owners live. That has been achieved, and this legislation will further enhance that.

It is important in these areas that where possible we do have a degree of uniformity, making it simpler for those conducting (or seeking to conduct) exploration programs, the traditional owners and those who advise them to clarify these matters. I think we now have in both pieces of legislation a model that could well serve other jurisdictions in this country. We certainly do not have the impasses and hiatuses which have been so prevalent in other jurisdictions and which have been harmful to the well-being not only of the traditional owners of the land but indeed to the economy of this country. It is disappointing that some spokespersons on the subject of mining have not considered the amendments in this context. If that has occurred because they did not have a copy of the legislation immediately after it was introduced, I apologise. It is a matter that has been thoroughly discussed with my colleague the Minister of Mines and Energy, who takes a particular interest and is very helpful to me in these matters.

Alcohol abuse is of great concern to the Pitjantjatjara Council, and it has been discussed with me on a number of occasions. I am pleased that in this measure we have been able to comply with the request to bring down a stronger law and provide magistrates with an alternative, when dealing with offenders who repeatedly bring alcohol onto the lands, in allowing them to confiscate motor vehicles. One would hope that the measure will prove to be the deterrent desired by the traditional owners, particularly those members of the community who are most concerned about the protection of children and families on the lands when there is alcohol abuse.

In my view there is a very real resolve by the people to eradicate, to the best of their ability, the abuse of alcohol on the lands. It is not easy in remote areas, and there are great temptations for those who want to make some easy money by bringing alcohol onto the lands. I must congratulate those in the licensing jurisdiction and all those who have been involved in trying to tackle this matter from the licensing point of view. The work done at Marla Bore has been watched by people around Australia to see whether sensitive restrictions could be placed on liquor outlets to take account of the special problems caused to Aboriginal communities in areas such as the Pitjantjatjara lands with respect to the supply of alcohol.

The Opposition has commented on the work of the Maralinga Tjarutja Land Rights Act Parliamentary Committee. Obviously that will be discussed by the select committee and will be the subject of debate during the Committee stage. I appreciate the comments that have been made with respect to the effectiveness of this parliamentary committee. Undoubtedly, it has provided new insights for its members and, hopefully, for Parliament, and I hope it will continue to do so on this unique community, not only in Australia but in the world, which is attempting to resettle on those lands.

It is a rare and unique experience to have been associated with the return of those people and the passage of the legislation. Our responsibilities under the Act are to assist in the resettlement of those people and to assure that the legislation continues to enhance that course of action. We should distinguish clearly the work of that committee, the reasons why it was established, and the proposal of the member for Eyre. Certainly, I am content to discuss the matter further in the committee, where it is proper that it should be discussed.

I point out that the suggestion is aimed at achieving another role, a role about which I am not sure and which I have yet to be convinced is the role of a parliamentary committee. However, it can be discussed. The matter of substance abuse, particularly petrol abuse, is of grave concern to all members, and it should be acknowledged that there has been now and in recent times a marked diminution of the incidence of petrol abuse and petrol sniffing, particularly on the lands. We should not see that any solution has been found or that it may be a lasting situation, but it should be acknowledged, and my colleague the Minister of Community Welfare in another place has been carefully monitoring progress in that regard through a departmental committee.

I am sure that we will all be interested to see what progress has been made to minimise—and that is all we could hope to achieve—the incidence of petrol sniffing on the lands and in other communities. It should also be said that there is a limit to bringing down criminal sanctions, particularly monetary penalties, on juveniles and to expect that that will modify their behaviour. There are provisions under other pieces of legislation, and we are dealing here with land rights legislation. We need to be careful that we do not try to include in that legislation a whole package of other measures to deal separately with this group of people living in our State. I ask members to consider whether, if legislative controls are required in this area, the Controlled Substances Act is not a more appropriate piece of legislation, or whether the Community Welfare Act does not at this time provide powers—

The Hon. P.B. Arnold interjecting:

The Hon. G.J. CRAFTER: —for dealing with these matters. Members should take account of those suggestions and the dangers that I raise by trying to include a whole range of social measures, if you like, in what is substantially land rights legislation. Obviously, this matter can be discussed by the select committee as well. I appreciate the time and effort that members have put into their consideration of the measure. Similarly, I appreciate the long journeys made by members of the Pitjantjatjara Council and those who assist them to come to discuss their specific concerns with members who have shown an interest in this matter.

This is clearly an area where we should achieve a bipartisan approach and where we should not seek to embroil these people in political controversy. We should seek to iron out differences that we have other than through the public forum. We have a record in this State of providing land rights for the Aboriginal community second to none in this country, and I am very proud of the work that has been achieved by successive Governments over a long period. That does not mean to say that I am satisfied with the

situation in which South Australian Aborigines find themselves. Far from it.

We have still a great deal more work to do, not as a Government alone but in consultation and jointly with the Aboriginal people of this State in order to improve the most undesirable positions that the great majority of these people find themselves in, and to remedy the great disadvantage that they suffer with respect to their ability to gain very fundamental services in this community. As I have said, we have made progress by which we compare favourably with other States. I hope that this measure will take us a little further down that road, and I commend the Bill to all members.

Bill read a second time and referred to a select committee consisting of Messrs P.B. Arnold, Crafter, Gregory, Gunn, and Robertson; the committee to have power to send for persons, papers, and records, and to adjourn from place to place; the committee to report on 6 April.

FAIR TRADING BILL

(Continued from 17 March. Page 3452.)

Bill recommitted.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr S.J. BAKER: I bring to the attention of the Committee the anomalies in this Bill. It is worthwhile reflecting that we are trying to make legislation easy and more understandable. Clause 45a has its own set of definitions which describe different things to the definitions contained in clause 3. This has come about because of the amalgamation of two concepts. While I appreciate that, there should be standard definitions, irrespective of the fact that we are combining two Bills. In defining 'business', clause 3 provides:

'Business' includes a trade or profession.

However, clause 45a provides:

'Business' includes a business not carried on for profit.

Of course, there is good reason for that. Similarly, there is a difference in the definition of 'goods'. Clause 3 provides:

'Goods' includes anything growing on, or attached to, land that is severable from the land:

Again, clause 45a provides:

'Goods' includes—
(a) ships, aircraft and other vehicles—

and it goes on. Also, in relation to the definition of 'services', clause 3 provides:

'Services' includes benefits of any kind except—
(a) the supply of goods;
or
(b) an interest in, or right in respect of, land.

Clause 45a provides a very substantial definition with which I will not bore the House. We should have standard definitions of the concepts in the Bill. If for specific purposes there is some variation, that should be specified in those parts that are affected. My concept of 'goods' does not vary. Probably almost at the turn of the century we had a concept of 'goods' which has varied little since. It would make for very good parliamentary drafting if we could get some of these concepts standardised and made uniform so that we do not have two sets of definitions in the one Bill. This is merely an observation.

Clause passed.

Clauses 4 to 12 passed.

Clause 13—'Interpretation.'

Mr S.J. BAKER: I observe that the previous cooling off period for door-to-door trading was 14 days in relation to books and eight days in relation to other items. Will the Minister explain why the compromise of 10 days has been chosen? Is it a trade-off between the two items to make life easier, or is it because people do not need 14 days when encyclopaedias are sold at the door?

The Hon. G.J. CRAFTER: I consider that it is the result of the ancient art of politics, that is, compromise.

Clause passed.

Clause 14 passed.

Clause 15—'Prohibition of certain contractual terms.'

Mr S.J. BAKER: Will the Minister explain the situation concerning travel agencies as it applies to contracts under this Bill? Does the part relate only to door-to-door trading? If travel agencies sell their goods (namely, contracts) door to door, would these be included? I ask this because, as the Minister is aware, travel agencies are covered by their own legislation. However, importantly the tribunal will be centred in Sydney and not in Adelaide. Clause 15 (1) provides:

A contract to which this Part applies must not contain—
(a) a provision purporting to provide that the contract, or any proceeding arising from the contract, is governed by the law of a place other than South Australia;

I raise this difficulty because problems will arise in relation to travel agents. I appreciate that the Government will be negotiating in relation to having the tribunal centred in South Australia, but at this stage that will not be available to us. There has been agreement that the tribunal will be centred in Sydney in relation to the uniform legislation that we have enacted in relation to travel agencies.

The Hon. G.J. CRAFTER: My advice is that if a travel agent is engaged in door-to-door sales, and the door-to-door nature of the business is crucial with respect to this piece of legislation, then they are caught by it. For example, I can instance a used car dealer selling cars door to door; they are similarly caught, although there is separate legislation with respect to the sale of second-hand motor vehicles. I might add that there are provisions under this legislation to exempt certain categories of activity and, if a conflict did arise between pieces of legislation, a decision taken with respect to the appropriate method of dealing with the matter could be a solution to the problem, although it is hard to believe that those practices would be prevalent.

Mr S.J. BAKER: Actually, the more specific provision is subclause *(b)*, which provides:

(b) provisions purporting to provide that legal proceedings arising out of, or in relation to, the contract are justiciable only by the courts of a place other than South Australia.

Therefore, that is where the travel agents could be in difficulty because the tribunal is situated in New South Wales.

The Hon. G.J. CRAFTER: I understand that the tribunal can sit in Adelaide, and I think it was peripatetic. However, I need to take further advice on that.

Clause passed.

Clause 16—'Prescribed contract.'

Mr S.J. BAKER: I move:

Page 8, lines 24 to 26—Leave out subclause (4).

It is a matter of concern to the Opposition that a reverse onus of proof should be scheduled in the Bill. This legislation gives the Commissioner power to determine what shall or shall not be a prescribed contract. It is important in legislation that we are very clear about the demands being placed on people who will enforce or administer the laws. Subclause (4) provides:

In proceedings in which it is alleged that a contract for the supply of goods or services is a prescribed contract, the contract shall be presumed to be such a contract in the absence of proof to the contrary.

Many situations can fall into that category. The Attorney-General said that we want to avoid the situation where

persons are trying to avoid the law by splitting their contracts so as to get below the minimum amount (and in this case I understand that the minimum amount is $50). It may well be that people will try to change their *modus operandi* to get away from the constraints of law. However, I think that a greater task is imposed on Parliament: that is, to be specific about the practices that should be outlawed.

We should not give the Commissioner the right to say that, because a person was involved in the general area of those contracts, it shall be a prescribed contract and that it will attract the force of law which is associated with this legislation. As members would understand, the requirements of this legislation are quite considerable. It is important that we do not have this all-embracing power because, as I have already pointed out, some of the definitions are not consistent across the legislation. It may well be that the Commissioner, in interpreting definitions, uses his power to do something other than what the Parliament intended. Indeed, he can refer to parliamentary debates if he should have any difficulty about that, but that is not sufficient in this day and age.

If certain practices need to be outlawed, let us outlaw them in the Bill. However, if no circumstances have to be catered for, we should not have a reverse onus of proof. Quite simply, something either belongs or does not belong in this area. Let us not allow the Commissioner to presume that something belongs here when it does not. That brings in a whole lot of requirements that a person can quite honestly have not known about in the circumstances. I commend the amendment to the Committee. I understand that the Government is not overly disposed to it. I do not like this legislation, particularly in an area which is open to such interpretation.

The Hon. G.J. CRAFTER: The Government opposes this amendment. It is interesting to see the contrast that the Opposition has with respect to other criminal activity and those activities which I suggest can be described as white collar criminal activity. It is suggested that there should not be a rebuttable presumption in legislation of this type. I think it is hard to convince the community that the overriding principle to which the honourable member refers should in fact exclude the rights of consumers for it to achieve the remedy in these circumstances. Clearly, the rebuttable presumption is needed in this legislation to prevent massive loopholes developing.

The honourable member referred to a situation in the early 1970s when at least one door-to-door seller purported to sell a number of items separately under separate contracts, each just under the limit of the operation of the Act. To avoid similar arguments being raised in relation to the proper application of the Act, subsection (4a) was inserted into section 6 of the original Act when it was amended in 1979. This existing provision is simply being reworked and repositioned in this Bill, and I suggest to all members that that has served the people of South Australia very well. I suggest that we do not want to return to the situation that we knew in the 1950s and the 1960s of the unscrupulous door-to-door salesmen who preyed on people in our community, particularly those who were vulnerable, in order to secure contracts that were binding before the courts.

I correct the comments that the honourable member made about who determines whether or not a contract is a prescribed contract. The Commissioner does not do that; rather the court would make such a decision. It is clear in the Government's view that this provision is needed to forestall the activities of unscrupulous door-to-door sellers who are ever ready to devise new ways of avoiding this legislation.

Mr S.J. BAKER: To correct the Minister's impression about who makes the decision, the original determination whether or not to proceed would be made by the Commissioner and it would be finally determined by the courts. Secondly, the determination to proceed would be governed by the rules that apply here, and there is a reverse onus of proof. There is an assumption before the courts that the contract will exist: because it is the general nature of the contract prescribed, it shall be classed as a contract that is covered by this Bill.

Amendment negatived; clause passed.

Clauses 17 to 28 passed.

Clause 29—'Interpretation.'

Mr S.J. BAKER: Subclause (2) states:

> For the purposes of this Part, where a prescribed report consists of a communication by electronic or mechanical means other than by telephone or other oral means, the report shall be regarded as being written.

The Minister would be well aware that the Attorney in another place determined that it should be oral. I point out that there is some difficulty with communications of this type. Quite often they are in code and quite often they provide a minimal amount of information. Messages are also capable of being sent by other than the person who should be sending messages because of the nature of electronic communications these days. Can the Minister enlighten the Committee as to why the Attorney changed 'oral' to 'written'?

The Hon. G.J. CRAFTER: Clause 29 was amended in another place to accommodate a compromise which removed the requirement that traders keep a written record of oral prescribed reports. The removal of the need to record oral reports meant that computer communications had to be regarded as written, not oral, as originally intended.

Clause passed.

Clause 30—'Application of Part.'

Mr M.J. EVANS: I would like to raise a general question about fair reporting. This part of the Bill addresses the situation where a person is denied credit as a result of a reference to a credit reporting agency which subsequetly transpires to be in some way inaccurate or which the consumer requires to inspect in order to verify the details of it, so that the reasoning behind the denial of credit can be properly established. I agree with that completely. It is a perfectly reasonable proposition. It appears to be working reasonably well to date from my reports. However, I have recently come across a version of the same problem with a slightly different emphasis. Could the Minister look at the matter where a credit reporting agency advises that the person should be granted credit, to see if it is properly addressed by the Bill? The agency has nothing on its record which would indicate a problem at all, and the lending or credit providing agency should provide the credit on the basis of the information held by it, but subsequently that credit providing agency denies credit.

The case in mind is that of a bank denying an application for a bankcard where the credit reporting agency reported quite favourably on the customer concerned and had no negative references. Because it is not the credit reference agency which provides the reason for the denial but it involves internal processes within the bank itself, this section does not operate to provide the consumer with the information which they require to ensure that their denial of credit is fair and reasonable. No-one says that banks and other agencies—

An honourable member interjecting:

Mr M.J. EVANS: That is right—where a trader denies benefit, I agree. However, that operates only where they have received information from a credit reference agency.

It is not an internal thing. We are dealing with a credit reference agency which most people refer to quite properly. When they say that the customer is all right but the agency still denies credit, the person cannot use these provisions to ascertain why that has occurred. This operates perfectly well in 99 per cent of the cases where the credit reference agency is the reason for the denial of credit. Where it is internal and the credit reference agency says that the person is a proper risk, it does not seem to me that the Bill and the law as it stands provides the mechanism where the person can check that denial of credit and the reasons behind it. I would appreciate it if the Minister could address that new emphasis to an old problem.

The Hon. G.J. CRAFTER: I thank the honourable member for raising the issue. Some people would regard the law as having gone too far now in that industry whilst others, certainly consumers, would not. The honourable member obviously wants to take it a step further, and that has substantial policy considerations attached to it. I would be pleased to refer the matter to the Minister of Consumer Affairs for his consideration. I am not sure whether it is desirable to take that further step, because what we are touching on here, I would suggest, is the fundamental right of a credit provider to say to whom it is going to provide credit and to whom it is not.

To the extent that is now provided, even with the substantial right vested in consumers to find out reasons behind decisions taken by credit reporting services, a great deal of injustices can flow from the failure to report accurately. Whether we should go a step further is a matter that would need to be reflected upon in some depth. However, I will do as the honourable member asks and pass on the question to my colleague.

Mr S.J. BAKER: The matter should not be referred to the Attorney at all, because it is governed by the law of contract. People have the right to offer goods and the right to accept goods. If we get into the area of asking why they are not doing these things we will get ourselves into a horrible mess, particularly in the sensitive area of credit provision. We will finish up with people telling all sorts of untruths because they may be governed by some discriminatory law. The simple fact of life is that if one has a good report from a credit agency, the bank or whoever is concerned would obviously have some other reservations about these sorts of things. If we get into this area we will be in great difficulty. The Bill is aimed at a situation where somebody has reported on somebody else to the extent that they may be disadvantaged. It does not address the direct contract situation.

Mr M.J. EVANS: I thank the Minister for agreeing to look further into the matter and emphasise, in response to what the member for Mitcham has said, that I am not seeking to interfere in any way with the fundamental right of a credit provider to deny credit. I accept that right absolutely. What has given rise to the legislation before us now, and what I am suggesting should be considered, is the question of the reason behind that refusal because it is equally as damaging to the consumer where the bureaucracy of the bank, which is now quite substantial in the banking and credit provider area with computerised retention of files and information accumulated from a wide variety of sources, for its own internal reasons denies credit on an erroneous basis. It is therefore not unreasonable that, while consumers should not have the right to insist upon credit being granted, they should have the right to at least be aware of the reason for credit being refused so that, if those reasons are wrong, the bank's internal reporting system, as distinct from any offshoot of that held in some central file, may then be corrected and a decision taken on its merits.

I am suggesting that consumers, like ordinary citizens dealing with the Government, have the right to have that decision on refusal or approval of credit applications to be made on merit—and on their merit—and not on the basis of an internally-held file which may and can, in cases where it is refused, contain erroneous information.

The bureaucracies of the financial institutions have now grown, as have Government bureaucracies, to a point where it is quite possible, at that level, for credit to be refused by no conscious decision of the management of the bank but simply because of a record held which failed to pass the computer's internal tests. We have credit approval by computer test these days, and that problem in itself is what this legislation is seeking to address. As the Minister says, I am seeking to lift that corporate veil one step further and appreciate the problems that revolve around that. However, a consumer has the right to know that the information upon which the decision is being made is correct: that is all that I am suggesting. If the bank still denies credit, that is its business and neither I nor any other member would seek to interfere in that right or decision. Certainly consumers have the right to have their decision based on merit.

Clause passed.

Clause 31—'Procedures in respect of prescribed reports.'

Mr S.J. BAKER: I refer to subclause (3), which provides:

> A reporting agency or trader shall not include in any prescribed report information as to the race, colour or religious or political belief or affiliation of any person.

I raise the question of a group in Adelaide (I cannot tell the Minister its name) that is printing material on how to beat the landlord. It is putting out information across the length and breadth of Adelaide to young people on the ways to beat the landlord. It states that one can stay in premises for four weeks after the first eviction notice has been issued and gives a whole lot of other information which is causing some of the traumas in the rental market. It is a problem that the Residential Tenancies Tribunal has not addressed. When we get into this area, the people behind this scheme designed to enlighten young people as to how they can get free accommodation for a certain period could claim that they are motivated by some political belief.

Whilst I do not wish to detract from the basic right of everybody to have a political belief, there should be a rider within the Bill giving a reporting agency the right to reveal that a certain person is a prime mover within a group trying to subvert the normal relationship between landlord and tenant. We all know of youngsters or even older people who sign contracts for rental accommodation and then renege on those contracts. The Residential Tenancies Tribunal is often so far behind in catching up with these people that not only does the landlord suffer enormous damage to his premises but the removal of that person from the premises takes some considerable time to effect. If we are going to have this provision in the Bill (as I believe it should be) there should also be a rider that the reporting agencies should have the right to say that a person is a member of a group subverting normal contractual arrangements between landlord and tenants and indeed is acting quite fraudulently in that regard.

The Hon. G.J. CRAFTER: I am at a loss to see how this relates to the clause or to the Bill. The member for Elizabeth made a much better attempt in the point he made on clause 30, but the honourable member's attempts to bring in this issue under clause 31 is stretching it too far. He mentioned that it may be a more appropriate concern of the Residential Tenancies Tribunal and the legislation under that tribunal. I suggest that that is the appropriate place, if people are

being advised to break the law in that way or if a successful attempt is being made to teach people how to operate within the law contrary to the public interest, for the law to be changed. If the honourable member is suggesting that those credit reporting agencies should collect information of this type and have it included on the big brother type of filing system, the least the honourable member could do is support the Australia Card legislation, which seems to be offensive to members opposite for similar reasons. The honourable member's concerns, the details of which I do not know as I have not heard of them before, are appropriately a matter for the Residential Tenancies Tribunal.

Mr S.J. BAKER: Reporting agencies collect much information. Obviously, one area of such collection would concern people involved in schemes that are less than honest, and in the process a specific person might not have a bad credit record but merely be promoting a scheme. A rider in that regard should be placed on the clause.

Clause passed.

Clauses 32 to 37 passed.

Clause 38—'Limited offers and failing to supply as demanded.'

Mr S.J. BAKER: Woolworths advertises confectionery lines, say, at three for $1. Will an advertisement implying that a minimum quantity must be purchased contravene this clause?

The Hon. G.J. CRAFTER: The provisions of this clause simply continue the provisions that were inserted in the Prices Act by Sir Thomas Playford in 1963. The effect of the provision is not changed—although a defence to the first subclause's offence has been added—so that traders need not change any existing practices. The provision is aimed at ensuring that retailers cannot force consumers to buy a specified quantity of goods: if, for example, the consumer or a small business owner wanted to get those goods from a supermarket at a 'special' price. All retailers are aware that, under the current Act and the proposed amendments, three bars of chocolate can be offered for $1, so long as one bar of chocolate may also be purchased separately—at the appropriate price.

Clause passed.

Clause 39—'Conditional sale or supply.'

Mr S.J. BAKER: People may contract in a freezer deal to buy a certain supply of meat at a discount. Will such people have to get the Commissioner's approval before engaging in such a deal? Surely that would be a bureaucratic procedure.

The Hon. G.J. CRAFTER: I am advised that, in the case of a package deal that is not caught within the terms of the Fair Trading Act, the circumstances explained by the honourable member may well not have the result that he foreshadows.

Clause passed.

Clauses 40 to 42 passed.

Clause 43—'Unlawful actions and representations.'

Mr S.J. BAKER: I move:

Page 20—

Lines 18 to 22—Leave out paragraph (ca).

Line 27—Leave out '9.00 p.m. of one day and 8.00' and insert '11.00 p.m. of one day and 7.00'.

A person caught in a legal situation can find it hard to get out. The clause provides that, once the creditor, the lawyer of the creditor or the agent of the creditor is notified that the person concerned has engaged a lawyer, communication can take place only between the creditor and the lawyer, whereas there should be a circuit breaker to provide that the creditor and the debtor can get together and reach an agreement rather than leave it to the lawyer. I do not wish to denigrate the legal fraternity, but it is often difficult in a complex case for a lay person to say, 'Stop, I want to get off.'

Sometimes a person wants to break his agreement with the legal representative, whereas it is in the interests of the legal representative to ensure that the case continues because legal fees are involved. Under the Bill, however, the type of circuit breaker to which I have referred is not possible. In another place, my colleague said that people may deliberately place their affairs in the hands of a legal practitioner in order to hold up the proceedings and delay judgment. Indeed, I know of cases where that has happened. A debtor has deliberately tried to avoid his responsibilities and has placed matters in the hands of a legal practitioner, and it has become increasingly difficult to communicate with that person.

In that situation the door should be left open. Although we will not be able to stop the person who is intent on not paying his or her bills from approaching a member of the legal profession in an attempt to hold up the process, the door should be left open for those people who are genuinely honest and have some difficulties which they take to a legal practitioner and then suddenly reflect on the situation and say, on the basis of contact with the creditor, 'I can work out a deal or agreement that is satisfactory to both sides.' I do not believe that the best way of reaching agreement in most cases is through the legal profession, because there is a conflict of interest between how much time is spent on a case relative to how much money is paid by the client. I believe that, first, the clause simply cements the position of the legal fraternity and that it should have no place in the legislation.

Secondly—and this issue was well and truly canvassed in another place—an amendment by the Attorney-General in another place reduces the contact time to between 8 a.m. and 9 p.m. The fact is that some people are just not home during those hours. The Hon. Ian Gilfillan in another place moved an amendment with which I was more than satisfied, even though our initial amendment removed any restriction on contact time. My amendment seeks to insert that provision back into the Bill, because consensus has been reached in the Upper House, at least on the other side, and we believe that the hours for contact should be wider.

I believe it is simply not good enough to say that a person who is owed money can contact the debtor only between 8 a.m. and 9 p.m. I have read the debate very thoroughly. I am aware that in certain parts of the United States, for example, there are in operation provisions more restrictive than those contained in this Bill. However, I assure the Minister that, in the vast majority of places around the world with this type of legislation, restrictions do not exist or are less than those contained in this Bill. I do not believe that the Attorney-General should pick out one or two places in a certain country and say, 'They have this legislation and we should now adopt it.' On the other side of the coin there are as many—if not more—people who say that this provision is unnecessary. As I have said, the debate has been well and truly canvassed, and I commend my amendments.

The Hon. G.J. CRAFTER: The Government opposes the amendments. Obviously they have been debated at some length in another place, but I should place the Government's objections on the record. The first amendment prevents a creditor or agent who is seeking to recover a trading debt from communicating with a debtor where the debtor has notified the creditor or agent in writing that all communications are to be made to a specified legal practitioner and where the debtor has in fact appointed that legal practitioner to so act.

It has been suggested that this prohibition plays into the hands of 'professional debtors' and assists them to avoid, or at least to defer, their obligations. If indeed the engagement of a solicitor is a useful delaying tactic on the part of a debtor of bad conscience, then it did not need this Bill to create that tactic, and the provision does nothing to encourage the tactic or the alleged consequential delays. On the contrary, it should do something to reduce delay, because the experience of those who work in the field of debt problems is that, once a legal practitioner has been appointed by the debtor, a creditor who persists in pursuing the matter with both the solicitor and the client simultaneously only creates confusion and delay. Apart from that, a similar prohibition has operated effectively as part of the federal law of the United States since 1978 and is also in force in parts of Canada.

It might also be noted that a creditor who continues to pester a debtor as well as, or instead of, dealing with a nominated lawyer might well be guilty of harassing the debtor—a practice which has long been prohibited by the Commonwealth Trade Practices Act and which is to be picked up in other amendments to this Bill. This paragraph, like many of the others in this clause, simply spells out a rule for a particular situation that is known to have created problems in the past, without leaving the matter to litigation about the meaning of harassment.

As to the second part of the amendment, both the banks and representatives of the debt recovery industry have made submissions to the Government saying that they would prefer to be allowed to call on creditors or telephone them from 7 a.m. rather than from 8 a.m.—that is, they would prefer to be able to start an hour earlier in the morning.

On the other hand, consumer and debtor advocates would rather that the prohibition proposed for public holidays be extended to Sundays as well. The Government is aware that the restriction of hours that is proposed in this clause will have an impact on past practices. It cannot be disputed that creditors have a right to pursue their debts, and to pursue them with some vigour. But it is not seriously suggested that it is proper or reasonable for people to be disturbed at any hour of the night in order to resolve these sorts of problems.

The permissible range of 8 a.m. to 9 p.m. was selected with some care. It is true that different choices have been made in different places. Some of the Canadian provinces allow these sorts of activities to begin as early as 7 a.m. Some restricted the starting time to as late as 9 a.m. In the United States, it has been part of federal law since 1978 that these sorts of calls can be made only between 8 a.m. and 9 p.m.—the same hours as we have chosen in this State. In an attempt to balance the competing legitimate interests, we have not included the Sunday ban which is imposed by many of those jurisdictions which allow an earlier start time.

But the fact is that none of these combinations of permitted hours is known to have produced disastrous results. If it could be clearly shown that allowing these sorts of contacts to begin one hour earlier in the morning would introduce a critical element of commercial reality which is lacking in the present proposals, then the Government would be prepared to consider the matter. But the present proposals attempt to strike a sensible course from the range of apparently workable choices offered, and as at present advised the Government would need to be persuaded of any specific deleterious effects of this choice.

Mr S.J. BAKER: I will not delay the Committee. The Minister has simply read out a statement made by the Attorney-General in another place. I have raised one or two other matters for discussion. I simply make the point that, if we believe in the argument that has just been put forward (and I made this point at the time), we know that the bad debtors are not going to pay. We are trying to provide a circuit breaker to resolve difficulties faced by some people.

There is a right of common law action. If people are harassed, they have a right of injunction. They have a right of common law action if their family life is being affected. If under scrutiny their complaint cannot stand up because they have been legitimately—and even correctly—harassed (that is, there has been a formal follow-up within reasonable times—between 7 a.m. and 11 p.m.), no-one should have any complaint. The law today provides protection. This matter will be battled out in another place, so I will not pursue it.

Amendments negatived; clause passed.

Clauses 44 to 45k passed.

Clause 45l—'Unconscionable conduct.'

Mr S.J. BAKER: I move:

Page 29, lines 9 and 10—Leave out paragraph *(a)*.

It is a great pity that we have these provisions within what will be an Act of the South Australian Parliament. I appreciate that they are standard provisions within the Federal Act. However, I bring to the Committee's attention that, when we are talking in paragraph *(a)* about the court having regard to the relative strengths of the bargaining position of the trader and the consumer, in paragraph *(c)* about whether the consumer was able to understand any documents relating to the supply or possible supply of goods or, more importantly, in paragraph *(e)* about the amount for which, and the circumstances under which, the consumer could have acquired identical or equivalent goods or services from a person other than the person, I think there are inequities within the Bill.

The mere existence of those facts should not mean that they deserve special consideration over a whole lot of other matters. The court must take account, on the process of probabilities, of whether a person is or is not in breach. True, we are now talking about a Commonwealth provision, but that does not necessarily make it right. I do not believe that South Australia should adopt Federal legislation if the legislation is 'crook' (to use the vernacular).

We are saying that, if one is dealing with a trader such as Woolworths, with an enormous amount of strength, that strength *per se* can be brought up in evidence before the court and can be taken to assume that a trader has greater power than a consumer. Most people who deal with Woolworths find that Woolworths, Coles and other major stores deal more than fairly with consumers. So, the mere existence of power does not mean that it has been exercised in any way badly.

Indeed, there are these references in the Bill that I find quite intolerable. They assume that, because a certain fact exists, it has no relevance to the dealings of the debtor and creditor (or the buyer and seller); they are assumed to have some influence on the result obtained. We know of the experience of organisations such as John Martins, for example, where a person has bought curtains, taken them home, put them up when friends visited and then brought them back the next day, saying that they are not happy with the curtains because they do not fit well. The same situation has occurred with dresses. When the argument revolves around who is right, this paragraph deals with the relative strengths of the bargaining positions of the person and the consumer.

Obviously, if one looks at the position of John Martins or David Jones, their relative bargaining strength on the basis of capital backing is infinitely greater than that of

consumers, but in many cases it is the consumer who is diddling the system because the consumer is taking goods on appro, and has misused them or has then come back later seeking a refund. I do not believe that such a provision should be in Acts of Parliaments in Australia. I do not believe it should be in the Federal legislation or in the South Australian legislation. I have used this subclause (2) *(a)* to indicate my displeasure with the legislation, and I make the point that I find such legislation totally objectionable.

The Hon. G.J. CRAFTER: I have listened to what the honourable member has said. Clearly, he is misguided or has a sense of ethics different from that possessed by the large majority of members of our community, whether on one side of the counter or the other.

The provision complained of by the member for Mitcham merely reflects time hallowed equitable principles developed over centuries. Unconscionable bargains have long been subject to review in equity, and the relative bargaining strengths of the parties have long been considered relevant. In the eighteenth century poverty and ignorance were considered relevant for the purposes of such review.

This clause prohibits unconscionable conduct in relation to the supply of consumer goods and services. No definition of 'unconscionable' is given but, in similar contexts, courts have generally held that unconscionable conduct will arise in a situation where a stronger party to a transaction takes unfair advantage of that position to the detriment of the less powerful party. So, in that sense it has formed the fabric of the ethics that apply to fair traders in our community. Consumers can rely upon that and can rely upon it to be enforced, where that does not apply by the courts.

Whether conduct is found to be unconscionable would be where a contract was made with an intellectually handicapped person on terms which unduly favoured the trader, or where a person known to the trader to be in financial difficulty is pressured into undertaking additional obligations reasonably beyond the person's ability to pay.

Mr S.J. BAKER: The Minister is correct in saying that over the centuries there has been a reference made by the courts when determining these matters with regard to the relative strengths of the parties. That is just one of the things that would be looked at by the court. However, to place it as a mandatory requirement within this Bill does not take account of all the other circumstances that affect the transaction of a contract, whether it be a contract for the sale of goods, insurance or whatever.

We are now placing in legislation a certain set of circumstances. There are 151 or 2 051 different ways in which a person is affected when involved in contractual terms. We are now picking out of a whole range of possibilities certain items (such as whether the person has been able to read the document, for example) which, because of the legislation, demand that the court looks at those things. Obviously, if a person has not read the contract the person has let himself down, but the fact that they had not read the contract may not necessarily mean that the trader has operated nefariously.

I realise that subclause (2) does not bind the court to say that this is one of the prime conditions. I remind the Minister that we are actually setting down certain items at which the court must look. The courts look at these things every day of the week when they determine whether or not a contract is fair. To include them in legislation gives them a prime place that they do not deserve. This matter should be left to the laws built up over the centuries. The greatest mistake we make in this Parliament is to try to legislate in regard to common law. To me, this is part of the common law.

Common law exists to protect the common man, and I do not believe there is any place for this in legislation. However, I appreciate that these are some of the matters that have to be addressed by the courts in determining whether there has been fair or unfair trading. I do not wish the Minister to respond, but I make the point that, as soon as we start putting such provisions in legislation, we start to break down the law that has served us so well for many years.

Amendment negatived; clause passed.

Clauses 45m and 45n passed.

Clause 45o—'Misleading conduct in relation to employment.'

Mr S.J. BAKER: This clause, which addresses misleading conduct in relation to employment, has no place in this Bill. Industrial laws are created in this country, and some of them I would wish to change quite dramatically. One does not mix one's apples and pears, as far as I am concerned. This clause provides:

> A person shall not, in relation to employment that is to be, or may be, offered by the person or by another person, engage in conduct that is liable to mislead persons seeking the employment as to the availability, nature, terms or conditions of, or any other matter relating to, the employment.

One could say that it relates to advertising and conduct. These matters belong under the jurisdiction of the industrial arena and have no basis in relation to the Fair Trading Bill. Although I know that we have the same provisions in the Commonwealth Act, I said during my second reading contribution that I am tempted to insert clauses 45d and 45e of the Trade Practices Act into this Bill because, once one has drawn the bow that long, one might as well stretch it further and sort out the industrial arena in the way in which we should in South Australia.

The Hon. G.J. CRAFTER: The member has totally misunderstood this clause. It refers to bogus advertisements in relation to employment matters. While I will have to take advice, I do not believe that there are provisions in other pieces of legislation in the industrial arena that pick up these situations. Therefore, it is appropriate that they be under this heading.

Mr S.J. BAKER: I think that the Minister will find that practices such as this are outlawed elsewhere.

Clause passed.

Clauses 45p to 45y passed.

Clause 45z—'Unsolicited credit and debit cards.'

Mr S.J. BAKER: I move:

Page 35, lines 23 to 26—leave out subclause (3).

Again, debate about this subclause has taken place in another Chamber, which canvassed this issue rather well. This clause provides that, if a trader accepts a card which takes that person over the monetary limit, he will be guilty of an offence. As everyone here would be aware, certain monetary limits are placed on plastic cards. In some places one cannot get from a bank, for example, more than $30. In other places one cannot buy goods over the value of $50 without a credit check being made. In other places the limit extends up to $200.

A variety of different rules apply in relation to the giving of credit. If a person takes along a credit card, then the trader is entitled to assume that that credit card is *bona fide*. If the amount is below the limit and does not need to be checked, the trader is entitled to treat the card as one that can be honoured. This clause provides:

> (3) A person shall not take any action that enables a person who has a credit card or a debit card to use the card as a debit card or a credit card, as the case may be, except in accordance with a request in writing by that person.

When that person has crossed the limit, then they have obviously crossed the limit of between credit and debit or debit and credit, depending on which terminology one uses. I admit that the wording is totally confusing, because one is not sure what is being referred to. The same applies to the definitions of 'debit card' and 'credit card,' because we know that debit and credit cards can take various forms and that one card can now perform all functions. Therefore, this legislation is probably two years behind what it should be.

If there is to be a provision like this in the Bill, it has to be worded better than the present one, because all we will do is catch up with a lot of traders who may be affected by a provision which provides that they are guilty of an offence because they provided credit when a person's credit had run out. For that reason I believe that the provision needs to be reworded.

The Hon. G.J. CRAFTER: This matter was raised in the other place, where the Attorney-General undertook to pursue at Ministers meetings and with the Federal Government the concerns that were raised about the subclause. I think that these concerns have been reiterated this afternoon by the member for Mitcham. While the fair trading provisions (involving door-to-door sales, mock auctions, and these areas) may give scope for differences between the States, the critical factor with the substantive trade practices provisions is that they be exactly the same and, indeed, have exactly the same wording so that the body of case law which develops in the Federal and State courts will be the same so that, over time, traders can trade across State borders with confidence certain that the same law will apply. This legislation, including new subclause (3), already applies to corporations in South Australia, so it is critical, if we are to make sense of this exercise, that we adhere to absolute uniformity.

Mr S.J. BAKER: I do not believe that we should comply with uniformity when that uniformity is regressive. If the Commonwealth cannot get it right then we should not enact the same laws; the Commonwealth should change its tune.

The Hon. G.J. Crafter: Self-righteous!

Mr S.J. BAKER: The Minister says 'self-righteous'. I am saying that this Parliament should not condone laws which are defective, and this is a defective law.

The Hon. G.J. CRAFTER: I think the member believes that the might of South Australia is greater than the might of the Commonwealth in dealing with these matters. I still believe that it is worth working towards cooperative federalism to achieve uniformity of laws across this country. That is how trade and commerce is carried out in this country. A small State (as we are in South Australia) should not believe that it can be the tail that will wag the dog. I suggest that the course of action taken by the Attorney-General is preferable, that is, that we will convince the others if there is a more appropriate way of going about this and, in that sense, achieve uniformity.

Amendment negatived; clause passed.

Clauses 45aa to 45dd passed.

Clause 46—'Conduct of legal proceedings on behalf of consumers.'

Mr M.J. EVANS: This clause relates to the enforcement by the Commissioner and his officers of the rights of consumers generally and in particular cases. Although the powers conferred in it appear to be quite wide and generous, I believe that some recent cases which have come to my attention highlight some of the difficulties that consumers and the Commissioner have in obtaining action in those rare instances where business people decline to do the right thing by the consumer and the law of South Australia. In effect, they are cases where might is right because they have the property, the goods or the resources to defend actions which the consumers cannot bring. Obviously, they are then able to take advantage of a consumer's somewhat weaker position.

I would like to evidence two examples of that to see whether this particular clause goes far enough in some respects or whether its administration is perhaps the problem. In the first case, it involves a second-hand car which was purchased for a substantial amount of money (over $4 000) and which was discovered, after a couple of months of ownership, to have substantial rust in its body. This was not simply surface rust that may have been apparent on inspection (which, of course, would not have been covered by the statutory warranty) but was rust that had been covered up during detailing, presumably by the used car firm. This only became apparent some months later after substantial rainstorms had made the detailing ineffective, the fundamental rust problem having come to the surface.

The company, of course, refused to repair the car under warranty, claiming that it was exempt. My constituent had the matter looked at by the Public and Consumer Affairs Department, which was able to grant him a short interview to check out the problem. They agreed on the basis of his documentation and photographs that in fact he did have a significant case, and they said then that they would undertake to contact the used car sales firm and say to it that they believed that this matter ought to be repaired under warranty. However, they advised my constituent that, if this did not frighten the firm to undertake the required action by way of an implied threat by the department, there was not much else that the department could do about it. To proceed through the courts would take a very long time, and my constituent was unlikely to gain much satisfaction from that. Really, he had very few alternatives if the company refused to undertake the work. That advice was given to him in a very indirect letter setting out the possible actions that he might take.

I believe that the department is working under some difficulty with the number of cases with which it has to deal and, obviously, the funding situation limits the number of officers who can be provided. Quite clearly those sorts of problems will arise, but it does draw attention to the difficulties involved when a firm simply refuses to undertake work which the law would normally require them to do.

The second case, which was also highlighted in a recent edition of *State Affair*, involved a constituent who purchased a car for some $2 000 and paid cash to the firm as a result of obtaining a bank loan. When they took the car back to have certain warranty work carried out, having driven it around for a number of weeks, the firm refused to undertake the work or to release the car until an amount of $150 which was in dispute was paid by the constituent. In effect, the company stole the car: it illegally sought to retain the vehicle. My constituent was properly advised by the Public and Consumer Affairs Department that that act was illegal and that the firm should release the vehicle, but they were unable to make it release the car. So, again, although the constituent was in effect in the right, he was unable to achieve the desired result because the firm had possession of the vehicle and refused to release it. Ultimately, after pursuit by *State Affair* and police negotiation, the matter was resolved with the car being released. However, that took the better part of a day and certainly was not the result of consumer legislation.

While the legislation in principle is able to put the consumer in a position to rectify these problems, unfortunately

in some cases where the firm improperly refuses to undertake that action, the 'might is right' syndrome prevails and they are unable to take the required action. Consumer Affairs does, on those occasions, seem powerless to act. In the overwhelming majority of cases, I am sure that responsible business people, after negotiation with Consumer Affairs, undertake the necessary steps and enforcement is not required. But, in those rare instances where enforcement is required, the mechanisms for enforcement do not seem to be working entirely as we would have expected and as this Parliament might well have intended. I would appreciate it if the Minister could take those problems on board and see if, in the long-term review of this legislation and the operations of the department, that the enforcement procedures cannot in some way be speeded up so that, in those unusual instances where business people are not cooperative with the department, enforcement can proceed quickly and overcome some of these difficulties where firms either retain physical possession of a vehicle, even though that is illegal, or simply refuse to undertake the work and the consumer is unable to obtain satisfaction except through long, complicated and expensive legal proceedings.

The Hon. G.J. CRAFTER: Whilst I understand what the honourable member is saying, I think he may misunderstand what the Consumer Affairs Commissioner can actually do in terms of enforcement. Whereas the *modus operandi* of the Commissioner is one of negotiation, I guess there is a series of sanctions that can be taken with respect to those persons who belong to certain trades or professions, and disciplinary action can flow in that way. However, invariably, where those negotiations break down or are simply unsatisfactory, recourse must be had to the courts. Whilst some may believe that the powers that are currently vested in the courts should be vested in the Commissioner in some circumstances, that is not the situation, and it is not the direction in which this Government or, I understand, any other Government in Australia would want to go. The honourable member makes a point that I will certainly pass on to the Minister.

Clause passed.

Clause 47—'Obtaining of information.'

Mr S.J. BAKER: I move:

Page 41, line 38—After 'of' insert 'ascertaining whether this Act or any related Act is being, or has been, complied with, or for any other purpose related to the enforcement of'.

Page 42—

Line 7—After 'self-incrimination' insert 'or if any information that would be so furnished is privileged on the ground of legal professional privilege'.

After line 7—Insert new subclause as follows:

(4) Where a legal practitioner refuses to comply with a requirement made under this section on the ground of legal professional privilege, the legal practitioner shall give to the authorised officer the name and address (if known to the legal practitioner) of the person entitled to waive the privilege.

The first amendment is designed to ensure that authorised officers of the commission act within the scope of the Act. As has been pointed out, this provision as it stands today has been sitting on the statutes for some time. However, I do point out to the Minister that there is considerable consternation about the powers and the way in which they are exercised by a variety of authorised officers. The Opposition wants to ensure that the focus of an authorised officer is limited to the Act with which he is dealing, and he is not allowed to stray off into other areas. There has been some suggestion in, for example, the Highways Department that highways inspectors have used discretion far beyond what is laid down within the Act and regulations and the powers that are vested in them. We want simply to tidy up the Act by saying that an authorised officer is authorised only in respect of this Act or in respect of an Act which is directly related to it. The second amendment deals with self-incrimination, that is, when information is privileged on the grounds of legal professional privilege. The third amendment is the addition of new subclause (4).

These amendments merely attempt to ensure that professional privilege is not trodden on in the exercise of this Act. These matters have again been canvassed in another place, and the Attorney has suggested that they are not warranted because the normal common law applies in this regard. Unfortunately, we are now finding the common law in some Acts, and we are seeing more and more in legislation matters which we had all assumed were our rights. As soon as we put them in written form matters become hazy, as we do not know what is in and what is out. Now that we have prescribed those matters it is fitting that they be put in the Act. I understand that on second thought the Attorney was not unfavourably disposed towards them but I notice that they are not in the subsequent amendments, nor in the amendments on file from the Minister.

The Hon. G.J. CRAFTER: The Government opposes these amendments, and I put on record our reasons for so doing, although they have been debated in the other place. The first of these amendments, involving subclause 47 (1), totally overlooks the role of the Commissioner in negotiating existing arrangements between traders. This role was explained by the former Commissioner for Consumer Affairs, Mr Michael Noblet, now His Honour Judge Noblet. In first reporting to Parliament in 1980, he stated:

> The majority of traders are honest and fair and are jealous of their reputations and goodwill. They are usually ready to accept any reasonable suggestions as to the manner in which a dispute should be resolved, suggestions that may well involve some degree of compromise on both sides. Experience over a number of years show that most complaints are in fact resolved by conciliation without resort to formal court proceedings. In many cases the intervention of an impartial conciliator is sufficient in itself to resolve the dispute, particularly in cases where the dispute has become so aggravated by lost tempers and personal differences that the parties have lost sight of the real issues.
>
> In those cases where the trader is not prepared to be reasonable and to cooperate for the purposes of the conciliation process, the Commissioner and his authorised officers have powers of investigation under section 8 of the Prices Act which at least enable them to gather the facts. The information so gained can be made available, by appropriate evidentiary processes, to any court, board or tribunal that may later be called on to resolve the dispute by arbitration.

As pointed out by the then Commissioner, the powers of investigation given to authorised officers enables them to gather the facts and establish the rights and obligations of the parties to a dispute. This is an essential first step in the process of conciliation. The proposed amendment seems not to permit authorised officers powers to be used for this purpose, and therefore it cannot be accepted. With respect to the second amendment proposed by the member for Mitcham, there is no need to mention the common law privilege in the legislation. It is jealously guarded by the courts and not supplanted with express reference. The third amendment is in fact consequential on the matter to which I have just referred.

Amendments negatived; clause passed.

Clause 48—'Entry of inspection.'

Mr S.J. BAKER: I move:

Page 42, lines 8 to 13—Leave out subclause (1) and insert new subclause as follows:

(1) If a magistrate is satisfied, on the application of the Commissioner supported by an affidavit or other sworn evidence, that there are reasonable grounds for suspecting that there may be found on certain premises a book or document required to be produced pursuant to section 47, but not so produced, or any evidence tending to establish a contravention of this Act or a related Act, the magistrate may issue a warrant

authorising an authorised officer (together with any person named in the warrant) at any reasonable time—

(a) to enter and search the premises;

(b) to make any inspection, conduct any test and take any samples;

and

(c) to take any books or documents.

The amendment states that there shall be a procedure for entering and searching premises, to make inspections and to take books or documents. This amendment has been canvassed thoroughly in another place and deals with the rights of authorised officers to barge through the door and do whatever they think fit on the basis that they have the authority to do so. The Attorney suggested in another place that the authority had not been abused in the past. There should be checks and balances within the system.

The second amendment I will move relates to line 25 where, after the word 'time', I suggest that we insert 'and must, on request, furnish to that person a copy of the book or document certified as a true copy by the Commissioner'. That wording is currently in the Prices Act and merely provides that, if books or documents are taken from a person for whatever reason, the persons carrying on their own business should be able to obtain copies thereof. I would have thought that it was an infinitely sensible amendment, although it has not been canvassed in another place. If books and documents are seized, the people concerned should have the right to refer to their records for trading purposes: it is important that they do so. As the Act stands such persons have no right to get copies of these things. They can certainly go to the Commissioner and ask to look at them, but they have no right to obtain copies. This amendment now gives them that right.

I make the point about the first amendment with which we are dealing, involving more complex issues where the boundary lines become furrier because the law becomes far more difficult for the person on the street to understand or comprehend. Under those circumstances it is important that the natural course of action should be that, before a person enters premises for whatever reason, that person must have a warrant.

A valid point has been made that for a variety of reasons it is important that an authorised officer be able to enter premises and have discussions with the manager, proprietor or sales person on matters applicable to the Act. I do not disagree with that proposition whatsoever, but to search the premises, make an inspection, conduct tests, take away samples and books, and so on, is more serious. The right of a person to do such things must be restricted. There must be a check and balance, just like policemen or policewomen must have a warrant before they can enter premises. It is important that the same provision apply in this case. I understand that we are not dealing with the same powers that the police have, but in many ways authorised officers in a number of jurisdictions exercise the same sort of authority as police officers in the way that they conduct themselves. We have had difficulties with highways officers and environmental officers and a number of people given powers above and beyond normal powers. I commend the amendment to the House.

The Hon. G.J. CRAFTER: The Government opposes the first amendment. I am pleased to accept the amendment to be moved to line 25, as it is a commonsense amendment. I will comment on the reasons why the Government opposes the amendment to clause 48 in regard to search warrants. The honourable member's comments about powers of entry of authorised officers demonstrates a misunderstanding of the role of the Commissioner for Consumer Affairs and the main task his officers undertake. In the area of enforcement, in reflecting the move to emphasise fair trading rather than consumer protection, passive monitoring of business premises is extensively undertaken. It involves the checking of car yards, building sites and retail premises, but in a very passive, non-interventionist manner.

[*Sitting suspended from 6 to 7.30 p.m.*]

The Hon. G.J. CRAFTER: The checking to which I referred before the dinner adjournment included the obligation of members of trade associations being explained personally and questions answered on the spot. This is the unspectacular, uncontroversial, day-to-day enforcement activity undertaken by the Commissioner's officers. Entry is always effected with consent. The role of the Prices Commissioner and his officers in checking prices is the same.

The other main role of the Commissioner for Consumer Affairs (undertaken by his authorised officers and sometines requiring attendance at traders' premises) is in negotiating consumer complaints. The negotiation of complaints requires tact, subtlety, an ability to listen, to understand and communicate effectively. Authorised officers must balance sometimes sensitive competing interests (for example, a car dealer's narrow profit margin as against a consumer's desperate need to have a car in working order). Officers often have to visit premises in the course of negotiations, to view items and to talk to traders face to face. Once again, were entry to be effected otherwise than with the consent of the trader, the whole process of negotiation would flounder; for effective negotiation it cannot happen in practice.

These 'grave' concerns are aired whenever the Commissioner's powers are before the Parliament, but successive Prices Commissioners have exercised those powers for almost 40 years without complaint. Commissioners for Consumer Affairs have exercised them, under Liberal and Labor Governments, for almost 20 years without complaint. The amendment proposed by the honourable member will completely destroy effective monitoring and enforcement of unfair trading practices. The power to enter premises for the normal enforcement purposes mentioned above must be retained. In the normal course of their duties authorised officers sometimes visit medium-sized country towns and shopping centres to check a variety of provisions.

In the offices of credit providers, door-to-door sellers and second-hand vehicle dealers, they may check that copies of contracts are being retained as required and that they are properly filled out to provide information to consumers. They may visit caryards to check that the information notices are in place on cars offered for sale and contained accurate details again, for the guidance of prospective consumers. In general retail premises, they will check that prices are properly displayed and that all the terms of credit offers are being advertised. Were the Builders Licensing Act 1986 proclaimed before this Act, they will use the sensible power inserted by Parliament last year to check building sites to ensure that builders and tradesmen are licensed. Under that Act they will also be able to check the contracts that builders write to ensure that full information is given to owners about their rights and obligations. It is notable that the question of unreasonable powers of entry was not raised in the course of debate on that Bill.

The proposed provisions as to entry extend greater protection than the old Act by requiring that powers be exercised so as to avoid any unnecessary disruption of or interference with the conduct of business or performance of work. This merely codifies existing practice but it is an important protection now given legislative force. The proposed limitation will make a mockery of the newly codified power, if it is successful in this place, to monitor business premises when it is considered that all a trader has to do

to prevent normal checking is place a sign in his doorway saying, 'Public welcome, Consumer Affairs officers expressly prohibited.'

Normal rights of entry with consent will then be lost. It will also be impossible to obtain a warrant in such circumstances unless loss or harm is suffered by consumers. Therefore, the Government opposes the Opposition's amendment. However, as I have told members, we will accept the second amendment that the honourable member will move.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 42, line 25, After 'time' insert 'and must, on request, furnish to that person a copy of the book or document certified as a true copy by the Commissioner'.

Amendment carried; clause as amended passed.

Clauses 49 to 56 passed.

Clause 57—'Evidentiary provisions.'

Mr S.J. BAKER: I move:

To leave out subclause (3).

The Committee has already debated this issue, which deals with the reverse onus of proof. We do not believe that such a provision is appropriate here. The Minister has an amendment on file and I understand that that will be successful.

The Hon. G.J. CRAFTER: The Government opposes this amendment.

Amendment negatived.

The Hon. G.J. CRAFTER: I move:

Page 48, line 48—Leave out 'Registrar or an authorized officer' and insert 'Commissioner'.

This drafting amendment was discovered in the course of considering the amendment of the member for Mitcham. Where a certified copy of documents is taken by an authorized officer pursuant to this Act, the copy must be certified by the Commissioner, not by the Registrar.

Amendment carried; clause as amended passed.

Remaining clauses (58 to 63), schedule and title passed.

Bill read a third time and passed.

TRADE PRACTICES (STATE PROVISIONS) BILL

(Committee debate adjourned on 17 March. Page 3454).

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Order of the Day be discharged.

Order of the Day discharged.

STATUTES AMENDMENT (FAIR TRADING) BILL (PREVIOUSLY STATUTES AMENDMENT (TRADE PRACTICES AND FAIR TRADING) BILL)

(Continued from 17 March. Page 3454.)

Bill recommitted.

Clauses 1 to 5 passed.

Clause 6—'Repeal of ss. 4, 5, 7, 8, 9 and 10 and substitution of new sections.'

Mr S.J. BAKER: I move:

Page 3, line 24—After 'of' insert 'ascertaining whether this Act is being, or has been, complied with, or for any other purpose related to the enforcement of'.

The amendment is similar to what we were trying to do with the previous Bill, that is, to make sure that the authority of the authorised officers pertains to the legislation they administer and not other matters. We have already been through this debate. If anyone is reading *Hansard*, I refer them back to the previous debate on this matter. We have strongly canvassed the issue, and I commend the amendment to the Committee.

The Hon. G.J. CRAFTER: The Government opposes the member for Mitcham's amendment because it totally overlooks the role of the Prices Commissioner in assessing and fixing prices, as opposed to enforcing orders once made.

The proposed restriction will bring price control in the State to a halt as the Commissioner will be unable to obtain the information necessary to make decisions about applications for price increases or in relation to matters not presently subject to price control, for example, inquiries from industry and consumer organisations for a check on prices of certain items and from members of Parliament for similar information. Further, it would mean incomplete information would be collected, which would not enable accurate assessments to be made because we would have to rely on the voluntary provision of information, and not every trader may provide it.

Amendment negatived.

Mr S.J. BAKER: I do not intend to pursue my next two amendments because we have debated the issues in a previous Bill.

The CHAIRMAN: There is also on file another amendment to page 4, line 16.

Mr S.J. BAKER: It is the same situation. It encompasses the same argument we put previously, which involves obtaining a magistrate's order. We have already debated the issue. The Minister and I disagree on the subject and I will not pursue the amendment.

The Hon. G.J. CRAFTER: My opposition to this series of amendments is consistent.

Mr S.J. BAKER: I move:

Page 3, lines 40 to 44, and page 4, lines 1 and 2—Leave out subsection (1) and insert new subsection as follows:

(1) If a magistrate is satisfied, on the application of the Commissioner supported by an affidavit or other sworn evidence, that there are reasonable grounds for suspecting that there may be found on certain premises or land a book or document required to be produced under section 9, but not so produced, or any evidence tending to establish a contravention of this Act, the magistrate may issue a warrant authorising an authorised officer (together with any person named in the warrant) at any reasonable time—

(a) to enter and search the premises or land;

(b) to make any inspection, conduct any test and take any samples;

and

(c) to take any books or documents.

Amendment negatived.

Mr S.J. BAKER: I move:

Page 4—

Line 16—After 'time' insert 'and must, on request, furnish to that person a copy of the book or document certified as a true copy by the Commissioner'.

After line 16—Insert new subsection as follows:

(2a) In any proceedings an apparently genuine copy of any book or document, taken by an authorised officer pursuant to this Act, certified by the Commissioner to be a true copy of the original is proof of the existence of the original and its contents.

I think I may have some support for this amendment. The amendment after line 16 is consequential. The amendments endorse the same principles that we incorporated in the previous Bill, the Fair Trading Bill. If someone wishes to carry on business after the books have been confiscated, they should be entitled to have a copy of the books.

The Hon. G.J. CRAFTER: I can agree to the amendments. They are similar in nature to the other consequential amendments that we agreed to.

Amendments carried; clause as amended passed.

Remaining clauses (7 to 28) passed.

Schedule.

Mr S.J. BAKER: I move:

Schedule, page 10—Leave out the item relating to section 48 and insert new item as follows:

Section 48—Delete this section and substitute:

48. In proceedings for an offence of selling declared goods at a price greater than the maximum price fixed under this Act, it is a defence if the defendant establishes that the greater price was justified by the cost at which the goods, or the raw materials used in the manufacture of the goods, were purchased by the defendant.

I have some concerns about the schedule and I will bring them to the attention of the Minister. I made some of these comments during the second reading debate and I hope the Minister noted them so that he can reply. I do not think that the definitions of 'retail' and 'wholesale' really add much to the Bill. For the edification of the Committee I will read out the definition of 'retail' so that people can understand it:

'Retail' connotes a sale for the purpose of consumption or use.

Previously, it was defined as a sale to a person. There is now some difficulty with the word 'person' because under some statutes it can mean a body corporate. Nevertheless, the fact is that a retail sale is selling a good for final use, which is the economic definition. I am sure that the Parliamentary Counsel or legal practitioners can come up with a definition to separate it from 'wholesale'.

Quite simply, if you sell a good for use, it can be used as an input to a further process. It can be used in a manufacturing process, for example: a wholesaler can sell some items of equipment to a manufacturer to be used in a production process, so the definition of 'retail' is defective; and the same applies with the definition of 'wholesale':

'Wholesale' connotes a sale for the purpose of resale.

We get into the same difficulty because a good can be sold to a manufacturer for input into the manufacturing process. I do not believe that the definitions have been properly considered. I spent some time on the schedule and when I saw the changes that had been made I was a little disturbed that someone had been playing around with the wording without really adding anything to the definitions in the Bill.

The Bill should be quite concise in relation to what we are talking about. If we are talking about 'retail' as being sales to manufacturers for input in a production process, it could be the sales of ball bearings for use in cars or nuts to put on wheels. Quite simply, it is not retail selling; it is an input into the manufacturing process. We know that wholesalers sell directly. In fact, it need not necessarily be wholesalers, because it can be from manufacturer to manufacturer. The definition does nothing. I hope that some time will be spent on this matter before it goes back to the other place. I raise these matters to correct some deficiencies.

Section 13 (2) is amended by deleting 'shall' and substituting 'must'. The general legislative principle when directing the Governor has been to use the word 'shall'. I understand that that terminology has existed in legislation and in parliamentary language for as long as I can remember (and I have had an interest in statutes for about 20 years). In this case we are saying that the Governor 'must'. I believe that it is a departure from what I class as accepted practice. It is but a small point, but it indicates to me the greater force that is being placed on the Governor to rubber-stamp Government decisions. I think that 'shall' was a very fine piece of language which really meant, 'Look, you have some responsibilities, Your Excellency, but we cannot direct you because tradition suggests that we cannot do that.' The word 'must' means that the Governor will be directed. I merely make that point.

I also bring to the attention of the Committee the change to section 30 relating to the packaging of goods. I refer to the example of a simple product such as bread, which in sliced form is sold in plastic bags. If a manufacturer decides to provide a little more or less room in the packaging he is obliged to ask the Minister for permission. I cannot understand why that change has been made: we are getting overbureaucratised in the way in which we operate. Clause 30, which deals with the power to requisition goods, is now out, and I suppose that that is more a product of times gone by when we had extreme deficiencies of supply. I support that change.

Clause 46 is difficult to understand. Anyone who reads it will have much difficulty in deciding who is the defendant and what they have to prove. I did have a reference to how the provision ends up, but the Parliamentary Counsel can look at the words they have created in the Bill.

I now refer to clause 48, which is the defence clause contained in the Prices Act. If, for a variety of reasons—whether it be inadequate supply, a mouse plague eaten the product so that it is necessary to ship in a product from places far removed and at extensive cost, or if all the ingredients are more costly—the final cost is more expensive and the price to be charged for the goods is more expensive than the price laid down by the Prices Commissioner, section 48 of the Prices Act provided a defence. No-one would prosecute in such circumstances, yet that provision has been removed.

While people may suggest that there may be a right for a defendant to say that the cost of the goods or transport was such that the price on offer had to be greater than the declared price they have to go through a legal process to prove it. Under the previous Act no Prices Commissioner would have entered into any proceedings because of this defence section. I believe the defence provision should stay within the Bill. I return for a moment to clause 46, which provides:

In the charge for any offence of selling goods at a price greater than that fixed by or under this Act it shall not be necessary for the prosecution to prove that the defendant knew the price so fixed and it shall not be a defence.

I have grave difficulty in understanding that clause, and I had to read it about four times to appreciate what it did. Certainly, the average person will have no chance whatsoever of understanding what the Minister of the day is trying to get at. I do not think that that is good drafting. We could have left it as it was. I do not like that wording. I have covered the matters in the schedule over which I am concerned and I am sure that the Minister will indulge me and provide me with answers.

The Hon. G.J. CRAFTER: I thank the honourable member for taking time to make those comments. I suggest that he argues not with the substance of the Bill but to a large extent with the drafting and the drafting style. While officers will look at those comments and duly advise the Attorney, I suggest that the honourable member talks with Parliamentary Counsel about why those particular words were used and about the style used in the drafting language.

With respect to the schedule on page 10, the amendment by the Opposition is misconceived. Existing section 48 is an evidentiary provision which Parliamentary Counsel thought to be an unnecessary recycle of common law. It does not create a defence but merely says how to prove something if it is raised. This amendment will have wide-ranging unintended consequences. Indeed, it has the potential to destroy effective control of retail prices by way of setting a fixed maximum price for goods. In that process the question of wholesale prices and the price of raw materials is taken into account in fixing the price.

If those prices change, an application for variation must be made in the usual way, justified, and a new order made. The usual method of fixing the maximum price of those few goods left under formal control is to refer to the cost

of the goods plus a margin which takes into account freight costs which have to be borne by country traders: hence the need to prove cost as defined in prices order in any prosecution and the ability to defend on the basis of actual cost, evidence of which may be by way of invoices, and so on. I could go on to give examples of that, but that explanation may overcome the honourable member's concerns.

Mr S.J. BAKER: That is simply not true. The Act did provide a defence. The Minister is now saying that that defence is no longer tenable. We will have to defer that. Anyone who reads it will get the impression that it provided a defence. It did not provide an excuse, which is what the Minister is talking about, for people to charge maximum prices. I do not know where he gets his advice. I am fascinated with the argument. It is stretching the bow far to say that this defence provision, which has been in the Prices Act since 1948, is suddenly not needed because the common law situation prevails and that, if it is left there, we will suddenly have a horrific situation where maximum prices will be charged. I am astounded. However, since the Minister is not going to accept the amendment I am not going on with the proposition, as it would waste the Committee's time.

I am fascinated with the logic put forward by the Minister. Why have we changed some definitions? They are absolute rubbish. They do not say anything that a person picking up the Act can understand. A person cannot say that they have the definition of 'retail' according to the areas covered by the Prices Act or that they have the definition of 'wholesale' for the area covered by the Act, because the definitions are simply not definitive enough to separate them from wholesaling and retailing. I have put my comments on notice. The Minister has not dealt with the position of where someone changes the plastic bag around sliced bread, which would be covered here. If the Minister will give an undertaking that my comments will be passed on to the Attorney during the passage of the legislation between the Houses, I will be satisfied.

The Hon. G.J. CRAFTER: I am pleased to give that undertaking to the honourable member.

Amendment negatived; schedule passed.

Title passed.

Bill read a third time and passed.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 March. Page 3572.)

Mr S.J. BAKER (Mitcham): I congratulate the Government on picking up a Liberal initiative which was contained in the policy document that was produced prior to the last election.

Members interjecting:

Mr S.J. BAKER: It is interesting to note that interjection and how many Liberal Party policies have been picked up by this Government since it came back into power. Although those policies were slated at the time of the election they are suddenly being sold on their wisdom.

Members interjecting:

The SPEAKER: Order! The member for Adelaide is interjecting out of his seat.

Mr S.J. BAKER: He is indeed, and should be thrown out of the House for doing so.

The SPEAKER: Order! His seat being occupied by another member is no excuse.

Mr S.J. BAKER: Page 2 of the Liberal Party policy document states:

> In United States jurisdictions there is increasing use of the 'fine surtax' to augment funds for victims support services, and in Canada a recent study relating to victims has recommended favourably on fine surcharges.
>
> A Liberal Government will immediately investigate the possibility of and potential for either a surcharge on fines (other than for parking and road traffic type offences)—

and I hope members opposite note that qualification—

> or, at least, a proportion of fines being specifically identified as being available for victims support services. The Liberal Party believes that to require the offender to provide relief to victims in this way is an important means of demonstrating to the whole community and to the offender that justice must be done and be seen to be done both in law and in practice.

That was a fine policy, which has now been picked up in this Bill. To that extent I congratulate the Government on its ultimate wisdom. Indeed, we are on the same track. This Bill does three basic things. The first principle is that it provides for a levy of $5 on persons expiating offences; a levy of $20 on persons found guilty of summary offences; and a levy of $30 on persons found guilty of indictable offences; and such levies are to be paid into the Criminal Injuries Compensation Fund.

The second principle is that it increases from $10 000 to $20 000 the maximum amount payable to a victim of crime. The third principle is that it will widen the discretion of the Attorney-General in respect of the payment of compensation where compensation from another source (such as workers compensation) has been paid to the victim. We believe and strongly support all three principles.

I think that there is a growing realisation in the community that the people with the least support are victims of criminal activity. Criminal activity can take various forms, including an assault on a person who finishes up in hospital with brain damage, mental and physical injury through rape, and a whole range of person type offences. This Bill is mainly directed at those people.

I draw to the attention of members the impact of housebreaking and burglary offences on people. A large number of elderly citizens reside in my electorate, and the impact of a burglary on them is really traumatic. It goes to the extent that they cannot sleep at night; they will not open the door to anyone calling, and they keep all their windows and doors locked, even during the heat of summer and without air-conditioning. This is the extent to which criminal activity in the community has affected people not only in my electorate but right across the board.

In addressing this Bill people should understand that the criminal activity that we are seeing today is far in advance of anything that we have seen probably since the Great Depression, when times were extremely tough. Times are not extremely tough today. No-one out there is starving and no-one is so disadvantaged that they have to take it out on their fellow man. However, through the influence of a variety of things such as drugs and economic circumstances we are seeing more and more people being used as battering rams or as victims of someone's callous intent.

Whether the ultimate intent be for money or maliciousness, the fact is that many people in our community today are being diabolically affected by what is happening. It is useful to relate that murder is not the most important crime as far as people in this State are concerned. I refer to the position during the past four years. In 1982-83 there were 18 murders, 19 in 1983-84, 16 in 1984-85 and 19 in 1985-86. A tremendous amount of resources are spent by the police in tracking down murderers because murder is classified as the most heinous crime of all—taking someone's life. However, on the scale of importance and impact it is

very minor compared to a number of other offences. When we talk about rape offences, which have risen in a three year cycle from 259 in 1982-83 to 409 in 1985-86, we talk about a crime of serious proportions. If we look at the serious assault figures—and these are people who have been put in hospital and inevitably have long-term injuries—we notice that, in 1982-83, 653 offences were committed and that in 1985-86 the figure rose to 985—an increase in the order of 50 per cent.

This Bill will not solve that problem, but I would like recorded in *Hansard* these two tables from the Police Commissioner's Report, as they put a perspective on offences against the person and the other offences involved. The period contained in these tables ranges from 1982-83 to 1985-86. I seek leave to have these tables, which are statistical in nature, inserted in *Hansard.*

The SPEAKER: Does the honourable member give the usual assurance in relation to the nature of the tables?

Mr S.J. BAKER: Yes.

Leave granted.

TABLE 8.1: TOTAL OFFENCES RECORDED BY MAJOR OFFENCE GROUPS DURING 1983-84 AND 1982-83

Offence Group	1982-83	1983-84	Per cent Change 1983-84 over 1982-83
Murder	18	19	+ 5.6
Attempted Murder	26	20	−23.1
Rape, Attempted Rape	259	321	+23.9
Serious Assault	653	726	+11.2
Minor Assault	4 910	5 061	+ 3.1
Assault Police	688	794	+15.4
Other Offences Against the Person	1 308	1 311	+ 0.2
Total Offences Against the Person	7 862	8 252	+ 5.0
Robbery with Firearm	62	68	+ 9.7
Other Armed Robbery	60	88	+46.7
Other Robbery	228	261	+14.5
Total Robbery	350	417	+19.1
Extortion	31	21	−32.3
Breaking and Entering	21 924	26 144	+19.2
Fraud, Forgery and Misappropriation	3 549	3 740	+ 5.4
Larceny from the Person	152	210	+38.2
Lost or Stolen	8 204	8 827	+ 7.6
Motor Vehicle Theft	5 635	6 413	+13.8
Larceny of Bicycles and Parts	4 322	4 459	+ 3.2
Other Vehicle Theft	232	154	−33.6
Shop Theft	7 481	7 436	− 0.6
Stock Theft	357	315	−11.8
Other Theft	26 580	27 742	+ 4.4
Total Larceny	52 963	55 556	+ 4.9
Receiving and Unlawful Possession	1 144	1 402	+22.6
Property Damage	12 644	13 480	+ 6.6
Environmental Offences	285	298	+ 4.6
Offences Against Public Order	25 030	24 730	− 1.2
Drug Offences	4 963	6 829	+37.6
Drink Driving and Related Offences	5 857	6 456	+10.2
Other Offences	1 513	1 402	− 7.3
Total	138 115	148 728	+ 7.7

TABLE 8.1: TOTAL OFFENCES RECORDED BY MAJOR OFFENCE GROUPS DURING 1984-85 AND 1985-86

Offence Group	1984-85	1985-86	Per Cent Change 1985-86 over 1984-85
Murder	16	19	3 offences
Attempted Murder	36	24	12 offences
Rape, Attempted Rape	346	409	+18.2
Serious Assault	831	985	+18.5
Indecent Assault	423	531	+25.5
Indecent Behaviour, Exposure	591	593	+ 0.3
Minor Assault	4 869	5 645	+15.9
Assault Police	619	710	+14.7
Other Offences Against the Person	304	397	+30.6
Total Offences Against the Person	8 035	9 313	+15.9
Robbery with Firearm	54	91	37 offences
Other Armed Robbery	95	139	+46.3
Other Robbery	240	323	+34.6

TABLE 8.1: TOTAL OFFENCES RECORDED BY MAJOR OFFENCE GROUPS DURING 1984-85 AND 1985-86

Offence Group	1984-85	1985-86	Per Cent Change 1985-86 over 1984-85
Total Robbery	389	553	+42.2
Extortion	29	43	+48.3
Breaking and Entering	27 734	30 934	+11.5
Fraud, Forgery and Misappropriation	4 277	5 470	+27.9
Larceny from the Person	177	232	+31.1
Lost or Stolen	8 158	8 266	+ 1.3
Motor Vehicle Theft	7 548	10 780	+42.8
Larceny of Bicycles and Parts	4 377	5 210	+19.0
Other Vehicle Theft	177	262	+48.0
Shop Theft	7 154	6 885	− 3.7
Stock Theft	295	303	+ 2.7
Larceny from Motor Vehicle	11 277	14 073	+24.8
Other Theft	16 543	19 265	+16.5
Total Larceny	55 706	65 276	+17.2
Receiving and Unlawful Possession	1 468	1 449	− 1.3
Arson and Malicious or Wilful Damage by Fire	619	734	+18.6
Other Offences Involving Property Damage	13 035	16 999	+30.4
Total Property Damage	13 654	17 733	+29.9
Environmental Offences	251	223	−11.1
(1) Offences Against Public Order (Excluding Drunkenness)	17 820	18 652	+ 4.7
(Drunkenness)	(703)	—	(N/A)
Drug Offences	8 175	6 555	−19.8
Drink Driving and Related Offences	6 719	6 801	+ 1.2
Other Offences	1 416	1 763	+24.5
Total	146 376	164 765	+12.6

Note: (1) On the 3rd September, 1984, the Public Intoxication Act was proclaimed. This Act removed the offence of drunkenness that had previously been charged under the Police Offences Act. Offences involving drunkenness are included in the offence category "Offences Against Public Order".

Mr S.J. BAKER: What we have here is a human tragedy that is growing every day. It seems that jurisdictions are powerless to do something about it. We have a Government which says that we must balance the scales of justice. Unless the scales are getting imbalanced on the side of the victim, we will continue to see these massive escalations in serious offences.

At some stage we must call a halt. We have to devise a means of calling a halt. I just mention, for example, that many of the serious assaults and many of the breakings and enterings that happen are as a direct result of drug taking-people wanting to get extra income and extra revenue to be able to buy drugs. There is a simple way to solve the problem, if we can bite the bullet. The Singapore system provides an answer. It is fairly frank in its impact. It says that those people who are caught using narcotic drugs shall be incarcerated for two years.

During the two years, they are put through cold turkey. They are then put through a process of physical training to build up their bodies which have inevitably become emaciated by the use of drugs. At the end of the process they are given new skills and new opportunities. That program has a success rate of over 70 per cent. When we are dealing with figures as low as 20 per cent with our current programs, perhaps we should look at these systems. If we are frightened by the civil liberties, then let us look at the way in which we can adapt the successful process to our needs. Let us look at those figures.

Many of the figures in the statistical table to which I have referred are a direct result of drug taking, and it is a problem that has got out of control. I do not wish to refer to the Government's marijuana legislation. However, I believe that it is part of the inevitable trend to be tolerant towards drug abuse and that that drug abuse will inevitably lead to the statistics that we have here. They will get worse, and this Government will continue to say, 'We will put up support services, do some counselling and put people out on bail or have home detention'. We will have all these mickey mouse schemes, but at the end of the day I wonder whether they will have any impact whatsoever on the community out there. There are just too many victims today. Over the past five to eight years, the number of people affected by serious crime has doubled. That is a serious indictment on us. It is a serious indictment on the Parliament particularly, and it is a serious indictment on the community.

This Bill addresses some sort of equity. The equity in the system says that, whilst we have not really done a lot about the horrific figures, at least there will be some form of compensation. We support compensation. We would support that principle if the crime figures were half what they are today. The fact is, of course, that they are not. The Liberal Opposition supports the general concept of the Bill, because it was our policy in the first place which has been picked up by the Government. In Committee the Opposition will question provisions of the Bill relating to who will receive the expiation fee surcharge. This is not clear from the Bill; nor are the sorts of offences that will come under the ambit of this Bill.

The general principle has been laid out, and the Liberal Opposition supports the proposition. I would refer to the wellknown case of the policeman who was unable to get some additional money despite the fact that his workers compensation payment for injuries suffered from an assault was insufficient. This Bill now gives the Crown some dis-

cretion on that matter, and we think that that is a very useful addition. We support the idea of a surcharge, and we certainly support the lifting of the total amounts payable to $20 000, because that is far more meaningful, given that the last change was in 1977. The Opposition hopes that the Government rationalises the way it approaches this legislation. We do not want to see another area of charge finish up in general revenue, because inevitably the Government seems to find a way to push things into general revenue, whether it is an excise on petrol or whatever. It is amazing how things that have been earmarked for hospitals and highways after some years end up in the general revenue fund so that the Government can spend up big and employ a few more people. We do not support that proposition. If specific areas are being dealt with—as in this case, a certain group of people—the money collected on their behalf should be used for the purpose for which it was designed and not go into general revenue. Having said that, I support the Bill.

Mr FERGUSON (Henley Beach): I support the legislation. I am extremely pleased to see this legislation come before the House. In fact, it does what I called for back in 1985. The *Advertiser* on 26 August 1985 printed my press release in which I called for the doubling of the then maximum payment of $10 000 to $20 000. The maximum amount was obviously too small. It did not keep up with the inflation rate and we were behind most other States in maximum payments. The South Australian legislation is superior to other legislation, but there was a need to upgrade maximum payments.

An example that I used was that an innocent citizen shot during a bank robbery could be compensated only up to $10 000 but at the same time a person badly injured in a road accident could receive up to $1 million. I was disappointed at the time that the shadow Attorney-General (Hon. Mr Griffin) criticised my proposal that there ought to be a levy on other fines to provide the money for the Criminal Injuries Compensation Fund.

If the member for Mitcham is correct, the Opposition shadow Attorney-General is a very late convert to the proposition that there ought to be levies on other fines, because he was quite critical about my proposal in 1985, both on the radio and on television, that this proposition ought to prevail. It is my hope that the provision of the levy, plus the confiscation of profits from crime, will increase the Criminal Injuries Compensation Fund to such an extent that in two or three years the Government will be looking to upgrade the current proposals.

There is no ideal way to deal with this situation, and there are arguments against using a levy. However, there is only one way to provide adequate funds for victims of crime—by conducting this sort of activity. I agree with the *Advertiser* editorial of 9 March 1987 which stated that the levy would help to focus everyone's attention on the need to observe all loss and serve as a reminder that even so-called victimless crimes contribute to disorder and that there is shared responsibility to keep the community as free as possible from crime.

I believe that the Attorney-General's Bill is the best way to tackle this problem. I was not impressed with the shadow Attorney-General's proposition at the last election in relation to the Liberal Party policy for the victims of crime. The Hon. Mr Griffin announced, amongst much fanfare, that if his Party was elected to Governmment he would provide $100 000 for the victims of crime. The current provisions before the House provide for far more than $100 000, and the provision of this amount of money would have been a mere drop in the bucket in relation to the provision of finance for these people. Many of the Liberal aims proposed at the last election were very laudable but, when one examines the amount of money which would have been divided into each project, one sees that the exercise appeared to be window dressing to give the Liberal Party a nice headline, but there was very little substance to their proposals. The model in relation to a levy on most offences has come from the United States, where more and more we are copying initiatives taken in that country.

I believe that the current Neighbourhood Watch program originated from an idea from that country. The levy system has worked well in the States where it has applied, and I see no reason why that system ought not to work well in South Australia. I am extremely pleased to see the proposed amendments to section 11. This new provision will overcome the problems that produced the anomalies that occurred in the case of Constable Burnett, a police officer injured in the course of his duties. Constable Burnett received more than $10 000 in workers compensation payments and an award of $10 000 under the Criminal Injuries Compensation Act and because of this, on the advice on the Crown Solicitor, the Attorney-General was unable to pay the $10 000 awarded from the Criminal Injuries Compensation Fund. The problem at the time was that the workers compensation payment exceeded the amount of entitlement under the Criminal Injuries Compensation Act. This meant that Constable Burnett received nothing for non-economic loss. The advantage of the new clause is that the Attorney-General will have the right to provide for a compensation payment up to $10 000 for non-economic loss.

In studying the legislation it would appear to me that this would affect only three classes of employees in South Australia: one would be the police officers; the others would be, under certain circumstances, a prison officer and perhaps a nurse in a pyschiatric ward. For most other people in South Australia, if they were injured during the course of their work by a criminal, they would be entitled to compensation through workers compensation but, because of the peculiar legal position in which a policeman finds himself, he is unable to claim for pain and suffering under common law for such an injury.

I have been in conference with the Secretary of the Police Association, and he assures me that his association has never been able to obtain a lump sum settlement at common law for a policeman that contained an element for pain and suffering. So, in a sense, this Bill is a new standard for policemen in Australia. I understand that in the United States of America the Kennedy Administration provided for a lump sum payment of $50 000 for a policeman killed in the conduct of his duties, and in New Zealand the Government has provided for a $65 000 payout for a similar situation. This has caused further litigation in respect of the meaning of 'in the course of duty'. Suffice to say, however, that it appears that the South Australian Police Force is opening up a provision for the compensation to police for non-economic loss where it has been unobtainable before because of the fact that a policeman has not been able to obtain compensation for this situation at common law. It is a step forward and it is pleasing to see. I have no doubt that there will be further legal complications arising out of this legislation, but at least a start has been made.

Mr M.J. EVANS (Elizabeth): I also rise to strongly support the principle behind this legislation. It is indeed a very significant step forward to double the amount of payment available, especially when one considers the long period and substantial amount of inflation that has been applicable

since the amount was last fixed. I believe that the community, rightly so, is perhaps even more concerned about the question of compensation for those who are the victims of crime than they are about the punishment of the offenders as such. The community identifies the need for the victims to be compensated for both the direct and indirect losses they suffer as a result of crime in this country. I do not much care which political Party invented the improvement—or when—and I do not think victims of crime who benefit from it will, either. The important point is that this Parliament is at last seriously addressing the issue.

I express concern about some of the detailed provisions of the Bill and the way in which funding is to be raised. The criminal injuries compensation scheme is very much in need of further promotion and enhancement in the community so that people are aware of the benefits it provides to them. We heard in the second reading explanation that only 282 people received compensation in the last financial year when, if one attends to the statistics kindly presented to the House by the member for Mitcham, one learns that only with two offences—rape and serious assault—some 1 500 cases occurred during that year, which points to a serious deficiency between those affected by crime and those who seek compensation for it through the scheme. The reason for that gap needs to be addressed.

I am also a little concerned by the apparent discrepancy between the second reading explanation and the Auditor-General's Report from the last financial year regarding the amount of money recovered from those who were convicted of offences. The Auditor-General's Report indicated that $264 000 was recovered from those convicted of offences in 1985-86, whereas the second reading explanation indicates that some $86 000 only was recovered from offenders, leaving a gap of some $180 000. Either I have misunderstood the statistics or possibly there is an error in one or two of those sources. Since both are reports to Parliament, it is incumbent on the Government to resolve that discrepancy one way or another.

It concerns me, whichever way we go, that either the amount between the gap paid out and the amount recovered is, if we take the second reading speech, some $1.1 million or, if we take the Auditor-General's Report as being authoritative, just under $1 million. Either way, it is a substantial discrepancy between the amount paid out of the fund and the amount recovered from those convicted of the relevant offences. The principal Act makes provision for the Attorney-General to recover as a summary debt the amount of compensation paid out of the fund from the person convicted of the relevant offence. It would seem that there is a strong indication not only that those who are convicted of offences are often of limited means but also that the means of recovery is inadequate or not pursued actively enough. It may be that some measures such as we have incorporated in the controlled substances legislation, such as property forfeiture by the courts, may need to be considered if we are to more actively pursue those who commit crimes which cause economic and non-economic loss to innocent citizens in our community.

There is also the question, as the previous speaker canvassed, as to just how we are to secure additional funds to finance the Criminal Injuries Compensation Fund. It we are to double the limit, quite clearly we need additional sources of income. At the moment the majority of money is clearly paid out of consolidated revenue, and equally clearly the Government is keen to avoid the situation of reflecting a new outgoing budget. It is reasonable, but the way in which the levy is financed leaves some room for concern. The second reading explanation canvasses the various alternatives, some of which are applicable in the United States such as a percentage levy on fines imposed or a flat fee levy on fines, and then simply comes down in favour of a staggered flat fee without outlining the philosophical reasons for preferring that option over the percentage levy option. It leads us to the rather anomalous situation that a person who pays an expiation fee for a given offence will pay a $5 levy. A person who disputes the nature of that expiation notice and uses their clear legislative right to take the matter to court and subsequently loses the battle upon being found guilty of the offence will then pay a $20 levy fee.

That is four times the levy fee that would have had to be paid had the same offence been expiated. Clearly, when Parliament established the expiation system of offences, it was on the basis that in fact it was convenient all round, that it would save the Government money in the court system, and that it allowed the offender to dispose of the matter quickly without acquiring a criminal record. However, it was not meant to be the case that, if one exercised the option of saying, 'I am innocent of the offence and wish to have my day in court,' the penalty would be substantially greater.

In this case, we are achieving a four times greater contribution to the levy of a person who disputes the notice and who takes the matter to court. That amount is not at a discretion of the court. Indeed, it could well be that conviction results in a fine less than the expiation notice, but a four times the levy payment. Therefore, there is some merit in the percentage system but, although that was canvassed in the second reading explanation, no reasoning has been given for preferring the proposed mechanism to any other mechanism.

Further, a person convicted of an indictable offence that will have a whole range of seriousness attached to it will pay some $30 in levy. I agree that those who are convicted of a more serious offence should make a more serious contribution, but the limitation to a flat $30 means that those convicted of the most serious offences involving the most serious harm to an individual will pay the same amount as those convicted of a victimless crime, albeit an indictable offence, and there are any number of those.

I am concerned by the fact that the flat fee system appears to create anomalies and seems to say, in effect, 'We will take the money principally from those who commit crimes without direct victims but who are of better economic means than those committing the crimes which have more serious implications for the victims.' Perhaps that is a redistribution of wealth between criminals that was not contemplated by the Government when it introduced the legislation.

About 105 000 traffic infringement notices were issued last year, according to the Auditor-General's Report, and at $5 each that represents well over $500 000. Last year also, about $7 million was collected in general fines for summary offences and indictable offences. It is not clear how many such offences were committed: we know only the total sum collected. On the flat fee basis, it is impossible to estimate what that will return. Unfortunately, the second reading explanation does not provide detail as to the Government's proposed income from these levies or from the various components of the levies. Nor are we told how the total sum will grow over time.

Although the implication is contained in the second reading explanation that this fund will grow and prosper over time, unless the Government is expecting a crime wave in victimless crimes to enhance the fund, through traffic infringement notices and the like, it seems unlikely that the fund will grow significantly. Rather with increased payouts

it is likely that the fund will diminish over time, and I should like to see details of the Government's financial plan for the fund so that Parliament may be satisfied that the Government's intentions will become reality and that the fund will grow over time, and so that adequate payments may be made to the victims of crime as is contemplated in the legislation. Those issues are certainly of concern.

We must also consider the fact that most traffic infringement notices would relate to offences where, if there were a victim, that victim would be covered for the third party bodily injury insurance, which is already providing adequate (that is a matter of personal opinion, but certainly it is substantial) cover which exceeds that available from the Criminal Injuries Compensation Fund, as do the workers compensation arrangements as well. Yet, of course, the drivers who pay the $5 expiation fee levy are also paying their insurance contribution for their general motoring activities, so it is a case of double dipping in relation to the collection of that fund.

It is also interesting to compare the total sum to be raised with the total sum available from fines and expiation fees and with the total cost of running the police and judicial services of the State. Obviously, fines and fees recovered go nowhere near paying a substantial fraction of the cost of running the police and judicial services of the State. Indeed, there is no comparison between the two figures, and therefore the concept of calling this additional fee a levy is almost nonsensical because a levy implies that it is a sum over and above that which is normally collected and that it will make a special contribution, whereas that is not so.

The Government might just as well have simply increased the level of the penalty and collected that *in toto* because that would not go anywhere near recovering our total costs from those who have created the problem in the first place. So, although I fully support the principle behind the Bill and agree that the Government is entitled to recover the money from somewhere, I believe that there is a degree of misnomer between the nature of the proposed system and what we are actually doing. I am concerned about the discrepancy between the sum recovered from convicted persons as it appears in the Auditor-General's Report and as it appears in the second reading explanation, and about the gap between those figures and the total sum paid out.

We must consider the issue of recovery much more seriously, and I believe that we must also act to ensure that the maximum number of people affected by crime (and, as the member for Mitcham has pointed out, even those suffering burglaries can suffer substantial emotional trauma, of which I am well aware from personal experience in my district where many people have had their homes broken into) are considered seriously. In fact, I do not believe that the community has adequate information about the availability of the fund and the purposes to which it may be put.

Those issues must certainly be addressed in the long term and, although this legislation is timely and appropriate and receives my full support subject to certain questions being considered in Committee, I think that much more can be done to recover the fees from convicted persons and to see that the fund is well promoted throughout the community which it seeks to compensate.

Mr S.G. EVANS (Davenport): I am not so enthusiastic about the Bill, although I am enthusiastic about the principle and about the increase in compensation by 100 per cent to a potential of $20 000. I am also enthusiastic about the area in which it will be made possible for people such as the injured police officer to be properly compensated by the State for any suffering incurred in the course of duty. In this regard, I refer particularly to police officers and gaol warders who carry out their duties in order to protect the rest of us from those who have offended against society or who are likely to offend against it.

The one aspect that concerns me is the idea of a levy. I believe that that is a bit of a joke. As Parliamentarians, we set maximum fines at whatever we like and the Government of the day can easily transfer whatever moneys it wishes from fines to a fund such as the Criminal Injuries Compensation Fund. There is nothing to stop the Government from doing that, but then Parliament is told 'We want the courts to fine someone.' A further fine is then imposed which is fixed for a minor offence at $5. As the member for Elizabeth has pointed out, if the offender chooses to pay the expiation fee plus the $5, it is all settled, but, if with the same offence offenders want to exercise their right to challenge in the courts and are found guilty, instead of paying the $5 they would have paid had they admitted their guilt they must pay court costs (which are acceptable and proper) and a penalty for committing the offence. However, Parliament says that, because the defendant exercised his or her right under this system of democracy, that defendant will be charged four times as much.

That is pretty hard to live with, when one thinks about it. That is not justice, it is not fair and it is not reasonable. I have no time for those who offend, but let us consider what we are doing. I accept that a $30 levy for the more heinous crimes is not very much at all, but let us look at some of the people who commit these crimes. Some of them would not have 20c to their name. When they go before the courts they are told that they must pay a levy to the Criminal Injuries Compensation Fund, but they will say, 'Take us away and keep us in gaol because we have no money'. We cannot get anything from those people.

I do not know to which offence the Government will apply the levy. Will it be applied to people who commit traffic, parking and speeding offences, or will it be confined to criminal offences? I take it that in the main it will be applied to criminal offences, and I suppose we must include the more dangerous traffic offences such as driving without due care or causing death by dangerous driving. That is acceptable, but why apply a levy at all? Why is Parliament being asked to apply a levy? It is within the power of the Government of the day to make moneys available to the fund. If enough money is not being raised through fines that are being imposed because the penalties are not high enough, let Parliament increase the maximum penalties in those areas of concern to the Government. The Government could explain it to Parliament and then ask Parliament to increase the maximum penalties. The Government would then have the money. However, the Government wants us to pass another piece of legislation (for people to think about and talk about) to introduce a levy for each person found guilty of an offence.

I do not know how a lawyer would argue this in court or how a magistrate or judge would arrive at a monetary penalty. I do not know whether a defending lawyer would say to a judge or magistrate, 'Your Honour, now that you have found the defendant guilty we want you to consider in your finding that he or she must pay a levy. Please take that into consideration when deciding on the penalty.' Is that an illogical argument for defence counsel? Is it wrong for a judge to consider that submission? Would a judge or magistrate consider that submission when making a final decision on penalty? A levy of $5, $20 or $30 fixed today is only for the immediate future. We all know that eventually it will be increased and that it will continue to increase.

An honourable member interjecting:

Mr S.G. EVANS: I do not doubt that the member for Elizabeth is right and that there will not be enough money in the fund. There is one other area that concerns me, but I do not think that we can do anything about it, because it relates to human nature. It is happening each and every day of our lives in a growing percentage of cases. People will make use of a system wherever Parliament provides an opportunity to exploit the system. We are talking about compensation of $10 000 or $20 000 for victims of certain crimes, but there are some cases which are very hard to prove one way or the other. It is difficult because some statutes provide that the obligation is on the defendant to prove his innocence whereas under British law, in the main, it has been a case of the prosecution having to prove a defendant's guilt. We now have laws which obligate a defendant to prove his innocence. It is very difficult to prove that in some areas of the law.

There is no doubt in my mind that some people will set out to exploit the Criminal Injuries Compensation Fund. I can think of one area where this will happen (and there may be others), and that is in relation to mental trauma or stress. Those people who win their cases will obtain money from the fund unfairly and unjustly simply because the system will allow it. That is no reflection on defence counsel, the prosecution, the judge or magistrate, or the jury. It just so happens that that is the way we have written the laws.

The attitude today is that people are more likely to win than lose when it comes to issues involving personal clashes and personal injury. There is a sympathetic attitude that, because it is likely that a person is suffering, the compensation is paid or a decision is made in their favour. That is more acceptable to society than the attitude which used to prevail where there had to be clear evidence and a person's guilt had to be proved beyond doubt. It is a pity that that change has occurred, but only because of the people who will exploit the system and will do so in growing numbers. I say that quite clearly, and I look to the future to see how often it occurs.

Those who say that it is not likely to happen may know of situations within their electorates where this could happen. We can move to the other area where people can claim for mental stress or trauma following a break-in and theft in their home (as has been mentioned). It may be the theft of an ornament with a lot of emotional value or a ring that had been passed down for several generations. The object may have a lot of emotional feeling attached to it for the person who lost it. I believe that we will leave ourselves open to a huge number of claims in this area.

I am sure that I would be upset if someone broke into my home and stole some of the personal things that I value. Those things may not bring a lot of money on the market but they may have some value for the thief. I know that my wife and children would also be very upset to lose some of their things. I believe that this will open a Pandora's box. I am not saying that we should not pay reasonable compensation for those who really suffer. However, there are times in life when each and every one of us must carry a certain amount of stress. If Parliament is to provide compensation in each of these areas, we will all pay a lot more tax. If that is the end result of what we are doing tonight, should we be telling people to insure themselves?

We are already telling people to insure against fire, and we are talking about making it compulsory. We compel people to insure against injuring others by taking out third party insurance on a motor vehicle, and we are talking about no-fault insurance in that area. Should we consider a Medicare approach (as much as I hate it) and tell each and every person that they should pay a small amount into a fund or take out an insurance policy to insure themselves against personal stress caused by burglary, injury as a result of a criminal act, or mental stress and trauma following an attack or assault? Should we say that people should insure against this happening?

I do not mind making the penalties higher, but we must realise that those who have nothing will pay nothing. People who have a few bob will keep on paying the levy. People who want to exercise their right by saying that they do not believe they committed the offence, whether it be a traffic offence or not (the Attorney or the Minister representing him here can advise us of which offences will apply), will be called upon to pay the levy. If people challenge that, they will have to pay $20 for exercising a right in a democracy. In other words, we are writing the law providing that if people exercise their right we will punish them.

Certainly, I do not believe that that is the sort of law or Act of Parliament that we should be passing. I do not know how people in the legal profession, who authorised the drafting of this provision, and people who practise law and people who argue that the law should protect people's rights, can say that this provision is just. As I said earlier (in case the Minister was not listening), when a matter goes before court, the court applies a cost against the defendent if he is found guilty. The court says that the fine will be so much and the cost will be so much extra. The fine is imposed against the defendent anyway, but Parliament is now applying another cost—exactly 300 per cent more—merely because a person has exercised the right to have a court decide whether or not they are guilty as against the opinion of one or two police officers.

I am not going to oppose the Bill, because parts of it I believe are excellent: the levy happens to be a main part of the Bill that the Government is bringing in. It appears that the Opposition in the main supports it. I do not see it as being clear cut, and I thought that all sides of politics—Liberal, Labor, National and Independents—were saying that we wanted fewer laws. Yet, here we are bringing in one that imposes a levy, a new concept in law. Certainly, I do not think we are practising what we have been preaching. That is my contribution.

Mr DUIGAN (Adelaide): I would like to make a brief contribution in supporting the Bill, which is one of a number of programs designed to assist victims which has been introduced either legislatively into this Parliament by the Government or administratively into the way in which victim impact statements are to be prepared by the police and given to courts prior to sentencing.

To the extent that it is another element of the victims package I would like to say that the victims debate, as it has been conducted in South Australia, has been characterised by support from both sides of Parliament, ever since the debate about victims, rights and the compensation that ought to be available to them was begun in the mid 1970s. Therefore, it is a little inappropriate for it to be assumed that this proposition is the preserve of one side or other of the House.

Whilst the member for Mitcham indicated that his Party had this idea of introducing a levy on all fees to be paid into a criminal injuries compensation fund as part of its election statement prior to the 1985 election, I also indicate that, in the sense that all of the victims statements have had bipartisan support, it was also a statement that was included in the Government's protection and security policy document which was issued at that time, The statement

contained in that election document indicated that there would be extended financial compensation to victims and that there would be a criminal injuries compensation fund into which would be paid a proportion of court imposed fines. That was simply an elaboration of some of the other victims elements that were included in a comprehensive statement of victims' rights and the programs for victims that were included in the Statutes Amendment (Victims of Crime) Bill introduced into the Legislative Council by the Attorney-General on 29 October 1985. Probably over the past 10 years or so there has been fairly substantial support for the main elements of a victim's support service in South Australia by both sides of Parliament. That is indicated here tonight by the support that the Opposition is giving to the compensation fund.

The level of compensation is being increased in this Bill to $20 000, which is appropriate, given that the original $10 000 limit was set in 1977, nearly 10 years ago. Although there have not been a large number of claimants on the fund in any one year, nonetheless, the amount of compensation that each claimant does make upon the fund has been limited by the amount which was set 10 years ago and which has now fallen well behind the amount originally determined by this Parliament as a reasonable grant to victims.

It has been decided to increase it, notwithstanding that it will create an extra impost of about $1.2 million to $1.5 million on revenue generally, but it has been decided to look at alternative revenue sources to fund that extra increase. The principal element is that there will be a levy imposed on a variety of fines, all of which are set out in the second reading speech.

The alternative would be that all members of the community would be asked to make a contribution to those people who have been victims of an offence. Because of the argument that has developed in South Australia, with support from both sides of Parliament, about the relationship between victims and offenders, it is important that the category of people known as 'offenders' make some contribution to those people against whom they offend and against whom they are found by the courts to have offended rather than being an impost generally on people who have no involvement at all.

There are other administrative arrangements which are also being put into effect and which attempt to try to apply direct compensation from the offender to the victim in terms of either specifically making good the damage that the offender has done to someone's property or, more generally, in terms of making good through community service orders a debt that they owe to society as a result of the damage that they have caused. I accept the principle of attempting to compensate victims as well as the notion of attempting to ensure that offenders, as a category of persons by and large, make a contribution to the people against whom they have offended. I support the Bill and the increase to $20 000 that is part and parcel of it.

The Hon. G.J. CRAFTER (Minister of Education): I thank all members who have contributed to the debate. Obviously, it is an issue of considerable importance in the community, and that is reflected by the contribution that members have made from their own personal experiences. South Australia has led the way with respect to criminal injuries compensation. The law first introduced in this State in 1977 under the then Dunstan Administration provided for the largest compensation payment then available to victims of crime in Australia, the sum of $10 000. We have seen other jurisdictions around Australia now take up this legislation and surpass us in monetary terms. I suggest to members, as the member for Adelaide has just said, that the South Australian Government has taken a multifaceted approach to assisting victims of crime.

The Attorney-General has taken a number of very valuable steps to provide various forms of assistance to these people in our community, whether it be by monetary compensation or in other ways. I note that this legislation also provides for funding to be made available to organisations that assist victims, and to provide increased resources to enable victim impact statements to be prepared in conjunction with pre-sentence reports on offenders as provided for in section 301 of the Criminal Law Consolidation Act. Therefore, this legislation (and indeed the other steps that have been taken) involves a multifaceted approach in assisting victims of crime.

In noting the ability of funds to be provided for organisations working in this area, I acknowledge the work of the Victims of Crime organisation which is led by Mr Ray Whitrod (a former Federal Commissioner of the Federal Police and of the Queensland Police), who is now in retirement living in South Australia. That organisation, ably assisted by many other capable, competent and compassionate people, has done a great deal of work with the Government to provide that range of services, resources and laws that can assist people who have fallen victim as a result of criminal behaviour.

The contributions of members have raised a number of similar issues. All I can say with respect to the actual scheme that is proposed in the measure before the House with respect to a levy on fines and offences proven in the courts, is that it is obviously one of a series of proposals that was considered by the Government. It is clear that each scheme would have its strengths and weaknesses. On balance, the Government believed that this was the most appropriate scheme for South Australia. Of course, we will be reviewing the progress of the scheme (the law) and watching carefully the fund that will be established and the demands that will be placed on it. I am sure that all members will be interested in seeing the progress that is made in this area.

To that extent, this is novel, so undoubtedly people in other jurisdictions around the country will also be carefully watching it. Clearly, it is a most welcome step and as the member for Adelaide said, it is important that this matter is put into its proper political context. It is not a matter of squabbling about who thought of these ideas first, and I guess that that will always be the subject of debate. Obviously, it is a matter for which there is bipartisan support in the Parliament and, indeed, very widespread support in the community. Therefore, I commend it to all members.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr S.J. BAKER: When will this amending Bill come into operation?

The Hon. G.J. CRAFTER: I cannot tell the honourable member that. Obviously some administrative work will need to be done prior to that occurring. The Government will want to bring this into effect as soon as possible. There will not be any intended delay on the part of the Government, and it will be brought into effect as soon as the necessary administrative arrangements have been made.

Clause passed.

Clauses 3 and 4 passed.

Clause 5—'Payment of compensation, etc., by the Attorney-General.'

Mr S.J. BAKER: Has the Attorney-General issued any guidelines about where his discretion will lie in respect of new subsection (4), which provides:

> The Attorney-General also has an absolute discretion to make payments to a Government or non-government organisation or agency for a purpose that will, in the Attorney-General's opinion, advance the interests of victims of crime.

Has the Attorney-General any information about those services which are already in existence and which will benefit from this discretion?

The Hon. G.J. CRAFTER: A similar situation arises in a number of ministerial areas with respect to payments to organisations, and this is usually seen in Ministers' miscellaneous lines. Obviously, this will be a matter on which the Attorney-General will set down some guidelines after discussions with those organisations. I think that already some assistance is given to the Victims of Crime organisation by the State Government. Guidelines will be established in due course so that organisations know what funds may be available. This matter cannot actually be prescribed. Obviously, each case will have to be considered on its merits and a determination made in each circumstance. One would not expect that substantial payments would be made or that large organisations would grow out of this ability. That certainly has not been the experience in the past or, as I understand it, in other places.

It is very appropriate that organisations such as the Victims of Crime can be given some additional support so that they are on a stable basis and can provide services that are better provided by them than by a Government instrumentality or bureaucracy.

Clause passed.

Clause 6—'Repeal of ss. 12, 13 and 14 and substitution of new sections.'

Mr S.J. BAKER: I beg the indulgence of the Committee because this clause has a number of ramifications. I will put all the propositions. If the Minister notes them we will come back to them later. Proposed new section 12 (3) provides:

> In each financial year, the prescribed proportion of the aggregate amount paid into general revenue by way of fines will be paid into the Fund.

The fund has really been financed through general revenue in previous years. Is there any indication of the prescribed proportion? Obviously, the Minister has some idea about this, and the Committee should be enlightened on it. Proposed new section 13 (2) provides:

> Subject to any exceptions prescribed by the regulations, the levy is imposed on—(a) all persons convicted of offences . . .

What does this encompass? I bring the attention of the Committee to the fact that, if this levy is extended to road traffic offences, a significant proportion of people could be affected by relatively minor offences. It would be useful to members to refer to the Police Commissioner's Report of 30 June 1986 which indicates that prosecutions under the Road Traffic Act totalled 24 729 and that a further 10 343 offences related to that Act.

Traffic infringement notices are extraordinarily significant. For example, I note that the total number of infringements under table 9.3 in the report is of the order of 96 860. Prosecutions under table 9.4 total 10 342. Added together, there are therefore about 120 000 expiations and road traffic convictions. The number of offences in the past two years has declined, but I would suggest that that is in no way attributable to better driving but is due to fewer motorcycle police being on the road.

These very significant figures are far in excess of those involved in the area of criminal activity. I have provided the Parliament with a copy of table 8.1 from the Police Commissioner's Report. A total of 9 313 offences are recorded against the person and, added together, the total of 164 000 offences recorded during 1985-86 is in excess of road traffic offences. If they are added together, it totals nearly 300 000 offences and, even if we charged out at the lowest figure of $5 (which is not appropriate because some are for convictions and some are for expiations), it amounts to $1.5 million as a base sum. That will obviously be exceeded because $5 would not be the average cost of the fines. I would appreciate it if the Parliament could be informed which areas will be affected and which areas will be exempted.

People convicted of multiple offences may also have 40 or 50 others taken into account, which is quite often the case with shop stealing and break and enter offences. Will each offence carry a surcharge or will they be treated as, say, the three principal offences for which a person has been convicted, even though there is a recognition that the person has admitted guilt in the 40 or so other cases? A further question relates to the recoverability of the levy. We know, for example, under existing situations that many people have filled our gaols because they have been unable to pay fines. They have been sent out on community orders, given additional time to pay, or given some other means to relieve the burden of paying. What will happen to these people when they are faced with this situation?

A further consideration is that the Attorney has said that the penalties that will be imposed may well be adjusted to the capacity of the person to pay. That has not as yet reached the legislative arena, but I understand that moves are afoot by the Government, in which case we may have two principles in conflict, just as we will have principles in conflict about the way in which the $5, the $20 and the $30 will really be equivalent to a minimum sentence, to which the Attorney is opposed. These are some of the questions which I believe are worthy of being canvassed. They raise some important considerations about the way in which the fund will be managed. If my mathematics are correct, we could have an enormous fund building up over time if all of the offences to which I have referred tonight are brought within the ambit of the Bill.

The second reading explanation suggests that the only two exceptions from the general principle will relate to local government offences, which relate basically to parking, litter and the university. So, from what I can understand, the net will be thrown very broadly and the capacity to collect an enormous amount of revenue remains within the ambit of the Government. I said during my second reading speech that, if we are setting aside a levy, it should go where it is designed and not be dissipated into general revenue. If my sums are anywhere near correct, a very significant amount of money will be available. That raises the question whether some of the offences which we are talking about and which involve expiation notices, particularly in the road traffic area, are worthy of attracting a further impost by these means.

The Hon. G. J. CRAFTER: I thank the honourable member for raising that series of questions, some of which are in the realms of speculation and, in relation to others, I do not have the precise information sought by the honourable member. I refer the honourable member to the Estimates Committee B of 30 September last year. The figures for recovery were detailed. In the year 1982-83 there were 230 claims, payments of $907 000 were made, and the recoveries were $12 430. In the year 1983-84 there were 240 claims, payments of $937 186 were made, and the recoveries were $37 800. In the year 1984-85 there were 278 claims, with payments of $1 350 791, and the recoveries were $74 590.

In the year 1985-86 there were 282 claims, with payments of $1 231 966, and the recoveries were $86 596. It is interesting to note that, in relation to the last year, payments were less than the year before but the recoveries were higher.

In relation to a break-up of payments that were made in the 1985-86 year totalling $1.2 million, in answering that specific question the Attorney-General said that the Government Computing Centre cost for the collection system was $13 573, bailiff fees cost $823, with payments to victims amounting to $1.23 million and Dun and Bradstreet consumer cheques, $3 180.

The honourable member touched on the scope of the impost of the Bill, but on that matter I cannot add anything more than that which appears in the second reading explanation. However, I will put that and the other matters that he raised on notice for my colleague in another place.

Mr S.J. BAKER: These are relevant questions, and I would have thought that the Attorney would have the good grace to supply information basic to the Bill. The basic information that should be given to this House is the expected revenue base. Certainly there is certain information about what has happened to victims in the past, and we can draw our own conclusions about what the final payout from the fund will be. However, when we get into some important areas, the second reading explanation only excludes universities and local government fees and fines from this Act. Therefore, we are really getting into some areas where the impost could be quite significant.

For example, disobeying the provision involving mudguards is an offence. Whilst only 160 convictions were recorded in 1985-86 for this offence, people whose cars do not have mudguards will nevertheless pay a $5 fee, one would assume. We are trying to make the general group of people committing offences pay for the people who have become victims. Often they are one and the same person, because there are certain elements within the criminal sector who are as often victims as they are offenders. Someone catches up with them somewhere along the line. One must question, for example, whether a person not wearing a seat belt should be subject to a further impost. The fees have gone up dramatically.

The Hon. G.J. Crafter: They were established by this Parliament.

Mr S.J. BAKER: They are offences that have been created in order to save people from themselves. We as a Parliament have determined that, to enforce laws that we say are good for people, we must attach a monetary fine. I note that, for the offence of failing to wear a seat belt, in 1985-86 it involved 2 790 people. Those people are now loaded with a further impost and a $5 expiation fee on top of that.

The Hon. G.J. Crafter: And rightly so. How do you justify otherwise? The cost of lives from people not wearing a seat belt is huge.

Mr S.J. BAKER: We are trying to establish that those people generally responsible for victims should have a financial stake to assist those victims. Offenders under the Road Traffic Act and the Motor Vehicles Act quite often have little relationship with what we class as so-called victims. It has been said that third party insurance covers those drivers who drive dangerously and cause accidents. I believed it was imperative that we were given enough information to be able to put the stamp of approval on this legislation, but I find I cannot do that, despite my general acknowledgement of the value of this measure, because I am not aware how the Bill will operate. I have concerns because neither I nor the House have received answers.

I am quite serious when I say that, when measures are introduced into this House, we should be apprised of all information relating to those measures. These are very important questions, and the member for Elizabeth referred to areas about which he has concerns, but obviously he will not get answers. The member for Davenport raised a number of other issues and I had hoped that in Committee we could give either the full seal of approval or a qualified seal of approval to this measure, depending on the answers. But we cannot do that. I am dissatisfied with the quality of the response we have received on basic and fundamental issues, and I hope that this information will be presented to the House, perhaps in the form of a ministerial statement. I move:

Page 4—
Line 29—Leave out '(1)'.
Lines 32 to 36—Leave out subsections (2) and (3).

We on this side do not believe that these things should be changed by regulation. If the Government is intent on using this as a revenue raising measure, we would like the Parliament to have a say about it. We also believe that the issue of lump sums should come before the Parliament. That is an indication of the Parliament's support for victims and it is appropriate that, if the provisions are changed, the Parliament should change them. We believe it is important that the Parliament has time to consider the levies and, if this becomes a revenue raising measure rather than a support for victims, we will oppose changes to the levy system. Certainly, if we are not satisfied with the answers given in another place, we will move amendments.

In principle, we do not believe that these things should be done by regulation. It is important for the Parliament to determine the level of the levy that will be imposed on offenders, whether offenders are involved in a serious or a lesser crime.

The Hon. G.J. CRAFTER: The Government opposes this amendment. It unnecessarily hamstrings the administration of the legislation. The regulations that will be brought down will be subject to the scrutiny of the Parliament and to disallowance, but to insist that only the Parliament can deal with this matter is unnecessarily cumbersome and limits the proper, effective and responsible management of the fund so established. The amendments that can be made by regulation involve monetary amounts but do not involve penalties for offences.

The amendments proposed by the member for Mitcham would remove the ability to amend the Act by regulation. If the amendments were accepted, every time the levy was to be altered a new Bill would be necessary, and that is the style of government we are seeking to overcome and the style of Parliament we are seeking to avoid. The role of Parliament is one of monitoring in a supervisory capacity, while the Administration gets on with the job vested in it by this Bill.

Amendments negatived.

Mr M.J. EVANS: I would like to briefly ask the Minister whether he would comment on the expiation offences. The levy is $5 if it is expiated but, as I understand it, and I would appreciate the Minister's guidance, if the expiation notice is challenged in the court, will it then be a $20 levy instead if the case is unsuccessful before the court? In other words, we go from a $5 levy if the offence is expiated but a $20 levy for that same offence under identical circumstances, with possibly a fine imposed of less than the expiation fee. Does that then result in a $20 levy?

The Hon. G.J. CRAFTER: I have looked at the measure since the honourable member raised this matter, and that is my understanding of the effect of that provision.

Mr M.J. EVANS: I thank the Minister for his consideration of that, and I must admit that I find the conclusion which he has drawn to be correct in my own view as well, but perhaps an inappropriate result of the legislation. After all, when Parliament provided the system of expiation notices, we did not intend that people should suffer a greater penalty by way of this levy in the consequence of exercising their right to challenge it before the courts, and I think that in the long term the Government might like to look at that aspect.

It seems to me to be an unfair disincentivation, if I may borrow a word from the Opposition, to exercising one's right of taking that matter to court, and it is indeed an extra disincentive to do just that. I believe that the Government may well want to look at that aspect, given that there are some 105 000 of those traffic infringement notices.

The Hon. G.J. CRAFTER: I think one needs to put this matter in a wider context. Obviously, this is a matter on which the Attorney in another place will comment, but the case where a person has the opportunity to expiate an offence is usually one where the guilt in that matter is not the subject of dispute. A person has committed an offence, has been apprehended and has accepted that, and really wants to get the matter over and done with and pay the appropriate penalty, rather than go through what has hitherto been the costly and long winded process of going to court and, in fact, pleading guilty.

Where a person has the choice of expiating the offence or going to court, it appears from my experience that persons take the option of going to court when they believe that they are innocent of the offence or that the circumstances are so mitigating that a court would bring down a penalty much less than that provided for in the expiation notice. In those circumstances, I suggest that the additional sum ought to be put into that context.

Either the person makes a calculation that it is still not a deterrent to take the matter where he obviously will plead guilty but plead some mitigation of penalty, or the person believes that he is innocent of that offence and that the court would find that and, in that way, no additional amount would be levied. I would also say that the cost to the taxpayer of having matters referred to the courts is very substantial, particularly where a matter is disputed frivolously. So, there is a deterrent factor in there for a person who has clearly committed an offence and has the option of an expiation fee, or that person may want to engage in some protracted litigation for one reason or another; if that person has committed an offence, then there is the additional deterrent against going to court for simply what I would suggest is a frivolous reason.

However, if there is genuine belief that no offence has been committed or there are mitigating circumstances, I suggest that the levy should be considered in that context. As I have said, I have no doubt that the Attorney will consider the matter further when it is debated in another place.

Clause passed.

Clause 7 and title passed.

Bill read a third time and passed.

LIFTS AND CRANES ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

UNCLAIMED GOODS BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 36 (clause 5)—After 'if the' insert 'identity or'.

No. 2. Page 3, line 29 (clause 6)—After 'if the' insert 'identity or'.

Consideration in Committee.

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendments be agreed to.

Two minor amendments have come down from another place. I am pleased to agree to them and recommend them to the Committee.

Mr S.J. BAKER: The amendments to add the words 'identity or' improve the Bill because they add a proviso if the identity or abode of the bailor is unknown.

Motion carried.

FISHERIES (GULF ST VINCENT PRAWN FISHERY RATIONALISATION) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2—After line 20 insert new clause as follows:

3a. *'Transfer of licences.* (1) Notwithstanding anything in the Fisheries Act 1982, a licence shall be transferred on the request of the licensee.

(2) On the transfer of a licence pursuant to this section, any liability of the transferor under section 7 becomes the liability of the transferee.'

No. 2. Page 2, lines 41 and 42 (clause 5)—Leave out paragraph (b) and insert:

'(b) (i) if the licence was cancelled under this Act—the amount of value of the consideration paid or given by the licensee for transfer of the licence (augmented in proportion to increases in the Consumer Price Index (all groups index for Adelaide) since the date of the transfer);

(ii) in any other case—an amount agreed between the former licensee and the Minister,'.

No. 3. Page 3, line 5 (clause 5)—Leave out 'The' and substitute 'Where a licence is cancelled under this Act, the'.

No. 4. Page 3, line 5 (clause 5)—Leave out 'a former licensee' and substitute 'the former licensee'.

No. 5. Page 3, line 15 (clause 6)—Leave out the word 'may' and insert the word 'shall'.

Consideration in Committee.

The Hon. M.K. MAYES: I move:

That the Legislative Council's amendments be disagreed to.

The Hon. P.B. ARNOLD: The Opposition totally supports the amendments. They are in line with what we tried to achieve in this House during the passage of the Bill. The transferability of licences is absolutely essential. There is no way on earth that the Minister can allow the next 10 years to pass with all of the present licence holders able to remain within the industry for that full period. There are any number of reasons why a licensee may have to withdraw, such as ill health or family circumstances. To have a situation where transferability is not available to a licensee whose life savings may be invested in the industry is quite unreasonable.

In any industry in which a person has an enormous capital investment and does not have the right to sell or transfer that asset, a family can be virtually left without anything. That involvment, whether in a farm or a fishery, is a family's superannuation, for lack of a better way of putting it. It is absolutely necessary that people have an opportunity to sell their asset so that a family has something to retire on. If the Minister fails to support the amendments he will leave those in the industry and their families in an extremely difficult situation.

The Hon. M.K. MAYES: It is worth noting that the reason for the Government disagreeing with the amendments fundamentally rests with the demand that would be placed on the resource and on the fact that the Minister of

Fisheries will be the mortgagee. That is a very important factor in our assessment when looking at the overall managment of the Gulf St Vincent fishery. It is important that we look at this issue of non-transferability to protect the State in its role as mortgagee and protect the fishery because of the demands on its resources.

I refer members to the Copes report at page 74 where Professor Copes specifically refers to the fact that one of the major factors affecting demand on the resource came about because of the high costs involved in the transfer and sale of a licence and equipment. That is an important aspect which the Government must consider. Whatever matters come from the other place will be part and parcel of our insistence that there be a non-transferability period.

The Hon. P.B. ARNOLD: If the Minister applied his argument to other industries and individuals in the community, he would have an absolute outcry. It is not the licence as such. The vessel and the equipment that goes with it are worthless unless a licence goes with it. The Kangaroo Island fishermen will find exactly the same thing: they are left with their vessel and equipment but with no licence. What they have got is a $300 000 or $400 000 weekend pleasure craft because it is of absolutely no use to them other than that.

The Minister might as well say that any other individual in South Australia who has any form of property, even a family home, does not have the right to sell and transfer it. That is the only major asset or asset of any significance that the average family has, their home, their farm or their business and, if they are not allowed to sell it, then the family virtually has nothing.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments make the Bill unworkable.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

The Hon. M.K. MAYES (Minister of Agriculture): I move: That the House do now adjourn.

The Hon. D.C. WOTTON (Heysen): There are three matters that I want to bring to the attention of the House tonight. They are matters that have given me considerable concern. The first relates to an elderly constituent who lives in Stirling in Pinoak Tiers, a group of cottage homes for older people. My constituent, who has indicated that he is not opposed to having his name referred to in this matter, is Mr Alfred J. Marshall, a pensioner, who lives in my electorate.

My constituent arranged with one of the local doctors to have a referral with Flinders Medical Centre in March 1984. The purpose of that referral was to have a prostate gland operation. The matter was regarded as being serious enough for him to have the operation as soon as possible. The story is that he received a letter for admission to hospital for the operation for 2 April 1987.

My constituent had to wait from 1984 to 1987, and it was an extremely difficult period for him. However, as was indicated to him, he had very little choice but to wait for those three years. A date was fixed—2 April. A couple of weeks ago he was told that that appointment was cancelled because of an urgent surgery case. His appointment has now been delayed until 30 April. At that time my constituent had hoped to be on holiday.

This situation, involving an elderly person who needs an operation, is totally unacceptable. All sorts of complications could come about as a result of delay. My constituent has been waiting since March 1984 and he prepared himself for the operation on 2 April. All members would appreciate that older people in particular need to make special arrangements so that they can enter hospital feeling free of mind to be able to have the operation confidently. It is not good enough to be told at the last minute that the operation has been delayed again.

Mr Marshall contacted me to see whether I could arrange a deputation to the Minister of Health. He felt so extremely frustrated about it that he wanted to be able to get to the top as he said, to put his point to ensure that the situation did not happen again. On contacting the Minister's office, it was suggested that that was not necessary and that they would make sure that the operation was not delayed again. I wonder how many people are in this situation. From time to time I have read about delays in our hospital system; yet I had no idea that the waiting period was as long as it is. I urge the Minister of Transport, representing the Minister of Health in this place, to take this matter up on behalf of my consituent. This extremely serious situation has caused both his wife and him considerable concern and it is now a matter of urgency that action be taken to ensure that the operation proceeds. I do not know what will happen to their holiday plans. I make the point that, when older people make plans and look forward to them, it is extremely frustrating and disappointing for them to be interfered with in this way.

The second matter to which I refer is one that I have mentioned before and it amounts to discrimination against people who live in small pockets in small areas that are neither sewered nor have a water supply. A number of these areas can be found in the Adelaide Hills, where as a result of development being a little late in proceeding, pockets have been overlooked or bypassed. In some cases water has been supplied all around them and sewerage as well.

One of these cases has resulted in my taking it up with the Minister and I have received a very lengthy reply indicating the reason why services could not be provided in this area. It was suggested that it could not be done because it was not in a position to return 7 per cent on the capital investment. It seems that we hear very little other than that particular policy. If it is a small area with only a few houses, it is most unlikely that the 7 per cent will be arrived at. As a result of the Minister's letter, it was suggested that my constituent might have a chat to a couple of people from the Water Resources Branch. He did that.

In fact the Minister's letter finished by indicating that should my constituent require any further information or require an investigation to be undertaken he should contact this gentleman. When he went down there (and I made the arrangement for him to go down), he found that the person referred to in the Minister's letter was on leave. He saw someone else who told him quite bluntly that there was no way in which that investigation would be carried out, despite what the Minister had said, unless he could prove that 70 per cent to 75 per cent of the people in the area that he was representing were prepared to pay a substantial increase over the normal cost of providing that service.

He made contact with me again. I do not think it is good enough that that should be the case. The Minister is aware of the matter to which I am referring and I have again gone

back to his office. It is only one of many situations where people are being disadvantaged, and it is a matter of discrimination against those people. I again ask the Minister of Water Resources to look at this matter and have some action taken in regard to the provision of mains water to Walker Avenue and View Street, Heathfield, in my electorate.

In the couple of minutes that I have left I will ask the Government what it is doing about millipedes. I do not know how many people in this place—

Mr S.J. Baker: I've got a few down in my area now.

The Hon. D.C. WOTTON: I hope you have. Two years ago I suggested in this place that until the blinking things came down here no action would be taken, and I hope that they are crawling up every member's kitchen table. That is the only way that something will be done about it. We have had so much fluff spoken on this subject about what Ministers over five or six years were going to do about it, and not a thing has been done. Any member can look at the situation in my own home, in my office, and virtually in the whole of my electorate.

It is an incredible situation which is causing a lot of concern, particularly to parents with small children. I again urge the Government to get off its backside and do something about it, and at least indicate what action it is taking, if any, to solve this problem. I assure members that it is causing considerable concern to a vast number of people in my electorate. It is not just good enough to talk about it. Some action needs to be taken.

The DEPUTY SPEAKER: Order! The honourable member's time has expired.

Ms LENEHAN (Mawson): I rise to talk about two topics. First, I remind the House that in August last year I moved a motion during private members' time in which I condemned the Federal Liberal Council's decision to oppose significant provisions of the Federal Sex Discrimination Act. Further, I stated in my motion that the House believed that this attack against the rights of women in the private and voluntary sectors, and in those States which did not have legislation, was grossly discriminatory. Some members opposite were so outraged by the fact that I had exposed the hypocrisy and sham of the Liberal Party's commitment to women that they moved a motion condemning me and suggesting that I was self-seeking, and a whole range of other things. This occurred in August last year.

An honourable member interjecting:

The DEPUTY SPEAKER: Order!

Ms LENEHAN: The motion moved at about that time by the National Liberal Women's Conference stated:

> The National Liberal Women's Conference confirms its support for the need for Federal sex discrimination legislation which calls on the Federal parliamentary Party to reaffirm its support for the principles of this legislation.

I then went on to question who were really the spokespeople for the Liberal Party's policy on women, and I expressed a genuine concern that I hoped that it was in fact the National Liberal Women's Conference and not the Federal Liberal Council. Unfortunately, what was it that won the day? The answer to that question of course is political expediency, double standards and hypocrisy. In relation to debate in Federal Parliament last week, I refer members to a report published in the *Advertiser* of Friday 27 March entitled 'Hall goes solo across the floor'. Interestingly, it was a South Australian Federal member, Mr Steele Hall, who had the courage of his convictions to support the Federal Government's legislation.

I want to explain to the House exactly what it was that the Opposition decided to oppose in the Federal Parliament. What was it opposing? Was it some kind of radical legislation? Indeed, no, it opposed the Equal Employment Opportunity Bill, which was the third Bill in a series of Government Bills designed to ensure that women and minority groups have an equal chance in job selection processes. I ask this House: how could anyone not support equal employment opportunity for minority groups and for women?

Members interjecting:

The DEPUTY SPEAKER: Order! I call the House to order.

Ms LENEHAN: In 1984 the Government amended the Public Service Act to require Government departments and some authorities to develop equal opportunity programs. As we all know, this was followed up last year with affirmative action legislation, requiring big business and educational institutions to introduce programs to improve the status of women. The Equal Employment Bill places the same requirements on Government business enterprises, such as Telecom, Australia Post, the Commonwealth Bank, etc. It covers only authorities employing more than 40 people.

To avoid positive discrimination (which the Opposition is so paranoid about) the Bill emphasises that job applications should be dealt with on the basis of merit. The Opposition, whch supported the affirmative action Bill last year, supported it after a fight in the coalition. Let us consider what has happened. In the vote taken last week in Federal Parliament, one member of the Opposition had the courage to vote for the Bill, 16 Liberal MPs and five Nationals were absent—they were absent, they did not have the courage to vote against the Bill or for the Bill. I refer to a report in relation to what Mr Hall said in debating the Bill, as follows:

> In debate on the Bill yesterday, Mr Hall said that as the Opposition had supported similar legislation last year he believed that to vote against this Bill would be 'totally inconsistent'. He said the Bill did not hold the faults which had been identified by the Deputy Leader of the Opposition, Mr Brown, who had opened the Opposition's case in the debate.
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> 'I do not intend to symbolically vote against it in an attempt to lose the benefits of this Bill to the Australian community of women,' he said.

I put it to this House that the Australian community of women at their next chance, when they go to the polls, will stand up and tell the Liberals and the Nationals, the Joh Party, or the National Party in coalition—who knows what it will be—what they think of its commitment to women. Let me tell members opposite that they can sit there and they can smile, but women in the South Australian community are very angry. They are angry that none of the members of the Federal or State Oppositions, with the exception of Steele Hall, have come out and raised publicly one word of criticism. Where is the member for Coles? Where are other members who in the past have pretended to champion the cause of women? We on this side of the Parliament know—

Members interjecting:

The DEPUTY SPEAKER: Order!

Ms LENEHAN: —that in fact the Opposition has cynically tried to use the vote of women; it has tried to pretend through supporting issues such as child-care very late in the day—not in the days when Gough Whitlam went to the Australian people on issues of child-care (and many of my colleagues and I had very young children at that time and remember the Labor Party's commitment to these fundamental issues of equality for women). Members of the Australian community are not fools. They will not believe members opposite when they run to the polls and say to the public, 'We support women; we support equality of opportunity; we support equality of education and employ-

ment; we will provide you with child-care.' They know what their record is and last week they finally showed their true colours when they voted against a Bill which was not, as I said earlier, some radical piece of legislation which would change the whole face of Australian society, but a Bill to provide for all people—particularly minority groups, and particularly women—to have equality of opportunity.

I have listed in this House on previous occasions the inequality that has existed for many minority groups; the inequality that has existed particularly for women in employment, education, training, participation in the work force and participation in community activities. Both State and Federal Labor Governments have worked tirelessly to redress those inequalities and imbalances. They have introduced not only legislation which redresses these things but also programs to make sure that women have access to education.

In this State, for example, we have things such as the NOW program. We are starting to look at providing adequate child-care. We are concerned to provide a whole range of support mechanisms for women, and it seems to me that the women of this country, and particularly this State, will go to the next election and show the Opposition Parties what they think of their hypocrisy, their double standards and their cynical manipulation of women's vote. I think we will find that the women of this country will stand up and be counted.

Mr D.S. BAKER (Victoria): I would like to bring to the attention of the House rationally and a little more quietly some of the genuine concerns that some of my constituents have had in the past 12 months, and those concerns have been without sex or creed. I guess when one comes into this House, one wonders what problems will come over the desk. In the past 18 months, the greatest problem I have had is with the bureaucracy and the general sloppiness and lack of incentive that seems to go on in most Government departments. However, one of the greatest problems for my constituents involves ETSA.

Of all the concerns that have been expressed to me, my file on ETSA is much, much bigger than that in any other area. It may be—and in private enterprise it is expected—that the consumer is always right, but I am afraid that in ETSA, many times, the consumers' views or their worries are not taken into consideration. ETSA is a very large organisation and, unfortunately, its management is totally bound in rules which act to the detriment of the consumer. Because its management structure is not game, or in many cases I am afriad does not have the ability, to make decisions that would be expected of it in private enterprise, the decisions continually get put off. I find—

Mr Hamilton interjecting:

Mr D.S. BAKER: If the honourable member will wait a minute and contain his glee, I will give him some examples. I find it most frustrating for someone who has been in private enterprise and who is used to expecting things to be done in a reasonable time, to experience this continual battle with ETSA management. The main area of concern is the time that it takes for ETSA to connect extensions to new consumers. There are many cases of delays of up to 12 months in relation to people building new homes in rural areas. Many times people are told that a representative of ETSA cannot even come to the property within six months to have a look. However, with some quite aggressive representation from the local member, we have been able to short circuit some of that laxity.

One of the other areas of concern relates to rural extensions for irrigation. Unfortunately, ETSA would be the only business organisation in Australia that says to any consumer, 'Okay, we will extend electricity to you so that you can carry on your business but, before we consider it, we will charge you an amount of money upfront' (which in many cases is between $10 000 and $30 000) 'and, when you have paid that and when we find the time, it may be 12 months, we will come out and connect you to the power.'

I find that situation disgraceful, and I am sure that even the member for Albert Park who interjected earlier would not consider that to be reasonable business practice. That is one of the reasons why we have pushed for private enterprise to perform some of the extension work in relation to the Waterworks Act Amendment Bill. At least that provides for a second quote and more pressure can be applied to the private enterprise than can be applied to ETSA. After writing many letters to the management of ETSA at various levels, I found that the General Manager of ETSA, Mr Sykes, wrote a letter to the Minister, which in part states that Mr Baker has taken up some matters and is pursuing them with great vigour, but he must realise that some of these problems cannot be fixed.

I took the opportunity of writing to Mr Sykes, the General Manager of ETSA, and for the benefit of the member for Albert Park who interjected earlier I will read the first two paragraphs and I will then outline the two cases that I discussed with him. To his credit, he invited me to his office and we discussed various matters for 1½ hours and two cases in particular. In relation to those two cases, I have advised the people involved to take legal advice. I am prepared to support them in that action, because we will win, but I have 17 other cases still pending. The letter states:

> In replying I must first point out that of all Government departments or semi-government departments I deal with the consumer complaints I receive from residents and business organisations on any subject from this electorate ETSA tops the lot. I consider ETSA management to be generally non-cooperative and not interested in consumers. Without doubt this dictatorial attitude has severely affected many groups and individuals in this area. I have advised several to take action through the courts or the Ombudsman and have indicated my total support.
>
> Further to this I intend to take every opportunity to speak on these matters in Parliament in this coming year as well as highlighting the quite ludicrous cost structures and payment methods ETSA imposes on its customers. I will be also addressing these problems on radio and television interviews in the South-East in the near future.

I will outline two cases in the time I have left. The first case relates to a constituent from Bordertown who unfortunately has been caught up in the rural crisis, the farm being sold in a mortgagee sale. Those people had a standing charge with ETSA which means, as members opposite would realise, that it was approximately $2 500 payable over the next 10 or 15 years for the connection of power and irrigation. However, the new owner declined to accept responsibility for that standing charge, although the form 4 quite clearly stated, when he signed it, that he accepted responsibility. The rural contract quite clearly said that the new owner had accepted responsibility.

However, ETSA would not and did not accept that the responsibility was shifted from the vendor to the purchaser. ETSA has continued for the last 12 months to send the account to the people who, unfortunately, have been bankrupted by the rural crisis. They were threatened with legal action on many occasions and in no case did ETSA ever contact the agents to find out whether the rural contract had been correctly signed or whether the purchaser had accepted liability for the standing charge. That is a disgrace and it has been taken up very strongly by me. I am quite prepared to help, and have advised the people to let ETSA take them to court. It is something that I am sure the

Ombudsman would like to hear about and I am sure that these people are being unduly pursued by the ETSA people.

One other matter concerns a person in the small fishing village of Southend who bought a building block on which an old ETSA power line was constructed. Two poles were left on the property. For two years he has been held up and not been able to build a house because ETSA refused to remove the poles as a managerial decision could not be made. Eventually we wrote to the Ombudsman, who agreed. A letter was served on ETSA and, after two years, that gentleman now will be able, within the next three months, to build a house. It was all because ETSA refused to carry out a very simple initiative by its management and shift the poles off the gentleman's property so that he could get on and build. I will speak in future on the other 17 cases, all of which I consider a disgrace to ETSA, which has persecuted the people concerned.

Motion carried.

At 10.18 p.m. the House adjourned until Wednesday 1 April at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 31 March 1987

QUESTIONS ON NOTICE

DEREGULATION TASK FORCE

254. **Mr M.J. EVANS** (on notice) asked the Premier: Which recommendations of the Deregulation Task Force have been implemented by the Government and what administrative procedures or statutory instruments have been amended or revoked as a result of the work of the task force?

The Hon. J.C. BANNON: The Government has taken the following action in respect of the recommendations of the Deregulation Task Force.

Recommendations:

1. Prior assessment of regulations should be adopted. Cabinet approved on 2 March 1987, that a prior assessment process be followed when developing proposals for Acts and regulations.

2. Regulatory Impact Statements (RIS) should be considered. Cabinet approved on 2 March 1987, that the Attorney-General, on the advice of the Deregulation Adviser, will be responsible for recommending to Cabinet whether an RIS is required.

3. Sunset clauses should be used in certain regulatory cases. Cabinet approved on 2 March 1987 an automatic revocation process for existing regulations and that all principal regulations created after 1 January 1986 will have a seven-year life. A sunset clause will be included when amending or creating Acts where Cabinet considers it is appropriate.

4. Regulations should be reviewed where they have a significant level of economic impact or there exists evidence of public or Government dissatisfaction with the regulations. The Government Adviser on Deregulation will liaise with Government agencies and business to ensure that areas of dissatisfaction are addressed.

5. Government departments and statutory authorities should hold the responsibility for the review of regulations. Government departments and statutory authorities will continue to be responsible for the review of regulations subject to ministerial instruction and statutory requirements. All agencies are now required to table an annual report in Parliament, in which they are required to report on all regulations administered. The automatic revocation proposal will significantly assist this process.

6. A regulatory review unit with a limited life should be established to assist this review process for the next three years. A Government Adviser on Deregulation was appointed on 11 August 1986, with support staff, initially for a two-year term.

7. A working group to plan, cost and implement a 'One-Stop-Shop' should be established (see paragraph 8).

8. An examination of a future Government information system should be given immediate attention with the proposed 'One-Stop-Shop' working group being given responsibility for this activity.

A new and separate venue for a 'One-Stop-Shop' would be a duplication of some of the services offered by the State Information Centre, the Small Business Corporation and other departmental information outlets. The Office of the Government Management Board is examining the possibility of incorporating the functions recommended by the Deregulation Task Force with existing information functions, and the provision of information through a network of outlets.

In consultation with relevant parties, the Office of the Government Management Board is formulating a proposal to improve the ability of the Government to supply speedy, accurate and appropriate information. Telephone access to Government information and services is being improved as part of the existing work of the office.

9. A review of the administrative processes and necessity for separate approvals in matters related to development control should be undertaken.

Major amendments were made to the Planning Act in August 1985. Further aspects of the planning process are being addressed in regional reviews, commenced in 1986, covering the Mount Lofty Ranges, the Murray Valley and the Flinders Ranges. Recommendations from the Ross Review are also being implemented.

289. **Mr OLSEN** (on notice) asked the Premier: Has the Government established a regulation review unit with a limited life of three years as recommended by the Report of the South Australian Deregulation Task Force in October 1985 and, if so, which Minister is responsible for it, how many officers are employed in it and at what classification and, if it has not been established, why not?

The Hon. J.C. BANNON: The Government appointed Mr Brian Wood as Government Adviser on Deregulation, reporting to the Attorney-General, initially for a period of two years effective from 11 August 1986.

290. **Mr OLSEN** (on notice) asked the Premier: Has the Government adopted a process of prior assessment of regulations as recommended by the South Australian Deregulation Task Force which reported in October 1985 and, if so, what criteria are used to determine whether or not regulations are necessary?

The Hon. J.C. BANNON: The Government has approved the implementation of a prior assessment process for legislation and regulations. Under the scheme, the development of any new or amended legislation will need to take into account a number of factors, including:

- The clear identification of the objectives and purposes of any regulation;
- Consideration being given to the alternatives to regulation, including, for example, voluntary self-regulation by business;
- The demonstration that, of all the options, the proposal will achieve the objectives at the least cost to business and the community at large; and
- That the benefits clearly outweigh estimated costs.

The scheme will come into operation from 1 July 1987.

GOVERNMENT FORMS

291. **Mr OLSEN** (on notice) asked the Premier: Has the Government established a one-stop shop to provide information about and access to all Government forms, licences and permits as recommended by the South Australian Deregulation Task Force, which reported in October 1985 and, if so, where is this one-stop shop located and which Minister is responsible for it and, if not, why not, and has a working group to plan, cost and implement a one-stop shop been established and, if so, when, who are its members, how often has it met, and when will its work be completed and, if a group has not been appointed, why not?

The Hon. J.C. BANNON: A new and separate venue for a one-stop shop would be a duplication of some of the services offered by the State Information Centre, the Small Business Corporation and other departmental information outlets. The Office of the Government Management Board is examining the possibility of incorporating the functions recommended by the Deregulation Task Force with existing information functions.

RUTLAND AVENUE TRAFFIC

293. **Mr BECKER** (on notice) asked the Minister of Transport:

1. What recent surveys have been undertaken regarding speeding motor vehicle traffic in Rutland Avenue, Lockleys?

2. Have roundabouts and rumble strips been considered and, if so, to what extent and why have they not been installed?

3. Has closing the median strip on Burbridge Road opposite Rutland Avenue been considered and, if so, what was the result?

4. What action can now be taken to reduce speeding motor vehicles in Rutland Avenue in the interest of residential and road safety?

The Hon. G.F. KENEALLY: The replies are as follows:

1. I am unaware of any surveys undertaken recently regarding speeding motor vehicles in Rutland Avenue. Neither the Highways Department nor the Road Safety Division have undertaken such surveys and advice from the Corporation of the City of West Torrens indicates that council did not undertake a survey.

2. Late in 1982 the Road Traffic Board approved the installation of a temporary roundabout at Rutland/Netley but I am led to believe that this device was never installed. In May 1986 the Road Traffic Board approved the installation of safety bar layouts of various junctions on Rutland Avenue. I understand that the safety bars have been installed by West Torrens council.

3. Rutland Avenue is a local road vested under the care, control and management of the City of West Torrens. This road serves as a local collector road for the area bounded by the River Torrens, Burbridge Road, the Kooyonga Golf Course and Henley Beach Road.

The Highways Department has not been approached to consider closure of the opening on Burbridge Road opposite Rutland Avenue. However, the Highways Department would be prepeared to assess the situation should council consider the closure necessary as part of its traffic management strategy.

4. There are many devices that can be utilised to reduce both the speed and volume of traffic in a street. Rutland Avenue is a local street under the care and management of the Corporation of the City of West Torrens and if there is a need to reduce speeding motor vehicles it would be up to that council to undertake a study in order to determine the appropriate treatment. If the traffic control devices to be utilised in the treatment come under the general approval that I granted to all councils in June last year then West Torrens may install those devices without any reference to a central agency provided the conditions in the code of practice be met. If the traffic control devices are not covered by general approval then permission will have to be sought from the Road Safety Division. In relation to traffic control devices not covered by general approval I should like to point out that the Road Safety Division and the Local Government Association have formed a working party that is working towards increasing the number of traffic control devices covered by general approval.

HAPPY LANDING BOTTLE SHOP

296. **Mr BECKER** (on notice) asked the Minister of Education, representing the Minister of Consumer Affairs: When will the Minister respond to correspondence from the member for Hanson dated 21 August and the follow-up letter of 19 November 1986 concerning the liquor licensing fee for the Happy Landing Bottle Shop at Adelaide Airport?

The Hon. G.J. CRAFTER: This matter is receiving attention and is currently the subject of discussions with officers of the Federal Department of Aviation. The honourable member may expect to receive a reply shortly.

SNAPSHOTS

298. **Mr S.G. EVANS** (on notice) asked the Minister of Education: In relation to the publication *Snapshots* concerning PEP activity in schools—

(a) how many staff hours were used in the publication, printing and distribution;

(b) what was the full cost of printing, including material costs;

(c) what overhead charges, other than printing and material costs, are debited against the publication;

(d) what was the total number printed;

(e) what was the total number distributed;

(f) to whom were they distributed; and

(g) how will the copies surplus to requirements be disposed of?

The Hon. G.J. CRAFTER: *Snapshots* was produced by the Participation and Equity Program, which is wholly Commonwealth funded. The replies are as follows:

(a) 180 hours.

(b) $3 654.

(c) Photography—$375, Design and Layout—$1 990 and Conference Expenses—$323.25. Total $2 688.25.

(d) 2 000.

(e) To date, 1 550.

(f) To date, to every South Australian Government School with secondary students, interstate and Commonwealth PEP officers and units, South Australian Catholic Education Offices, South Australian State and Federal Parliamentarians and used at teacher, parent and student in-service workshops.

(g) There will be none surplus to requirements as the remaining copies will be distributed to teachers new to PEP targeted schools, at 1987 workshops at schools and area centres, and upon request to advisers and consultants.

SELF EMPLOYMENT VENTURE SCHEME

310. **Mr S.J. BAKER** (on notice) asked the Minister of Employment and Further Education: Why has no action been taken to rectify the misleading information contained in the promotional material for the Self Employment Venture Scheme despite recommendations by the Ombudsman?

The Hon. LYNN ARNOLD: The Self Employment Venture Scheme brochure is basically a summary of the SEVS comprehensive guidelines, therefore not all the information that is included in the guidelines does appear in the brochure. The Ombudsman had cause to examine the brochure after receiving a complaint. The Ombudsman did, during the course of his investigation, advise the Office of Employment and Training of his opinion that the brochure should point out that, where a person obtained private finance, the applicant would automatically be disqualified. Although this is identified in the guidelines, the SEVS advisory committee, since receiving the Ombudsman's suggestion, has decided to add an additional statement to the brochure making this clear. The brochure is currently being redesigned for printing as part of the YES program publicity campaign and will be available in due course.

Any applicant who proceeds beyond simply reading the brochure would quickly understand that having obtained finance from a private source would disqualify them, by virtue of attending information sessions which all applicants are encouraged to do and perusal of the guidelines which are always available.

ADELAIDE CONVENTION CENTRE

312. **The Hon. JENNIFER CASHMORE** (on notice) asked the Minister of Transport representing the Minister of Tourism:

1. What sum has been spent on marketing the Adelaide Convention Centre in the current financial year?
2. What are the components of the marketing effort and what is the cost of each compenent?
3. What further sums, if any, will be spent in the current financial year?

The Hon. G.F. KENEALLY: The replies are as follows:

1. Marketing Expenditure for 1986-87 to date $146 928
Plus carry over from 1985-86 ..... 74 368
$221 296

2. The following is the cost compenent of the marketing effort for the Adelaide Convention Centre.

	1986-87 Annual Budget
Advertising media and trade	$87 500
Brochures and promotional material (including design and production) ..	88 500
Public Relations (including educational familiarisations)	53 100
Representation membership of International and National bodies	4 400
Sales expenses including travel and direct mail, etc.	92 500
	$326 000

These costs exclude salaries and wages.

3. $179 072.

MINISTER OF TOURISM

316. **The Hon. JENNIFER CASHMORE** (on notice) asked the Minister of Transport representing the Minister of Tourism:

1. How many interstate trips have been undertaken by the Minister at Government expense since her appointment as Minister of Tourism and Minister of Local Government, respectively?
2. What were the dates, destination and purpose of each trip and from which budget line were funds drawn for each?
3. What was the cost of—
   (a) fares;
   (b) accommodation; and
   (c) any other expenses, including motor vehicle and entertainment expenses, for each trip?
4. What were the positions of staff members accompanying the Minister on each occasion?

The Hon. G.F. KENEALLY: The replies are as follows:

1. As Minister of Tourism: 7
   As Minister of Local Government: 1
2. Date—19.11.85-20.11.85
   Destination—Melbourne
   Purpose—National Tourism Awards
   Budget Line—Travel Allowance line and fares
   Interstate line
3. *(a)* Fare—$321
   (b) Accommodation and other expenses—$120
   (c) Expenses included in *(b)* above
4. Press Secretary

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2. Date—13.12.85-16.12.85
   Destination—Brisbane and Sydney
   Purpose—Local Government Ministers' Conference and tourism discussions
   Budget line—Travel Allowance line and fares
   Interstate line
3. *(a)* Fare—$736.60
   (b) Accommodation and other expenses—$360
   (c) Expenses included in *(b)* above
4. Ministerial Assistant

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2. Date—6.2.86-10.2.86
   Destination—Perth
   Purpose—Tourist promotion connected with S.A. America's Cup Challenge
   Budget line—Travel Allowance line and fares
   Interstate line.
3. *(a)* Fare—$1 023.60
   (b) Accommodation and other expenses—$480
   (c) Expenses including *(b)* above
4. Ministerial Assistant

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2. Date—8.4.86-9.4.86
   Destination—Sydney
   Purpose—Sixth World Three Day Event Launch
   Budget line—Travel Allowance line and fares
   Interstate line
3. *(a)* Fare—$536.10
   (b) Accommodation and other expenses—$120
   (c) Expenses included in *(b)* above
4. Press Secretary

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2. Date—16.6.86-17.6.86
   Destination—Sydney
   Purpose—To view Australian Tourism Exchange and announce with Federal Minister of Tourism details of National Tourism Awards.
   Budget line—Travel Allowance line and fares
   Interstate line
3. *(a)* Fare—$465.20
   (b) Accommodation and other expenses—$150
   (c) Expenses included in *(b)* above
4. Press Secretary

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2. Date—19.6.86-20.6.86
   Destination—Hobart
   Purpose—Ministers of Tourism Conference
   Budget line—Travel Allowance line and fares
   Interstate line
3. *(a)* Fare—$523.40
   (b) Accommodation and other expenses—$150
   (c) Expenses included in *(b)* above
4. Press Secretary and Ministerial Assistant

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2. Date—4.7.86-7.7.86
   Destination—Perth
   Purpose—Opening of Vintage Holidays S.A. Travel Centre
   Budget line—Fares Interstate line
3. *(a)* Fare—$883.20
   (b) Accommodation and other expenses—Nil
   (c) N/A
4. Unaccompanied

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2. Date—27.7.86-28.7.86
   Destination—Brisbane
   Purpose—AFTA Conference
   Budget line—Travel Allowance line and fares
   Interstate line

3. *(a)* Fare—$635
(b) Accommodation and other expenses—$150
(c) Expenses included in *(b)* above
4. Unaccompanied.

VOLUNTARY EARLY RETIREMENT SCHEME

Mr S.J. BAKER (on notice) asked the Minister of Labour: Has the Government issued any guidelines on a voluntary early retirement scheme for public servants and, if so, will the Minister table such guidelines in the Parliament?

The Hon. FRANK BLEVINS: Commissioner for Public Employment Circular No. 13 issued recently to all Government departments outlines the parameters and procedures of a Voluntary Early Retirement Scheme. The scheme applies to Government Management and Employment Act employees only, is strictly by invitation and voluntary in nature. A copy of all Commissioner for Public Employment Circulars are provided to the Parliamentary Librarian, therefore I do not consider it necessary to table Circular No. 13.

PUBLIC HOLIDAYS

326. **Mr BECKER** (on notice) asked the Minister of Labour:

1. How does South Australia compare with other States in relation to the number of public holidays?

2. Has the Government given consideration to reducing the number of public holidays and, if not, why not?

The Hon. FRANK BLEVINS: South Australia has 11 prescribed public holidays. All other States observe 10 public holidays, but each observe varied additional days of limited application.

The Government has no intention of varying the present number of public holidays, which have been observed for the past 17 years. There has been no formal request from any particular interest group for any substantial variation and it would be most inappropriate to reduce by arbitrary decision the number of public holidays without full consultation.

YOUTH TRAINING CENTRE

332. **Mr BECKER** (on notice) asked the Minister of Education representing the Minister of Community Welfare:

1. What action does the Government propose to take with the whole of the property known as the South Australian Youth Training Centre, Glen Stuart Road, Magill?

2. Are all houses on the property occupied and, if not, why not?

3. Is it intended that greater utilisation be made of the property and, if so, to what extent?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The property is to be progressively disposed of over the next three to ten years.

2. All houses are occupied.

3. No.

SEWERS

334. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. Why was it necessary to replace sewers, construct a pumping chamber, and provide a pump and macerator and connection to E&WS sewer at Port Augusta High School?

2. What was the cost of the replacement, associated equipment and works?

3. How many chokes were there in the existing system in each year for the past five years and what was the cause and cost of clearing of each choke?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. The high school has been served by six septic tanks, five connected by an effluent main to the Australian National effluent scheme and the sixth discharging into a soakage well. The E&WS Department provided a connection to the sewer in early 1986 and, in accordance with normal policy, the work necessary to convert the effluent system to a direct connection to the sewer was programmed for the 1986-87 financial year.

Preliminary investigation of the existing system found that it was not possible to use the existing effluent lines to carry raw sewage from the older part of the school, due to very slack grades which are unacceptable to the E&WS. During the feasibility study, local departmental staff requested that the sewers in the older part of the school be replaced as they were being regularly choked by tree roots. After lengthy consultations with E&WS, it was decided that the installation of a pump and the conversion and utilisation of as much of the existing effluent lines as possible was the most economic solution in the long term.

2. The total cost to carry out the above work was $81 238.

3. The following information is given in respect of chokes cleared at the school during the past five years:

Year	No. of Chokes	Cost of Clearing Chokes
		$
1982	8	806
1983	12	981
1984	22	2 443
1985	20	2 854
1986	21	1 934
	83	9 018

No records were maintained as to cause of chokes.

HISTORIC PAPERS

340. **Mr M.J. EVANS** (on notice) asked the Premier: What is the Government's policy with respect to the public release of historic (e.g. over 30 years old) Cabinet papers and Executive Council minutes which pertain to the development of the State at the highest levels of decision making of the Executive Government?

The Hon. J.C. BANNON: The current policy covering restriction of access to public records for 30 years is consistent with most States and the Commonwealth. Cabinet and Executive Council records are generally restricted for the standard period of 30 years. However, there are exceptions where some classified files are deemed especially sensitive or affecting the privacy of individuals, and in these cases longer periods of access restriction may be determined.

MR C.G. ALSTIN

341. **Mr M.J. EVANS** (on notice) asked the Minister of Education representing the Attorney-General:

1. Was Clive Geoffrey Alstin a director, manager or employee of Challenge Homes at or about the time that the

firm went into liquidation and, if so, has he previously been associated with any other building firm and, if so, which firms, in what capacity, and have any such firms also been liquidated or otherwise ceased to trade without fully discharging all debts and other obligations?

2. Does Mr Alstin currently hold any form of licence under the Builders Licensing Act and what licences, if any, has he held at any time in the past?

The Hon. G.J. CRAFTER: The replies are as follows:

1. Clive Geoffrey Alstin was a director of Challenge Homes Pty Ltd on 23 August 1985 when a provisional liquidator of the company was appointed. The Builders Licensing Board has no record of Mr Alstin holding a builders licence in respect of any other building firm prior to his involvement with Challenge Homes Pty Ltd.

2. No.

SAGASCO

344. **Mr M.J. EVANS** (on notice) asked the Minister of Mines and Energy:

1. What was the total expenditure of the South Australian Gas Company in the year 1985-86 on advertising and promotion designed to persuade consumers to change to or use gas energy supplies and, what is the budget for 1986-87?

2. How is such expenditure justified, given that it is passed on directly to the consumer and that energy supplies (particularly of natural gas) are a limited and diminishing resource?

The Hon. R.G. PAYNE: The replies are as follows:

1. The South Australian Gas Company is a private organisation, not a Government instrumentality. The company's accounts are therefore of a commercially confidential nature. However, I am informed by the General Manager of Sagasco that the total amount spent on advertising and promotion was less than 0.4 per cent of their total expenses for the year.

2. The level of expenditure is a commercial decision of the company.

LICENSING FEES

345. **Mr M.J. EVANS** (on notice) asked the Premier:

1. With respect to each of the Business Franchise (Petroleum Products) Act and the now repealed Business Franchise (Tobacco Products) Act, were there any retail premises registered under either of the Acts which are located at the Edinburgh RAAF Base or the Adelaide Airport in the year 1985-86?

2. Are there any premises at either of the locations which are currently paying the licensing fee pursuant to the Liquor Licensing Act and, if so, what was the total combined fees paid by all such operators for the past financial year in each location?

3. Are any of the duty free stores in Adelaide paying any fee under the Liquor Licensing Act or the former Business Franchise (Tobacco Products) Act and, if so, what is the total combined fee paid by all such operators in each location in the past financial year pursuant to, and broken down by, each Act?

The Hon. J.C. BANNON: The replies are as follows:

1. Yes. One Business Franchise Licence was issued to a retail tobacconist at the Edinburgh RAAF Base.

2. No.

3. Regulation 3 (2) under the Liquor Licensing Act 1985 exempts sales of liquor at duty free shops from the provisions of the Act. Therefore, no liquor licence is required and no fee is payable. Two retail tobacconists were issued with licences pursuant to the Business Franchise (Tobacco Products) Act. Each paid the retail licence fee of $10.

FESTIVAL CENTRE PLAZA

348. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. What is the program including the expected completion date for repair and improvement of the Adelaide Festival Centre Plaza and what is the detail and estimated cost of work to be undertaken?

2. What alternative car parking arrangements will be made and what will be the cost?

3. What guarantees or insurance have been or will be arranged to ensure the State will not be called on in the future to finance any further repairs due to failure of work carried out?

The Hon. T.H. HEMMINGS: The replies are as follows:

1. Program and Cost of Work—Tenders were called in November 1986 for the work. However, no satisfactory tenders were received (with regard to cost) and consequently tenders are being recalled in April. The completion date will remain unchanged at December 1989. The total estimated cost, escalated to completion in 1989, is $10 700 000.

2. Car Parking—The car park will be operational throughout the project. However, some parts of the car park will have to be closed off whilst repair work is proceeding. It is anticipated that the maximum number of car parking spaces that will be lost at any one time is 12, and car parking will be available in other areas within the building whenever permanently book car parking spaces are affected. The cost to the Adelaide Festival Centre Trust will be approximately $12 000 in lost revenue.

3. Guarantees—Tenderers will be required to submit guarantees for the satisfactory performance of the waterproofing membrane. Satisfactory performance has been defined as complete prevention of water leakage for 20 years after installation, and prevention of water leakage for a further 30 years provided that the building owner carried out minimal maintenance on the membrane, up to a maximum of $5 000 per annum (indexed at 1986 costs). The Crown Solicitor's Office has advised on the preparation of tender documents and will be further consulted upon receipt of tenders and guarantee details in order to check their suitability.

The receipt of guarantees is one aspect in seeking to ensure that the State does not incur further major financial expenditure for repair work. Other aspects include the adoption of a repair design that is fundamentally different from the current design. The redesigned system allows for much easier access to the waterproof membrane and this will facilitate preventive maintenance.

As noted in the report of the Parliamentary Standing Committee on Public Works, there is a financial cost associated with additional safeguards in contracts to protect the Government and it becomes a matter of judgment as to whether insurance premiums should be paid or whether the Government should carry its own risk.

For this project, contracts will be let using National Public Works Conference General Conditions of Contract Edition 3 (1981), modified in accordance with the recommendations of the Crown Solicitor's Office, and including guarantees as detailed above. Contractors will only be appointed where they have a reputation for performing work to a high standard as well as adequate expertise.

SCHOOL BUSES

350. **Hon. D.C. WOTTON** (on notice) asked the Minister of Transport:

1. What is the total cost, including third party, of registering a school bus capable of carrying 45 passengers in the metropolitan and country areas, respectively, and what are the reasons for any difference?

2. What boundary is used to divide country from metropolitan in this case?

The Hon. G.F. KENEALLY: The replies are as follows:

1. Buses with an unladen mass exceeding 2 000 kg are charged registration fees according to mass. A bus with a mass of more than 4 000 kg, but not exceeding 5 000 kg, would be charged a total of $1 052 for 12 months registration and third party insurance in the metropolitan area, or a total of $346 in the country area. The difference is due to the variation in third party insurance premiums between vehicles usually garaged in the metropolitan area 'A' and those usually garaged in the country area 'B'.

2. The boundary used to divide metropolitan area 'A' from country area 'B' is a 40 km radius from the GPO Adelaide.

TOTALLY AND PERMANENTLY DISABLED SOLDIERS ASSOCIATION

354. **Mr BECKER** (on notice) asked the Minister of Education representing the Attorney-General:

1. Have any allegations been made to the Corporate Affairs Commission concerning the operations, management and constitution of the Totally and Permanently Disabled Soldiers Association S.A. Branch Inc. and, if so, what were the details and what was the outcome of investigation?

2. Was a document signed by seal holders on 27 February 1984 at a bank not in accordance with election of office bearers and, if so, what action has the Corporate Affairs Commission taken over the incident?

The Hon. LYNN ARNOLD: I am informed that the affairs of the Totally and Permanently Disabled Soldiers Association of South Australia Incorporated first came under notice of the Corporate Affairs Commission in May 1986. Complaints were received by the Commission in a climate in which it was apparent that there had been disagreements and disputes between members of the association, some of whom had been expelled or suspended.

Allegations were made that funds of the association had been misappropriated. Officers of the Commission conducted an investigation into the transactions which were alleged to have given rise to misappropriations of funds and examined certain of the books and records of the association. Although a great deal of inconvenience may have been caused to the association during the investigation the matter was pursued to completion. No further action is contemplated.

In relation to the document alleged to have been signed at a bank on 27 February 1984, I am informed that the Commission has no knowledge of that document. Should the actions involved in executing that document evidence that some offence may have been committed that matter should be reported to the Commission or alternatively to the Police.